

**Municipalities with Requirements Pertaining to OWBs
As of December, 2007**

Town / Village and County	Date	Regulate	Ban
Rockland County–Modified Sanitary Code*	Apr 2006		X
Suffolk County–Local Law*	Jul 2007	X	
Adams, Village of (Jefferson County)*	Jul 2004	X	
Bainbridge, Village of (Chenango County)**	Mar 2006		X
Barneveld, Village of (Oneida County)**	Apr 2005		X
Beekman, Town of (Dutchess County)**	Apr 2006		X
Binghamton, City of (Broome County)*	Jan 2006	X	
Brookhaven, Town of (Suffolk County)**	Aug 2006	X	
Brownville, Town of (Jefferson County)*	Oct 2005	X	
Burke, Village of (Franklin County)**	Jul 2004		X
Camden, Town of (Oneida County)**	Dec 2003		X
Camden, Village of (Oneida County)**	Jun 1999		X
Canton, Town of (St. Lawrence County)**	Dec 2003		X
Cape Vincent, Village of (Jefferson County)**	Sep 2005		X
Carthage, Village of (Jefferson County)+	Sep 2006		X
Champion, Town of (Jefferson County)*	Oct 2005	X	
Chateaugay, Village of (Franklin County)**	Apr 2004		X
Chenango, Town of (Broome County)*	Sep 2005	X	
Clayton, Village of (Jefferson County)**	Oct 2004		X
Constableville, Village of (Lewis County)*	Mar 2006		X
Copenhagen, Village of (Lewis County) **	Jul 2005		X
Dickinson, Town of (Franklin County)**	Mar 2006		X
Dolgeville, Village of (Fulton County)**	Dec 2005		X
Edwards, Village of (St. Lawrence County)**	June 2003		X

Town / Village and County	Date	Regulate	Ban
Elba, Town of (Genesee County)*	June 2001	X	
Elmira Heights, Village of (Chemung County)**	Jan 2006		X
Fenton, Town of (Broome County)*	Aug 2005	X	
Fort Covington, Town of (Franklin County)*	Jan 2006	X	
Geneva, City of (Ontario County)	Oct 2006		X
Gouverneur, Village of (St. Lawrence County)**	Apr 2004		X
Greenwood, Town of (Steuben County)*	Jun 2005	X	
Herkimer, Village of (Herkimer County)**	Feb 2004		X
Hermon, Village of (St. Lawrence County)*	Feb 2006		X
Heuvelton, Village of (St. Lawrence County)**	Nov 2003		X
Holland Patent, Village of (Oneida County)**	Apr 2005		X
Hurley, Town of (Ulster County)	Jan 2007	X	
Kingsbury, Town of (Washington County)*	Oct 2004	X	
Kirkwood, Town of (Broome County)*	Aug 2006	X	
LeRoy, Village of (Genesee County)*	Jan 2007	X	
Lowville, Village of (Lewis County)**	Dec 2001		X
Malone, Village of (Franklin County)**	Mar 2004		X
Marcellus, Town of (Onondaga County)*	Jan 2004		X
Martinsburg, Town of (Lewis County)*	Jun 2005	X	
Moreau, Town of (Saratoga County) (proposed)*	Oct 2004	X	
Newport, Village of (Herkimer County)**	Apr 2004		X
Newstead, Town of (Erie County)*	July 2007	X	
Otego, Village of (Otsego County)**	Mar 2001		X
Owego, Village of (Tioga County)*	June 2007	X	
Pierrepont, Town of (St. Lawrence County)*	Oct 2005	X	
Prospect, Village of (Oneida County)**	Mar 2005		X
Queensbury, Town of (Warren County)*	May 2004	X	

Town / Village and County	Date	Regulate	Ban
Red Hook, Town of (Dutchess County)**	June 2006		X
Rensselaer Falls, Village of (St. Lawrence County)**	Jan 2004		X
Richville, Village of (St. Lawrence County)**	May 2004		X
Rodman, Town of (Jefferson County)*	Nov 2005	X	
Rutland Center, Village of (Jefferson County)*	Sep 2006	X	
South Glens Falls, Village of (Saratoga County)*	Dec 2003	X	
Union, Town of (Broome County)*	Mar 2006	X	
Warwick, Town of (Orange County)*	Jan 2006	X	
Watertown, City of (Jefferson County)*	Oct 2003	X	
Watertown, Town of (Jefferson County)*	Aug 2006	X	
Wayland, Village of (Steuben County)**	Mar 2006		X
Whitney Point, Village of (Broome County)**	Mar 2006		X

* See following pages for further details on requirements.

**OWBs may no longer be built or expanded as of filing date. Non-conforming uses will be allowed, under specific guidelines.

+ 6 month moratorium, none allowed.

Specific Requirements Regarding OWBs.

County Regulations:

Rockland County- Modified Rockland County Sanitary Code. No person shall operate an OWB until guidelines and standards are promulgated by NYSDEC or USEPA. Waivers for existing units can be requested. Applies to all jurisdictions in Rockland county.

Suffolk County- Proposal to regulate OWBs in Suffolk county was passed by the legislature and signed by the County Executive. The legislation requires compliance with the following through Dec 31, 2009: (1) OWB operation only between October 1 through May 1, (2) set back of at least 200 feet from hospitals, schools, day care center or nursing home, or residential building not served by an OWB, (3) fueled by natural wood only, (4) chimney height of at least 15 feet, and (5) installed according to manufacturer's instructions and compliance with local ordinances.

After January 1, 2010, no person shall operate an OWB except in the case of an emergency or natural disaster. Penalties not to exceed \$250 per day that the violation continues.

Municipal Regulations:

Village of Adams- Installation of an OWB requires a permit and meet the following requirements: (1) installed, operated and maintained according to manufacturer instructions, (2) fueled by natural untreated wood, propane, natural gas, or any combination thereof, (3) set back at least 100 feet from road and 20 feet from side and rear lot line, (4) minimum chimney height of 15 feet, and (5) use October 1 through April 30 only.

Village of Bainbridge - Prohibits new uses. Nonconforming units may continue certain to the following limitations: (1) The furnace shall not be extended or enlarged, (2) Any furnace which is abandoned or discontinued for a one year period shall not be reestablished and must be immediately removed by the property owner, and (3) Any furnace which becomes damaged by natural causes to the extent of more than 75% of its value shall not be repaired or rebuilt.

Village of Barneveld - Prohibits new uses and there are no non-conforming uses.

Town of Beekman- Prohibits new uses. Nonconforming units (pre-existing OWBs) must meet the following requirements: (1) installed, operated and maintained according to manufacturer instructions, (2) fueled by natural untreated wood or fuels specifically permitted by the manufacturer excluding non-wood products, kerosene, garbage, painted or treated wood, (3) No burn period May 1 through October 1, (4) minimum chimney height of 15 feet, and (5) must be equipped with spark arrestor. Current furnaces are not to be extended or enlarged, any furnace which is unused, abandoned or discontinued for seven months must be immediately removed by the owner, and any furnace which becomes damaged by natural causes to the extent of more than 75% of its value shall not be repaired or rebuilt..

City of Binghamton- Installation of an OWB requires a permit and meet the following requirements: (1) only firewood and untreated lumber are permitted to be burned, (2) OWBs permitted only in the Industrial zoning districts, (3) minimum lot size of 3 acres or more, (4) set back at least 200 feet from the nearest lot line, (5) use between September 1st and May 31st only, (6) must be equipped with a spark arrestor. Permits may be suspended if 20% opacity is violated as provided in 6NYCRR 227-1.3(b); or if malodorous air contaminants are detectable beyond property of OWB location; or if emissions interfere with the reasonable enjoyment of life or property, damage vegetation or property, or are harmful to human or animal health. Under certain conditions, waivers may be issued.

Town of Brookhaven- Prohibition, penalties for violations.

Town of Brownville- Installation of an OWB requires a permit and must meet the following requirements: (1) follow all manufacturer instructions, (2) fueled only by fuels recommended by the manufacturer excluding trash, plastics, gasoline, rubber, naphtha, household garbage, material treated with petroleum products, leaves, paper products and cardboard, (3) set back at least 50 feet from any property line, (4) chimney height requirements based on distance from non-using residences, (5) use September 1 to May 31 unless used to provide domestic water service, and (6) must comply with any other county, State or Federal guidelines.

Town of Burke - New uses are prohibited. Non-conforming uses are permitted according to the following guidelines: (1) May only be used for burning wood, all other substances are prohibited, (2) No furnace shall be extended or enlarged, (3) Any furnace which is abandoned or discontinued for 7 months shall be immediately removed by owner, and (4) Any furnace which has been damaged by natural causes more than 75% of its value shall not be repaired or rebuilt.

Town of Camden - New uses are prohibited in Residential Zoning Districts. Non-conforming uses may continue provided that replacement of any existing furnace shall be prohibited. Variances may be allowed.

Village of Camden - New uses are prohibited and there are no non-conforming uses.

Village of Canton - New uses are prohibited. Non-conforming uses are permitted according to the following guidelines: (1) No furnace shall be extended or enlarged, (2) Any furnace which is abandoned or discontinued for 7 months shall be immediately removed by owner, and (3) Any furnace which has been damaged by natural causes more than 75% of its value shall not be repaired or rebuilt.

Village of Cape Vincent - New uses are prohibited. Non-conforming uses are permitted for a one year period subject to the following guidelines, after one year the use must be discontinued or brought into compliance with the Law: (1) No furnace shall be extended or enlarged, (2) Any furnace which is abandoned or discontinued for 7 months shall be immediately removed by owner, and (3) Any furnace which has been damaged by natural causes more than 75% of its value shall not be repaired or rebuilt.

Village of Carthage - All uses are currently prohibited during a six month moratorium.

Town of Champion- Installation of an OWB requires a permit and meet the following requirements: (1) follow all manufacturer instructions, (2) only firewood, untreated lumber, fossil fuels and corn are permitted, (3) minimum set backs shall follow applicable zoning district, and (4) chimney height requirements based on distance to next nearest house.

Village of Chateaugay - New uses are prohibited. Non-conforming uses are permitted subject to the following guidelines: (1) May only be used for burning wood, all other substances are prohibited, (2) No furnace shall be extended or enlarged, (3) Any furnace which is abandoned or discontinued for 7 months shall be immediately removed by owner, and (4) Any furnace which has been damaged by natural causes more than 75% of its value shall not be repaired or rebuilt.

Town of Chenango- Installation of an OWB requires a permit and meet the following requirements: (1) only firewood and untreated lumber may be burned, (2) permitted only in Agricultural Zone (A) with a minimum of two acres or more, (3) set back a minimum of 50 feet from nearest property line and 50 feet from nearest public road, (4) must be equipped with spark arrestor, (5) chimney height at least nine feet above the ground of the furnace and other requirements based on distance, (6) a permit may be suspended if emissions interfere with the reasonable enjoyment of life, safety or property, or if the emissions cause damage to vegetation or property, or if the emissions are unreasonably malodorous as judged by the Ordinance Officer.

Village of Clayton - New uses are prohibited. Non-conforming uses are permitted according to the following guidelines: (1) No furnace shall be extended or enlarged except that stack height may be changed based on distance from non-using residence and in compliance with manufacturer's specifications, (2) Any furnace which is abandoned or discontinued for 7 months shall be immediately removed by owner, and (3) Any furnace which has been damaged by natural causes more than 75% of its value shall not be repaired or rebuilt.

Village of Constableville- Installation is prohibited within the Village. Pre-existing units must meet the following requirements: (1) may operate only between September 1 and May 31, (2) be equipped with a spark arrestor, (3) replacement or enlargement is prohibited, (4) emissions shall not interfere with the reasonable enjoyment of life or property, (5) emissions shall not be harmful to human or animal health,

(6) firewood and untreated lumber used for fuel, and (7) shall not emit emissions greater than 20% opacity (6 minute average).

Village of Copenhagen - New and replacement uses are prohibited. Non-conforming uses are permitted according to the following guidelines: (1) Must be in compliance with state and federal regulations, (2) Operated only between September 1st and May 31st, (3) equipped with properly functioning spark arrestors equal to or exceeding those specified by its manufacturer, (4) shall not emit emissions having a greater than 20% opacity during any six minute average of time, (5) no malodorous air contaminants shall be detectable beyond the boundary of the property on which it is located, (6) emissions shall not interfere with the reasonable enjoyment of life or property of the residents of the Village, (7) emissions shall not cause damage to vegetation or property, (8) emissions shall not be harmful to human or animal health, and (9) replacement of any furnace is strictly prohibited.

Town of Dickinson - New uses are prohibited. Non-conforming uses are permitted according to the following guidelines: (1) No furnace shall be extended or enlarged except that stack height may be changed based on distance from non-using residence and in compliance with manufacturer's specifications, (2) Any furnace which is abandoned or discontinued for one year shall be immediately removed by owner, and (3) Any furnace which has been damaged by natural causes more than 75% of its value shall not be repaired or rebuilt.

Village of Dolgeville - New uses are prohibited. Non-conforming uses are permitted subject to the following guidelines: (1) compliance with manufacturer's guidelines, (2) No furnaces shall be extended or enlarged, (3) any furnace which is abandoned or discontinued for 7 months shall be immediately removed by owner, (4) any furnace which has been damaged by natural causes more than 75% of its value shall not be repaired or rebuilt, (5) all furnaces are subject to random testing and installation verification to ensure compliance, (6) no operation between June 1 and August 31st, (7) burn only natural and properly seasoned wood, and (8) smokestack shall be higher than any building within 50 feet of furnace.

Village of Edwards - New uses are prohibited. Non-conforming uses are permitted subject to the following guidelines: (1) no furnace shall be extended or enlarged and (2) any furnace which has been damaged by natural causes more than 75% of its value shall not be repaired or rebuilt.

Town of Elba- Zoning Law Section 411. OWBs shall not be installed within 500 feet of the municipal boundary of the Village of Elba or within 500 feet of an existing residence in the Town of Elba, outside the Village. When installed outside the required 500-foot buffer, such units shall be installed and operated in accordance with the manufacturers instructions so as to not allow smoke or fumes to enter buildings on surrounding properties.

Village of Elmira Heights - New uses are prohibited. Non-conforming uses are permitted subject to the following restrictions: (1) No furnace shall be extended or enlarged, (2) burn only dry, natural, untreated wood, (3) properly installed spark arrestors, (4) a smokestack at least 15 ft in height, (5) Use from October 1st through March 31st, (6) any current furnace may not be replaced, (7) must comply with federal, state and county rules and regulations, (8) operation is personal and cannot be transferred, and (9) must obtain a permit.

Town of Fenton- No person shall operate an OWB without a permit issued by the Town Building Inspector and a certificate of compliance issued by the Building Inspector. Applicants for a permit must show that the installation would meet manufacturer's recommendations, show site plan and boundaries, and proposed OWB location. Existing units shall comply with Section 105-5 which states: (1) OWBs must have spark arrestor, (2) No OWB shall be close than 350 feet to the nearest neighboring dwelling. If more than 350 feet but less

than 500 feet, the chimney shall be at least as high as the roof of the neighboring dwelling, (3) only untreated natural wood shall be burned, (4) No OWB shall be closer than 10 feet from any structure, (5) If possible, OWBs shall be located to minimize the effect of smoke, given the prevailing wind direction, (6) No OWB shall be operated in a Residential A or Residential B zoning district, (7) Provided that use does not create a nuisance, OWBs may be used year round. However, individuals who use OWBs during the summer months shall take extra care to insure that adverse consequences to neighbors are minimized, including limiting the hours or frequency of use, (8) OWBs shall be installed in accordance with manufacturer's recommendations. There are also provisions that OWBs not create nuisance conditions. If a nuisance is created, the permit can be revoked.

Town of Fort Covington- A permit is required for installation and must meet the following requirements: (1) minimum of 150 feet from property line of nearest neighbor, (2) chimney at least 12 feet above roof of the furnace, (3) used to burn only wood, (4) pre-existing units must have chimney at least 12 feet above roof of furnace by September 1, 2006.

Village of Gouverneur - New uses are prohibited. Non-conforming uses are permitted subject to the following restrictions: (1) no furnace shall be extended or enlarged, but the stack height may be increased with permission, (2) stack height subject to distance from non-using residences, (3) compliance with manufacturer's specifications, (4) any furnace abandoned or unused for 8 months must be immediately removed and may not be reestablished, and (5) any furnace damages greater than 75% or otherwise incapable of safe operation may not be repaired or rebuilt.

Town of Greenwood- A permit is required for installation and must meet the following requirements: (1) only firewood and untreated lumber may be burned, (2) OWBs shall be permitted only in the portion of the town outside the Water District, (3) permitted only on lots of three acres or more, (4) set back not less than 400 feet from nearest dwelling not serviced by the OWB, (5) permit may be suspended if the Town Code Enforcement Officer determines one of the following conditions: emissions opacity exceeds 20% (6 minute average), malodorous emissions are detectable outside property where OWB is located, emissions interfere with the reasonable enjoyment of life or property, emissions damage vegetation or property, or emissions are or may be harmful to human or animal health.

Village of Herkimer - New uses are prohibited. Non-conforming uses are permitted subject to the following guidelines: (1) no furnace shall be extended or enlarged, (2) any furnace which has been abandoned or discontinued for 7 months shall be immediately removed by the owner, and (3) any furnace which has been damaged by natural causes more than 75% of its value shall not be repaired or rebuilt.

Village of Herman- OWBs must be registered with the Code Enforcement Officer and provide installation instructions and all literature provided by the manufacturer when purchased. OWBs must meet the following requirements: (1) location shall be a minimum of 100 feet from all neighboring structures, (2) chimney height is determined by the distance to the nearest residence, (3) only natural untreated wood may be burned, (4) all furnaces must have a chimney cap and spark arrestor.

Village of Heuvelton - New uses are prohibited. Non-conforming uses are permitted subject to the following guidelines: (1) only burn wood, (2) no furnace shall be extended or enlarged, (3) any furnace which has been abandoned or discontinued for one year shall be immediately removed by the owner, and (4) any furnace which has been damaged by natural causes more than 75% of its value shall not be repaired or rebuilt.

Village of Holland Patent - New uses are prohibited and there are no non-conforming uses.

Town of Hurley- Existing OWBs must have permit within 2 months of regulation, fueled only with firewood

or untreated lumber kept under cover, minimum lot size of 4 acres, set back of not less than 300 feet from nearest dwelling not on same property, operation only between October 1 and May 1, stack height 2 feet above the peak of neighboring home. Various waivers and penalties are detailed.

Town of Kingsbury - Installation of an OWB requires a permit and must meet the following requirements: (1) installed, operated, and maintained according to manufacturer instructions, (2) fueled with natural untreated wood, (3) set back at least 25 feet from nearest property line, and (4) minimum chimney height of 15 feet.

Town of Kirkwood - Permit required from the Town Code Enforcement Office, with one year notice to conform for existing units (other than setback requirements). Other requirements include: (1) Only firewood and untreated lumber are permitted to be burned. Burning of all other materials such as rubbish, garbage, paint, treated or stained wood (and others listed) is strictly prohibited, (2) all OWBs are required to have a stabilized smoke stack that extends a minimum of 17 feet above ground levels of the OWB, and extends above the peak of any building on neighboring property if within 150 feet, (3) OWBs shall be set back a minimum of 50 feet from the nearest property line and 60 feet from the nearest public road, (4) the pipe carrying the hot water produced must be at least 48 inches below ground, (5) period of operation shall be only between September 15 and May 15. A permit may be revoked by the Town Board upon recommendation of the Code Enforcement Officer if the Board determines it to be necessary to protect the public health, safety and welfare of residents if any of the following occur: emissions interfere with reasonable enjoyment of life, health, safety or property, emissions cause damage to vegetation or property, emissions are malodorous. There is an appeals and variance procedure. Penalties for violation include a fine of not more than \$500 or imprisonment for not more than 10 days for the first offence; subsequent offences are punishable by fines of not more than \$1,000 or imprisonment of not more than 30 days.

Village of LeRoy- Installation, construction and operation is prohibited within the Village of LeRoy, other than those installed and operational prior to January 24, 2007. Any such pre-existing unit may be operated only between December 1 and April 30, and must be installed no closer than 20 feet from any of the property lines, and no closer than 300 feet from any residence. The stack must extend to a height at least 5 feet higher than the highest point on the roof line of any adjacent residence within 500 feet of the furnace location. Only suitable fuels may be used.

Village of Malone - New uses are prohibited. Non-conforming uses are permitted only according to the following requirements: (1) only burn wood, (2) no furnace may be extended or enlarged, (3) any furnace abandoned or discontinued for 7 months must be immediately removed by the owner, and (4) any furnace damaged by natural causes beyond 75% of its value shall not be repaired or rebuilt.

Town of Marcellus - Zoning ordinance Section 24 K, OWBs using wood or other solid fuels are prohibited in all zones.

Town of Martinsburg- Installation must comply with the following requirements: (1) minimum set back of 50 feet from any property line, (2) use must follow manufacturer's instructions, (3) stack height determined by distance and nearest neighbor roof line.

Town of Moreau (proposed) - A permit, issued by the Town Building Inspector or Code Enforcement Officer, is required for operation of an OWB and must meet the following requirements: (1) only firewood and untreated lumber may be burned, (2) may be installed only in permitted zones, (3) must be installed on a lot of three acres or more, (4) must be set back at least 500 feet from nearest lot line, (5) may only be operated between September 1st and May 31st, and (6) must be equipped with a properly functioning spark arrestor.

Village of Newport - No owner or tenant of real property shall install or maintain an outdoor furnace within the village limits.

Town of Newstead - A permit is required for newly installed OWBs. Existing units shall be permitted to remain in operation and shall not require a permit until such time as a valid written complaint is made. Permitted fuels are designated (firewood and untreated lumber), lot size of one acre or more, setbacks of not less than 150 feet from nearest dwelling located off the lot serviced by the OWB. Review of permit if the Code Enforcement Officer observes and determines any of the following conditions: (1) malodorous air contaminants from the OWB are detectable outside the property where the OWB is located, (2) emissions interfere with the reasonable enjoyment of life or property, (3) emissions from the OWB are or may be harmful to human or animal health, (4) emissions from the OWB cause damage to vegetation or property, or, (5) violation of the NYSDEC opacity regulation. Failure to comply with any of the provisions shall be punishable by a fine of not more than \$500 or imprisonment of not more than 10 days. Enforcement after the 4th complaint within 12 months will result in suspension of the operating permit and requires removal of the OWB at the owner's expense.

Village of Otego - New uses are prohibited. Non-conforming uses are permitted only according to the following requirements: (1) no furnace may be extended or enlarged, (2) any furnace abandoned or discontinued for 7 months must be immediately removed by the owner, and (3) any furnace damaged by natural causes beyond 75% of its value shall not be repaired or rebuilt.

Village of Owego- All new construction and use of OWBs is prohibited except in industrial zones. To use an OWB in an industrial zone, the furnace or boiler must: be setback a minimum of 200 feet from any other zone; the fuel used shall only be natural untreated wood; the OWB must be in strict compliance with the manufacturer's specifications for installation, operation, and maintenance; the minimum chimney height must be 15 feet above the furnace; must be equipped with a functioning spark arrestor; and the operator of the OWB must obtain a permit from the Code Enforcement Officer of the Village of Owego. If an OWB is in compliance but goes unused or abandoned for a period of seven consecutive months will not be able to be reestablished as a preexisting use, and must be immediately removed from the property by the property owner.

A pre-existing OWB that was installed and in operation prior to the effective date of this chapter (6/25/07) is permitted to continue as long as it is in compliance with the requirements stated above. If an existing OWB goes unused or is abandoned for seven consecutive months, it will no longer be considered a pre-existing use, and cannot be reestablished as one and must be immediately removed by the property owner from the premise.

Town of Pierrepoint- OWBs must be registered with the Code Enforcement Officer, require a permit, and meet the following requirements: (pre-existing units must meet all but setback requirements), (1) minimum of 100 feet from any property line in the hamlet, and 30 feet in other zoning districts, (2) chimney height is determined by distance from nearest residence and roof height, (3) must have chimney cap and spark arrestor.

Village of Prospect - New uses are prohibited. Non-conforming uses are permitted only according to the following requirements: (1) no furnace may be extended or enlarged and (2) any furnace abandoned or discontinued for 7 months must be immediately removed by the owner.

Town of Queensbury - A permit is required for operation of an OWB and must meet the following requirements: (1) only firewood and untreated lumber may be burned, (2) may be installed only in permitted zones, (3) must be installed on a lot of three acres or more, (4) must be set back at least 200 feet from nearest lot line, (5) may only be operated between September 1st and May 31st, and (6) must be equipped with a

properly functioning spark arrestor.

Village of Rensselaer Falls - All furnaces are prohibited even if enclosed in a building and there are no non-conforming uses.

Village of Richville - New uses are prohibited. Non-conforming uses are permitted subject to the following restrictions: (1) no furnace shall be extended or enlarged, but the stack height may be increased with permission, (2) stack height subject to distance from non-using residences, (3) compliance with manufacturer's specifications, (4) any furnace abandoned or unused for 8 months must be immediately removed and may not be reestablished, and (5) any furnace damages greater than 75% or otherwise incapable of safe operation may not be repaired or rebuilt.

Town of Rodman- A permit is required from the Town Zoning Officer and meet the following requirements: (1) operate according to manufacturer's instructions, (2) use only fuels recommended by the manufacturer, (3) minimum set back of 100 feet from the edge of any road right-of-way and 50 feet from any residence not serviced by the OWB, operated only from September 15 to May 15, (4) chimney height based on distance to next residence and roof height.

Village of Rutland Center- Existing OWBs may remain, but no new OWB may be closer to the road than the house it is serving. OWBs in the town can be operated all year except in areas zoned as hamlets, as well as the Taylor Park, Percy-Chicks, Pine Acres and Cross subdivisions. The chimney on any OWB less than 50 feet from an unserved residence must be at least 2 feet higher than the eave line of the unserved residence (and other height requirements based on distance). Only firewood, untreated lumber and other fuels approved by the furnace manufacturer are permitted. Owners of new and existing OWBs will have to apply for a free permit from the zoning officer. Requests for variances can be brought to the Zoning Board of Appeals.

Village of South Glens Falls - Installation of any OWB must meet the following requirements: (1) stack must exceed four feet and be higher than any adjacent structure within 50 feet of the furnace, (2) must be installed at least 200 feet from the closest residential property line, (3) may only burn wood, and (4) may not be used as a waste incinerator.

Town of Union- A permit is required from the Town Building Official and must meet the following requirements: (1) only firewood and untreated lumber are permitted to be burned, (2) OWBs are permitted only in the agricultural zoning district, (3) minimum lot size of 3 acres, (4) setback not less than 100 feet from the nearest lot line and to the rear of the principle building.

Town of Warwick- A permit is required from the Town Fire Marshal and must meet the following requirements: (1) only firewood and untreated lumber may be burned, (2) OWBs are permitted in the RU, MT, CO and AI Zoning Districts, (3) minimum lot size of 3 acres, (4) setback of not less than 200 feet from the nearest adjoining or neighboring dwelling, and a minimum of 150 feet from the adjoining property line, (5) use between September 1 and May 31 only, (6) chimney height must be a minimum of 4 feet above the furnace owner's home roofline, and must have a spark arrestor.

City of Watertown- No person shall operate, in the City, any free standing fuel-burning heat-producing equipment, not enclosed in a structure, which is designed to provide hot water or heat source for a structure on the property.

Town of Watertown - Outdoor wood-burning furnaces are prohibited in overlay zones (zones with denser populations). Outdoor wood-burning furnaces are allowed in underlying zones when a permit is obtained from the zoning officer. Non-conforming uses must obtain a permit within one year. All (new or non-conforming) furnaces shall comply with the following rules and regulations: (1) must be installed, operated and maintained per the manufacturer's instructions, (2) only firewood and untreated lumber may be burned, (3) set backs as follows: 100 ft from the front lot line, 75 ft from rear and side lots and 150 ft from residential

structures on adjacent properties, (4) operation only between September 15th and June 1st, (5) chimney height is determined by distance to structures, and (6) if replaced or upgraded, a permit must be obtained.

Village of Wayland - New uses are prohibited. Non-conforming uses are permitted only when complying with the following specifications: (1) no furnace may be extended or enlarged, (2) any furnace abandoned or discontinued for 7 months must be immediately removed by the owner, (3) no furnace damaged greater than 75% may be repaired or rebuilt, (4) burn only firewood or untreated lumber, and (5) operation of or emissions from an outdoor wood burning furnace shall not unreasonably interfere with the public health, safety and welfare of the residents nor shall same prevent residents from the reasonable enjoyment of their life and property.

Village of Whitney Point - New uses are prohibited. Non-conforming uses are permitted when the following requirements are met: (1) no furnace shall be extended or enlarged and (2) any furnace abandoned or discontinued for one year shall be immediately removed by the owner.

