

# ARTICLE #85

## LOCAL LAW NO. 2 YEAR 2004

### A LOCAL LAW ESTABLISHING RULES AND REGULATIONS FOR THE INSTALLATION AND USAGE OF FREE STANDING, FUEL-BURNING HEAT PRODUCING EQUIPMENT DESIGNED TO PROVIDE HEATED WATER OR A HEAT SOURCE FOR STRUCTURES INSIDE THE VILLAGE

Be it enacted by the Village Board of Adams as follows:

**Section 1.***Intent.* It is the intent of the Village to regulate the use and installation of free standing, fuel-burning heat producing equipment and/or regulate potential nuisance these items create.

**Section 2.***Definition.* A free standing, fuel-burning heat producing equipment is a devise or devises which are not fully enclosed within a structure and which, through the combustion of wood, coal, fuel oil, gasoline, kerosene, propane, natural gas, or other combustible materials are designed to heat water for, or otherwise provide a heat source, to a structure. This term does not include fixed or portable electric generators or portable kerosene heaters.

**Section 3.***Installation.* A free standing, fuel-burning heat producing equipment is allowed within the village limits by permit only. Said permit shall be applied for and issued by the village zoning officer. Fees collected with regard to these permits shall be set by resolution by the Village Board. Said permit shall require satisfactory inspection of the installation of the free standing, fuel-burning heat producing equipment by the zoning officer before it is used. Violation of any part of this local law will result in the immediate revocation of said permit.

The permits will require compliance with the following rules and regulations.

- A. A free standing, fuel-burning heat producing equipment is to be installed, operated and maintained per the manufacturer's instructions.

Passed and adopted by the Board of Trustees of the Village of Adams, County of Jefferson, State of New York on the 19<sup>th</sup> day of July, 2004.

Filed with the State 7/26/2004.

- B. The chimney height is to be extended upward a minimum of fifteen (15) feet above the average ground height on the property which the free standing, fuel-burning heat producing equipment is situate.
- C. A free standing, fuel-burning heat producing equipment is to be located no less than 100 (one hundred) feet from the road and 20 (twenty) feet from a side and rear lot line.
- D. Should the free standing, fuel-burning heat producing equipment be removed the permit shall lapse. Additionally, if the free standing, fuel-burning heat producing equipment is replaced or upgraded, a permit shall be required through application to the village zoning officer. When a free standing, fuel-burning heat producing equipment is replaced or upgraded, the installation and use shall comply with this local law.
- E. The free standing, fuel-burning heat producing equipment allowed to be installed shall be for natural wood, propane, natural gas, or any combination thereof. The use of alternate fuels within the same unit shall be per manufacturer's design and installed by and approved of by manufacturer.

**Section 4. *Usage.***

- A. The fuel supply is to be natural wood, propane, or natural gas only. The burning of processed wood products and other non-wood products is not allowed within the village limits. The burning of fuel oil, kerosene, or any other items not specifically allowed under this subparagraph is prohibited.
- B. The burning of wood in said free standing, fuel-burning heat producing equipment shall be allowed within the village limits from October 1<sup>st</sup> through April 30<sup>th</sup> of

any calendar year. The burning of wood in a free standing, fuel-burning heat producing equipment not allowed from May 1<sup>st</sup> through September 30<sup>th</sup> of any calendar year. Propane and natural gas may be burned year round.

- C. A free standing, fuel-burning heat producing equipment is to be operated according to the best burn practices policy published by the outdoor furnace manufacturer caucus.
- D. The fuel of a free standing, fuel-burning heat producing equipment shall be arranged in a neat and orderly fashion so as to maintain the aesthetic value of the neighboring village properties.

**Section 4. *Enforcement/Penalties.*** Any person violating any provision of this local law including the operation of a free standing, fuel-burning heat producing equipment without a permit shall be punishable by fine of up to one hundred (\$100.00) dollars for any occurrence. Every twenty (24) hours of continued unauthorized or illegal use after the initial citation may be cited as a separate occurrence.