

Chapter 51**OUTDOOR FURNACES****§ 51-1. Title.****§ 51-2. Authority.****§ 51-3. Purpose and findings.****§ 51-4. Definition.****§ 51-5. Prohibition.****§ 51-6. Penalties.****§ 51-7. Enforcement.****§ 51-8. Severability.****§ 51-9. Conflict with other laws.****§ 51-10. Effective date.**

[HISTORY: Adopted by the Board of Trustees of the Village of Cold Spring 05-12-2009 as L.L. No. 1-2009.]

§ 51-1. Title.

This local law shall be known as “A Local Law Banning Outdoor Wood-Burning Furnaces.”

§ 51-2. Authority.

This law is adopted, pursuant to the authority of Section 10 of the Municipal Home Rule Law and Section 4-412 of the New York State Village Law.

§ 51-3. Purpose and findings.

It is the intention of the Board of Trustees of the Village of Cold Spring by the adoption of this law to establish and impose restrictions upon the construction and operation of outdoor wood-burning furnaces within the Village for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity of the Village and its inhabitants. It is generally recognized that the types of fuel used, and the

scale and duration of the burning by such furnaces, create noxious and hazardous smoke, soot, fumes, odors and air pollution, which can be detrimental to citizens' health, and can deprive neighboring residents of the enjoyment of their property or premises.

§ 51-4. Definition.

As used in this law "outdoor wood-burning furnace" shall mean an exterior heating system, designed and intended, through the burning of wood, for the purpose of heating the principal structure, or any other site structure on the premises.

§ 51-5. Prohibition.

The construction and operation of outdoor wood-burning furnaces is hereby prohibited within the Village. Excepting that outdoor wood burning furnaces constructed and in operation prior to the effective date of this Chapter may continue in operation on the property wherein they are presently in service but may not be moved to another part of the property, enlarged or replaced by a new outdoor wood-burning furnace.

§ 51-6. Penalties.

Any person who shall violate any provision of this law shall be subject to a penalty of in the sum of not more than two hundred fifty dollars (\$250.00) for the first violation, nor more than five hundred dollars (\$500.00) for the second and each subsequent violation. Each week's continued violation shall constitute a separate and distinct offense. Compliance with this law may also be compelled and violations restrained by order or by injunction of a court of competent jurisdiction. In the event the Village is required to take civil legal action to enforce this Local Law, the violator will be responsible for any and all necessary costs relative thereto, including attorney's 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.

§ 51-7. Enforcement.

The code enforcement officer is hereby authorized in the name and on behalf of the Village to undertake and prosecute any proceedings necessary or appropriate to enforce compliance with this law.

§ 51-8. Severability.

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason then such work, phrase, sentence, part, Section, subsection, or other portion, or the proscribed Application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not

having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

§ 51-9. Conflict with other laws.

Where this Law differs or conflicts with other Laws, rules and regulations, unless the right to do so is preempted or prohibited by the County, State or federal government, the more restrictive or protective of the Village and the public shall apply.

§ 51-10. Effective date.

This Law shall become effective upon filing with the New York State Secretary of State.