

Local Law No. ___ of 2023

**A LOCAL LAW TO AMEND THE
HUDSON CITY CODE
RELATING TO
BONFIRE AND OPEN BURNS**

BE IT ENACTED BY THE COMMON COUNCIL OF THE CITY OF HUDSON AS FOLLOWS:

Section 1. Title.

This Local Law shall be known as Local Law ___ for the year 2023.

Section 2. Legislative Findings.

The Common Council of the City of Hudson finds that Chapter 188, Section 188-19 of the City Code of the City of Hudson does not adequately address or regulate open fires which may pose a danger to the life and property of the residents of the City of Hudson

Section 3. Legislative Intent.

It is the intent of the Common Council to amend Chapter 188, Section 188-19 of the City Code to protect the general health, welfare and safety of the people of the City of Hudson by regulating and prohibiting open fires which are dangerous to life and property.

Section 4. Statement of Authority.

This local law is authorized by the Municipal Home Rule Law (Chapter 36-a of the Consolidated Laws of the State of New York).

Section 5. Amendments. Chapter 188 of the Hudson City Code, Section 188-19 is hereby DELETED and REPLACED with the following:

No person shall kindle, make or keep a fire in any yard, building, or other public or private space in the City unless in a smokeless container approved by such use by the manufacturer. Only dried, cut and split firewood is allowed to be used in the approved container. A fire so kindled, built or maintained, as aforesaid, on the outside of any building shall be continuously under the care and direction of a competent adult from the time it is kindled until it is extinguished. No fire will be left unattended at any time while it is burning until such time it is fully extinguished. Any fire kindled or built outside of any building shall be at least twenty-five (25) feet from any wood structure, and in no event shall such fire be built within ten (10) feet of any type of structure. The Chief of the Department of Fire or his representative shall have the authority in all cases to prohibit the use of any fireplace or fire-burning receptacle within or outside of any building, as aforesaid, which in his opinion shall be deemed hazardous and dangerous. In no event shall this Chapter be

construed to permit the burning of garbage or any material which would produce noxious odors or smoke.

a. Prohibited burning. The following fires are prohibited in the City of Hudson. (1) The burning of garbage, refuse and rubbish in any manner is prohibited. (2) All open fires are prohibited in the City of Hudson, with the exception of those in conformity with the provisions of this section.

b. Permitted burning. Burning in an open fire, provided that it is not contrary to any other federal, state, county or local law, ordinance, rule or regulation, will be permitted as follows: (1) Bonfires: Bonfires shall be permitted only for a publicly sponsored celebration or event, or for an organization-sponsored event, or for a public or private school sponsored event, and shall be subject to the approval of the Fire Chief, prior to any bonfire being lit and taking place. No fire shall be ignited prior to an on-site inspection of the location where the bonfire is to take place and shall be subject to any and all conditions or restrictions the Fire Department may impose for the safety of life and property. (2) Outdoor cooking: Open burning will be permitted for outdoor cooking when the fire is limited to the minimal size necessary and contained in a device or cooking utensil commonly referred to as a grill or hibachi and designed for outdoor cooking purposes. Fuels for outdoor cooking will be limited to charcoal and charcoal briquettes, natural gas and LP gas. All applicable and/or reasonable safety precautions shall be taken when using said devices or utensils. Outdoor cooking will not be permitted on balconies and covered porches and patios.

c. Control of fires within the City. If in the opinion of the Fire Chief or his representative, any conditions are such that the starting or the continuation of burning is a risk to life, health or property within the City, they shall have the right to declare that any and all burning shall cease immediately until further notice.

Section 6. Severability. If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined to its operation in said clause, sentence, paragraph, section or part of this Local Law.

Section 7. Effective Date. This Local Law shall take effect immediately upon passage and filing with the Secretary of State.

Introduced _____

Seconded _____

Approved _____

By _____

Kamal Johnson, Mayor