

LOCAL LAW NO.: 2 OF 2007

A LOCAL LAW REGULATING THE USE OF OUTDOOR FURNACES IN THE VILLAGE OF PORT HENRY.

1. Title and Authority. This Local Law shall be known as the Village of Port Henry Outdoor Furnace Local Law. It is adopted pursuant to Municipal Home Rule Law § 10.

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

"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 Port Henry without first having obtained a permit from the Code Enforcement Officer. Application for permit shall be made to the Code Enforcement Officer on the forms provided.

5. Existing Outdoor Furnaces. Any Outdoor Furnace in existence on the effective date of this Local Law shall be permitted to remain provided that the owner applies for and receives a permit from the Code Enforcement Officer within one year of such effective date; provided, however, that upon the effective date of this Local Law all the provisions hereof except paragraphs 6(B) and (C) shall immediately apply to existing Outdoor Furnaces. All of the provisions of this Local Law shall continue to apply to existing Outdoor Furnaces which receive permits except paragraphs 6(B) and (C). The owner(s) of an existing outdoor furnace that have obtained the required permits are exempt and no other permits will be required. "Existing" or "in existence" means that the Outdoor Furnace is in place on the site.

6. 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 Outdoor Furnace is prohibited.

B. Setbacks. Outdoor Furnaces shall be set back not less than 200 feet from all neighboring residences.

C. Chimney Height. If there is any residence, other than a residence served by the Outdoor Furnace located within 500 feet of the Outdoor Furnace, the Outdoor Furnace shall have an

attached permanent chimney extending higher than the peak of the roof of the structure(s) being served by the Outdoor Furnace.

D. Months of Operation. Outdoor Furnaces shall be operated only between September 1 and May 31.

E. Spark Arrestors. All Outdoor Furnaces shall be equipped with properly functioning spark arrestors.

7. Suspension of Permit – A permit issued pursuant to this Local Law may be suspended as the Code Enforcement Officer may determine to be necessary to protect the public health, safety and welfare of the residents of the Village of Port Henry. Please refer to No. 9.

8. Enforcement and 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 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 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 Furnace shall not be eligible for another permit.

Each day that a violation occurs shall constitute a separate offense. The owners of premises upon which prohibited acts occur shall be jointly and severally liable for violations of this Local Law. Any fine imposed hereunder shall constitute a lien upon the real property where the Outdoor Furnace is located until paid.

9. 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 Environmental Protection Agency, New York State Department of Environmental Conservation, Adirondack Park Agency, or any other federal, state, regional or local agency.

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, State and Federal codes, laws, rules and regulations.

In case of a conflict between any provision 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.

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

11. Repeal. All Local Laws or ordinances or parts of Local Laws or ordinances in conflict with any part of this Local law are hereby repealed.

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