

**Ban on Outdoor Wood-Burning Furnaces
(Local Law No. 1 -2010), of the Village of Allegany.**

Be it enacted by the Board of Trustees of the Village of Allegany as follows:

Section 1. Title

This law shall be known as the Outdoor Wood-Burning Furnace ban, of the Village of Allegany (Local Law No. 1-2010).

Section 2. Intent

It is generally recognized that the use of Outdoor Wood-Burning Furnaces creates noxious and hazardous smoke, fumes, odors and air pollution that can be detrimental to the health of Village residents and can deprive neighboring residents of the enjoyment of their property. Therefore, the Village adopts this law to promote the public health, safety, comfort and convenience of the citizens of the Village of Allegany.

Section 3. Application

This law shall apply to all property in all zoning districts within the Village of Allegany.

Section 4. Definition of Outdoor Wood-Burning Furnace.

For purposes of this law, an *Outdoor Wood-Burning Furnace*, otherwise known as outdoor wood boilers or outdoor hydronic heaters, shall be defined as any device intended to burn wood or other solid fuels, that is installed, or is intended to be installed, outdoors in order to heat an adjacent residence or related structure such as a barn or shed, through the distribution of air or fluid, heated by the device, and piped into the residence or related structure.

Section 5. Prohibition

There shall be no construction, installation, operation or use of Outdoor Wood-Burning furnaces in the Village of Allegany. The ban on the use of such devices shall be permanent.

Section 6. Penalties for non-compliance.

Any person, firm, entity or corporation that fails to comply with the terms of this local law, or who violates any provision of this local law shall be subject to a fine in an amount no greater than \$250.00 for each violation. Every day in which a device prohibited by this local law is used shall constitute a separate violation.

The Village of Allegany shall also be entitled to demand injunctive relief in its favor to require the violator to cease and desist from all actions that conflict with this local law and to remove any construction or device that conflicts with this local law.

Section 7. Superseding effect

Pursuant to New York Municipal Home Rule Law, Section 22, the provisions of this law are to supersede any inconsistent provisions of state or local law. On the effective date of this local law, the temporary moratorium enacted by the Village of Allegany shall no longer be in effect.

Section 8. Effective date.

This law is to take effect and become operative immediately upon being filed with the New York State Secretary of State pursuant to Section 27 of the Municipal Home Rule Law of the State of New York.