



SHORTSVILLE FIRE DEPARTMENT

Citizens Hose Company
5 Sheldon Street
Shortsville, New York 14548

To: Concerned Citizens
From: Jason Wagner, Fire Chief
Re: Open Burning Regulations
Date: April 23, 2003

Burning **garbage** (including papers, household waste, plastics, etc) is **prohibited by New York State Environmental Conservation Law, § Part 215.2**. Persons engaged in the burning of trash in the Shortsville Fire District shall receive **one warning**. Any subsequent calls for the same offense will result in legal action by NYS Department of Environmental Conservation Officers and local code enforcement officials. A record of warnings will be maintained at the firehouse.

The New York State Environmental Conservation Law, Part 211, General Prohibitions, § 211.2 prohibits air pollution as follows: “No person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration which are injurious to human, plant, or animal life or to property, or **which reasonably interfere with the comfortable enjoyment of life or property**. Notwithstanding the existence of specific air quality standards or emissions limits, this prohibition applies, but is not limited to any particulate, fume, gas, **odor, smoke, vapor**, pollen, toxic or deleterious emission, either alone or in combination with others.”

The above provision, § 211.2, requires us to extinguish any fire that interferes with the ability of a neighbor to enjoy their life or property. So if someone calls for a nuisance fire, “smoke bothering the neighbors,” situation, we have the legal grounds to extinguish the fire without question.

Open burning regulations, as organized by the codes of local municipalities are as follows:

Town of Manchester: Fire Code of New York State § 307 Open Burning

307.2.1 Prohibited open burning: Open burning that will be offensive or objectionable due to smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.

After speaking with code enforcement, the opinion of the Town of Manchester officials is that the open burning of brush is **permitted**, except in the case when the smoke or odor causes a nuisance. In addition, the following provisions with respect to location and attendance also apply.

307.3 Location: The location for open burning shall not be less than 50 feet from any structure and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure.

Exceptions:

1. Fires in approved containers that are not less than 15 feet from any structure
2. The minimum required distance from a structure shall be 25 feet where the pile size is 3 feet or less in diameter and 2 feet or less in height.

307.4 Attendance: Open burning, bonfires or recreational fires shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher or other approved on-site fire-extinguishing equipment such as dirt, sand, water barrel, garden hose or water truck shall be available for immediate utilization.

Village of Shortsville: Open burning of brush within the Village is prohibited, unless approved by the Fire Chief. All other open burning regulations from the Town of Manchester apply. The Fire Chief must approve recreational fires in advance. All nuisance, location, and attendance regulations will be strictly enforced.

Town of Farmington: § 23-17 Open Burning: The following types of open burning are permissible:

B. Campfires and fires solely for recreation purposes where such fires are **controlled by a responsible party and no nuisance is created.**

C. Backyard burning of rubbish principally composed of paper. This provision applies only to the open burning of domestic rubbish on the premises by the occupants of a building or structure used primarily for dwelling purposes and containing four (4) or less dwelling units and when **no nuisance is created.**

D. Burning of rubbish, principally tree trimmings...when the prevailing winds at the time of the burning are away from populated areas and **no nuisance is created.**

Town of Hopewell: Hopewell Code Enforcement has informed me that **no open burning, of any type is permitted** in the Town of Hopewell.

Contact Information:

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