

Chapter 93

BURNING, OUTDOOR

[HISTORY: Adopted by the Town Board of the Town of Summit at time of adoption of Code (see Ch. 1, General Provisions, Art. II). Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention — See Ch. 86.

§ 93-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DESIGNATED AREA — An open pit with a minimum size of nine square feet with a surface that does not contain any yard waste.

GARBAGE — Discarded materials resulting from the handling, processing, preparation, storage, cooking and consumption of food, and discarded animal feces.

OPEN BURNING — Burning from which the products of combustion are emitted directly into the air without passing through a stack or chimney.

REFUSE — All matters produced from industrial or community life subject to decomposition.

SOLID WASTE — Garbage, refuse, recyclable materials and all other discarded or salvageable solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operations and from domestic use and public service activities.

YARD WASTE — Leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than three inches in diameter.

§ 93-2. Open burning prohibited.

Except as provided in § 93-3 below, no person shall engage in the open burning of any garbage, solid waste, or other refuse of any kind on any public property or private property located within the Town of Summit.

§ 93-3. Exceptions.

Section 93-2 shall not apply to the following:

- A. Leaf burning and yard waste. Dry leaves and yard waste, provided that the fire and smoke resulting therefrom are supervised by an adult and that the fire is within view of the adult at all times. No wet leaves may be burned that result in the production of smoke that rises more than four feet in height which is maintained for five

minutes or longer. The first time a person is informed by Town authorities that he is engaged in the open burning of wet leaves, the person shall be advised as to the provisions of this chapter and will be requested to extinguish the fire. Any violation of this chapter occurring thereafter by the same person shall result in a penalty being imposed as herein provided.

- B. Food preparation. The open burning of fuel for cooking food, such as a barbecue or other similar outdoor activity, if confined to a proper cooking device, such as a grill or open pit, and if the flame of such fire does not exceed four feet in height.
- C. Campfire. The open burning of branches and sticks for a campfire, provided that such burning takes place in a designated area and the flame of such fire does not exceed four feet in height.

§ 93-4. Burning materials on public roadway prohibited.

Under no circumstances shall there be burning of any materials on any public roadway.

§ 93-5. Authority of Fire Chief and Police Chief to ban open burning.

The Fire Chief and Police Chief of the Town of Summit shall have the authority to ban all open burning, except open burning used in food preparation, when weather conditions are such that open burning would threaten life and/or property. Notice of a ban on all open burning shall be posted at the Town Hall and published in the official Town newspaper.

§ 93-6. Violations and penalties.

Any person, firm, or corporation violating the provisions of this chapter shall, upon conviction thereof, be subject to the penalties set forth in Chapter 1, General Provisions, Article I, Penalties, of the Code of the Town of Summit. Each violation and each day a violation continues or occurs shall constitute a separate offense. The imposition of a penalty under this chapter shall not prohibit the Town from maintaining a separate action against the violator to secure monetary damage for any damage caused by the burning.