TOWN OF JEWETT
REGULATING THE CONSTRUCTION AND PLACEMENT OF
OUTDOOR WOOD BURNING FURNACES

Be it enacted by the Town Board of the Town of Jewett as follows:

SECTION I. Title and Purpose

This Local Law shall be known as the Outdoor Wood-Burning Furnace Law of the Town of Jewett. The purpose of this law is to promote the health, safety, morals, and general welfare of the community. In accordance with the town's comprehensive plan this law is designed to promote health and general welfare; to protect residents and provide freedom from nuisance and things harmful to the senses.

SECTION II. Definitions

For purposes of this law, "outdoor wood-burning furnace" means and accessory structure or appliance designed to be located outside living space ordinarily used for human habitation and designed to transfer or provide heat, via liquid or other means, through the burning of wood or solid waste, for heating spaces other than where such structure or appliance is located, any other structure or appliance on the premises, or for heating domestic, swimming pool, hot tub or jacuzzi water. "Outdoor wood-burning furnace" does not include a fire pit, wood-fired barbecue or chiminea.

SECTION III. General Restrictions

A. No person shall, from the effective date of this section to the effective date of regulations promulgated by the United States Environmental Protection Agency or the proper regulatory office of the State of New York to regulate outdoor wood-burning furnaces, construct, install, establish, modify, operate or use an outdoor wood-burning furnace, unless
   (1) the outdoor wood-burning furnace was constructed, installed, established, modified, operated or in use prior to the effective date of this section, or
   (2) the outdoor wood-burning furnace complies with the following:
      (i) Installation of the outdoor wood-burning furnace is not less than three hundred feet from the nearest residence not serviced by the outdoor wood-burning furnace;
      (ii) No other materials are burned in the outdoor wood-burning furnace other than wood that has not been chemically treated;
      (iii) At the time of installation the outdoor wood-burning furnace shall at a minimum meet the 20017 standards agreed to by the EPA (Environmental Protection Agency) and the HPBA (the Hearth, Patio, & Barbecue Association) or the then current standards whichever is greater; and
      (iv) Installation and operation of the outdoor wood-burning furnace is in accordance with the manufacturer's written instructions, provided such instructions do not conflict with the provisions of this section.

SECTION IV. Penalties

Any police or peace officer or the Town Zoning Enforcement Officer or Town Building Inspector may investigate any complaint relating to improper usage of an outdoor wood-burning furnace and are

hereby authorized to commence enforcement proceedings in the local justice court in the name of the Town. Any person who operates an outdoor wood-burning furnace in violation of this Local Law shall be deemed to have committed an infraction. Each day of operation of such outdoor wood-burning furnace in violation of this section shall be a separate violation. Violations of this Local Law shall be punishable in the same manner in which violations of the Town Zoning Law are punishable.

SECTION V. Miscellaneous

A. In the event of the enactment of any state or federal law inconsistent with this local law, the contents of such state or federal law shall control.

B. This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Municipal Home Rule Law § 27.