

Local Law Filing

New York State Department of State

41 State Street, Albany, NY, 12231

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Village of Hermon

Local Law No. 3 of the year 2006

A local Law To Regulate Outdoor Woodburning Furnaces

Be it enacted by the Village Board of the

Village of Hermon as follows:

SECTION 1.

Outdoor woodburning furnaces shall not be allowed in the Village of Hermon after passage of this law.

SECTION 2.

All outdoor burning devices existing prior to February 21, 2006, in the Village of Hermon must be registered by the owners with the Village of Hermon Code Enforcement Officer on a form furnished by the Code Enforcement Officer. In addition, said owners of prior devices must furnish the Code Enforcement Officer with a copy of the installation instructions and all literature furnished by the manufacturer when purchased. Said registration and the furnishing of said literature must be accomplished no later than April 1, 2006.

SECTION 3.

The registration information required to be furnished to the Code Enforcement Officer is a site plan map clearly identified as to the location of the outdoor woodburning furnace, the location of all structures served by the furnace, including distances from said structures and the location of all neighboring structures within one hundred feet (100'). Said site plan must all include the height of the eve line of all neighbors within one hundred feet (100'). In addition, a copy of all literature of the manufacturer must be furnished to the Code Enforcement Officer at the time of the application for the permit.

#### SECTION 4.

Outdoor woodburning furnaces shall only burn natural untreated wood or wood or fuel (including starters) permitted by the manufacturer. Treated wood, stained wood, painted wood, processed wood products, materials containing glue, garbage and tires are not permitted to be burned. This list is not meant to be definitive, but to serve as an example. Only "clean" burning wood or fuel permitted in the manufacturer's instructions may be burned in the furnace.

#### SECTION 5.

Chimney height shall be determined by the distance from the nearest residence which is not served by the furnace as follows:

a. fifty (50) feet or less: height of the eve line of the residence not served by the furnace plus two (2) feet,

b. fifty (50) feet to one hundred (100) feet: seventy-five percent (75%) height of the eve line of the residence not served by the furnace plus two (2) feet,

c. More than one hundred (100) feet: minimum height of fifteen (15) feet above average ground height of the property.

#### SECTION 6.

All furnaces must have a chimney cap installed to shield rain and arrest sparks.

#### SECTION 7.

The floor of the building housing the furnace must be concrete or gravel.

#### SECTION 8.

If the furnace building is within thirty (30) feet of any structure, the exterior of the building must be made of fire-retardant material.

SECTION 9.

A violation of this law will result in a penalty of \$250.00. Each week's violation is to be considered a separate offense and will result in additional penalties not exceeding \$250.00 per week for each week of violation or part of a week.

SECTION 10.

The Village may seek appropriate injunctive relief from a Court of competent jurisdiction. The cost of said Court action, to include reasonable attorney fees of the Town attorney, will be charged to the landowner and may be added to the property owner's tax bill if the same is not paid by the owner. The Village may also seek to declare said structure a public nuisance. The Village may require landowners to remove said structure. If the landowner refuses, the Village may remove said structure, using its own employees and equipment. The Village also has the right to contract said removal with a third party without competitive bidding. The reasonable costs of the Village removal or the contractive costs may be added to the tax bill of the landowner.

SECTION 11.

This Local Law shall become effective upon passage and filing with the Department of State.

I hereby certify that the Local Law annexed hereto, designated as Local Law No. 3 of 2006, of the Village of Hermon was duly passed by the Village Board on \_\_\_\_\_, 2006, in accordance with the applicable provisions of law.

\_\_\_\_\_  
Harriet J. Jenne, Clerk  
Village of Hermon

(Seal)

Date: \_\_\_\_\_

STATE OF NEW YORK            )  
                                  ) ss.:  
COUNTY OF ST. LAWRENCE    )

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

\_\_\_\_\_  
Charles B. Nash, Esq.  
Village Attorney  
Village of Hermon

Date: \_\_\_\_\_