

**VILLAGE OF HORSEHEADS  
LOCAL LAW #4 of 2006  
ADOPTED 9/14/06**

**A LOCAL LAW CREATING A MORATORIUM ON THE INSTALLATION AND USE OF  
OUTDOOR WOOD BOILERS AND STORAGE CONTAINERS (“OWB”)**

Section 1. Findings. The Village of Horseheads Board of Trustees finds that the placement, installation and use of outdoor wood boilers and storage containers in the Village may result in negative secondary impacts such as depreciated property values and deteriorated aesthetic community character. In order to facilitate a study to determine whether or not negative secondary effects would in fact occur, a moratorium on placement, installation and use of outdoor wood boilers and storage containers is warranted.

Section 2. Moratorium. Commencing on the effective date of this local law, and continuing for a period of 6 months thereafter, no person shall install, use, nor be issued a permit for the placement, installation and use of outdoor wood boilers and storage containers in the Village of Horseheads. The term of the moratorium may be renewed and continued, at any time before the expiration of the then term of a moratorium by adoption of a resolution to that effect by a majority of the Village of Horseheads Board of Trustees. The term of each successive moratorium, if any, shall not exceed 6 months.

Section 3. Appeal. Any person, upon a showing of hardship caused by this moratorium, may petition the Board of Trustees for a review of the application of the moratorium to the proposed site of placement, installation and use of outdoor wood boilers and storage containers. Within 90 days of the petition being received, the Board of Trustees shall provide the petitioner and any other person with an opportunity to be heard. Notice of such hearing shall be published in the official newspaper of the Village. If the proposed installation is not contrary to, nor in conflict with, the proposed regulation of outdoor wood boilers and storage containers in the Village, the Board may permit the petitioner to proceed despite the moratorium, provided that such permission may be revoked by the Board or the Village Manager if its terms are violated, and provided further that any such hardship permit shall be issued in addition to and not in lieu of such permits, approvals or other regulations as may be required by the proposed local law regulating outdoor wood boilers and storage containers. Within 30 days after such permission has been granted or denied, any aggrieved person may seek judicial review of such decision pursuant to CPLR Article 78.

Section 4. Violation. Violation of this Local Law shall be punishable by fine or imprisonment or both as prescribed by the General Penalty Chapter of the Village Code. Each separate violation shall constitute a separate additional offense.

Section 5. Repealer. Any local law, ordinance or resolution of the Village in conflict herewith is hereby repealed to the extent of such conflict or inconsistency, except that this repeal shall not effect or prevent the prosecution or punishment of any person for any act done or committed in violation of any local law, ordinance, or regulation hereby repealed prior to the effective date of this local law.

Section 6. Severability. In the event any clause, sentence, section or other part of this local law is declared to be invalid, such invalidity shall not effect the remainder of this law.

Section 7. Effective Date. This local law shall take effect as provided by law.

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