

Local Law Filing

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

“ County Nassau County
“ City of
“ Town
“ Village Inc. Village of Farmingdale

Local Law No. 5 of the year 2018

A local law
(Insert Title)

TITLE :

**A LOCAL LAW AMENDING THE CODE OF
THE INCORPORATED VILLAGE OF
FARMINGDALE, AMENDING CHAPTER
250,
“OPEN BURNING”**

Chapter 250 shall be amended and read as follows:

Chapter 250

[HISTORY: Adopted by the Board of Trustees of the Village of Farmingdale 9-23-1985 by L.L. No. 3-1985^{III}(Ch. 48, Art. I, of the 1975 Code); Amended by L.L. No. 5 August 6, 2018].

§ 250-1 Open burning.

Except for the open burning described in in § 250-2 no person shall set fire to or burn, or cause to be set fire to or burned, wastepaper, rubbish, leaves or any residual material, nor shall any person or persons kindle, maintain, authorize or permit any bonfires or other open fire on any street, alley, road, land or public grounds or upon any private lot, where such fire may endanger other property.

§ 250-2 Outdoor Fire Places and Fire Pits by Permit Only. An outdoor fire place or fire

pit shall be permitted but only in accordance with the requirements of this section.

A. Definitions.

1. Fixed Fire Pit/Fireplace. A permanent structure constructed of fireproof masonry or other fireproof materials.
2. Portable Fire Pit/Fireplace. A purchased structure specifically designed for outdoor burning of wood or other materials that has manufacturer specifications for its use and is not fixed or permanent.

B. Requirements.

1. Fixed Fire Pit/Fireplace.

- a. No fixed fire pit or fireplace shall be permitted unless a permit has been issued for such structure. An application on a form approved by the Superintendent of Buildings for the Incorporated Village of Farmingdale, shall be submitted along with:
 - i. a nonrefundable permit fee, the amount of which shall be set by the Board of Trustees from time to time; and
 - ii. A sketch of structure's location on Survey.
- b. The Structure shall be no less than twenty-five (25) feet from the rear dwelling.
- c. The Structure shall be no less than ten (10) feet from the side yard and rear yard property line.

2. Portable Fire Pit/Fireplace.

- a. No permit shall be required for a Portable Fire Pit/Fireplace.
- b. The Structure shall be no less than fifteen (15) feet from the rear dwelling, unless manufacturer specifications require a greater setback.

c. The Structure shall be no less than ten (10) feet from the side yard and rear yard property line.

3. General Requirements.

a. Fire Pits/Fireplaces shall be permitted only in the rear yard. On corner lots the rear yard will be the yard opposite the front entry door.

4. Open burning shall not include the use of, or the type of burning employed or associated with, an outdoor oven, grill, or smoker each of which shall be exempt from this Chapter.

This Local Law shall become effective immediately upon being filed with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No.5 of 2018 of the Village of Farmingdale was duly passed by the Board of Trustees On August 6, 2018, in accordance with the applicable provisions of law.

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2006 of the _____ was duly passed by the _____ on _____ 2006, and was (approved)(not approved) (repassed after disapproval) by _____ and was deemed duly adopted on _____ 2006 , in accordance with the applicable provisions of law.~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2006 of the _____ was duly passed by the _____ on _____ 2006, and was (approved)(not approved) (repassed after disapproval) by _____ on _____ 2006 .

~~Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____ 20 , in accordance with the applicable provisions of law.~~

~~**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2006 of the _____ was duly passed by the _____ on _____ 2006, and was (approved)(not approved) (repassed after disapproval) by _____ 2006 . Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 2006 , in accordance with the applicable provisions of law.~~

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances. DOS-239 (Rev. 05/05)

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. of 2006 of the _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 2006, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. of 2006 of the County of Nassau State of New York, having been submitted to the electors at the General Election of November 20, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph, above.

Village Clerk /Treasurer

(Seal)

Date:

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

Title Village Attorney

Village of Farmingdale

Date: _____