

Copy

Local Law Filing

(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 Bellmont
Town
Village

Local Law No. 1 of the year 2008

A local law Outdoor Wood-Fired Furnaces OR
(Insert Title)
BIOMASS-Fueled Furnaces

Be it enacted by the Bellmont Town Board of the
(Name of Legislative Body)

County
City of Bellmont as follows:
Town
Village

See ATTACHED SHEET

(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 20 08 of the (County)(City)(Town)(Village) of Bellmont was duly passed by the TOWN BOARD on June 30 2008, in accordance with the applicable provisions of law.

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.

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.

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.

* 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.

Judyane Nason
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body
JUDYANE NASON, Town Clerk
Date: 6-30-08

(Seal)

(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 FRANKLIN

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 Bellmont
Town
Village

Date: _____

OUTDOOR WOOD-FIRED FURNACES OR BIOMASS-FUELED FURNACES

Town of Bellmont, NY Local Law #1 of 2008

I. PURPOSE:

This local law is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety, and welfare of the residents of the Town of Bellmont.

II. APPLICABILITY:

- (a) This local law applies to all outdoor wood-fired or biomass-fueled furnaces within the Town of Bellmont.
- (b) This local law does not apply to burning in a stove, furnace, fireplace or other heating devise within a building used for humans or animal habitation.

III. DEFINITIONS:

- (a) "Clean Wood" means natural dry 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.
- (b) "Outdoor Wood-fired Furnace" means a wood-fired furnace, stove or boiler that is not located within a building for habitation by humans or domestic animals.
- (c) "Biomass Fuel" means an energy source derived from organic materials from plants such as corn, soybean, clean wood, but excluding all animal waste products.
- (d) "Refuse" means any waste material except clean wood.

IV. INSTALLATION AND USE OF OUTDOOR WOOD-FIRED OR BIOMASS FUELED FURNACE:

- (a) The outdoor wood-fired or biomass fueled furnace shall be installed and used only in parcels of sufficient size to meet distance requirements to neighboring buildings or building sites.
- (b) The outdoor wood-fired or biomass fueled furnace shall be located at least 200 feet from any residence which is not on the same property as the outdoor wood-fired furnace or biomass fueled furnace.
- (c) The outdoor wood-fired or biomass fueled furnace shall have a chimney that extends at least fifteen (15) feet, or the highest limit recommended by the manufacturer, above the ground surface.
- (d) The outdoor wood-fired or biomass fueled furnace shall comply with all applicable laws including, but not limited to Town or County laws that prohibit creating a human hazard or a public nuisance.
- (e) Only clean wood or biomass fuel may be used in the furnace.
- (f) The outdoor wood-fired or biomass fueled furnace shall not be used to burn any of the prohibited materials listed in section (V) except paper and cardboard.
- (g) The outdoor wood-fired or biomass fueled furnace shall meet all emission

standards required by the Environmental Protection Agency (EPA) and the Underwriter's Laboratory (UL) listing. This documentation must be provided at the time the permit is applied for.

- (h) The owner of the outdoor wood-fired or biomass fueled furnace shall obtain a permit from the Town of Belmont Code Enforcement Officer.

V. MATERIALS THAT MAY NOT BE BURNED:

- (a) Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint, or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
- (b) Waste oil or oily wastes.
- (c) Asphalt and products containing asphalt.
- (d) Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
- (e) Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
- (f) Rubber including tires and synthetic rubber-like products.
- (g) Animal waste products.

VI. EXISTING NONCONFORMING OUTDOOR WOOD-FIRED OR BIOMASS FUELED FURNACES:

- (a) The lawful use of a nonconforming outdoor wood-fired or biomass fueled furnace existing at the time of the adoption or amendment of this law may be continued although such furnace does not conform to the provision of this law. However, the use of a nonconforming outdoor wood-fired or biomass fueled furnace shall not be a public nuisance or cause a human health hazard.
- (b) Existing nonconforming outdoor wood-fired or biomass fueled furnaces not used for a period of one year shall be subject to re-permitting prior to use.

VII. ENFORCEMENT AND PENALTIES:

- (a) The Town of Belmont Code Enforcement Officer is authorized to enforce the provisions of this law.
- (b) The penalty for violation of any portion of this law shall be forfeiture of not less than \$25 or more than \$250 plus cost of prosecution. Penalties are doubled for second and subsequent offenses.

VIII. SEVERABILITY:

Should any portion of this law be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this law shall not be affected.