

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 _____ PRATTSVILLE
City of _____
Town _____
Village _____

Local Law No. _____ 3 _____ of the year 20 _____ 08

REGULATING OUTDOOR WOOD BURNING FURNACES

A local law _____
(Insert Title)

Be It enacted by the _____ TOWN BOARD _____ of the
(Name of Legislative Body)

County _____ PRATTSVILLE _____ as follows:
City of _____
Town _____
Village _____

PLEASE SEE ATTACHED

(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 PRATSVILLE was duly passed by the TOWN BOARD on DECEMBER 19, 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 _____ (Name of Legislative Body) _____ and was deemed duly adopted on _____ 20 _____ (Elective Chief Executive Officer*) 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 _____ (Name of Legislative Body) _____ Such local law was submitted _____ (Elective Chief Executive Officer*) 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 _____ (Name of Legislative Body) _____ Such local law was subject to _____ (Elective Chief Executive Officer*) 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 countywide 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 _____ 1____, above.

Donna L. Bennett
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

Date: 1/29/08

(Seal)

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

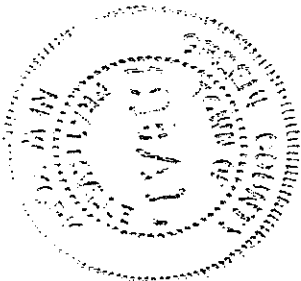
STATE OF NEW YORK
COUNTY OF _____

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.

Ed. H. Kappay
Signature
ATTORNEY FOR THE TOWN
Title

County _____
City _____ of PRATTSVILLE
Town _____
Village _____

Date: 1/29/08



TOWN OF PRATTSVILLE
LOCAL LAW # 1 OF 2008
OUTDOOR WOOD-BURNING FURNACE LAW

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

SECTION I. Title and Purpose

This Local Law shall be known as the Outdoor Wood-Burning Furnace Law of the Town of Prattsville. The purpose of this law is to promote the health, safety, morals, and general welfare of the community. In accordance with the town's comprehensive plan this law is designed to promote health and general welfare; to protect residents and provide freedom from nuisance and things harmful to the senses.

SECTION II. Definitions

For purposes of this law, "outdoor wood-burning furnace" means and accessory structure or appliance designed to be located outside living space ordinarily used for human habitation and designed to transfer or provide heat, via liquid or other means, through the burning of wood or solid waste, for heating spaces other than where such structure or appliance is located, any other structure or appliance on the premises, or for heating domestic, swimming pool, hot tub or jacuzzi water. "Outdoor wood-burning furnace" does not include a fire pit, wood-fired barbecue or chiminea.

SECTION III. General Restrictions

- A. No person shall, from the effective date of this section to the effective date of regulations promulgated by the United States Environmental Protection Agency or the proper regulatory office of the State of New York to regulate outdoor wood-burning furnaces, construct, install, establish, modify, operate or use an outdoor wood-burning furnace, unless
- (1) the outdoor wood-burning furnace was constructed, installed, established, modified, operated or in use prior to the effective date of this section, or
 - (2) the outdoor wood-burning furnace complies with the following:
 - (i) Installation of the outdoor wood-burning furnace is not less than twenty-five (25) feet from any property line and constructed on a concrete slab. In the event any wood-burning furnace is proposed to be constructed less than one hundred feet from a residence not serviced by such furnace, the owner shall cause the stack to be constructed at least ten (10) feet taller than the minimum height recommended by the manufacturer;
 - (ii) No other materials are burned in the outdoor wood-burning furnace other than wood that has not been chemically treated;

- (iii) At the time of installation the outdoor wood-burning furnace shall at a minimum meet the 20017 standards agreed to by the EPA (Environmental Protection Agency) and the HPBA (the Hearth, Patio, & Barbecue Association) or the then current standards whichever is greater; and
- (iv) Installation and operation of the outdoor wood-burning furnace is in accordance with the manufacturer's written instructions, provided such instructions do not conflict with the provisions of this section.

SECTION IV. Penalties

Any police or peace officer or the Town Code Enforcement Officer or Town Building Inspector may investigate any complaint relating to improper usage of an outdoor wood-burning furnace and are hereby authorized to commence enforcement proceedings in the local justice court in the name of the Town. Any person who operates an outdoor wood-burning furnace in violation of this Local Law shall be deemed to have committed an infraction. Each day of operation of such outdoor wood-burning furnace in violation of this section shall be a separate violation. Following conviction of violating this local law the defendant shall be required to pay a fine of no less than \$250 per violation and no more than \$1,000 per violation.

SECTION V. Miscellaneous

A. In the event of the enactment of any state or federal law inconsistent with this local law, the contents of such state or federal law shall control.

B. This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Municipal Home Rule Law § 27.



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

March 2, 2009

Tal G Rappleyea
Attorney at Law
4 Maple Lane
PO Box 793
Valatie NY 12184

RE: Town of Prattsville, Local Law No. 3, 2008, filed on February 23, 2009

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.

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