

**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 underline to indicate new matter.

FILED  
STATE RECORDS

FEB 23 2010

Village of Deferiet

Local Law No. 4 of the year 2009

DEPARTMENT OF STATE

A local law Regulate The Use Of Outdoor Woodburning Furnaces Within The Village of Deferiet

(Insert title)

Be it enacted by the Board of Trustees of the Village of Deferiet as follows:

(Name of Legislative Body)

FURNACES, OUTDOOR

§1. Title.

This Local Law shall be titled Outdoor Wood Burning Furnaces Prohibited.

§ 2. Definitions.

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

OUTDOOR FURNACE -- A heating system which burns wood and/or other combustible material in a furnace located outside of the premises being heated.

§ 3. Outdoor furnaces prohibited within Village.

Outdoor furnaces have not previously been subject to regulation in the Village of Deferiet. Concerns have been raised regarding the safety and environmental effects of the heating devices, particularly the production of offensive odors. The Village Board has investigated the relevant issues and has found that outdoor furnaces will adversely affect the safety and environment and will produce offensive odors in the Village. The operation of outdoor furnaces within the Village of Deferiet shall be and is hereafter prohibited.

§ 4. Severability.

If any part of this chapter shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect or impair in any way any other provision and all other provisions shall remain in full force and effect.

§ 5. Repealer.

All local laws or ordinances or parts of local laws or ordinances in conflict with any part of this chapter are hereby repealed.

§ 6. Penalties for offenses.

Any person, firm or corporation violating any provision of this chapter shall be fined not less than \$50 nor more than \$500 for each offense when a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. The Police Department may, in its discretion, confiscate the offensive device at the scene of the offense, and return of said device shall be in the sound discretion of the court.

§ 7. This Local Law shall be effective upon its filing with the Department of State as required by the Municipal Home Rule Law.

**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 town 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.

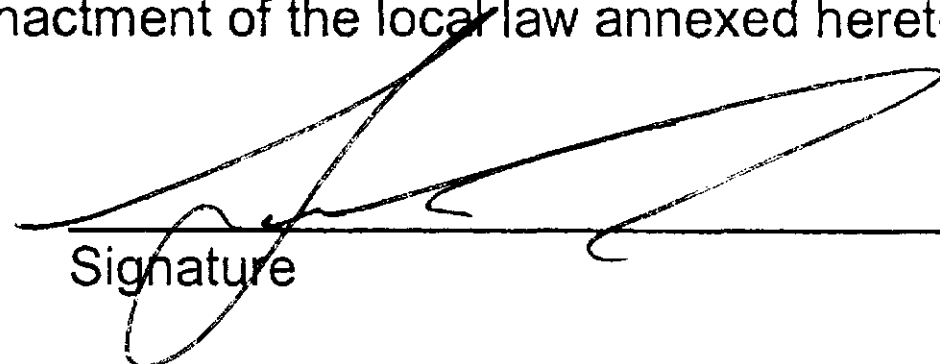
  
\_\_\_\_\_  
Gail LaPierre,  
Clerk, of the Village of Deferiet

(seal)

Date: \_\_\_\_\_ 2-17-10 \_\_\_\_\_

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

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.

  
\_\_\_\_\_  
Signature  
Village Attorney  
\_\_\_\_\_  
Title

Village of Deferiet

Date: February 9, 2010

(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. 4 of 2009 of the Village of Deferiet was duly passed by the Board of Trustees on December 29, 2009, in accordance with the applicable provisions of law.

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)

(Name of Legislative Body)

(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted

(Elective Chief Executive Officer\*)

on \_\_\_\_\_ 20\_\_\_\_, 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)

(Name of Legislative Body)

(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_

(Elective Chief Executive Officer\*)

Such local law was submitted 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

of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was

(approved)(not approved)

(Name of Legislative Body)

(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local

(Elective Chief Executive Officer)

law was subject to 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 county-wide 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.