

ARTICLE V. - OUTDOOR WOOD FURNACES 

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Sec. 18-121. - Purpose. 

It is the intent and purpose of this article to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the township by regulating outdoor wood furnaces.

(Ord. No. 797, § 1, 7-16-2007)

Sec. 18-122. - Applicability. 

This article applies to all outdoor wood furnaces in the township.

(1)

This article does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.

(2)

This article does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used primarily for human or animal habitation.

(3)

This article does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

(Ord. No. 797, § 1, 7-16-2007)

Sec. 18-123. - Definitions. 

As used in this article, the words defined in this section shall have the following meaning:

Chimney means any flue or flues that carry off exhaust from an outdoor wood furnace firebox or burn chamber.

Department of community development director or director means the department head of the community development department or other person designated by the department head.

Fire chief means the chief of township fire department or other person designated by the fire chief.

Outdoor wood furnace means a furnace, stove or furnace that is not located within a building intended primarily for habitation by humans or domestic animals. An outdoor wood furnace may also be referred to as an outdoor wood boiler or wood hydronic heater

Refuse means any waste including, but not limited to trash, plastics, gasoline, rubber, naphtha, household garbage, materials painted or treated with petroleum products (particle board, railroad ties and pressure treated wood), leaves, grass clippings and cardboard.

(Ord. No. 797, § 1, 7-16-2007)

Sec. 18-124. - Outdoor wood furnaces.

An outdoor wood furnace shall be installed and used in the township only in accordance with all of the following provisions:

- (1)

The outdoor wood furnace shall be installed and used only on a lot, unit, parcel or tract of land of greater than two acres.
- (2)

The outdoor wood furnace shall not be used to burn refuse. Fuel burned in any outdoor wood furnace shall only include untreated wood, wood pellets, corn products or other listed fuels specifically permitted by the manufacturer's instructions such as fuel oil, natural gas or propane backup.
- (3)

The outdoor wood furnace shall be located at least 200 feet from the nearest then existing inhabitable structure or building which is not on the same real property as the outdoor wood furnace. For purposes of this section, an inhabitable structure or building does not include barns or accessory structures. The setback requirements contained herein are in addition to all

applicable setback requirements contained in the township's zoning ordinance for buildings and structures.

(4)

The outdoor wood furnace shall have a chimney that extends at least 15 feet in height above the ground surface. If there are any residences within 300 feet (whether the owner's residence or a neighbor's residence), the chimney shall also extend at least two feet higher than the peak of the roofs of all such residences. The director 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. Notwithstanding the foregoing, the height of a chimney shall be no less than the minimum height recommended by the manufacturer.

(5)

If a new residence located on a neighboring property is constructed within 300 feet of an existing outdoor wood furnace, the outdoor wood furnace shall conform to the chimney height requirements of this article within 30 days of the date of the occupancy permit for such residence.

(6)

The property owner on which the outdoor wood furnace is located shall submit a site plan showing the location of the outdoor wood furnace, applicable setbacks and residences within 300 feet. The director may require additional information on a case-by-case basis to determine compliance with this article and other applicable township laws.

(7)

The property owner on which the outdoor wood furnace is located shall obtain a mechanical permit from the community development department.

(8)

An outdoor wood furnace shall be laboratory tested and listed to appropriate safety standards such as UL (Underwriter Laboratories), CAN/CSA (Canada National Standard/Canadian Standards Association), or ANSI (American National Standards Institute) standards or other industry recognized safety standards.

(9)

All new outdoor wood furnaces and those existing as of the effective date of this article shall be constructed, established, installed, operated and maintained in conformance with the manufacturer's instructions and the requirements of this article.

(10)

Any outdoor wood furnace for which a building/mechanical permit was issued by the township prior to the adoption of this article shall be exempt from the provisions of subsection (1) and the 200 minimum setback requirement

contained in subsection (3) provided the size of the lot, unit, parcel or tract of land is not subsequently reduced nor the outdoor wood furnace relocated so as to reduce the required minimum setback required in subsection (3).

(Ord. No. 797, § 1, 7-16-2007)

Sec. 18-125. - Right of entry and inspection.

The fire chief or an authorized officer, agent, employee or representative of the township who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this article.

(Ord. No. 797, § 1, 7-16-2007)

Sec. 18-126. - Enforcement and penalties.

(a)

The fire chief, the community development director, building inspector, superintendent and the ordinance enforcement officer are authorized to enforce the provisions of this article. Any violation of this article shall be considered a nuisance per se.

(b)

Any person who violates or refuses to comply with any provision of this article shall be responsible for a municipal civil infraction. In addition, the township may pursue any other remedy permitted under this article or permitted by law including but not limited to obtaining an injunction.

(Ord. No. 797, § 1, 7-16-2007)

Sec. 18-127. - Appeals and variances.

Appeals from any actions, decisions, or rulings of a township official or a request for a variance from the strict application of the specific requirements of this article may be made to the township board. Request for all appeals shall be made in writing to the township board not later than 30 days of the act, decision, or ruling from which relief is sought. If an application for a building/mechanical permit for an outdoor wood furnace is denied by a township official, the township shall advise the applicant in writing of his or her option to appeal the decision to the township board.

(1)

The application fee for appeals and variance shall be the same amount as those established for the zoning board of appeals.

(2)

The township board shall affirm, modify, or deny the action, decision, or ruling that is being appealed. In the case of a request for a variance, the township board shall deny the variance, approve the variance or approve the

variance with conditions necessary to carry out the intent of this article. In considering a variance request, the township board shall take into consideration the benefit the applicant would receive if the variance is granted, as weighted against the detriment of the neighborhood or community by such grant of a variance. In making such determination the township board shall consider:

a.

Whether a detriment to nearby properties will be created by the granting of the variance;

b.

Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance;

c.

Whether the requested variance is substantial;

d.

Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the township board, but shall not necessarily preclude the granting of the variance.

(Ord. No. 797, § I, 7-16-2007)

Secs. 18-128—18-130. - Reserved. 