

Passed

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Passed by Board
2010.02.09

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THE TOWNSHIP OF POWELL
COUNTY OF MARQUETTE, STATE OF MICHIGAN
**ORDINANCE TO REGULATE
OUTDOOR WOOD FURNACES**

It is the purpose of this ordinance to establish and impose restrictions upon the construction, installation, and operation of outdoor furnaces within the limits of Powell Township for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, and prosperity of the township and its inhabitants. It is generally recognized that the types of fuel used, and the scale and duration of the burning by such furnaces creates noxious and hazardous smoke, soot, fumes, odors, air pollution, particles and other products of combustion that may be detrimental of citizens' health and can deprive neighboring residents of their enjoyment of their property or premises.

SECTION 1 – TITLE

This ordinance shall be known and cited as the Powell Township Outdoor Wood Furnace Ordinance.

SECTION 2 – DEFINITION

- 2-1 The words "Outdoor Furnaces designed for structure heat" shall mean, but is not limited to, any device, appliance, and equipment apparatus or structure that:
- 2-2 Is designed, intended, and/or used to provide heat and/or hot water to any structure.
- 2-3 Operates by burning wood or any other solid fuel including, pellets, coal, paper, and agricultural products. No wood treated with preservatives, plastic, or rubber material shall be burned in these devices.
- 2-4 It is not located within the structure to be heated
- 2-5 Included, but is not limited to, devices referred to as outdoor wood furnaces, outdoor boilers, and outdoor stoves.
- 2-6 The "Outdoor Furnace" shall not be used to burn refuse.

SECTION 3 – REGULATION

- 3-1 In all zoning districts, where allowed, the “Outdoor Furnaces” will be permitted on lot sizes where the minimum width of the lot is at least one hundred (100) feet.
- 3-2 The “Outdoor Furnace” shall be installed at least thirty (30) feet from any residential structure not on the property.
- 3-3 The “Outdoor Furnace” shall be at least thirty (30) feet from any property line.
- 3-4 Installation in all allowable zoning area must comply with manufactures Specifications.
- 3-5 An area of eight (8) feet around the “Outdoor Furnace” structure shall be free of all combustibles except for ground cover not to exceed four (4) inches in length.
- 3-6 There will be a \$25.00 fee for a required Powell Township permit. The permit shall include a site plan drawing providing and identifying all of the information necessary to assure compliance herewith, manufacturer’s specifications for the outdoor furnace and compliance with all applicable state and federal statutes.
- 3-7 Nothing contained herein shall authorize any installation that is a public or private nuisance, regardless of compliance herewith.
- 3-8 All existing “Outdoor Furnaces” shall be allowed until replacement, subject upon this ordinance.
- 3-9 If any existing “Outdoor Furnace” creates a nuisance, the Powell Township Zoning Administrator shall have the right to investigate the nature of the nuisance.
- 3-10 The Zoning Administrator shall take the necessary steps to correct the nuisance.
- 3-11 The property owner will be required to eliminate the cause of the nuisance.
- 3-12 The property owner shall have the right to appeal the decision of the Zoning Administrator to the Township Board. If the issue is not resolved by that body, fines will be levied until the nuisance is corrected.