

TOWNSHIP OF PENTWATER
COUNTY OF OCEANA, MICHIGAN

At a regular meeting of the Township Board of the Township of Pentwater, held at the Pentwater Township Hall, 327 South Hancock Street, within the Township, on the 14th day of May, 2014 at 7:00 p.m.

PRESENT: Members: Smith, Siska, Flynn, Holub

ABSENT: Members: Ruggles

The following ordinance was offered by Member Smith and supported by Member Siska .

ORDINANCE NO. 14-2

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

THE TOWNSHIP OF PENTWATER ORDAINS:

WHEREAS, the Township Board has determined that while 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; **IT IS THEREFORE ORDAINED:**

Section 1. **Purpose.** The purpose of this Ordinance is to establish and impose restrictions upon the installation and operation of the initial outdoor furnace on a property within the limits of the Township of Pentwater so as to secure and promote the public health, safety and welfare of the Township and its inhabitants. These regulations are intended to minimize the possibility of noxious and hazardous conditions caused by outdoor furnaces.

Section 2. **Outdoor Furnaces Defined.** For purposes of this ordinance, the term "outdoor furnace" shall mean a furnace, stove or boiler that is not located within a building or structure intended for habitation by humans or domestic animals, but that provides heat or hot water for such building or structure.

Section 3. **Regulations.** An outdoor furnace shall not be permitted within the Township unless it complies with each of the following regulations:

A. **Setbacks.** The outdoor furnace shall be located no less than 150 feet from property lines.

B. **Chimney Height.** The chimney of the outdoor furnace shall have a chimney that extends at least 10 feet above the grade plane. If the chimney height required by this Ordinance exceeds the manufacturer's specifications the Zoning Administrator, or such other person as is designated by the Township Board to enforce ordinances, may approve a lesser height on a case by case basis if necessary to comply with manufacturer's recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors. Insulated chimneys are recommended.

C. **Spark Arrestors.** All outdoor furnace chimneys shall be equipped with properly functioning spark arrestors.

D. **Open Ground Area.** An area within a radius of 10 feet around the outdoor furnace shall be free of vegetation, except grass not exceeding four (4) inches in length.

E. **Fuel.** No fuel other than natural wood without additives, wood pellets without additives, and agricultural seeds in their natural state may be burned.

Section 4. Permit. (This section applies to new outdoor furnaces only) The owner of an outdoor furnace shall obtain a permit from the Township, according to the following provisions:

A. Application Information. The applicant for a permit shall submit the following information.

(1) Verification that the outdoor furnace will comply with the specifications for such outdoor furnace.

(2) Verification that the outdoor furnace will comply with all applicable state and federal statutes.

(3) A drawing or sketch (not to scale) providing the location of the proposed outdoor furnace on the property the outdoor furnace will be installed on, including the distance from the nearest property line of another property.

(4) Consent by the owner for the Township ordinance enforcement official or any other governmental official to enter the lot or parcel upon which the new outdoor furnace is located or proposed to be located for the purpose of inspecting the location of the proposed new outdoor furnace.

B. Application Permit; Fee. The Zoning Administrator shall review each application and issue a permit to such applicants as meet the requirements contained in this ordinance. The Township Board may establish by resolution a fee for the processing

of outdoor furnace permit applications.

Section 5. 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 6. Other Requirements. In addition to this ordinance, an outdoor furnace shall comply with all building and mechanical codes. All permits required by such codes shall be obtained. Failure to obtain such permits or to comply with applicable codes shall be a violation of this Ordinance.

Section 7. 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.

Section 8. Existing Outdoor Furnaces.

A. An outdoor furnace in existence prior to the effective date of this Ordinance shall be allowed to remain.

B. An outdoor furnace which replaces an existing outdoor furnace shall not be subject to the requirements of this ordinance.

C. Nothing in this Ordinance shall prohibit the regular repair and maintenance of an existing outdoor furnace so that it is operated in a safe manner and according to the manufacturer's specifications.

Section 9. Penalty.

A. Failure to comply with the requirements of this Ordinance is hereby declared to

be a nuisance per se. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be \$100.00 for the first offense and \$200.00 for subsequent offenses, in the discretion of the court and in addition to all other costs, damages and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within 12 months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible.


B. The foregoing penalty shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

Section 10. **Effective Date.** This Ordinance shall become effective 30 days after publication of a summary of the provisions thereof in a local newspaper of general circulation within the Township.

AYES: Members: Smith, Siska, Flynn, Holub

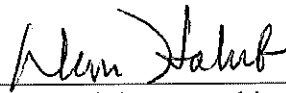
NAYS: Members: None

ORDINANCE DECLARED ADOPTED.



Dean Holub, Township Clerk

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Township of Pentwater at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.



Dean Holub, Township Clerk