

**NORTON & CHRISTENSEN**

ATTORNEYS AND COUNSELLORS AT LAW

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HENRY N. CHRISTENSEN, JR.\*

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(845) 294-7949

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~~CONFIDENTIAL~~

April 7, 2009

Hon. Rebecca Rivera  
Village Clerk  
Village of Chester  
47 Main Street  
Chester, New York 10918

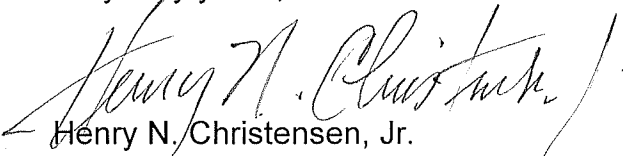
Re: Local Law #1 for 2009

Dear Mrs. Rivera:

Enclosed is the Local Law Filing Information Sheet for Local Law #1 of 2009. Please sign where indicated and affix the Village's seal. After signing, please return the Local Law Filing Information Sheet to me and I will have it filed with the State. Enclosed is a self-addressed, stamped envelope for your convenience.

Please call if you have any questions.

Very truly yours,

  
Henry N. Christensen, Jr.

HNC:dm  
Enclosures

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JOHN T. MAYO  
OF COUNSEL

April 10, 2009

New York State Department  
of State  
162 Washington Avenue  
Albany, New York 12231

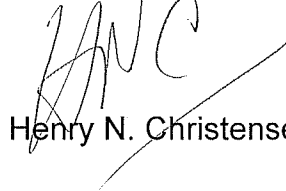
Re: Filing of Local Law for the Village of Chester

Dear Sir/Madam:

On behalf of the Village of Chester, County of Orange, State of New York, enclosed for filing is Local Law Filing Information Sheet for Local Law #1 of 2009, which is entitled "Ban of Outdoor Wood Burning Furnaces". Please return an acknowledgment of receipt.

If you require any additional information, please contact the undersigned.

Very truly yours,



Henry N. Christensen, Jr.

HNC:dm  
Enclosure

cc: Rebecca Rivera, Village Clerk ✓

**FILE**

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~

~~City~~ of Chester

~~Town~~

Village

Local Law No. 1 of the year 20 09

A local law entitled "Ban of Outdoor Wood Burning Furnaces"  
(Insert Title)

Be it enacted by the Board of Trustees of the  
(Name of Legislative Body)

~~County~~

~~City~~ of Chester

~~Town~~

Village

as follows:

## Section 1. PURPOSE.

It is the purpose of this law to establish a ban on the construction and operation of outdoor wood burning furnaces within the Village of Chester 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, which can be detrimental to citizens' health, and can deprive neighboring residents of the enjoyment of their property or premises.

## Section 2. DEFINITIONS.

As used in this law "outdoor wood burning furnace" shall mean an exterior heating system, designed and intended, through the burning of wood, for the purpose of heating the principal structure, or any other site structure on the premises.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 3. PROHIBITION.

The construction and operation of outdoor wood burning furnaces are hereby prohibited with the Village of Chester.

Section 4. PENALTIES.

Any person who shall violate any provision of this law shall, upon conviction, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding \$250 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense shall constitute, for each day the offense is continued, 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 such expense shall be charged to the property so affected by including such expense in the next annual tax levy against the property

Section 5. SEVERABILITY.

In the event that any clause, sentence, section or other part of this Local Law is declared to be invalid, such invalidity shall not affect the remainder of this chapter.

Section 6. EFFECTIVE.

This Local Law shall become effective immediately upon filing with the Office of the Secretary of State pursuant to the Municipal Home Rule Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 20 09 of the (County)(City)(Town)(Village) of Chester was duly passed by the Village Board on Apr. 6, 20 09, in accordance with the applicable provisions of law.  
(Name of Legislative body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)  
Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_, above.

Rebecca Rivera  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body  
Rebecca Rivera, Village Clerk  
Date: 4/9/09

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Orange

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.

Henry N. Christensen, Jr.  
Signature  
Henry N. Christensen, Jr.  
Village Attorney  
Title

~~County~~  
City of Chester  
~~Town~~  
Village

Date: \_\_\_\_\_