

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231

(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 NEW BREMEN

Town

~~Village~~

Local Law No. 1 of the year 2009

A local law A Local Law Concerning Outdoor Wood-Burning Furnace

Be it enacted by

Town Board

of the

(Name of Legislative Body)

~~County~~

~~City~~

of Town of New Bremen

as follows:

Town

~~Village~~

Section 1. Title and Authority. This local law shall be known as the “Town of New Bremen Outdoor Wood-Burning Furnace Local Law”. It is adopted pursuant to the authority of Article 2 and 3 of Municipal Home Rule Law.

Section 2. Purpose. Although outdoor wood-burning 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 wood-burning furnaces are utilized in a manner that does not create a nuisance and is not detrimental to the health, safety and general welfare of town residents.

Section 3. Definitions. As used in this local law, the following terms shall have the meanings as indicated:

Outdoor Wood-burning Furnace – Any equipment, device or apparatus which is installed, affixed or situated outdoors or in a structure used solely or primarily for the shelter and operation of an outdoor wood-burning furnace, for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat to a principal residential structure or any other site structure on the residential premises.

Biofuels. Biofuels used in this Local Law shall mean agricultural fuels produced from specific crops rather than from waste products such as landfill by-product or recycled organic material.

Section 4. Specific Requirements. All outdoor wood-burning furnaces shall comply with the following rules and regulations:

1. **Installation.** All outdoor wood-burning furnaces shall be installed, operated and maintained per the manufacturer's instructions.
2. **Permitted Fuel.** Only firewood, untreated lumber, fossil fuels, corn, and Biofuels are permitted to be burned in any outdoor wood-burning furnace. Burning of any and all other materials is prohibited. No outdoor wood-burning furnace shall be utilized as a waste incinerator.

Section 5. Violations and Penalties. Any person who shall violate any provision of this local law shall be guilty of a violation as defined in Article 10 of the Penal Law and shall upon conviction be subject to a fine of not more than \$250 dollars or to imprisonment for not more than 15 days or both such fine and imprisonment. Each week's continued violation shall constitute a separate and distinct offense.

Section 6. Civil Proceedings. Compliance with this law may also be compelled and violations restrained by order or by injunction of a court of competent jurisdiction. Any person who violates any provision of this law shall also be subject to a civil penalty of not more than five hundred dollars, to be recovered by the Town of New Bremen in a civil action and each week's continued violation shall be for this purpose a separate and distinct violation. In the event the Town of New Bremen is required to take legal action to enforce this local law, the violator will be responsible for any and all necessary costs relative thereto, including attorneys' fees, and such expense shall be charged to the property so affected by including such expense in the next annual tax levy against the property.

Section 7. Severability. The provisions of this local law are severable and the invalidity of a particular provision shall not invalidate any other provision.

Section 8. Effective Date. This law shall be effective upon filing with the Secretary of State.

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Local Law No. 3 of the year 2010

A local law A Local Law Amending Local Law No. 1 of the year 2009 Concerning Outdoor Wood Burning Furnaces

Be it enacted by

Town Board

of the

(Name of Legislative Body)

~~County~~

~~City~~

of Town of New Bremen

as follows:

Town

~~Village~~

Section 1. Title and Authority. This Local Law should be known as Town of New Bremen Outdoor Wood Burning Furnace Enforcement Local Law. It is adopted pursuant to the authority of Article 2 and 3 of Municipal Home Rule Law.

Section 2. Purpose. The Town of New Bremen (the "Town") has previously provided for regulation of outdoor wood burning furnaces but has not provided a specific authority to the Town Zoning Enforcement Officer to issue appearance tickets for violation of the regulations of outdoor wood burning furnaces in the Town of New Bremen. It is the intent of this Law to provide for such enforcement.

Section 3. Definitions. As used in this Local Law, the following terms shall mean as indicated:

Zoning Enforcement Officer: That person appointed by the Town Board of the Town of New Bremen to enforce the regulation of outdoor wood burning furnaces in the Town of New Bremen.

Enforcement. The Zoning Enforcement Officer or a peace officer who shall observe a violation of the regulations concerning outdoor wood burning furnaces in the Town of New Bremen shall issue an appearance ticket requiring the violator to appear in Town Court to answer such violation.

Section 4. Severability. The provisions of this local law are severable and the invalidity of a particular provision shall not invalidate any other provision.

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