

VILLAGE OF ASHAROKEN

LOCAL LAW NO. # 3 -2022

**A LOCAL LAW AMENDING CHAPTER 70 OF THE CODE
OF THE VILLAGE OF ASHAROKEN ENTITLED “FIRE PREVENTION”**

BE IT ENACTED by the Board of Trustees of the Village of Asharoken as follows:

Section One. Legislative Intent.

The Board of Trustees finds that it serves the public health, safety and general welfare of the Village of Asharoken and that it is in the best interests of the Village of Asharoken to amend Chapter 70 of the Code of the Village of Asharoken entitled “Fire Prevention” to better regulate beach fires, Fourth of July bonfires and other outdoor fires.

Section Two. Repeal of existing Chapter 70 of the Code of the Village of Asharoken.

The existing Chapter 70 of the Code of the Village of Asharoken, entitled “Fire Prevention” is hereby repealed in its entirety.

Section Three. Adoption of new Chapter 70 of the Code of the Village of Asharoken.

A new Chapter 70 of the Code of the Village of Asharoken, entitled “Fire Prevention”, is hereby adopted to provide as follows.

CHAPTER 70

FIRE PREVENTION

70-1 DEFINITIONS

BEACH FIRE

The burning of any materials on a beach for pleasure, religious, ceremonial, cooking, warmth or similar purposes, other than a Fourth of July bonfire.

BEACH BRUSH

The accumulation of natural wood or seagrass materials that are deposited upon the beach due to tidal activity.

FOURTH OF JULY BONFIRE

A fire on a beach on the evening of the Fourth of July or alternate rain date, after 8pm.

OUTDOOR FIRE

The burning of any materials outside of a building on lands other than a beach.

70-2 RESTRICTIONS ON OUTDOOR FIRES

- A. No person shall set, kindle, start, fuel or continue an outdoor fire that is not enclosed in an outdoor fireplace, fire pit, barbeque grill or barbeque smoker.
- B. Only barbeque briquettes, natural or seasoned wood or wood pellets, propane or natural gas can be burned in outdoor fireplace, fire pit, barbeque grill or barbeque smoker.
- C. The only liquid that can be used to start a permitted outdoor fire is barbeque lighter fluid.
- D. A permitted outdoor fire shall not emit excessive smoke that unreasonably interferes with the use and enjoyment of other property.

70-3 RESTRICTIONS ON BEACH FIRES

- A. Except as provided in subsection B hereof, no person shall set, kindle, start, fuel or continue a beach fire except as permitted in accordance with the following regulations:
 - (1) A beach fire shall not be started, kindled or maintained if the prevailing wind is onshore.
 - (2) A beach fire shall not be started or maintained less than 25 feet from any beach grass, vegetation, bulkhead, tent, fence, building, decking, permanent structure, combustible furniture or equipment, nor within 120 feet of any piping plover nesting area.
 - (3) A beach fire must be centered on the beach, equidistant from neighboring properties or on property line if neighbors are sharing a beach fire, and near the mean high water line.
 - (4) A beach fire shall not have a total fuel area greater than 3 feet per side or diameter and 2 feet in height, measured from the natural grade.

- (5) A beach fire can only burn whole, natural wood. No chemically treated wood, green wood, or painted wood or wood containing nails, nor wood or plastic pallets shall be used.
 - (6) Metal, plastic or glass shall not be placed or thrown into a beach fire.
 - (7) A beach fire shall always be attended by at least one person of an age sixteen (16) or older. A shovel and rake shall be available to extinguish the fire if necessary and for restoring beach to original or pre-fire condition.
 - (8) A police officer may require that a beach fire be extinguished or not ignited when deemed to be dangerous due to location, wind condition, size, or whenever atmospheric or other circumstances present an increased fire hazard that threatens public safety
 - (9) The Mayor, Deputy Mayor or a police officer has the authority to prohibit a beach fire based on the location of mean high water at time of the beach fire.
 - (10) A beach fire shall be fully and completely extinguished upon conclusion of the purpose for which it was started. No burning, smoldering, smoking, hot embers or debris shall be left on the beach. All fire debris must be removed and disposed of properly and the site must be restored to its natural condition at the conclusion of the fire.
- B. Cooking in an enclosed barbecue grill, barbeque smoker or fire pit on a beach is permitted in accordance with the restrictions set forth in Section 70-2.

70-4 RESTRICTIONS ON FOURTH OF JULY BONFIRES

No person shall set, kindle, start, fuel or continue a Fourth of July bonfire except as permitted in accordance with the following regulations:

- A. A Fourth of July bonfire shall not be started, kindled or maintained if the prevailing wind is onshore.
- B. A Fourth of July bonfire shall not be started or maintained less than 50 feet from any beach grass, vegetation, bulkhead, tent, fence, building, decking permanent structure, combustible furniture or equipment, nor within 120 feet of any piping plover nesting area.
- C. A Fourth of July bonfire must be centered on the beach, equidistant from neighboring properties or on property line if neighbors are sharing a beach fire, and near the mean high water line.

- D. A Fourth of July bonfire fire shall not have a total fuel area greater than 4 feet per side or diameter and 6 feet in height measured from the natural grade, and shall be constructed in an upright configuration.
- E. A Fourth of July bonfire can only burn whole, natural wood. No chemically treated wood, green wood, or painted wood or wood containing nails, nor wood or plastic pallets shall be used.
- F. Metal, plastic or glass shall not be placed or thrown into a Fourth of July bonfire.
- G. A Fourth of July bonfire shall always be attended by at least one person of an age sixteen (16) or older. A shovel and rake shall be available to extinguish the fire if necessary and for restoring beach to original or pre-fire condition.
- H. A police officer may require that a Fourth of July bonfire be extinguished or not ignited when deemed to be dangerous due to location, wind condition, size, or whenever atmospheric or other circumstances present an increased fire hazard that threatens public safety
- I. The Mayor, Deputy Mayor or a police officer has the authority to prohibit a Fourth of July bonfire based on the location of mean high water at time of the Fourth of July bonfire.
- J. A Fourth of July bonfire shall be fully and completely extinguished upon conclusion of the Fourth of July celebration. No burning, smoldering, smoking, hot embers or debris shall be left on the beach. All fire debris must be removed and disposed of properly and the site must be restored to its natural condition at the conclusion of the fire.

70-5 RESTRICTIONS ON BEACH BRUSH PILES

The gathering of beach brush to form piles other than for a beach fire is prohibited.

70-6 ENFORCEMENT AND PENALTIES

A. It shall be the duty of the Asharoken Police Department to enforce the provisions of this chapter.

B. Any person or entity, or their agents or representatives, who violates any section of this chapter shall be deemed guilty of a violation and, upon conviction thereof, shall be punished by a fine not to exceed \$500 for the first violation, and by a fine not less than \$500.00 nor more than \$750.00 for a second violation, and by a fine not less than \$750.00 nor more than \$1,000 for a third or succeeding violations.

Section Four. Severability.

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section Five. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.