

TOWN OF MAYFIELD
LOCAL LAW 1 OF 2008
THE REGULATION OF OUTSIDE WOOD BOILERS

Section 1: LEGISLATIVE INTENT

The Town Board of the Town of Mayfield (hereinafter “Town Board”) recognizes that clean non-polluted air is of importance to the health, safety and general welfare of the residents of the Town of Mayfield and that the unregulated use of outside wood boilers during certain time of the year is a hazard to such health, safety and general welfare, which necessitates the regulation and restraint thereof.

It is the intent of the Town Board to restrict and regulate, in a manner consistent with the interests of the residents of the Town of Mayfield, the operation of outside wood boilers within the Town of Mayfield.

Therefore, pursuant to the authority contained in the Municipal Home Rule Law, and pursuant to its police power as contained in the Town Law, the Town Board does hereby enact the following local law.

Section 2: TITLE

This local law shall be known and cited as “The Outside Wood Boiler Law of the Town of Mayfield”.

Section 3: DEFINITIONS

3.1 Code Enforcement Officer: The person designated by the Town Board to enforce the provisions of this local law.

3.2 Outside Wood Boiler: Any equipment, appliance, device, or apparatus, or any part thereof, designed to be installed outside for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system.

Section 4: PROHIBITIONS AND RESTRICTIONS

No person or persons owning, occupying or in control of any real property in the Town of Mayfield shall operate or allow the operation of an Outside Wood Boiler juring the time frame from May 30th to September 1st of each and every year.

Section 5: EXCEPTIONS

Upon request, when it is clearly demonstrated to the Code Enforcement Officer that any

individual Outside Wood Boiler would not create a hazard to the health, safety and general welfare of any neighboring area within 1,000 feet radius, an exception to this law may be granted and the Code Enforcement Officer may issue a permit to operate the Outside Wood Boiler during the restricted time frame. The granting or denial of such a permit may be appealed to the Town of Mayfield Board of Appeals by any affected party. This permit may be revoked if the criteria upon which it was issued change or a hazard to the health, safety or general welfare is identified.

Some but not all of the criteria to be considered when granting a exception to this law are

1. Distance to nearby occupied buildings.
2. Terrain of land.
3. Prevailing winds.
4. Chimney height.
5. Unit efficiency.
6. Type of fuel.

Section 6: ENFORCEMENT AND PENALTIES

- A. The Code Enforcement Officer shall have the power to enforce the provisions of this local law.
- B. The Code Enforcement Officer is hereby authorized to issue a summons to the owner, occupant or other person in control of the property requiring them to appear in a court of competent jurisdiction.
- C. Conviction under this local law shall be a violation as defined by Section 55.10 (3) of the Penal Law of the State of New York and shall be punishable by the following.
 1. A fine of not less than one hundred dollars (\$100.00) and not greater than two hundred fifty dollars (\$250.00) and/or
 2. A term of imprisonment not to exceed fifteen (15) days.
- D. Each day during which a violation continues may be deemed to be a separate violation.

Section 7: SERVICE OF ORDERS AND SUMMONS

All summonses for violations shall be served upon the owner, occupant or person in control of the property:

1. personally; or
2. by certified mail, return receipt requested, addressed to such person or his designated agent at the actual address of the property for service upon the

- occupant or person in control of the property; or
3. at the address listed in the property tax rolls as the address of the property owner for service upon the owner.

Section 8: AMENDMENTS

Any reference herein to any state, county and/or local law, rule or regulation shall include any future amendments thereto which become effective after the adoption of this local law.

Section 9: SEVERABILITY

If any part of this local law is for any reason held to be invalid, such determination shall not affect the validity of the remaining portions of this local law.

Section 10: CONFLICTING LAWS

Whenever any local law, ordinance or regulation of the Town, County of Fulton, State of New York, or the United States of America is inconsistent with this local law, whichever law, ordinance or regulation is more stringent shall supersede the less stringent local law, ordinance or regulation.

Section 11: EFFECTIVE DATE

This local law shall become effective upon filing thereof in the Office of the Secretary of State of New York, as provided for in the Municipal Home Rule Law.