

**VILLAGE OF FORT EDWARD
COUNTY OF WASHINGTON, STATE OF NEW YORK
LOCAL LAW No. 1 of 2009**

**A LOCAL LAW ADOPTING A NEW CHAPTER 62 OF THE CODE
OF THE VILLAGE OF FORT EDWARD
REGULATING THE CONSTRUCTION AND INSTALLATION
OF OUTDOOR FURNACES**

Be it enacted by the Board of Trustees of the Village of Fort Edward, as follows:

§62-1. Legislative Intent and purpose.

The Board of Trustees of the Village of Fort Edward has reviewed and discussed the potential impacts of outdoor furnaces (also known as outdoor wood burning furnaces, outdoor boilers or outdoor stoves) within the Village. The Village of Fort Edward is a densely populated area, with many residential lots being small (less than one acre), and residential buildings being relatively close to one another. Outdoor furnaces have the potential to introduce noxious fumes, odors, smoke, pollutants and other hazardous materials into the air within the Village of Fort Edward. This has the potential to cause severe respiratory ailments to people within the Village. Whereas outdoor furnaces may be appropriate in more rural areas, the Board of Trustees does not feel that such outdoor furnaces are appropriate within the densely populated Village territorial limits. Therefore, in accordance with this Chapter, it is the intent and purpose of this Chapter to prohibit the construction, installation and use of outdoor furnaces within the territorial limits of the Village of Fort Edward in order to protect the health, safety and welfare of the inhabitants of the Village of Fort Edward.

§62-2. Definitions.

OUTDOOR FURNACE: Any accessory appliance, designed and intended, through the burning of wood, coal or any other material for the purpose of heating the principal structure, or any other site, building, or structure on the premises. This definition shall be deemed to include any appliance commonly known as an outdoor wood burning furnace, outdoor boiler, outdoor stove or outdoor woodstove.

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

§62-3. Construction and operations prohibited.

No person shall construct or operate an outdoor furnace within the Village of Fort Edward.

§62-4. Penalties for offenses.

a. Any person who shall violate any provision of this chapter shall be guilty of a violation as defined in Article 10 of the New York State 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 violation shall constitute a separate and distinct offense.

b. Compliance with this chapter may also be compelled and violations restrained by order or by injunction of a court of competent jurisdiction.

§62-5. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this chapter or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this chapter, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

§62-6. Effective Date.

This Chapter and Local Law shall become effective upon filing in the office of the Secretary of State.



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

*Outdoor
Swimming*

March 16, 2009

Patricia Ives
Clerk-Treasurer
118 Broadway
PO Box 345
Fort Edward NY 12828

RE: Village of Fort Edward, Local Law No. 1, 2009, filed on March 5, 2009

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

