

**LOCAL LAW NO. 1 OF 2015**  
**LOCAL LAW TO ABATE THE BURNING OF REFUSE**

*BE IT ENACTED by the St. Armand Town Board as follows:*

**ARTICLE 1.** The Town Board of the Town of St. Armand hereby adopts the following Local Law entitled “Burning Refuse Law” as follow:

**BURNING REFUSE LAW**

Section 1. Title

1. The rules and regulations herein contained shall constitute, comprise and be known as “Burning Refuse Law in the Town of St. Armand, Essex County, New York.”

Section 2. Validity

If any section, paragraph, subdivision or provision of this local law shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this local law as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

Section 3. Purpose

The purpose of this Law is to prevent the illicit burning of garbage and refuse in the Town of St. Armand as such burning endangers the health, safety and welfare of the public. It is in the public interest to dispose of Garbage or Refuse, as these terms are defined, in an appropriate manner without releasing potentially hazardous, dangerous or damaging emissions or creating dangerous conditions.

Section 4. Definitions

The words used in this local law shall be defined as follows:

“Garbage” or “Refuse”: Ordinary household or store trash such as paper, food scraps, plastic bags, barrels, cartons, boxes, crates, furniture, rugs, clothing, rags, mattresses, blankets, tires, painted or treated lumber, and any and all personal property no longer intended or in condition for ordinary and customary use, including junk vehicles, boats, appliances, and mobile homes.

“Person”: Any individual or entity.

Section 5. Provisions

It shall be unlawful for any Person to burn Garbage or Refuse, whether in a wood stoves, fireplaces, outdoor wood boilers, barrels, fire pits, or by any other method. It shall be unlawful for any landowner or tenant to allow any Person to undertake such activities on land under such Person’s ownership or control. Nothing

contained in this Law prevents the burning of fire wood whether indoors or outdoors and nothing contained herein prevents any fire company from undertaking practice fire drills.

#### Section 6. Enforcement of Violations

A. The Code Enforcement Officer of the Town of St. Armand is authorized to enforce the provisions of this Law.

B. The Code Enforcement Officer may investigate complaints pertaining to violations of this Law and, upon such investigations, make written reports of his or her findings.

C. The Code Enforcement Officer is authorized to commence enforcement actions in Town Court and to appear on the Town's behalf for the purpose of enforcing any and all provisions of this law. The Code Enforcement Officer shall commence such action in the ordinary manner and to provide the required notice to the Person or Persons believed to be in violation of this Law in the manner prescribed by law.

#### Section 7. Penalties

A. Any Person who violates any of the provisions of this Law or fails to comply with such provisions, or any landowner who allows such violation, shall be guilty of a violation punishable by a fine of not more than one hundred dollars (\$100.00) for conviction of a first offense. For conviction of a second offense, this may be punishable by a fine not exceeding two hundred dollars (\$200.00). Conviction of a third offense, is punishable by a fine not exceeding three hundred and fifty dollars, (\$350.00) and, upon conviction for a fourth or subsequent offense, a fine not less than five hundred dollars (\$500.00) nor more than seven hundred and fifty dollars (\$750.00). These amounts do not include the Justice Surcharge amount, if applicable. For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this local law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. This Law does not authorize the imposition of imprisonment. Any unpaid fine amount may be included in the next annual tax levy against the property on which the violation occurred.

B. The imposition of such penalty shall not be held to prohibit the enforced removal of prohibited conditions by any appropriate remedy, including immediate application for an injunction. Each day that the violation is carried on or continues shall constitute a separate violation.

C. A civil action or proceeding in the name of the Town of St. Armand, New York may be commenced in any court of competent jurisdiction to restrain by injunction the violation of this Law or any provision of this Law. Such remedy shall be in addition to penalties otherwise prescribed by law

**ARTICLE 2.** The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

**ARTICLE 3.** All Local Laws or Ordinances or parts of Local Laws or Ordinances in conflict with any part of this Local Law are hereby repealed.

**ARTICLE 4.** This Local Law shall take effect upon filing in the office of the New York State Secretary of State.