

# Town of Edmeston

A local law regulating the use and operation of Outdoor Furnace/Boilers within RHD zoned areas. Be it enacted by the Town Board of Edmeston, Town of Edmeston as follows:

## **Section 1. Purpose:**

It is generally recognized that the types of fuel used, and the scale and duration of burning by outdoor wood burning furnaces, can create noxious and hazardous smoke, soot, fumes, odors and air pollution, and can be detrimental to citizens' health, as well as depriving neighboring residents of the enjoyment of their property or premises. Therefore, with the adoption of this law, it is the intention of the Town Board of the Town of Edmeston to establish and impose restrictions upon the construction and operation of outdoor wood burning furnaces within the Town of Edmeston for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity of the township and its inhabitants.

## **Section 2. Definitions:**

### Exterior Furnace

Any device, contrivance or apparatus or any part thereof which is installed, affixed or situated out-of-doors for the primary purpose of the combustion of fuel from which heat or energy is derived and intended to be directed there from by conduit or other mechanism into any interior space for the supply of heat or energy.

### Furnace Device, Exterior

Any contrivance, apparatus or part thereof, including a boiler, fire box, exchanger, grate, fuel gun, fuel nozzle, chimney, smoke pipe, exhaust conduit and like devices used for the burning of combustible fuels for the creation of heat or energy from an exterior location into an interior location.

### Firewood.

Means trunks and branches of trees and bushes but does not include leaves, needles, vines or brush.

### Outdoor Furnace/Boiler.

Any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors (whether it is in a shed or other similar enclosed structure) for the purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat, hot water or other energy for any space. Devices using natural gas, fuel oil, or propane are not included in this definition.

### Untreated Lumber.

Dry (seasoned) 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.

Zones.

The following Zones are defined in the Town of Edmeston Zoning Ordinance:

**R-80** (Two Acre Residential); **R-HD** (Residential Hamlet District); **RCD** (Recreational District).

Zoning Enforcement Officer.

The Zoning Enforcement Officer of the Town of Edmeston or such other person appointed by the Town Board to enforce the provision of law or code of the Town of Edmeston, including this law.

**Section 3. Permitted locations; installation standards; fuel limitations:**

A. Locations:

No exterior furnace or furnace device, exterior shall be situated in any exterior location for the purpose of the combustion of any fuel for the creation of heat or energy into any interior space and no such system or component part thereof shall be permitted to be operated within RHD Zone in the Township of Edmeston.

B. Permit Required:

No person shall cause, allow or maintain the use of an Outdoor Furnace/Boiler on property which he/she owns within the Town of Edmeston without first having obtained a permit from the Town Zoning Enforcement Officer. A copy of the manufacturer's specifications must be filed with the Zoning Enforcement Officer with the application for the permit. All property owners with outdoor furnace/boilers, preexisting at the adoption of this Local law, shall have six (6) months from the effective date thereof to obtain a permit conforming to the regulations stated in paragraph B of this section. Permit fees shall be established by resolution by the Town Board of the Town of Edmeston.

C. Existing Outdoor Furnace/Boilers within R-HD:

Any outdoor Furnace/Boiler in existence on the effective date of this Local Law shall be permitted to remain in its existing location provided that the owner conforms to the specific requirements of Section 3(C), Permitted Fuel; Section 3(E), Setbacks; Section 3(G), Smoke Stack Height; and Section 3(H), Emissions. Pre-existing units can not be replaced with new models.

D. Permitted Fuel:

Only Firewood, Untreated Lumber, coal, and Wood/Corn Pellets are permitted to be burned in any outdoor Furnace/Boiler except that minimal amounts of paper and cardboard may be used as necessary to initiate the burning operation. All other material is strictly prohibited.

E. Zones:

Outdoor Furnace/Boilers shall be permitted for use only in a zone designated as an **R-80** (Two Acre Residential).

F. Spark Arrestors:

All outdoor Furnace/Boilers shall be equipped with properly functioning spark arrestors, or be in conformity with manufacturer's specification for that unit with regard to the release of sparks.

G. Smoke Stack Height:

All outdoor Furnace/Boilers shall have a smoke stack or Chimney that extends at least ten (10) feet above the ground of the Furnace/Boiler, subject to the following specific modifications to said requirement:

1. If located within 150 feet of any neighboring residence or structure that is used for any occupancy or public purpose, the top of the stack must be at least the height of the eaves line of each such structure, plus an additional two feet, but in no event less than ten feet from the ground.
2. The Stack shall be secured or stabilized in a safe manner.

H. Emissions:

A permit issued pursuant to this Local Law may be suspended as Zoning Enforcement Officer determines to be necessary to protect the public health, safety and welfare of the residents of the Town of Edmeston if any of the following conditions occur:

1. The emissions from the outdoor Furnace/Boiler interfere with the reasonable enjoyment of life, safety or property.
2. The emissions from the outdoor Furnace/Boiler cause damage to vegetation or property.
3. The emissions from the outdoor Furnace/Boiler are unreasonably malodorous.

I. Reinstatement of Permit:

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 the Local Law subject to the penalties provided below.

J. Seasonal Use For Pre-Existing within RHD Zones:

The Outdoor Furnace/Boiler can only be operated from 12:00am on October 1 until 12:00am on May 1.

**Section 4. Penalties for Violations:**

The penalty to be imposed for violation of this law shall be a fine of:

*First Offense:* Documented warning and educational materials.

*Second Offense:* Up to one hundred dollar (\$100) fine.

*Third Offense:* Up to two hundred and fifty dollar (\$250) fine and shall result in the removal of the outdoor Furnace/Boiler by the violator.

In addition, any permit issued pursuant to this Local Law shall be revoked upon conviction of a third offense and the subject Outdoor Furnace/Boiler 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.

**Section 5. Records/Documentation:**

The Zoning Enforcement Officer shall maintain the records of all applications, appeals and including technical information.

**Section 6. Severability Clause**

If any part clause, sentence, paragraph, section or other provision of this Local Law shall be adjudged invalid by any Court of Competent jurisdiction, such judgment shall not effect the remainder of this Local Law or its application thereof.

**Section 7. Effective Date**

The provisions of this Local Law shall take effect upon filing of this Local Law with The Secretary of State of the State of New York as provided by the provision by the General Municipal Home Rule Law.