

WATSON TOWNSHIP, ALLEGAN COUNTY, MICHIGAN

GENERAL LAW ORDINANCE

ORDINANCE NO. - _____

**AN ORDINANCE TO REGULATE THE INSTALLATION
AND USE OF OUTDOOR FURNACES**

WHEREAS, the Township Board has determined that although outdoor furnaces can save fossil fuels and may otherwise be desirable, they can (because of issues such as restricted airflow and low operating temperatures), create noxious and hazardous smoke, soot, fumes, odors, air pollution, particles and other products of combustion that can be detrimental to citizens' health, thereby depriving neighboring residents of the enjoyment of their property; and

WHEREAS the Township Board has determined that it would be in the best interest of the residents of the Township to regulate the installation and use of outdoor furnaces as provided herein.

THE TOWNSHIP OF WATSON ORDAINS:

Section 1. Purpose and Applicability.

- (a) **Purpose:** The purpose of this ordinance is to secure and promote the public health, safety and welfare of the Township and its inhabitants by establishing and imposing restrictions upon the construction and operation of outdoor furnaces within the Township of Watson. Outdoor furnaces can create noxious and hazardous smoke, soot, fumes, odors, air pollution, particles and other products of combustion, particularly when restricted airflow and low operating temperatures are present. These products can be detrimental to citizens' health and can deprive neighboring residents of the enjoyment of their property. These regulations are intended to eliminate noxious and hazardous conditions caused by outdoor furnaces.
- (b) **Applicability:** This ordinance applies to all outdoor furnaces within Watson Township which burn wood, coal grain or other solid biomass fuels.

Section 2. Definitions.

- (a) "Clean Wood" means natural dry wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.
- (b) "Occupied Building" is a dwelling; school; hospital; church; public library; business; farm building designed to include the presence of individuals as part of its intended purpose and function, including but not limited to packing houses, milking parlors used for public gatherings when the permit application is submitted.
- (c) "Outdoor furnace" means a fuel-burning device that is designed to burn clean wood or other solid fuels and is not located within a building intended for habitation by humans or domestic animals; and heats building space with heated air and/or water, or a mixture of water and antifreeze, that is typically distributed through pipes.
- (d) "Refuse" means any waste material except clean wood.

Section 3. Regulations. An outdoor furnace shall be permitted within the Township if it complies with each of the following regulations:

- (a) **Setback and Location:** The outdoor furnace shall be located no closer to a property line than the height of the chimney attached to the furnace or fifteen (15) feet, whichever is the greater distance, and not less than one hundred 100 feet from any existing residence or occupied structure which is not on the same property as the outdoor furnace. It also shall be located a minimum of 75' from any road right of way. The outdoor wood furnace shall otherwise be located on the property in compliance with manufacturer's recommendations and or testing and listing requirements for clearance to combustible materials.
- (b) **Chimney Height:** The chimney shall be no less than 15 feet in height above ground. If, however, there are any occupied structures on adjacent property located within 200 feet of the Outdoor Furnace, and that are not served by the Outdoor Furnace the chimney shall extend no less than 2 feet above the highest point of the roofs of those occupied structures. All chimneys shall have a spark arrester installed at the top of the chimney.

The Building Official/Mechanical Inspector, or other person as is designated by the Township to enforce ordinances, may approve a lesser height on a case by case basis if necessary to comply with manufacturer's recommendations. This may only be

considered if the smoke from the lower chimney height does not create a nuisance for neighbors.

- (c) Compliance with Manufacturer Instructions: The outdoor furnace shall be constructed, established, installed, operated and maintained in conformance with the manufacturer's instructions and the requirements of this ordinance. In the event of a conflict, the requirements of this ordinance shall apply unless the manufacturer's instructions are more strict, in which case the manufacturer's instructions shall apply.
- (d) Safety standards: The outdoor furnace shall be laboratory tested and listed to appropriate safety standards such as UL, CAN/CSA, ANSI or other applicable safety standards.
- (e) Fuel: The fuel burned in the outdoor furnace shall only be clean wood without additives, wood pellets without additives, agricultural seeds in their natural state, or other fuels specifically permitted by the manufacturer's instructions such as fuel oil, natural gas or propane as backup fuel sources. The following materials are specifically prohibited in outdoor furnaces:
 - (1) Rubbish or garbage, including but not limited to food waste, food scraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
 - (2) Waste oil or other oily wastes.
 - (3) Asphalt and products containing asphalt.
 - (4) Treated or painted wood including, but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
 - (5) Any plastic material including, but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 - (6) Rubber, including tires and synthetic rubber-like products.
 - (7) Newspapers, corrugated cardboard, container board or office paper.
 - (8) Other items not specifically allowed by the manufacturer or this ordinance.

Section 4. Outdoor Furnace Permit

- (a) **Permit:** A permit shall be obtained from the Watson Township Building Official/Mechanical Inspector prior to installing a furnace or changing the structure or location of an existing furnace.
- (b) **Application:** An application for a furnace permit shall be made using forms furnished by the Building Official for the purpose for enforcement of these regulations. The application shall include following:
 - (1) Name, address and telephone number of applicant and property owner;
 - (2) A sketch of the dimensions of the property, including location of buildings and the furnace relative to the lot lines and distances from neighboring residences that are within 300 feet.
 - (3) Manufacturer's specifications for the outdoor furnace.
- (c) **Fee:** All permits applied for under this section shall include an application fee which at a minimum will include fees covering electrical and mechanical inspections required by the State of Michigan.
- (d) **Issuance of permit:** The Building Official/Mechanical Inspector shall within a reasonable time period and upon his or her determination, issue a mechanical permit for a furnace that meets the standards established by this ordinance.
- (e) **Additional inspections:** Outdoor furnaces and associated installations shall be subject to inspection by the designated Watson Township official at any reasonable time to assure compliance with this ordinance. Inspection by the Building Official/Mechanical Inspector shall be required before any outdoor furnace is put into service.

Section 5. Existing (Nonconforming) Outdoor Furnaces. The lawful use of an existing outdoor furnace existing at the time of the adoption or amendment of this ordinance may be continued although such furnace does not conform to the provisions of this ordinance. However, the use of an existing nonconforming outdoor furnace shall not be a public nuisance or cause a human health hazard as may be prohibited by other applicable Watson Township ordinances or state and federal regulation.

Section 6. Waivers and adjustments. The Township Board may hear and decide requests for waivers or adjustments from the requirements of this ordinance and in doing so shall consider all technical evaluations, and all relevant factors and standards specified in this ordinance and;

- (a) Whether the emissions from the outdoor furnace are unreasonably obnoxious and the effects on neighboring property owners may diminish the enjoyment of life, health, safety or property, or damage vegetation or property.
- (b) The availability of alternative locations on the applicant's property.
- (c) The expected prevailing wind direction.
- (d) Whether the request is substantial.
- (e) Whether the situation is unique.

The Township Board may attach such reasonable conditions to the granting of waivers or adjustments as it deems necessary to further the purposes of this ordinance.

Section 7 Liability. A person using or maintaining an outdoor furnace shall be responsible for all fire suppression, costs and other liability resulting from damage caused by the outdoor furnace. Compliance with this ordinance shall not be a defense to any civil claims. Nothing in this ordinance shall authorize any installation or use that is a public or private nuisance, regardless of compliance herewith.

Section 8 Severability. The sections and provisions of this ordinance are severable and any portion which is declared inoperative or invalid for any reason by a court of competent jurisdiction shall in no way affect the remaining sections or provisions of this ordinance.

Section 9 Enforcement and Penalties.

- (a) **Enforcement:** The Watson Township Building Official or other persons designated by the Township Board to enforce ordinances are authorized to enforce the provisions of this ordinance.
- (b) **Violation:** Any person who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, any administrative decision made under the Ordinance, or any permit or approval issued under the Ordinance or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance. Any person responsible for a violation of this Ordinance whether as an

owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

(c) Municipal Civil Infraction: A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	<u>Minimum Fine</u>	<u>Maximum Fine</u>
-1st Offense	\$75.00	\$500.00
-2nd Offense	\$150.00	\$500.00
-3rd Offense	\$325.00	\$500.00
-4th or More Offense	\$500.00	\$500.00

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township of Watson has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 be ordered.

Section 10. Administrative Liability. No officer, agent or employee of the Township shall render himself or herself personally liable for any damages that may accrue to any person as a result of any act required or permitted in the discharge of his duties under and in the enforcement of this Ordinance.

Section 11. Repeal. All ordinances or parts thereof which are currently in effect and in conflict in whole or in part with any of the provisions of this Ordinance as of its effective date, are hereby repealed to the extent of such conflict.

Section 12 Effective Date. This Ordinance was approved and adopted by the Township Board on _____ and shall be effective on _____.

Pam Brown, Supervisor

Kelli Morris, Clerk