

Town of Plattekill, NY
Tuesday, May 21, 2013

Chapter 54. FURNACES AND BOILERS, OUTDOOR

[HISTORY: Adopted by the Town Board of the Town of Plattekill 12-30-2009 by L.L. No. 2-2009. Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention and building construction — See Ch. 48.

§ 54-1. Intent.

The purpose of this chapter is to better protect the health, safety, and general welfare of the residents of the Town of Plattekill by restricting the use of outdoor woodburning furnaces/boilers in the Town of Plattekill.

§ 54-2. Definitions.

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

OUTDOOR WOODBURNING FURNACE/BOILER

Any equipment, device or apparatus, serving a structure, which is designated to transfer heat, via liquid, through the burning of wood to heat indoor spaces. The term "outdoor burning furnace/boiler" shall not include firepits, outdoor fireplaces or wood-fired barbeques.

§ 54-3. Permit required.

No person shall cause, allow or maintain the use of an outdoor woodburning furnace/boiler in the Town of Plattekill without first having obtained a permit from the Town of Plattekill Building Inspector's office. Application for a permit shall be made to same. The fee for said permit shall be according to current local law or as the Town Board may set by resolution.

§ 54-4. Existing woodburning furnaces/boilers.

Any woodburning furnace/boiler in existence on the effective date of this chapter shall be permitted to remain, provided that the owner applies for and receives a permit from the Town of Plattekill within 60 days after being notified by the Zoning/Code Enforcement Officer in writing. If an owner of an existing woodburning furnace/boiler does not comply within the 60 days, he or she shall remove said furnace/boiler from the property. All owners of existing woodburning furnaces/boilers shall comply with § 54-5, Subsections A, B, C, D, E and I.

§ 54-5. Requirements for woodburning furnaces/boilers.

No person shall operate or use an outdoor woodburning furnace/boiler in the Town of Plattekill that has been purchased or constructed after the effective date of this chapter unless such operation or use is in accordance with the following:

- A. Outdoor woodburning furnaces/boilers shall only be operated from October 1 through May 1.
- B. Outdoor woodburning furnaces/boilers shall not be operated within 200 feet of a hospital, school, daycare center or nursing home or within 200 feet of the boundary of a federal, county, state, or village park.
- C. Only seasoned hardwood that has not been painted, stained, chemically treated, laminated or glued, may be burned in an outdoor woodburning furnace/boiler. No rubber, plastic, rubbish or garbage, newspaper or cardboard may be burned in the outdoor woodburning furnace/boiler.
- D. A chimney shall be installed on all outdoor woodburning furnaces/boilers, the height of which shall extend no less than two feet higher than the peak of any neighboring structure located within 200 feet of the outdoor woodburning furnace/boiler, but in no event shall the height of said chimney be less than 15 feet except with the written permission of the Code Enforcement Officer.
- E. The operation of an outdoor woodburning furnace/boiler must be in accordance with the manufacturer's written instructions and in compliance with any other regulations that are stricter than those outlined in this section.
- F. No outdoor woodburning furnace/boiler shall be used in the following zones: BD40, BD60.
- G. No outdoor woodburning furnace/boiler shall be constructed or used on less than a one-and-one-half-acre lot. Any acreage that falls under an acre and a half shall require approval from the Zoning Board of Appeals.
- H. Outdoor woodburning furnaces/boilers shall only be located in the rear yard with a minimum setback of 50 feet of the primary residence, as well as a two-hundred-foot setback from the adjacent property line.
- I. All outdoor woodburning furnaces/boilers installed shall be equipped with an operable spark arrestor.
- J. All new woodburning furnace/boiler installations will include a reburn unit and a blower.

§ 54-6. Effect of other regulations.

Nothing contained herein shall be deemed to authorize the operation or use of any outdoor woodburning furnace/boiler which is otherwise prohibited by the United States Environmental Protection Agency (EPA) and/or the New York State Department of Environmental Conservation (DEC).

§ 54-7. Penalties for offenses.

Failure to comply with any provision of this chapter shall be a violation, subject to a fine, not to exceed \$250 for each day that the violation continues.

§ 54-8. Enforcement.

The Town of Plattekill Code Enforcement Officer(s) shall enforce the regulations on the use of outdoor woodburning furnaces/boilers.

§ 54-9. Applicability.

This chapter shall apply to the construction, installation, use and operation in the Town of Plattekill of any outdoor woodburning furnace/boiler after the effective date of this chapter.