

Chapter 116

FURNACES, OUTDOOR WOOD-BURNING

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[HISTORY: Adopted by the Board of Trustees of the Village of Barker 7-9-2007 by L.L. No. 2-2007. Amendments noted where applicable.]

GENERAL REFERENCES

Environmental quality review — See Ch. 105.
Fire prevention and building construction — See Ch. 110.
Property maintenance — See Ch. 157.
Zoning — See Ch. 210.

§ 116-1. Findings and purpose.

The Board of Trustees of the Village of Barker finds that the types of fuel used and the scale and duration of burning by outdoor wood-burning furnaces create noxious and hazardous smoke, soot, fumes, odors and air pollution. The Board further finds that such pollutants are detrimental to residents' health, and deprive neighboring residents of enjoyment of their premises. The Board further finds that because of the smaller lots and close proximity of residences in the Village, it is not

practicable to expect that the smoke, odor, soot, fumes and pollution expelled by outdoor wood-burning stoves will be dissipated prior to affecting the quality of life, health, welfare and enjoyment of neighboring residents. This chapter is enacted for the purpose of promoting the public health, comfort, convenience, safety, welfare and prosperity and general welfare of the Village and its residents and, further, for the purpose of protecting property values in the Village.

§ 116-2. Definitions.

As used in this chapter, the following terms shall have the definition set forth herein:

OUTDOOR WOOD-BURNING FURNACE — An accessory structure, equipment, device or apparatus designed and intended for the burning of wood or other combustibles for the purpose of heating the principal structure or any other site structure on the premises.

PERSON — Any individual, partnership, corporation or other entity which shall reside in, own, or have a property interest in any premises in the Village of Barker.

PREMISES — Any plot or parcel of land in the Village of Barker.

§ 116-3. Prohibited acts.

The construction and/or operation of outdoor wood-burning furnaces are hereby prohibited within the Village of Barker.

§ 116-4. Penalties for offenses.

Any person who shall violate any provision of this chapter 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 or to imprisonment for not more than 15 days or both

such fine and imprisonment. Each week's continued violation shall constitute a separate and distinct offense.

§ 116-5. Civil proceedings.

Compliance with this chapter 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 chapter shall also be subject to a civil penalty of not more than \$500, 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 chapter, 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.

§ 116-6. Enforcement.

This chapter shall be enforced by the Building Inspector/Code Enforcement Officer of the Village of Barker and any police agency.

§ 116-7. Legislative authority; conflict with other provisions.

- A. This chapter is adopted pursuant to the authority set forth in Municipal Home Rule Law § 10, Subdivision 1(ii)a.
- B. In any respect in which this Chapter shall contravene or be more stringent than any general law, or other local law, or any rule or regulation, the provisions of this chapter shall prevail.

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