

Chapter 124

OUTDOOR WOOD FURNACES

[Adopted by the Town Board of the Town of Newark Valley
on 11-15-2011 Local Law No. 1-2011]

§ 124-1. Title and Authority.

This chapter shall be known as and entitled "A Local Law Regulating Outdoor Wood Furnaces in the Town of Newark Valley." It is adopted pursuant to Section 10 of the Municipal Home Rule Law.

§ 124-2. Purpose and Legislative Intent.

Although outdoor wood furnaces may provide an economical alternative to conventional heating systems, concerns have been raised regarding the safety and environmental impacts of these devices, particularly fire hazards, the production of offensive odors, and potential health effects of uncontrolled emissions. The purpose of this local law is to ensure that outdoor wood furnaces are utilized in a manner that does not create a nuisance and is not detrimental to the health, safety and general welfare of the residents of the Town.

§ 124-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AGRICULTURAL LAND - The land and on-farm buildings, equipment, manure processing and handling facilities, and practices that contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a "commercial horse boarding operation" and "timber processing." Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

CLEAN WOOD – Wood that has not been painted, stained, or treated with any other coatings, glues or preservatives.

COMMERCIAL-SIZE NEW OUTDOOR WOOD FURNACE - A new outdoor wood furnace with a thermal output rating greater than 250,000 British thermal units per hour (Btu/h).

EAVE – The projecting overhang at the lower border of a roof.

NEW OUTDOOR WOOD FURNACE - An outdoor wood furnace that commences operation on or after April 15, 2011.

OUTDOOR WOOD FURNACE – A self-contained unit designed to provide heat to a building or structure, which unit is located outside of that building or structure. It generally (a) is designed to burn wood or other fuels; (b) is specified by the manufacturer for outdoor installation or installation in structures not normally occupied by humans; and (c) is used to heat building space and/or water via the distribution, typically through pipes, of a gas or liquid (e.g., water or water/antifreeze mixture) heated in the device.

RESIDENTIAL-SIZE NEW OUTDOOR WOOD FURNACE - A new outdoor wood furnace that has a thermal output rating of 250,000 Btu/h or less and that commences operation on or after April 15, 2011.

STACK—A vertical exhaust pipe, a chimney.

§ 124-4. Permit Required.

No person shall cause, allow or maintain the installation of a new outdoor wood furnace or the replacement of an existing outdoor wood furnace within the Town of Newark Valley without first obtaining a permit from the Town Code Enforcement Officer. Such permit shall not be issued until the outdoor wood furnace meets the standards for air quality set forth by the New York State Department of Environmental Conservation. Application for such permit shall be made on the form provided and available in the Town Offices. The fee for the permit for an outdoor wood furnace shall be set forth in the fee schedule of the Town of Newark Valley.

§ 124-5. Safety Inspections.

- A. Upon installation, and prior to use, an outdoor wood furnace must be inspected by the Town Fire Marshall or the Town Code Enforcement Officer.
- B. The Fire Marshall or the Code Enforcement Officer shall re-inspect all outdoor wood furnaces three years after their last inspection. The notice to the owner of the real property may be made in person no less than three (3) days before the date of the inspection, or by first class mail that is placed in the mail no less than eight (8) days before the date of the inspection.
- C. The Fire Marshall or the Code Enforcement Officer may also inspect, at any time, any outdoor wood furnace in use in the Town of Newark Valley, upon notice to the owner of the real property on which the outdoor wood furnace is situated. The notice to the owner of the real property may be made in person no less than three (3) days before the date of the inspection, or by first class mail that is placed in the mail no less than eight (8) days before the date of the inspection.
- D. If an outdoor wood furnace is determined to be unsafe, the Fire Marshall or Code Enforcement Officer shall issue a warning citing a specific safety problem, and the person responsible shall have fifteen (15) days to correct the safety problem. After the fifteen (15) days has passed, but no more than forty-five (45) days after the date the outdoor wood furnace was determined to be unsafe, the Fire Marshall or Code Enforcement Officer shall re-inspect the outdoor wood furnace and determine whether the outdoor wood furnace is safe.

- E. An outdoor wood furnace that is determined to be unsafe at the time of the second inspection by the Fire Marshall or Code Enforcement Officer shall be in violation of this chapter and shall be subject to the penalties herein.

§ 124-6. Siting and Stack Height Regulations.

- A. All outdoor wood furnaces shall be set back a minimum of 100 feet from any property boundary line.
 - (1) Notwithstanding the above, a residential-size new outdoor wood furnace installed on contiguous agricultural lands larger than five acres shall not be located less than 100 feet or more from the nearest residence not served by the outdoor wood furnace.
- B. Notwithstanding the above, a commercial-size new outdoor wood furnace shall not be located:
 - (1) Less than 200 feet from the nearest property boundary line;
 - (2) Less than 300 feet from a property boundary line of a residential property; and
 - (3) Less than 1000 feet from a school.
 - (4) Notwithstanding the above, a commercial-size new outdoor wood furnace installed on contiguous agricultural lands larger than five acres must be sited 300 feet or more from the nearest residence not served by the outdoor wood furnace and 1000 feet or more from a school.
- C. Outdoor wood furnaces shall be located with due consideration to the prevailing wind direction.
- D. Outdoor wood furnaces shall not be located within any structures that are in any way connected to the building or structure being heated by the outdoor wood furnace.
- E. Outdoor wood furnaces may be located inside a structure per manufacturer's specifications and the furnace must be installed in accordance with those specifications. If no such specifications are provided, no outdoor wood furnaces shall be located inside any structure.
- F. Outdoor wood furnace stack heights shall:
 - (1) If located 50 feet or less from any residence not served by the furnace, be at least 2 feet higher than the eave line of that residence.
 - (2) If located more than 50 but no more than 100 feet from any residence not served by the furnace, be at least 75% of the height of the eave line of that residence, plus an additional 2 feet.
 - (3) If located more than 100 feet but no more than 150 feet from any residence not served by the outdoor wood furnace, be at least 50% of the eave line of that residence plus an additional 2 feet.
 - (4) If located more than 150 feet from any residence not served by the outdoor wood furnace, be at least 25% of the height of the eave line of that residence plus an additional 2 feet.
- G. Notwithstanding Paragraph F, all residential-size new outdoor wood furnaces and all commercial-size new outdoor wood furnaces must have a stack that extends a minimum of 18 feet above ground level, pursuant to the regulations of the New York State Department of Environmental Conservation.

§ 124-7. Use Regulations.

- A. Outdoor wood furnaces shall be used in accordance with the manufacturer's instructions.
- B. The use of fuels not recommended by the manufacturer is prohibited. Additionally, the use of the following fuels is specifically prohibited:
 - (1) Trash or garbage;
 - (2) Plastics or any materials that contain any plastic;
 - (3) Gasoline;
 - (4) Rubber, including but not limited to tires;
 - (5) Naphtha;
 - (6) Household garbage;
 - (7) Material treated with petroleum products (e.g. railroad ties, pressure treated wood) and waste petroleum products;
 - (8) Leaves;
 - (9) Cardboard;
 - (10) Wood that does not meet the definition of clean wood;
 - (11) Unseasoned wood;
 - (12) Yard waste, including lawn clippings;
 - (13) Paints or paint thinners;
 - (14) Household or laboratory chemicals;
 - (15) Coal;
 - (16) Construction and demolition debris;
 - (17) Plywood;
 - (18) Particleboard;
 - (19) Fiberboard;
 - (20) Oriented strand board;
 - (21) Manure;
 - (22) Animal carcasses;
 - (23) Asphalt products;
 - (24) Salt water driftwood;
 - (25) Any other fuel that is not recognized as an approved fuel pursuant to the regulations of the New York State Department of Environmental Conservation; and
 - (26) Paper, except that non-glossy, non-colored papers, including newspaper, may be used only to start an outdoor wood furnace.
- C. Loading times and amounts must be in accordance with the manufacturer's instructions.
- D. The use of lighter fluid, gasoline, other combustible liquid or chemical accelerants is prohibited.

- E. No person shall cause or allow emissions of air contaminants or any particulate, fume, gas, mist, odor, smoke, vapor, toxic or deleterious emission, either alone or in combination with others, from an outdoor wood furnace to the outdoor atmosphere of a quantity, characteristic or duration which is injurious to human, plant or animal life or to property, or which unreasonably interferes with the comfortable enjoyment of life or property. This prohibition applies, but is not limited to, the following conditions:
 - (1) Activating smoke detectors in neighboring structures;
 - (2) Impairing visibility on a public highway; or
 - (3) Causing a visible plume migrating from an outdoor wood furnace and contacting a building on an adjacent property.
- F. No person shall operate an outdoor wood furnace in such a manner as to create a smoke plume that is prohibited by the regulations of the New York State Department of Environmental Conservation.

§ 124-8. Penalties for Offenses.

- A. Any person who commits or permits any act or acts in violation of the provisions of this chapter shall be subject to a fine of not more than \$250 or imprisonment for not more than 15 days or both. Each day such violation shall continue or be permitted to exit shall constitute a separate violation.
- B. In addition to the above penalties and punishments, the Town Board may maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction any violation of this chapter.

§ 124-9. Administration.

The Code Enforcement Officer for the Town of Newark Valley shall administer the provisions of this chapter.

§ 124-10. Severability.

The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph, or part thereof.

§ 124-11. Effective Date.

This local law shall take effect upon filing in the office of the Secretary of State or as otherwise provided by law.