

Outdoor Wood-Fired Boiler, Stove and Furnace Ordinance for Green Township, Michigan.

Ordinance No. 45 of 2009

SECTION 1: PURPOSE

1.00 Purpose.

This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of Green Township by regulating the use of outdoor wood-fired boilers, stoves, or furnaces.

SECTION 2: APPLICABILITY

2.00 Applicability.

This ordinance applies to all outdoor wood-fired boilers, stoves, or furnaces within Green Township.

- 2.1. This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- 2.2. This ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.
- 2.3. This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

SECTION 3: SEVERABILITY

3.00 Severability.

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

SECTION 4: DEFINITIONS

4.00 Definitions.

- 4.1. "Outdoor wood-fired boiler, stove, or furnace" means a structure that:
 - (1) Is designed, intended, or used to provide heat and/or hot water to any residence or other structure; and
 - (2) Operates by the burning of wood or other solid fuel; and
 - (3) Is not located within a structure used for human or animal habitation.
- 4.2. "Refuse" means any waste material, garbage, animal carcasses, and trash or household materials except trees, logs, brush, and stumps .

SECTION 5: OUTDOOR WOOD-FIRED BOILERS, STOVES, OR FURNACES

5.00 Outdoor wood-fired boilers, stoves, or furnaces.

The following provisions shall apply to outdoor wood-fired boilers, stoves, and furnaces in Green Township:

- 5.1. Outdoor wood-fired boilers, stoves or furnaces shall be prohibited on any land zoned R-1 and in all platted subdivisions in Green Township.
- 5.2. In all unplatted areas of Green Township which are not zoned R-1, an outdoor wood-fired boiler, stove or furnace may be installed with the issuance of a zoning permit before installation.

- 5.3. The outdoor wood-fired boiler, stove or furnace shall not be used to burn refuse, leaves, green vegetative matter and noxious plants.
- 5.4. The outdoor wood-fired boiler, stove or furnace shall be located at least 300 feet from the nearest occupied dwelling which is not on the same property as the outdoor wood-fired boiler, stove or furnace.
- 5.5. The outdoor wood-fired boiler, stove or furnace shall be located at least 50 feet from the side and rear lot lines of the property on which it is located and shall not be located within any front yard.
- 5.6. Setback for a residence located on a state highway is 300 feet.
- 5.7. The outdoor wood-fired boiler, stove or furnace shall have a chimney that extends at least 15 feet above the ground surface. If there are any residences within 500 feet, the chimney shall also extend at least as high above the ground surface as the peak of the roofs of all such residences. The Zoning Administrator may approve or require a lesser or greater height on a case-by-case basis if necessary:
 - 5.7.1 to comply with manufacturer's recommendations or
 - 5.7.2 to obtain a sufficient height to effectively disperse smoke or
 - 5.7.3 if the smoke from the lower chimney height does not create a nuisance for neighbors.
- 5.8. Only products designed and manufactured to be utilized in the outdoor wood-fired boiler, stove, or furnace may be burned in the unit.
- 5.9. Existing outdoor wood-fired boilers, stoves, or furnaces which are located less than 300 feet away from a dwelling which is not on the same property as the outdoor wood-fired boiler, stove, or furnace may not be operated during the months of May, June, July, August, and September.
- 5.10. Outdoor wood-fired boilers, stoves, or furnaces existing at the time of the adoption of this ordinance but which are not in compliance with the provisions of this ordinance may continue but cannot be relocated, attached to new buildings, expanded or replaced with a new unit unless they are brought into compliance with the provisions of this ordinance. However, existing outdoor wood-fired boilers, stoves, or furnaces which are not in compliance with this ordinance must adhere to **subsection 5.9**.
- 5.11. Outdoor wood-fired boilers, stoves, or furnaces and any electrical, plumbing, mechanical or other apparatus or device in connection with an outdoor wood-fired boiler, stove, or furnace shall be installed, operated, and maintained in conformity with the manufacturer's specifications and recommendations and all local, state, and federal codes, laws, rules, and regulations.
- 5.12. Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other Township law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such ordinance shall govern. Where any provision of this Ordinance differs from any other provision of this Ordinance, the more restrictive requirement shall prevail.

SECTION 6: RIGHT OF ENTRY AND INSPECTION

6.00 Right of entry and inspection.

Upon receipt of a report or complaint that there has been a violation of this ordinance, the Zoning Administrator or any authorized officer, agent, employee or representative of Green Township who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

SECTION 7: ENFORCEMENT AND PENALTIES

7.00 Enforcement and penalties.

- 7.1. Authority to enforce this ordinance is hereby given to the Zoning Administrator, the Green Township Supervisor in the Zoning Administrator's absence or in the event of a conflict of interest, or any officer, agent, employee, or representative to whom such authority has been delegated by the Green Township Board of Trustees in the event of absence or a conflict involving both.

- 7.2. Any person, firm, association, partnership, corporation, or governmental entity who violates any of the provisions of this ordinance or fails to comply with a duly authorized Order issued pursuant to this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by applicable Michigan Statute which shall be punishable by the fines and costs stated in the Green Township Nuisance Ordinance No. 41 of 2006. In addition, Green Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance and applicable statute. Each day that a violation of this Ordinance exists shall constitute a separate violation of this Ordinance and applicable statute.

SECTION 8: EFFECTIVE DATE

8.00 Effective Date

This ordinance shall become effective 30 days after publication.

CERTIFICATION

I, Melony Sumerix, duly elected Clerk of the Township of Green, County of Alpena, State of Michigan, do hereby certify the foregoing to be a true copy and the whole of an ordinance adopted by the Green Township Board on March 16, 2009, at which meeting a quorum was present by a roll call vote of said members as hereinbefore set forth, the ordinance was ordered to take effect upon publication.

Green Township Clerk

Adopted: March 16, 2009
Published: March 26, 2009
Effective: April 25, 2009