

**RESOLUTION NO. 1159 -2011, ADOPTING LOCAL LAW  
NO. 6 -2012, A LOCAL LAW TO BROADEN ENFORCEMENT  
OF THE COUNTY'S OUTDOOR WOOD-BURNING FURNACE  
LAWS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on November 22, 2011, a proposed local law entitled, "**A LOCAL LAW TO BROADEN ENFORCEMENT OF THE COUNTY'S OUTDOOR WOOD-BURNING FURNACE LAWS**"; now, therefore be it

**RESOLVED**, that said local law be enacted in form as follows:

**LOCAL LAW NO. 6 -2012, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO BROADEN ENFORCEMENT OF THE  
COUNTY'S OUTDOOR WOOD-BURNING FURNACE LAWS**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF  
SUFFOLK**, as follows:

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that Local Law No. 8-2007, codified in Chapter 308 of the SUFFOLK COUNTY CODE, restricts the sale, use and operation of outdoor wood-burning furnaces in the County of Suffolk.

This Legislature also finds that the restrictions on the use and operations of outdoor wood-burning furnaces are enforced by the Suffolk County Police Department.

This Legislature finds that the enforcement language should be broadened to allow town and village police departments outside the County Police District to enforce the restrictions on outdoor wood-burning furnaces.

Therefore, the purpose of this law is amend Chapter 308 of the SUFFOLK COUNTY CODE to allow town and village police departments to enforce restrictions on the use of outdoor wood-burning furnaces.

**Section 2. Amendments.**

Section 308-8 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**§ 308-8. Enforcement.**

A. The Office of Consumer Affairs is hereby authorized to enforce the ban on the purchase, sale, construction, or installation of new outdoor wood-burning furnaces under § 308-3 of this chapter.

B. The Suffolk County Police Department and town and village police departments shall enforce the use and operation restrictions on outdoor wood-burning furnaces under §§ 308-4 and 308-5 of this chapter.

**Section 3. Applicability.**

This law shall apply to all actions occurring on or after the effective date of this law.

**Section 4. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 5. SEQRA Determination.**

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

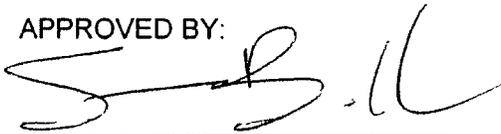
**Section 6. Effective Date.**

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

[ ] Brackets denote deletion of existing language  
\_\_\_ Underlining denotes addition of new language

DATED: December 20, 2011

APPROVED BY:



County Executive of Suffolk County

Date: January 10, 2012

After a public hearing duly held on January 9, 2012  
Filed with the Secretary of State on February 17, 2012

SUFFOLK COUNTY  
County Legislature  
RIVERHEAD, NY



*This is to Certify That I*, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on December 20, 2011 and that the same is a true and correct transcript of said resolution and of the whole thereof.

*In Witness Whereof*, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

*Tim Laube*

---

Clerk of the Legislature

Intro. Res.

1924

Res. No.

1159

December 20, 2011

**Motion:**

Romaine, Schneiderman, Browning, Muratore, Anker  
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,  
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Co-Sponsors:**

Romaine, Schneiderman, Browning, Muratore, Anker  
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,  
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Second:**

Romaine, Schneiderman, Browning, Muratore, Anker  
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,  
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
6	Sarah S. ANKER					
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	Jon COOPER					/
5	Vivian VILORIA-FISHER, D.P.O.					/
8	William J. LINDSAY, P.O.	✓				
	Totals	16	1		2	

MOTION
<input checked="" type="checkbox"/> Approve
Table: _____
<input type="checkbox"/> Send To Committee
<input type="checkbox"/> Table Subject To Call
<input type="checkbox"/> Lay On The Table
<input type="checkbox"/> Discharge
<input type="checkbox"/> Take Out of Order
<input type="checkbox"/> Reconsider
<input type="checkbox"/> Waive Rule _____
<input type="checkbox"/> Override Veto
<input type="checkbox"/> Close
<input type="checkbox"/> Recess
APPROVED <input checked="" type="checkbox"/> FAILED _____
No Motion _____ No Second _____

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
<input type="checkbox"/> NOT ADOPTED

*Tim Laube*

Tim Laube, Clerk of the Legislature

Roll Call \_\_\_\_\_ Voice Vote