

# **Town of Deerfield**

## **Outdoor Wood Boiler Local Law**

### **Section 1. Authority**

This law is adopted pursuant to the authority of Article 2 of the Municipal Home Rule law.

### **Section 2. Purpose**

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

### **Section 3. Definition**

"Outdoor wood boiler" means any equipment, device, apparatus, or any part thereof, which is installed, affixed, situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space. An outdoor wood boiler will be considered an appliance and subject to the definition and requirements set forth in the Town's Zoning Ordinance for each specific zoning district for accessory buildings.

### **Section 4. Permit Required**

No person shall cause, allow or maintain the use of an outdoor wood boiler within the Town of Deerfield without first having obtained a permit from the Town of Deerfield Building Inspector's Office. Application for permit shall be made to same. Fee for permit shall be according to current Local Law or as the Town Board may set by Resolution from time to time.

### **Section 5. Existing outdoor wood boilers**

Any outdoor wood-burning boiler in existence on the effective date of this Local Law shall be permitted to remain provided the owner applies for and receives a permit from the Town of Deerfield within one (1) year of such effective date of this Local Law and all the provisions hereof, except paragraphs of Section 6, shall immediately apply to existing outdoor wood boilers. All the provisions of the Local Law shall continue to apply to existing outdoor wood boilers which receive permits, except as set forth in Section 6 herein. If the owner of an existing outdoor wood boiler does not receive a permit within one year of the effective date of this Local Law, the outdoor wood boiler shall be removed. "Existing" or "in existence" means that the outdoor wood boiler is in place and operational on the site.

### **Section 6. Specific Requirements**

- A. Permit fuel - only firewood and untreated lumber are permitted to be burned in an outdoor wood boiler. Burning of any and all other materials in an outdoor wood boiler is prohibited.
- B. Permitted Zones - outdoor wood boilers shall be permitted only in A and RA zoning districts as shown on the Town's Zoning Map.
- C. Minimum Lot Size - outdoor wood boilers shall be permitted only on lots of five (5) acres or more. Lot must have a minimum of 250 road frontage.

- D. Setbacks - outdoor wood boilers shall only be located in rear yard, with a minimum setback of fifty (50) feet from primary residence, as well as one hundred (100) foot setback from adjacent property lines.
- E. Spark arrestors - all installed units shall be equipped with an operable spark arrestor.

### **Section 7. Suspension of Permit**

A permit issued pursuant to this Local Law may be suspended at the Town's Code Officer's discretion after a determination that such suspension may be necessary to protect the health, safety and welfare of the residents of the Town of Deerfield and if any of the following conditions occurs:

- A. Malodorous air contaminants from the outdoor wood boiler are detectable outside the property of a person on whose land the outdoor wood boiler is located;
- B. The emissions from the outdoor wood boiler interfere with the reasonable enjoyment of the life or property;
- C. The emissions from the outdoor wood boiler cause damage to vegetation or property; or
- D. The emissions from the outdoor wood boiler are or may be harmful to human or animal health.

A suspended permit may be reinstated once the condition which resulted in suspension is remedied and reasonable assurances are given that such condition will not reoccur. Recurrence of a condition which has previously resulted in suspension of a permit shall be considered a violation of this Local Law subject to the penalties in Paragraph 8 hereof.

### **Section 8. Enforcement**

Failure to comply with any provision of this Local Law shall be a violation and, upon conviction thereof, shall be punishable consistent with Section 25.03 of the current Zoning Ordinance. The owners of the premises upon which prohibited acts occur shall be jointly and severally liable for violations of this Local Law. Any fine imposed hereunder shall constitute a lien upon the real property where the outdoor wood boiler is located until paid.

### **Section 9. Effect of Other Regulations**

Nothing contained herein shall authorize or allow burning which is prohibited by codes, laws, rules or regulation promulgated by the United States Environmental Protection Agency, New York State Department of Environmental Conservation and any other federal, state, regional or local agency. Outdoor wood boilers, and any electrical, plumbing or other apparatus or device used in connection with an outdoor wood boiler, shall be installed, operated and maintained in conformity with the manufacturer's specifications and any and all local, State and Federal codes, laws, rules and regulations. All prior Local Laws, resolutions and regulations inconsistent with the provisions of this Local Law are hereby repealed.

### **Section 10. Severability**

The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

### **Section 11. Effective Date**

This Local Law shall take effect upon filing in the Office of the New York State Secretary of State or as otherwise provided by law.