

THE TOWNSHIP OF ESCANABA  
COUNTY OF DELTA, STATE OF MICHIGAN  
**OUTDOOR FURNACE ORDINANCE**  
**ORDINANCE NO. 0807**

It is the purpose of this ordinance to establish and impose restrictions upon the construction and operation of outdoor furnaces within the boundary limits of Escanaba Township, Delta County, Michigan 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 burning of such furnaces create noxious and hazardous smoke, soot, fumes, odors, air pollution, particles, and other products that can be detrimental to citizen's health, and can deprive neighboring residents of the enjoyment of their property or premises.

**Section 1 - Title**

- 1-1 This ordinance shall be titled and cited as the Escanaba Township Outdoor 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, equipment apparatus or structure that:
- 2-2 Is designed, intended and/or used to provide heat and/or hot water to any associated structure.
- 2-3 Operates by burning wood or any other solid fuel including but not limited to: coal, paper pellets, and agricultural products.
- 2-4 Is not located within the structure to be heated.
- 2-5 Includes, but not limited to, devices referred to as outdoor furnaces, outdoor boilers, and outdoor stoves.

**Section 3 – Regulations**

**Part A**

The following regulations shall apply to Outdoor furnaces:

- 3-1 New construction of outdoor furnaces shall not be placed in R-1 Zoning District.
- 3-2 Outdoor furnaces shall not be placed on lots less than 1 acre in size and must have a minimum lot width of 200 feet and must be located behind any residential building (the river or vista view of the property is considered the front of the lot).
- 3-3 Outdoor furnaces shall not be placed less than 65 feet from the nearest point of intersection of any other adjacent property line and shall have a minimum chimney stack height of 15 feet from ground level. Said chimney shall have a spark arrestor or cap installed on top and a fresh air blower.
- 3-4 An area of 8 feet around the outdoor furnace shall be free of vegetation, except grass not exceeding 4 inches in length.
- 3-5 No fuel other than natural wood (without additives), wood pellets (without additives), and agricultural seeds in their natural state shall be burned.
- 3-6 All existing outdoor furnaces shall be allowed until replacement - subject upon a case by case review by the Zoning Administrator.

### **Section 3 Regulations**

#### **Part B**

Outdoor furnace installation is subject to the permit provisions hereof including furnishing the following information:

- 3-7 A drawing providing and identifying all of the information necessary to insure compliance herewith and subject to a \$10.00 fee.
- 3-8 Compliance with UL (Underwriters Laboratories) specifications for the outdoor furnace.
- 3-9 Compliance with all applicable State and Federal statutes if applicable.
- 3-10 Nothing contained herein shall authorize any installation that is a public or private nuisance, regardless of compliance herewith.
- 3-11 This ordinance shall not be a defense to any civil claims.

### **Section 4 – Enforcement**

- 4-1 First nuisance offense requires only a verbal complaint and the owner will receive a verbal warning by the Zoning Administrator.

- 4-2 Before commencing prosecution for a second offense under this ordinance, the Zoning Administrator shall have a written and signed complaint by the offended parties. The second such notice shall be in writing and shall be served upon said person by certified mail with return receipt to the owner.
- 4-3 Upon receipt of the certified notice, the violation must cease immediately or will result in the issuance of a municipal civil infraction citation.
- 4-4 Any structural violation must be corrected within 15 days from date of notice from the Zoning Administrator.

### **Section 5 - Penalty**

- 5-1 Failure to comply with the requirements of this ordinance shall constitute a Municipal Civil Infraction, which shall be processed in accordance with MCLA 600.8701. The assessment and collection of fines and costs shall also be in accordance with MCLA 600.8701 et seq. Each day's continuance of the violation shall constitute a separate and distinct offense.
- 5-2 Any person violating this ordinance shall be deemed to have committed a civil infraction, subject to the payment of civil fines of \$100 plus costs, for the first violation.
- 5-3 Any repeat offense shall be subject to increased fines as follows:
- 5-4 First repeated offense shall be no less than \$250 plus costs.
- 5-5 A fine for any second repeated offense or any subsequent repeated offense, shall be no less than \$500 plus costs.

### **Section 6 - Severability**

- 6-1 The sections and provisions of this ordinance are declared to be 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 7 – Sunset Provision**

- 7-1 At the discretion of the Escanaba Township Planning Commission, this ordinance shall be reviewed 3 years after its adoption.

**Section 8 - Effective Date**

This ordinance shall become effective 30 days after adoption by the Escanaba Township Board.

**ADOPTED:** August 10, 2007

**PUBLISHED:** August 10, 2007

**EFFECTIVE:** September 11, 2007