

## Chapter 84

### OUTDOOR WOOD BOILERS

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[HISTORY: Adopted by the Town Board of the Town of Amenia 4-12-2007 by L.L. No. 1-2007. Amendments noted where applicable.]

#### GENERAL REFERENCES

Uniform fire prevention and building code  
administration and enforcement — See Ch. 63.

Zoning — See Ch. 121.

#### § 84-1. Purpose and findings.

- A. This chapter is enacted in recognition of the impact that outdoor wood boilers have on the health, safety, and welfare of the citizens of the Town of Amenia.
- B. It is the intent of the Town Board to develop comprehensive legislation that regulates the installation, use, and operation of outdoor wood boilers upon any public or private property within the Town. To that end, the Town has formed a committee to investigate the impacts of outdoor wood boilers on the health, safety and welfare of the Town's residents and to develop recommendations as to the reasonable and adequate scope and content of a comprehensive outdoor wood boiler law.
- C. The committee has developed a set of preliminary recommendations that identify the fundamental components that should be included in any legislation regulating the use and operation of outdoor wood boilers in the Town. Although the committee will continue to investigate outdoor wood boilers and to develop additional recommendations for a comprehensive outdoor wood boiler law, the committee has recommended the immediate implementation of the fundamental baseline concepts identified in its preliminary recommendations.
- D. The Town Board concludes that the baseline regulations contained in this chapter protect the health, safety, and welfare of the residents of Amenia, while avoiding undue interference with the continued use and operation of outdoor wood boilers during the Town's development of a more comprehensive local law. This chapter shall apply equally to the use and operation of any wood-burning boilers already installed and in operation on the effective date of this chapter, as well as any outdoor wood-burning boilers proposed to be installed, used, or operated after the effective date of this chapter.

**§ 84-2. Definitions.**

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

**ENFORCEMENT OFFICER** — The Town Building Inspector and any other person the Town Board may designate by resolution as an enforcement officer for purposes of this chapter.

**FIREWOOD** — Trunks and branches of trees and bushes, but does not include leaves, needles, vines or brush smaller than three inches in diameter.

**OUTDOOR WOOD BOILER** — Any apparatus, device, or equipment that is located outdoors, or that is located inside a structure that is not ordinarily occupied by humans, and that is designed for the purpose of heating a dwelling, building or other structure, or for the purpose of heating water, through the burning of wood.

**PERSON** — Any individual, firm, association, corporation, partnership, trust, estate, legal representative, company, foundation or fund, charitable organization, or other entity owning or occupying real property within the Town.

**UNTREATED LUMBER** — Dry wood which has been milled and dried but which has not been treated or combined with any petroleum product, chemical, preservative, glue, adhesive, stain, paint or other substance.

**§ 84-3. Standards and requirements.**

- A. Building permit. No outdoor wood boiler may be constructed or installed unless the Building Inspector has first issued a building permit authorizing such construction or installation. Owners of existing outdoor wood boilers must contact the Building Inspector by August 1, 2007, to obtain a permit.
- B. Months of operation. Outdoor wood boilers are subject to a "no-burn" period between May 1 and October 1. Outdoor wood boilers may not be used or otherwise operated during that no-burn period.
- C. Natural, untreated wood. 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 strictly prohibited.
- D. Spark arrestor. All outdoor wood boilers must be equipped with a properly functioning spark arrestor.
- E. Manufacturer's specifications. All outdoor wood boilers must be in strict compliance with the manufacturer's specifications pertaining to construction, installation, use, operation, and maintenance. In the event of a conflict between the manufacturer's specifications and the requirements of this chapter, the more restrictive standard shall control.
- F. Locations. All outdoor wood boilers shall be located at least 700 feet from hospitals, schools and places of assembly. An outdoor wood boiler shall be located at least 200 feet from all residential structures not being served by such outdoor wood boiler. **[Added 4-8-2010 by L.L. No. 1-2010]**

- G. Height. The chimneys of all outdoor wood boilers shall be at least two feet higher than the ridgeline of habitable structures within 50 feet of such outdoor wood boiler. [Added 4-8-2010 by L.L. No. 1-2010]

**§ 84-4. Appearance ticket.**

In the event of noncompliance with the provisions of this chapter, the Enforcement Officer may issue an appearance ticket, returnable to the Town of Amenia Justice Court at a date and time as specified on the appearance ticket. The appearance ticket shall specify the alleged violation and the date and time thereof. A copy of the appearance ticket shall be forwarded to the Town Justice and shall be accompanied by any information detailing the violation.

**§ 84-5. Penalties for offenses.**

Any person who shall violate this chapter or any of the provisions hereof or who shall fail or refuse to comply with the provisions of any written notice herein provided for shall be guilty of a violation, and shall, upon conviction, be subject to a fine of not to exceed \$250 or a jail sentence of not more than 15 days, or both, for each violation, and each 24 hours during which said violation shall continue shall constitute a separate and distinct violation within the meaning of this chapter. The owners of the premises upon which prohibited acts occur shall be jointly and severally liable for violations of this chapter. Any fine imposed hereunder shall constitute a lien upon the real property where the outdoor furnace is located until paid.

**§ 84-6. Administrative liability.**

No officer, agent or employee of the Town of Amenia shall be personally liable for any damage that may accrue to person or property as a result of any act required or permitted in the discharge of his or her duties under this chapter.

**§ 84-7. Severability.**

The invalidity of any clause, sentence, paragraph or provision of this chapter shall not invalidate any other clause, sentence, paragraph, or part thereof, and all other aspects of this chapter shall remain in full force and effect.