

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v21 Updated 02-15-2007 /
PART II GENERAL LEGISLATION / Chapter 166, OUTDOOR FURNACES**

Chapter 166, OUTDOOR FURNACES

[HISTORY: Adopted by the Board of Trustees of the Village of Horseheads 12-14-2006 by L.L. No. 5-2006. Amendments noted where applicable.]

GENERAL REFERENCES

**Building construction and fire prevention -- See Ch. 102.
Property maintenance -- See Ch. 179.**

**CODE OF THE VILLAGE OF HORSEHEADS, NEW YORK, v21 Updated 02-15-2007 /
PART II GENERAL LEGISLATION / Chapter 166, OUTDOOR FURNACES / § 166-1.
Title.**

§ 166-1. Title.

This chapter shall be entitled "A Local Law Regulating Outdoor Woodburning Furnaces within the Village of Horseheads."

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PART II GENERAL LEGISLATION / Chapter 166, OUTDOOR FURNACES / § 166-2.
Statutory.**

§ 166-2. Statutory.

This chapter is enacted pursuant to the authority of Articles 2 and 3 of Municipal Home Rule Law of the State of New York and Village Law § 4-412.

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PART II GENERAL LEGISLATION / Chapter 166, OUTDOOR FURNACES / § 166-3.
Findings.**

§ 166-3. Findings.

The Village Board has determined that outdoor woodburning furnaces, due to 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 and that such emissions can be detrimental to citizens' health and can deprive neighboring residents of the enjoyment of their property or premises. The Village Board also takes notice of the fact that residences in the Village, being in close proximity to each other, require that some conduct, acceptable in the less densely occupied areas, cannot be permitted within the confines of the Village and may be a nuisance to neighbors.

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PART II GENERAL LEGISLATION / Chapter 166, OUTDOOR FURNACES / § 166-4.
Purpose.**

§ 166-4. Purpose.

In order to protect the health, safety and welfare of the citizens and residents of the Village of Horseheads and to prevent the deleterious effects associated with the unregulated operation of existing outdoor woodburning furnaces and to forestall an increase in such effects, the Village Board of Trustees has determined that it is necessary and appropriate to enact this chapter imposing restrictions upon the installation and operation of outdoor woodburning furnaces within the limits of the Village.

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PART II GENERAL LEGISLATION / Chapter 166, OUTDOOR FURNACES / § 166-5.
Definitions.**

§ 166-5. Definitions.

For the purpose of this chapter, certain words and terms shall have the following meanings. Unless defined below, words and phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

EPA METHOD 9 -- The method approved by the United States Environmental Protection Agency for determining the opacity of air emissions.

EXISTING or IN EXISTENCE -- When used with "outdoor woodburning furnace" or "furnace," means that the furnace is already in place on the site at the time when this chapter shall take effect.

OPACITY -- The degree of obscuration of light. (For example, a window has zero opacity; a wall is 100% opaque)

OUTDOOR WOODBURNING FURNACE or FURNACE -- Any equipment, device or

apparatus, or any part thereof, which is installed, affixed or situated outdoors, any accessory structure, whether attached to or detached from a principal structure, designed and intended to provide large quantities of heated water, heated air or heat in general, through the burning of wood or combustion of fuel, for the primary purpose of heating the principal structure, and/or any other structure located on the same premises or lot, or as a component of a heating system providing heat or hot water for any interior space.

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PART II GENERAL LEGISLATION / Chapter 166, OUTDOOR FURNACES / § 166-6.
Outdoor woodburning furnaces prohibited.**

§ 166-6. Outdoor woodburning furnaces prohibited.

The construction, installation or operation of outdoor woodburning furnaces, whether as a new or a replacement installation, is hereby prohibited within the Village of Horseheads.

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PART II GENERAL LEGISLATION / Chapter 166, OUTDOOR FURNACES / § 166-7.
Exemption for preexisting outdoor woodburning furnaces.**

§ 166-7. Exemption for preexisting outdoor woodburning furnaces.

Any outdoor woodburning furnace existing within the Village prior to the effective date of this chapter may continue to be operated only if it is in full compliance with any applicable state and/or federal regulations, is operated in full compliance with the manufacturer's recommendations and specifications, and with each and every one of the following restrictions:

- A. The furnace shall be operated only between September 1 and May 31.
- B. The furnace shall be equipped with properly functioning spark arrestors equal to or exceeding those specified by its manufacturer.
- C. The furnace shall not emit emissions having an opacity greater than 20% (based on EPA Method 9 as determined by a person certified in its use) during any six-minute average period of time.
- D. No malodorous air contaminants from the furnace shall be detectable beyond the boundary of the property on which it is located.
- E. The furnace emissions shall not interfere with the reasonable enjoyment of life or property of the residents of the Village.

- F. The furnace emissions shall not cause damage to vegetation or property.
- G. The furnace emissions shall not be harmful to human or animal health.
- H. The extension, enlargement or replacement of any such furnace is strictly prohibited.
- I. Any furnace which is abandoned or discontinued for a period of 12 months or more shall not be permitted to be reestablished as a nonconforming use and shall be immediately removed by the property owner of the subject premises. If the property owner fails to so remove the furnace, the Code Enforcement Officer shall give written notice by certified mail or personal service to the property owner of the property upon which the furnace is located. Such notice shall provide that such person shall remove the same within 30 days of the notice. Should the furnace not be removed in the time specified, the Code Enforcement Officer may arrange for its removal, the cost of which, if not paid, shall be charged to the property so affected by including such expense in the next annual tax levy against the property.

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PART II GENERAL LEGISLATION / Chapter 166, OUTDOOR FURNACES / § 166-8.
Penalties for offenses.**

§ 166-8. Penalties for offenses.

Violation of this chapter shall be punishable by fine or imprisonment, or both, as prescribed by Chapter 1, Article II, General Penalty, of the Village Code. Each separate violation shall constitute a separate additional offense.

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PART II GENERAL LEGISLATION / Chapter 166, OUTDOOR FURNACES / § 166-9.
Civil penalties.**

§ 166-9. Civil penalties.

Compliance with this chapter may also be compelled and violations restrained by order or by injunction of a court of competent jurisdiction. Any person who violates any provision of this chapter shall also be subject to a civil penalty of not more than the maximum amount which could be collected pursuant to § 166-8 of this chapter, to be recovered by the Village in a civil action, and each week's continued violation shall, for the purpose of this chapter, be a separate and distinct violation. In the event the Village is required to take legal action to enforce this chapter, the violator shall be responsible for any and all necessary costs relative thereto, including attorneys fees, such costs to be in addition to the civil penalty amount imposed

hereunder. All such amounts awarded under this section may, if they remain uncollected, be charged to the property so affected by including such expense in the next annual tax levy against the property.

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166-10. Authority to enforce.**

§ 166-10. Authority to enforce.

The Code Enforcement Officer or any police officer of the State of New York or its subordinate jurisdictions 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 chapter.

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PART II GENERAL LEGISLATION / Chapter 168, PARKS AND RECREATION
AREAS**
