

Chapter 30**GARBAGE, RUBBISH, REFUSE & BURNING****§ 30-1. Definitions.****§ 30-2. Control by Town Board.****§ 30-3. Open fire restrictions.****§ 30-4. Permits.****§ 30-5. Dumping restrictions.****§ 30-6. Penalties for offenses.****§ 30-1. Definitions.**

For the purpose of this Article, the following words and phrases shall have the meanings ascribed to them in this section:

- A. GARBAGE - The animal and vegetable waste resulting from the handling, preparation, cooking and serving of food.
- B. RUBBISH - Solid or liquid waste material, including but not limited to, paper and paper products; rags; furniture; cans; plastics; cartons; chemicals; paint; grease; sludges; oils and other petroleum products; asphalt or fiberglass shingles; pressure treated and creosoted lumber and wood products; Styrofoam; foam rubber; rubber products; diapers; tires; automobiles and other vehicles and parts for junk, salvage or disposal. Rubbish shall not include garbage incinerator residue, dead animals or offal.
- C. REFUSE - All waste material, including but not limited to, garbage, rubbish, incinerator residue, street sweepings, dead animals, and offal.
- D. OPEN FIRE - Any outdoor fire or outdoor smoke producing process from which air contaminants are emitted directly into the outdoor atmosphere.

§ 30-2. Control by Town Board.

The Town Board of the Town of Canton, in order to protect the health and safety of the people of the Town of Canton, is authorized and directed, by implementing and enforcing the provisions of this Article, to control burning.

§ 30-3. Open fire restrictions.

- A. No person shall set, or cause to be set, any uncontained fire within the limits of the Town of Canton without having first obtained a permit to do so. Permitted uncontained open burning requires permit. Contained burning in a ventilated receptacle, not to exceed 13.5 cubic feet, does not require a burning permit. No smoldering fires are permitted. No fee is required for the burning permit.
- B. Outdoor fires including bon fires and rubbish fires, shall not be permitted unless legally authorized and in conformity with forest fire control regulations.
- C. Outdoor fires, where permitted shall be attended at all times with appropriate fire extinguishing equipment available.
- D. The local Fire Department and Code Enforcement Officer shall be notified whenever outdoor burning is being conducted, notification shall include such information as to time and location.
- E. It is illegal to burn garbage, rubbish and refuse.
- F. It is illegal to burn land clearing waste, construction and demolition wastes not generated on the premises of the residential or agricultural burning site.
- G. Burning is prohibited within 100 feet of a structure or within 75 feet of a boundary line of adjacent property without written approval of the adjacent property owner.
- H. Nothing contained herein shall be construed to prohibit or require a permit for a barbecue fire, a fire for cooking of food, but said activities shall be confined to a fireplace or other fireproof container or fire pit.

§ 30-4. Permits.

- A. Fire Wardens - Four (4) Fire Wardens shall be appointed annually by the Town Board to serve for one year terms.

- B. Fire Wardens shall issue open burning permits. A permit can be obtained from any of the Fire Wardens.

§ 30-5. Dumping restrictions.

No person, firm or corporation shall throw or deposit or cause to be thrown or deposited any refuse, garbage, rubbish, abandoned vehicles or parts thereof, in or upon any public highway, street or right of way within the Town of Canton, except upon lands designated by the Town Board of Canton.

§ 30-6. Penalties for offenses.

Any person committing any offense against any provision of these Articles shall, upon conviction, be guilty of a violation pursuant to the Penal Law of the State of New York. The first offense shall be punishable by a fine not exceeding two hundred fifty dollars (\$250) and/or community service. The continuance of an offense for each day [twenty four (24) hours] shall be deemed a distinct and separate violation punishable by a fine not to exceed two hundred and fifty dollars (\$250) for each offense and reimbursement to the Town for the cost of appropriate removal of the materials.