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Town of Owasco, NY
Tuesday, April 24, 2012

Chapter 56. BURNING, OPEN

[HISTORY: Adopted by the Town Board of the Town of Owasco 10-14-2010 by L.L. No. 7-2010. *Editor's Note: This local law also superseded former Ch. 56, Burning, Open, adopted 3-9-1988 by L.L. No. 3-1988. Amendments noted where applicable.*]

GENERAL REFERENCES

Peace and good order — See Ch. 104.

Zoning — See Ch. 150.

§ 56-1. Burning of certain items prohibited.

No person shall burn or allow or permit to be burned any brush, lumber, paper products, plastic, tires, chemicals, trash, garbage, refuse, wood, household trash or other related items in the Town of Owasco.

§ 56-2. Exception for outdoor grills, fireplaces and enclosed incinerators.

Nothing contained herein, however, shall prevent the operation of outdoor grills or fireplaces for the preparation of food or the burning of paper in an enclosed incinerator or small recreational fires not exceeding 30 inches in diameter and no closer than 15 feet to any structure, provided that only untreated wood is used and that the fire is confined by a control device or structure such as a barrel, fire ring or fire pit. All permitted open burning shall be conducted in a safe, nuisance-free manner, when wind and weather conditions are such to minimize adverse effects and not create a health hazard or a visibility hazard on roadways or neighboring properties. All permitted open burning shall be conducted in compliance with New York State law and regulations. In the L Lakeshore District, recreational fires shall not be conducted less than 10 feet from the water level of Owasco Lake and shall be contained in a manner which prevents the leaching of ashes and other materials into the lake. All ashes shall be properly disposed of on a regular basis through trash collection, composting or spreading on a lawn or garden as natural fertilizer.

§ 56-3. Burning by Superintendent of Highways and Fire District.

The Town Board may authorize the Superintendent of Highways or the Fire District to burn structures, provided that all permits required by the Health Department or the New York State Department of Environmental Conservation are obtained and complied with.

§ 56-4. Outdoor wood-fired furnaces.

- A. An outdoor wood-fired furnace shall be defined as any accessory device designed and intended to heat a building and/or the building's hot water system through the burning of wood, located outside the building and/or water system it is intended to heat.
- B. No person shall install, use or maintain an outdoor wood-fired furnace in the R Residential or L Lakeshore district as defined in Chapter 150, Zoning, of the Town of Owasco Code.
- C. Notwithstanding § 56-1, an outdoor wood-fired furnace may be installed and used in the AR Agricultural Residential District as defined in Chapter 150, Zoning, of the Town of Owasco Code only in accordance with the following provisions:
 - (1) The outdoor wood-fired furnace shall not be used to burn any prohibited materials listed in § 56-1. Only natural, untreated wood shall be burned in the outdoor wood-fired furnace.
 - (2) The outdoor wood-fired furnace shall be located on a lot containing a minimum of five acres and shall be located at least 100 feet from the nearest property line and no less than 200 feet from existing structures located on adjacent lots.
 - (3) The outdoor wood-fired furnace shall be installed, operated and maintained in strict compliance with the

manufacturer's specifications pertaining to installation, operation and maintenance, and a permit shall be obtained from the Town of Owasco prior to the installation of the outdoor wood-fired furnace.

- (4) The outdoor wood-fired furnace must be tested and demonstrated to meet the current United States Environmental Protection Agency (EPA) emission standards for such a device, and certification of approval from the EPA must be provided to the Town of Owasco.

§ 56-5. Penalties for offenses.

Any person who shall violate this chapter is guilty of a violation pursuant to the Penal Law of the State of New York and shall be punishable by a fine not exceeding \$250 or by imprisonment not to exceed 15 days, or both such fine and imprisonment. Each week's continued violation of this chapter shall constitute a separate additional violation.