

VILLAGE OF CASTORLAND

LOCAL LAW #1 - 2008

STATE OF NEW YORK  
DEPARTMENT OF  
FILED  
OCT 17 2008

MISCELLANEOUS  
& STATE RECORDS

Section 1. Authority

This law is adopted pursuant to the authority of Article II, §10 of the Municipal Home Rule Law and Article IV, §4-412 of the New York State Village Law.

Section 2. Purpose

It is the intention of the Village Board of the Village of Castorland by the adoption of this law to establish and impose restrictions upon the construction, installation and operation of outdoor wood-burning furnaces/boiler within the limits of the Village for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity of the Village and its inhabitants. It is generally recognized that the types of fuel used, and the scale and duration of the burning of such furnaces create noxious and hazardous smoke, soot, fumes, odors and air pollution, can be detrimental to citizens' health, and can deprive neighboring residents of the enjoyment of their property or premises.

Section 3. Definition

As used in this law "outdoor wood-burning furnace/boilers/boiler" shall mean an accessory structure, designed and intended through the burning of wood for the purpose of heating the principal structure, or any other site structure on the premises.

Section 4. Prohibition

The construction and operation of Outdoor wood-burning furnace/boilers are hereby prohibited within the Village of Castorland.

Section 5. Penalties

Any person who shall violate any provision of this law shall be guilty of a violation as defined in Article 10 of the Penal Law and shall upon conviction be subject to a fine of not more than \$250.00 dollars. Each week's continued violation shall constitute a separate and distinct offense.

Section 6. Civil Proceedings

Compliance with this law 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 law shall also be subject to a civil penalty of not more than Five Hundred and 00/100 dollars (\$500.00), to be recovered by the Village in a civil action and each week's continued violation shall be for this purpose a separate and distinct violation. In the event the Village is required to take legal action to enforce this Local Law, the violator will be responsible for any and all necessary costs relative thereto, including attorney's fees, and such expense shall be charged to the property so affected by including such expense in the next annual tax levy against the property.

Section 7. Non-conforming Uses

A. The lawful use of any existing "outdoor wood-burning furnace/boiler" existing at the time of the adoption of this local law may be continued, although such use does not conform with the provisions of this law except as hereinafter provide.

B. Extension or enlargement.

No "outdoor wood-burning furnace/boiler" shall hereafter be extended or enlarged.

C. Abandonment and discontinuance.

Any "outdoor wood-burning furnace/boiler" which is abandoned or discontinued for a period of seven (7) months shall not be permitted to be re-established as a non-conforming use and must be immediately removed by the property owner from the subject premises. If the property owner fails to remove the "outdoor wood-burning furnace/boiler" by the end of the said seven (7) month period, the Village of Castorland Governing Board shall give written notice by certified mail or personal service to the property owner upon which the "outdoor wood-burning furnace/boiler" is located. Such notice shall provide that such person shall remove the same within fifteen days of the notice. Should the "outdoor wood-burning furnace/boiler" not be removed in the time specified, the Village of Castorland Governing Board shall arrange for its removal. The cost of said removal plus 50% shall be charged to the owner of said premises. Said cost and fifty-percent charge if not paid shall be assessed and collected in the same manner, by the same proceedings, at the same time, under the same penalties, and having the same lien upon the property so assessed as the General Village Tax and as a part thereof.

D. Restoration

No "outdoor wood-burning furnace/boiler" which has been damaged by natural causes to the extent of more than seventy five percent (75%) of its assessed value for Village of Castorland tax purposes shall be repaired or rebuilt.

E. Replacement

Existing "Outdoor Wood-burning Furnace/Boiler" existing at the time of the enactment of this law shall be allowed to continue in use and to be replaced when necessary, providing that such "outdoor wood-burning furnace/boiler" has not been found to be a detriment or nuisance to surround or adjacent properties or persons.

# 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 underlining to indicate new matter.

~~County~~

~~City~~

~~Town~~

Village

of Castorland

Local Law No. 1 of the year 2008

A local law To Regulate Outdoor Woodburning Furnaces

(Name Title)

Be it enacted by the Village of Castorland of the

(Name of Legislative Body)

~~County~~

~~City~~

~~Town~~

~~Village~~

of Lewis

as follows:

See attached sheets number 1 and 2, 4-13

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(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. 1 of 2008, of the ~~(County)(City)(Town)~~(Village) of Castorland was duly passed by the Village Board on Sept. 16, 2008 in accordance with the applicable provisions of law.  
(Name of Legislative Body)

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)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

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)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. 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.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

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 (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local 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.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

\* 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.

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 towns 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.

Doane M. Louch  
Clerk of the Board of Supervisors, Town of \_\_\_\_\_, Village Clerk  
or officer designated by local legislative body

(Seal)

Date: September 16, 2008

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

STATE OF NEW YORK  
COUNTY OF Jefferson

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.

J. A. Burrows  
Signature  
James A. Burrows, Esq. of Slye & Burrows  
Title

~~County~~  
~~City~~ of Castorland  
~~Town~~  
Village

Date: September 23, 2008

Section 8. Authority of the Village

The Village Board of the Village of Castorland or its enforcement officer are 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 law.

Section 9. Severability

The provisions of this law are severable and the invalidity of a particular provision shall not invalidate any other provisions.

Section 10. Effective Date

This law shall take effect immediately upon filing in the office of the Secretary of State.

*Doona M. Laucho*  
*September 16, 2008*