

Local Law Filing

Instructions

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.ny.gov

PLEASE OBSERVE THESE INSTRUCTIONS FOR FILING LOCAL LAWS WITH THE SECRETARY OF STATE

1. Each local law shall be filed with the Secretary of State within 20 days after its final adoption or approval as required by section 27 of the Municipal Home Rule Law. The cited statute provides that a local law shall not become effective before it is filed in the office of the Secretary of State.
2. Each local law to be filed with the Secretary of State shall be an original certified copy.
3. Each local law shall be filed on a form provided by the Department of State. If additional pages are required, they must be the same size as the form. Typewritten copies of the text may be attached to the form. Only legible copies will be accepted.
4. File only the number, title and text of the local law.
5. In the case of a local law amending a previously enacted local law, the text must be that of the law as amended. Do not include any matter in brackets, with a line through it, italicized or underscored to indicate the changes made. The printed number of the bill and explanatory matter must be omitted.
6. For the purpose of filing a local law with the Department of State, number each local law consecutively, beginning with the number one for the first local law filed in each calendar year. The next number in sequence should be applied to each local law when it is submitted for filing, regardless of its date of introduction or adoption. The date of filing of a local law is the date on which the local law is placed on file by the Department.

It is suggested that municipalities use introductory identifying bill numbers for proposed local laws. After the local law is enacted (and approved by the voters, if required), the local law should then be numbered with the next consecutive local law number, as described above, and then submitted to the Department for filing.

7. Each copy of a local law filed with the Secretary of State shall have affixed to it a certification by the Clerk of the County legislative body or the City, Town or Village Clerk or other officer designated by the local legislative body. Certification forms are provided herewith.

8. A copy of each local law may be mailed or delivered to:
NYS Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231.

(DO NOT FILE THIS INSTRUCTION SHEET WITH THE LOCAL LAW.)

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Cheektowaga

Local Law No. 3 of the year 2024

A local law To Amend the Open Burning Law of the Town of Cheektowaga
(Insert Title)

Be it enacted by the The Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Cheektowaga as follows:

SEE PAGE 4.1 HEREWITH

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2024 of the (County)(City)(Town)(Village) of Cheektowaga was duly passed by the Town Board on April 9 2024, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: _____

Subsection 77-3. Exceptions.

(1) Nothing contained herein, however, shall prevent the operation of outdoor grills or fireplaces for the preparation of food, or the installation and 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 wood in its natural state or wood pellets. All installations of fireplaces and stoves shall be in conformance with Chapter 10 of the New York State Residential Code. Residential Fireplace installations shall require a Building Permit.

(2) Recreational Fires or Camp Fires may be allowed, provided that ONLY wood in its natural state is used, the fires comply with the regulations set forth in the 2020 NYS Fire Code chapter 307, and Do not constitute a nuisance, or a danger to public safety.

Subsection 77-5. Enforcement Officers

The provisions of this chapter shall be administered and enforced by any officer of the Cheektowaga Police Department, a Town Fire Inspector, or a Town Building Inspector. The Local Fire Chief, or their designee may also order the extinguishment of illegal, nuisance, or Hazardous recreational or cooking fires, and are required to report illegal, nuisance, hazardous, or Structure fires to the Office of Fire Safety within Forty-Eight (48) hours.

Subsection 77-6. Penalties for offenses.

Every person convicted of violating any provision of this chapter shall be guilty of a violation punishable by a fine of not more than \$500 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.

Subsection 77-7. Burn Bans

The Town of Cheektowaga Office of Fire Safety, in the interest of Public Safety, may implement a Town-Wide burn ban at any point, for any practical length of time due to Atmospheric and/or Weather conditions.

Subsection 77-8. Bon Fires

Fires larger than Three (3) feet in diameter, and Two (2) feet in height shall be considered Bon Fires, and are subject to §77-4, requiring a Permit, and Prior authorization from the Office of Fire Safety, and Local Fire District.

Subsection 77-9 Applicability.

The provisions of this chapter shall be applicable within the boundaries of the Town of Cheektowaga, excluding the villages of Sloan and Depew.

Subsection 77-10 Severability.

If any clause, sentence, paragraph or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this chapter and shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall be rendered.