

**MANLIUS TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

OUTDOOR FURNACE ORDINANCE

ORDINANCE NO. 2007-01

ADOPTED: May 16, 2007

EFFECTIVE: June 23, 2007

An Ordinance to protect the public health, safety and general welfare from excessive smoke pollution, soot contamination, other toxic air pollutants and offensive odors emanating from outdoor furnaces fueled by wood, coal, corn, or other types of fuel injurious to lungs, nasal passages and eyes; to provide penalties or sanctions for the violation of the ordinance provisions, to repeal any ordinances or parts of ordinances in conflict herewith and to provide for an effective date of such ordinance.

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ORDAINS:

**SECTION I
TITLE AND PURPOSE**

This Ordinance shall be known and cited as the "Manlius Township Outdoor Furnace Ordinance".

The purpose of this Ordinance is to protect the public health, safety and general welfare of the residents of Manlius Township from any excessive smoke pollution, soot contamination and other toxic air pollutants and offensive odors emanating from outdoor furnaces and to regulate the location and use of same.

**SECTION II
DEFINITIONS**

Outdoor Furnace means an outdoor fuel-fired boiler/furnace fueled by wood, coal, corn or other types of fuel not injurious to lungs, nasal passages or eyes for which fuel the furnace is designed by its manufacturer to accept located outside of a residence for habitation by humans with the designated purpose of providing indoor heat of water and/or air.

SECTION III
RESTRICTIONS

- A. Outdoor furnaces are permitted to be located in the Agricultural, Forestry & Recreational and R-1 (Rural Residential) zones, but are prohibited from being located in Commercial, Industrial, R-2 (Medium Density Residential), R-3 (Community Residential) and any area that is part of a Planned Unit Development, Condominium or Subdivision within Manlius Township. Such outdoor furnaces are further prohibited from being located within 1000 feet of any existing dwelling owned by another and used for human habitation located in any zoning districts established under the Manlius Township Zoning Ordinance. If an outdoor furnace is to be located less than 1500 feet from any structure owned by another, written acknowledgement from that owner must accompany the application. Outdoor furnaces shall have a chimney that extends at least 14 feet above the ground surface as well as meet any required standards set forth by the manufacturer or any code that applies. In addition, the chimney should also extend at least as high as the height of the roof of the nearest dwelling and/or structure within 40 feet.
- B. No permitted outdoor furnace shall utilize any fuel other than the foregoing described fuel it has been designed to handle.
- C. Outdoor furnaces that have been legally installed with the previous approval of the Building and/or Mechanical Inspector but which violate the within ordinance shall be permitted to continue for a maximum period of 18 months following the publication of the within ordinance within which time they shall be dismantled and discontinued.
- D. Any outdoor furnaces that have been installed without the approval of the Building and/or Mechanical Inspector shall be immediately dismantled and discontinued where they are in violation of the within ordinance regulations, unless such outdoor furnaces are in compliance with the within ordinance regulations.
- E. After the effective date of the within ordinance, no outdoor furnace shall be constructed, installed or continued without first obtaining a permit therefor from the Building and/or Mechanical Inspector, which permit shall not be issued until said inspector is satisfied the proposed outdoor furnace fully complies with the provisions of the within ordinance, the Fire Code and the Mechanical Code.
- F. All permitted outdoor furnaces shall be subject to periodic inspection to determine its avoidance of any cause of pollution, contamination or public nuisance by the Building and/or Mechanical Inspector and the termination of its existence or operation by said inspector until corrections are completed to the satisfaction of said inspector.
- G. The fee for such outdoor furnace permit under the within ordinance shall be determined by resolution of the Manlius Township Board to cover anticipated reasonable costs of inspections and administration of the within ordinance.

H. In any instance, any outdoor furnace must be 50 feet from any property line.

SECTION IV
SEVERABILITY

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section, or provision is declared void or unenforceable for any reason, by any court of competent jurisdiction, it shall not affect any portion of the ordinance other than said part or portion thereof.

SECTION V
SANCTIONS

Any person, firm, association, partnership, corporation or entity that violates any of the provisions of the within ordinance shall be deemed responsible for a municipal civil infraction as defined by Michigan statutes which shall be punishable by a civil fine determined in accordance with the following schedule:

1 st Offense	\$ 75.00
2 nd Offense and Subsequent Offenses Each	\$100.00
Each Day Offense Continues after Notice of Violation	\$100.00

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which Manlius Township has incurred in connection with the municipal civil infraction. In no case, however, shall costs be less than \$9.00.

In addition, the 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.

SECTION VI
EFFECTIVE DATE AND REPEAL OF ANY ORDINANCES OR PARTS OF ORDINANCES
IN CONFLICT HEREWITH

This Ordinance shall take effect 30 days after its publication following its adoption by the Manlius Township Board. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

MANLIUS TOWNSHIP
Kathy Lubbers, Clerk
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