

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 of Painted Post
- Town
- Village

Local Law No. 1 of the year 20 07

A local law Regulation Use of Outdoor Furnaces in the Village of Painted Post
(Insert Title)

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

- County
- City of Village of Painted Post as follows:
- Town
- Village

(Delete this line of text and enter text of local law here)

Local Law No: 1 of 2007

Be It Enacted By the Village Board of the Village of Painted Post As Follows:

1. Title and Authority-This Local Law shall be known as the Village of Painted Post Outdoor Furnace Local Law.
2. Legislative Intent-Although outdoor furnaces may provide an economical alternative to conventional heating systems, concerns have been raised regarding the safety and environmental impacts of these heating devices, particularly the production of offensive odors and potential health effects of uncontrolled emissions. This Local Law is intended to ensure that outdoor furnaces are utilized in a manner that does not create a nuisance and is not detrimental to the health, safety and general welfare of the residents of the Village.
3. Definitions-"Outdoor Furnace" means any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space.

"Untreated Lumber" means dry wood which has been milled and dried but which has not
(If additional space is needed, attach pages the same size as this sheet, and number each.)

been treated or combined with any petroleum product, chemical, preservative, glue, adhesive, stain, paint, or other substances.

"Firewood" means trunks and branches of trees and bushes but does not include leaves, needles, vines or brush smaller than three inches (3") in diameter.

4. Permit Required - No person shall cause, allow or maintain the use of an Outdoor Furnace within the Village of Painted Post without first having obtained a permit from the Village of Painted Post Code Enforcement Officer. Application for permit shall be made to the Code Enforcement Officer.

5. Specific Requirements -

A. Permitted Fuel - Only Firewood and Untreated Lumber are permitted to be burned in any outdoor Furnace. Burning of any and all other materials in an OutdoorFurnace is prohibited.

B. Setbacks - Outdoor Furnaces and all necessary supports shall be set back not less than thirty feet (30') from the nearest lot line and ten feet (10') from the nearest existing structure.

C. Minimum Stack Height - Outdoor Furnaces have a minimum stack height of 32 feet and properly supported as defined by the New York State Building Code and determined by the Village Code Enforcement Officer.

D. Month of Operation - Outdoor Furnaces shall be operated only between October 1st and May 1st.

E. Spark Arrester - All Outdoor Furnaces shall be equipped with properly functioning spark Arrester.

6. Suspension of Permit - A permit shall be issued pursuant to the Local Law may be suspended as the Village of Painted Post Code Enforcement Officer may determine to be necessary to protect the public health, safety and welfare of the residents of the Village of Painted Post if any of the following conditions occur:

A. Malodorous air contaminants from the Outdoor Furnace are detectable outside the property of the person on whose land the Outdoor Furnace is located

B. The emissions from the Outdoor Furnace interfere with the reasonable enjoyment of life or property;

C. The emissions from the Outdoor Furnace cause damage to vegetation or property;

Or

D. The emissions from the Outdoor Furnace are or may be harmful to human or animal health.

A suspended permit may be reinstated once the condition which resulted in suspension is remedied and reasonable assurances are given that such condition will not recur. Recurrence of a condition which has previously resulted in suspension of a permit shall be considered a violation of this Local Law subject to the penalties provided in paragraph thereof.

7. Enforcement; Revocation of Permit - Failure to comply with any of the provisions of this Local Law shall be a violation and, upon conviction thereof, shall be punishable by a fine of not more than \$500 or imprisonment for a period of not more than ten (10) days, or both, for the first offense. Any subsequent offense shall be punishable by a fine of not more than \$ 1,000 or imprisonment for a period of not more than thirty (30) days, or both. In addition, any permit issued pursuant to this Local Law shall be revoked upon conviction of a second offense and the subject Outdoor Furnaces shall not be eligible for another permit. Each day that a violation occurs after a finding by a Court shall constitute a separate offense. The owners of premises upon which prohibited acts occur shall be jointly and severally liable for violations of Local Law. any fine imposed hereunder shall constitute a lien upon the Outdoor Furnace is located until paid.

8. Effect of Other Regulations - Nothing contained herein shall authorize or allow burning which is prohibited by codes, laws, rules or regulations promulgated by the United States any other federal, state, regional or local with an Outdoor Furnaces, and any electrical, plumbing or other apparatus or device used in connection with an Outdoor Furnace, shall be installed, operated and maintained in conformity with the manufacturer's specifications and any and all local Laws and New York State Building Code. In case of a conflict between any provisions of this Local Law and any applicable Federal, State or local ordinances, codes, laws, rules or regulations, the more restrictive or stringent provision or requirement shall prevail.

9. Severability - The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any clause, sentence, paragraph or part thereof.

10. Repealer - All Local Laws or ordinances or part of Local Laws or ordinances in conflict with any part of this Local Law are hereby repealed.

11. Effective Date - This Local Law shall take effect upon filing in the Office of New York State Secretary of State or as otherwise provided by law.