

Mailed 7/25/08  
J. Bear

# 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~~

Town

~~VILLAGE~~

of Groveland

Local Law No. 1 of the year 2008

A local law Outdoor Furnace Law

(Insert Title)

Be it enacted by the Town Board of the

(Name of Legislative Body)

~~COUNTY~~

~~CITY~~

Town

~~VILLAGE~~

of Groveland as follows:

The purpose of the law is that uncontrolled burning of Outdoor Furnances in populated areas of the Town may have significant impact upon the health, safety, and welfare of the community by potentially causing substantial recreational, aesthetic, environmental, and economic losses resulting from adverse impacts on the community air quality.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2008 of the ~~(County)~~(City)(Town)(Village) of Groveland was duly passed by the Town Board on July 10, 2008, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_, above.



Clerk of the County Legislative Body, City, Town or Village Clerk  
or officer designated by local legislative body

(Seal)

Date: July 18, 2008

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Livingston

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

  
Signature

Town Attorney  
Title

County  
City of Groveland  
Town  
Village

Date: 7/25/08

**Local Law #1 2008**  
**Outdoor Furnace Law**  
**The Town of Groveland, Livingston County, New York**

**Article 1: Introduction**

**Section 1: Authority**

Be it enacted by the Town Board of the Town of Groveland as follows:

The Town of Groveland Outdoor Furnace Law is adopted pursuant to the authority granted the Town in Section 10 of the New York State Municipal Home Rule Law and in Section 130 (6) of New York State Town Law.

**Section 2: Title**

This Law shall be known as the "Outdoor Furnace Law of the Town of Groveland, New York."

**Section 3: Purpose**

The Town of Groveland finds that uncontrolled burning of Outdoor Furnaces in populated areas of the Town may have a significant impact upon the health, safety, and welfare of the community by potentially causing substantial recreational, aesthetic, environmental, and economic losses resulting from adverse impacts on the community air quality.

Specifically:

- a. Preserve property values in the Town of Groveland;
- b. Maintain the value and quality of health in the Town of Groveland;
- c. Avoid, prevent, and eliminate conditions which if permitted to exist or continue, will depreciate or tend to depreciate the value of adjacent or surrounding properties.

**Section 4: Interpretation**

Where the conditions imposed by any provision of this Law, are either more or less restrictive than comparable conditions imposed by any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

**Section 5: Definitions**

For the purpose of this Law the following definitions shall apply:

- A. Outdoor Wood Furnace: Any equipment, device, appliance, 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 or water source. An outdoor wood furnace may also be referred to as an outdoor wood boiler or outdoor wood hydronic heater.

- B. Chimney: Any flue(s) that carries off exhaust from an outdoor wood furnace firebox or burn chamber.
- C. Natural Wood: Wood, which has not been painted, varnished, or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.
- D. Existing Outdoor Wood Furnace: An outdoor wood furnace that was purchased and installed prior to the effective date of this local law.

## **Article 2: Regulations**

### **Section 1: Regulations for Outdoor Wood Furnaces**

- A. No person shall, from the effective date of this local law, construct, repair, replace or establish an Outdoor Wood Furnace unless the existing Outdoor Wood Furnace was constructed, installed, and/or established prior to the effective date of this section.
- B. All new Outdoor Wood Furnaces shall be constructed, established, installed, operated and maintained in conformance with the manufacturer's instructions and the requirements of this local law. In the event of a conflict, the requirements of this local law shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.
- C. The owner of any new Outdoor Wood Furnace shall produce the manufacturer's owner's manual or installation instructions to the Code Enforcement Officer to review prior to installation.
- D. All new Outdoor Wood Furnaces shall be laboratory tested and listed to appropriate safety standards such as UL, CAN/CSA, ANSI or other applicable safety standards.

### **Section 2: Substantive Requirements**

Outdoor Wood Furnaces shall be constructed, established, installed, and maintained pursuant to the following conditions.

- A. Fuel burned in any new or existing Outdoor Wood Furnace shall be only natural untreated wood, wood pellets, corn products or other listed fuels specifically

permitted by the manufacturer instructions such as fuel oil, natural gas, or propane backup.

**B. The following fuels are strictly prohibited in new or existing Outdoor Wood Furnaces.**

1. Wood that has been painted, varnished, or coated with similar material and / or has been pressure treated with preservatives and contains resins or glues as in plywood or other composite wood products.
2. Rubbish or garbage, including but not limited to food waste, food packaging, food wraps.
3. Any plastic material, including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films, and plastic containers.
4. Rubber, including tires or other synthetic rubber – like products.
5. Newspaper, cardboard, or any paper with ink or dye products.
6. Any other items not specifically allowed by the manufacturer or this provision.

**C. Setbacks for any new Outdoor Wood Furnace:**

1. The Outdoor Wood Furnace shall be located a minimum of (25) feet from any property line.
2. The Outdoor Wood Furnace shall be located on the property in compliance with manufacturer's recommendations and or testing and listing requirements for clearance to combustible materials.
3. The Outdoor Wood Furnace shall be located (100) feet or to the manufacturer's recommendation, whichever is greater, from any residence that is not served by the outdoor wood furnace.

## **Article 3: Administration and Enforcement**

### **Section 1: Enforcement Officer**

The code enforcement officer and/or building inspector of the Town of Groveland is here by designated unless otherwise designated by the Town Board, as the officer (s) charged with the enforcement of this chapter and is hereinafter referred to as the enforcement officer.

The enforcement officer shall make investigations of written complaints, and all other inspections required or permitted under any provision to this local law.

## **Section 2: Appeals**

Appeals from any actions, decisions, or rulings of the Code Enforcement Officer or for variance from the strict application of the specific requirements in Article 2 of this Local Law may be made to the Town of Groveland Board Zoning of Appeals. Requests for all appeals shall be made in writing to the Board of Appeals no later than 30 days of the act, decision, or ruling from which relief is sought.

- A. Appeals Fees: Appeals fees shall be established in Town of Groveland Fee Schedule.
- B. Public hearing: Within (60) days after receiving the written request, the Board of Appeals shall hold a public hearing on the appeal, with prior notice published in the designated town board official publication.
- C. Decision of the Board of Appeals: Within (60) days of the final adjournment of a public hearing, The Board of Appeals shall affirm, modify, or deny the action, decision, or ruling of the Code Enforcement Officer or correct any omission by the Code Enforcement officer or approve, approve with conditions, or disapprove the application. The decisions of the Board of Appeals are final and shall be in writing that shall contain findings and factual basis for each finding from the record of the hearing, which shall support the decision of the Board of Appeals. As part of any decision, the Board of Appeals shall direct the officer to issue any appropriate permit in conformity with its ruling and shall state a time by which such permit shall be issued, in conformity with this local law.

## **Section 3: Penalties**

- A. Any person who shall violate any of the provisions of this local law shall be guilty of an offense and subject to a mandatory fine:
  - a. Not to exceed (\$100.00) for the first violation;
  - b. And (\$250.00) for each offense thereafter;
  - c. And up to (15) days in Jail.
- B. Every person shall be deemed guilty of a separate offense for each day such violation, disobedience, omission, neglect, or refusal shall continue.

## **Article 4: Severability**

If any clause, sentence, paragraph, section, or article of this local law shall be adjudicated by any court of competent jurisdiction to be invalid, such judgment shall not affect,

impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or article thereof directly involved in the controversy in which such judgment shall have been rendered.

## **Article 5: Effective Date**

This law shall be effective upon filing with the Secretary of State.

®





STATE OF NEW YORK  
**DEPARTMENT OF STATE**  
ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001

DAVID A. PATERSON  
GOVERNOR

LORRAINE A. CORTÉS-VÁZQUEZ  
SECRETARY OF STATE

July 30, 2008

Town Clerk  
4955 Aten Road  
Groveland NY 14462

**RE: Town of Groveland, Local Law No. 1, 2008, filed on July 28, 2008**

Dear Sir/Madam:

The above referenced material was received and filed by this office as indicated. Additional local law filing forms can be obtained from our website, [www.dos.state.ny.us/corp/misc.html](http://www.dos.state.ny.us/corp/misc.html).

Sincerely,  
Linda Lasch  
Principal Clerk  
State Records and Law Bureau  
(518) 474-2755