

# Open Burning Law

## City of Lackawanna Municipal Code Chapter 119 Fire Prevention Article IV Open Burning

### **§ 119-32. Findings; intent.**

- A. The City of Lackawanna hereby finds that open burning of brush, wood, lumber, paper products, plastic, tires, garbage, refuse and other related items causes air pollution, is a fire hazard and is otherwise injurious to the public safety, health and welfare of the residents of the City.
- B. It is the purpose and intent of this article to control the open burning of certain materials within the limits of the City and in some instances to prohibit open burning completely.

### **§ 119-33. Burning of certain items prohibited.**

Except as permitted below or by state law or regulation, no person shall burn, or permit to be burned any brush, wood, lumber, paper products, plastic, tires, chemicals, trash, garbage, refuse or other related items within the limits of the City of Lackawanna.

### **§ 119-34. Exceptions.**

Nothing contained herein, however, shall prevent the operation of outdoor grills or fireplaces for the preparation of food, or the installation and proper use of indoor fireplaces and wood stoves. The fuel for the aforementioned devices shall be that material typically used in the device, such as charcoal, charcoal briquettes, and will be in conformance with the New York State Fire Prevention and Building Code and the National Fire Protection Association Pamphlet 211.

### **§ 119-35. Burning by public agencies and fire districts.**

Upon written application to the City Fire Chief under the City Fire Prevention Code and when approved by the Fire Chief, the City Council may grant a permit to a public agency or fire district to burn structures, lumber or other items, provided that all permits required by the Erie County Health Department and/or New York State Department of Environmental Conservation are obtained and complied with.

### **§ 119-36. Enforcement officers.**

The provisions of this article shall be administered and enforced by any officer of the Police Department, a City Fire Chief, City Building Inspector, or Code Enforcement Officer.

### **§ 119-37. Penalties for offenses.**

Every person convicted of violating any provision of this article shall be guilty of a violation punishable by a fine of not more than \$250, or by imprisonment for not more than 15 days, or by both such fine and imprisonment. The continuation of a violation of the provisions of this section shall constitute, for each day the violation is continued, a separate and distinct violation hereunder.