STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

DAVID A. PATERSON
GOVERNOR

LORRAINE A. CORTÉS-VÁZQUEZ
SECRETARY OF STATE

October 10, 2008

Town Clerk
6971 Number Four Road
Lowville, NY 13367

RE: Town of Watson, Local Law No. 4, 2008, filed on October 3, 2008

Dear Sir/Madam:

The above referenced material was received and filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.state.ny.us/corp/misc.html.

Sincerely,
Linda Lasch
Principal Clerk
State Records and Law Bureau
(518) 474-2755

Local Law Filing

(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.

STATE OF NEW YORK
DEPARTMENT OF STATE
STATE
FILED
OCT 03 2008
MISCELLANEOUS
& STATE RECORDS

☐ County
☐ City of Watson
☐ Town
☐ Village

Local Law No. Four of the year 20 08

A local law Town of Watson Outdoor Furnace Law
(Insert Title)

Be it enacted by the Town Board of the

Town of Watson as follows:

1471030

LOCAL LAW NUMBER FOUR OF THE TOWN OF WATSON OF THE YEAR 2008

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

SECTION l. TITLE. This Local Law shall be known and may be cited as the "Town of Watson Outdoor Furnace Law."

SECTION 2. AUTHORITY. This Local Law is adopted pursuant to the authority set forth in Section 10 of the Municipal Home Rule Law.

SECTION 3. PURPOSE. The Town Board recognizes that outdoor furnaces may provide an economical alternative to conventional heating systems. At the same time, concerns have been raised concerning problems posed by the types of fuel used, and the scale and duration of burning which can cause soot, fumes, and air pollution which may become detrimental to citizens' health, and well-being and may deprive neighboring residents of the enjoyment of their property. Therefore, it is the intention of the Town Board, with the enactment of this Local Law, to establish and impose reasonable and necessary restrictions on the construction and operation of outdoor wood burning stoves within the Town of Watson.

SECTION 4. DEFINITIONS.

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

OUTDOOR FURNACE: a self-contained unit designed to provide heating to a building or structure, which unit is located outside of that building or structure.

VIOLATOR OR ANY PERSON WHO VIOLATES ANY PROVISION OF THIS LOCAL LAW: Any person who owns or occupies the property at the time the outdoor furnace has been installed and/or operated.

SECTION 5. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the Secretary of State.

SECTION 6. PERMITS REQUIRED.

No person shall cause, allow or maintain the use of a new or replacement outdoor furnace within the Town of Watson without first prior to the installation of such outdoor furnace having obtained a permit from the Town Codes Enforcement Officer. Application for the permit shall be made on the forms provided and will include a site plan showing the location of the furnace on the applicant's property, and with regard to all residences not served by the furnace, and all adjoining property lines. Applicants shall pay a fee to be established by the Town Board.

SECTION 7. EXISTING OUTDOOR FURNACES.

Any outdoor furnace already installed before the effective date of this Local Law shall be permitted to remain, provided that the owner, within six months, of such effective date, registers such outdoor furnace with the Codes Enforcement officer. No fee will be charged for

such registration. Such registration shall be made on the forms provided. Failure to register within such time shall constitute a violation of this Local Law.

SECTION 8. STANDARDS.

A. Outdoor furnaces, to be permitted, must meet an appropriate and recognized industry safety standard such as Underwriters Laboratory, American National Standards (ANSI), or Canadian National Standards (CAN/CSA), New York State Department of Environmental Conservation, United States Environmental Protection Agency and otherwise meet all applicable local, state, and federal laws, rules and regulations.

B.Applicants must submit a site plan showing the location of the unit on the property, stating and showing distances from other structures on the applicant's property, from the property line, and distances from structures not being serviced both on the applicant's and neighboring property.

C.Outdoor furnaces shall be installed, operated and maintained in accordance with manufacturer's instructions and all applicable laws of the Town of Watson.

D.Only seasoned natural clean wood, or approved fuels listed by the manufacturer may be burned. Burning of all other fuels is prohibited, and in no event shall materials burn include trash, plastic, gasoline, rubber, naptha, household garbage, materials treated with petroleum products, particle board, railroad ties, pressure treated wood, leaves, painted wood, varnished or coated wood, wood containing resins or glues, newspapers or cardboard, any material treated with any dye products, or any household or commercial grease or oils.

E.Users must follow the manufacturer's written instructions for recommended loading times and amounts.

F.The use of lighter fluid, gasoline or any other petroleum product, or chemicals to start the furnace is prohibited.

G.An outdoor furnace shall be set back not less than fifty (50) feet from the nearest property line and not less than one hundred fifty (150) feet from the nearest structure not serviced by the furnace. In no case, shall any outdoor furnace be placed in front of any structure so that the outdoor furnace is situated between such structure and the front lot line.

H.Stack Requirements:

l. No stack pipe shall, in any event, be less than ten (10) feet in height including spark arrester.

2. Where the outdoor furnace is located one hundred fifty (150) feet from any structure not served by the furnace, the stack must be at least two feet higher than the peak line of the structure.

3. Where the outdoor furnace is located more than one hundred fifty (150) feet, but two hundred (200) feet or less, to any structure not served by the furnace, the stack must be at least seventy five per cent (75%) of the height of the peak line of the structure plus two feet.

4. Where the outdoor furnace is located more than two hundred (200) feet, but three hundred (300) feet or less to any structure not served by the furnace, the stack must be at least fifty per cent (50%) of the peak line of that structure plus two feet.

5. Where the outdoor furnace is located more than three hundred (300 feet, to any structure not served by the furnace, the stack must be at least ten (10) feet in height as set forth in paragraph 1. of this Section above.

6. Stack measurements as set forth above are to be taken from the elbow.

SECTION 9. INSPECTION/ENFORCEMENT

A. Any person who has applied for and/or secured a permit to install an outdoor furnace in doing so will also agree to allow the Town of Watson Code enforcement officer or any other person designated by the Town to inspect the outdoor furnace at any stage, including prior to installation, during installation, or after installation, and at any time upon receipt of a complaint, or upon the Codes Officer's own complaint, with regard to any violation of this Local Law.

B. All applicants will provide to the Codes Officer a suitable electrical inspection certificate prior to final inspection.

C. The Codes Officer will investigate any written complaint or may investigate upon his own initiative any possible violation of this Local Law. The Codes Officer may issue an appearance ticket returnable in the Town of Watson Justice Court to any person who violates any provision of this Local Law and may suspend the permit for the furnace pending determination of the matter. Suspended permits may be reinstated upon determination or resolution of the matter and upon reasonable assurance being given that the condition or violation has been remedied and will not recur.

D. Violators of this Local Law may be fined up to two hundred dollars ($200.00) for a first offense and up to five hundred dollars ($500.00) for a second or greater offense. The Court may find that the violation is a continuing one with each week of the violation's occurrence or continuation being a separate offense.

SECTION 10. SEASONAL USE.

Outdoor furnaces may only be used from September I until May 15 of each year. A waiver of the seasonal use restrictions provided for herein may be applied for pursuant to the terms of Section 11.

SECTION 11. WAIVERS.

A waiver may be granted where extraordinary and unnecessary hardship may result from the strict application of this Local Law. Applicants for such waives shall fully state and explain the nature and circumstances of such hardship and file the same in writing with the Codes Officer. The Codes Officer shall promptly forward such application to the Zoning Board of Appeals for consideration and determination. Such waivers may only be granted upon a determination that the waiver is required to do substantial justice, that the waiver is the minimum required to alleviate the hardship, and that such waiver will not nullify the intent and purpose of this Local Law or jeopardize the health, welfare, or safety of any member of the public.

SECTION 12. EFFECT ON OTHER LAWS OR REGULATIONS.

A. Nothing contained herein shall authorize or allow operation of outdoor furnaces or burning of any kind which is otherwise prohibited or limited by codes, laws, rules, or regulations promulgated by the United States Environmental Protection Agency, the New York State Department of Environmental Conservation, the Adirondack Park Agency, or any other federal, state, regional, or local government, agency, or department.

B. Outdoor furnaces, and any electrical or plumbing apparatus or device used in connection with an outdoor furnace, shall be installed, operated and maintained in conformity with the manufacturer's specifications and all applicable federal, state, and local, laws, rules, and regulations.