

Local Law Filing

New York State Department of State
41 State Street, Albany, NY, 12231

Village of Morristown

Local Law No. 2 of the year 2006

A local Law Prohibition of Outdoor Furnaces Within the
Village Limits

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

Section 1. Authority

This law is adopted pursuant to the authority of Article II, §10 of the Municipal Home Rule Law and Article IV, §4-412 of the New York State Village Law.

Section 2. Purpose

It is the intention of the Village Board of the Village of Morristown by the adoption of this law to establish and impose restrictions upon the construction and operation of outdoor furnaces within the limits of the Village for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity of the Village and its inhabitants. It is generally recognized that the types of fuel used, and the scale and duration of the burning by such furnaces create noxious and hazardous smoke, soot, fumes, odors and air pollution, can be detrimental to citizens' health, and can deprive neighboring residents of the enjoyment of their property or premises.

Section 3. Definition

As used in this law "outdoor furnace" shall mean an accessory structure, designed and intended, through the burning of wood or other solid fuels (ie: coal, tires, paper, garbage, or

any other combustible material), for the purpose of heating the principal structure, or any other site structure on the premises.

Section 4. Prohibition

The construction and operation of outdoor furnaces are hereby prohibited within the Village of Morristown.

Section 5. Penalties

Any person who shall violate any provision of this law shall be guilty of a violation as defined in Article 10 of the Penal Law and shall, upon conviction, be subject to a fine of not more than two hundred fifty dollars (\$250.00), or to imprisonment for not more than 15 days, or both such fine and imprisonment. Each week's continued violation shall constitute a separate and distinct offense.

Section 6. Civil Proceedings

Compliance with this law may also be compelled and violations, restrained by order or by injunction of a court of competent jurisdiction. Any person who violates any provision of this law shall also be subject to a civil penalty of not more than five hundred dollars (\$500.00), to be recovered by the Village in a civil action and each week's continued violation shall be for this purpose a separate and distinct violation. In the event the Village is required to take legal action to enforce this Local Law, the violator will be responsible for any and all necessary costs relative thereto, including attorney's fees and disbursements, and such expense shall be charged to the property so affected by including such expense in the next annual tax levy against the property.

Section 7. Non-conforming Uses

A. Continuation of non-conforming uses.

The lawful use of any existing "outdoor furnace" existing at the time of adoption of this local law may be continued, although such use does not conform with the provisions of this law except as hereinafter provided. Currently existing "outdoor furnaces" may only be used for burning wood; the burning of all other substances is prohibited.

B. Extension or enlargement.

No "outdoor furnace" shall hereafter be extended or enlarged.

C. Abandonment and discontinuance.

Any "outdoor furnace" which is abandoned or

discontinued for a period of one year shall not be permitted to be re-established as a non-conforming use and must be immediately removed by the property owner from the subject premises. If the property owner fails to remove the "outdoor furnace" by the end of said one year period, the Village of Morristown's Code Enforcement Officer shall give written notice by certified mail or personal service to the property owner upon which the "outdoor furnace" is located. If such property owner cannot be located with due diligence, said notice shall be posted conspicuously on the said premises. Such notice shall provide that such person shall remove the "outdoor furnace" within fifteen days of the notice. Should the "outdoor furnace" not be removed in the time specified, the Code Enforcement Officer shall arrange for its removal. The cost of said removal plus 50% shall be charged to the owner of said premises. Said cost and fifty-percent charge, if not paid, shall be assessed and collected in the same manner, by the same proceedings, at the same time, under the same penalties, and having the same lien upon the property so assessed as the General Village Tax and as a part thereof.

D. Restoration.

No "outdoor furnace" which has been damaged by natural causes to the extent of more than seventy five percent (75%) of its assessed value for Village of Morristown tax purposes shall be repaired or rebuilt.

Section 8. Authority of the Village

The Village Board of the Village of Morristown or its enforcement officer are hereby authorized in the name and on behalf of the Village to undertake and prosecute any proceedings necessary or appropriate to enforce compliance with this law.

Section 9. Severability

The provisions of this law are severable and the invalidity of a particular provision shall not invalidate any other provisions.

Section 10. Effective Date

This law shall take effect immediately upon filing in the office of the Secretary of State.

(Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2006, of the Village of Morristown was duly passed by the Village Board on August 17, 2006, in accordance with the applicable provisions of law.

Sandra A. Warren

Sandra A. Warren,
Village Clerk
Village of Morristown

Date: 8/17/06

(Seal)

STATE OF NEW YORK)
) ss.:
COUNTY OF ST. LAWRENCE)

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Marcia L. LeMay,
Village Attorney
Village of Morristown

Date: 8/31/06



VILLAGE OF MORRISTOWN

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MAYOR

Cynthia L. Holmes

TRUSTEES

John R. Barse
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August 30, 2006

Marcia L. LeMay, Esq.
Mash, Palm & LeMay
PO Box 529
Canton, NY 13617

RE: Village of Morristown Local Law Prohibiting Outdoor Furnaces

Dear Marcia:

Enclosed is the original Local Law 1 - 2006 adopted and executed at the regular meeting held on August 17, 2006.

Please file the same with the State and return an original copy along with proof of filing to the village office at your earliest convenience. Thank you.

Respectfully,

Sandra A. Warren
Village Clerk

sw/

Enclosure



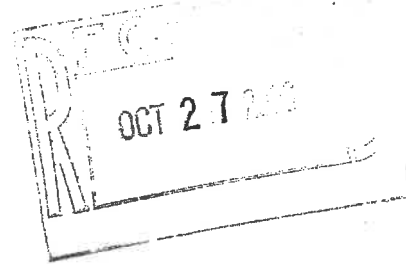
STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

CHRISTOPHER L. JACOBS
SECRETARY OF STATE

October 24, 2006

Nash Palm & LeMay
Attorneys and Counselors at Law
113 Main Street
PO Box 529
Canton, NY 13617



RE: Village of Morristown, Local Law 2, 2006, filed on 10/2/2006

To Whom It May Concern:

The above referenced material was received and filed by this office as indicated. Additional local law filing forms will be forwarded upon request.

Sincerely,
Linda Lasch
Principal Clerk
State Records & Law Bureau
(518) 474-2755

LL:cb