

CHAPTER 14

OUTDOOR FURNACES

SECTION 14.00 - TITLE

The regulations of this Chapter shall be known and cited as the Rives Township Outdoor Furnace Ordinance.

(Ord. No. 2010-1, Adopted 2-2-10, amended by Ordinance No. 2018-1)

SECTION 14.01 - PURPOSE

The purpose of this Chapter is to protect health, safety and welfare by prohibiting certain outdoor furnaces and by requiring that all permitted outdoor furnace systems are properly installed and maintained consistent with this Chapter and the manufacturer's instructions.

SECTION 14.02 - DEFINITIONS

A. Outdoor Wood Furnace: Any equipment, device, appliance or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. An outdoor Wood Furnace may also be referred to as an Outdoor Wood Boiler or Outdoor Wood-fired Hydronic heater.

B. Natural Wood: Wood which has not been painted, varnished, or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products

SECTION 14.03 – REGULATIONS

A. Outdoor Wood Furnaces Installed After the Effective Date of the Ordinance. No person shall construct, install, establish, operate or maintain an Outdoor Wood Furnace except as permitted under this Chapter and the manufacture's specifications. If there is a conflict between the manufacture's specifications and this Chapter, the more restrictive provision shall apply. The following regulations shall apply to Outdoor Wood Furnaces installed after the effective date of this Chapter:

1. All outdoor Wood Furnaces must be installed and maintained in accordance with the manufacturer's standards and specifications;
2. Only natural wood shall be burned in an Outdoor Wood Furnace, and the burning of rubbish or garbage, plastic materials, foam or synthetics, newspaper, cardboard, and other such materials is strictly prohibited;
3. All Outdoor Wood Furnaces must be set back not less than 100 feet from adjacent property boundaries;
4. The use of an Outdoor Wood Furnace shall not be permitted on a parcel of land less than two (2) acres.
5. Outdoor Wood Furnaces may only be operated from September 30th through May 30th of a year; and
6. The chimney of an Outdoor Wood Furnace must be constructed and

maintained in accordance with the manufacture's specifications.

B. Outdoor Wood Furnace Installed prior to the Effective Date of the Ordinance. An Outdoor Wood Furnace installed and operating prior to the effective date of the ordinance shall comply with Subsections 1, 2 and 6 above. There shall be no replacement of or substitution for an outdoor Wood Furnace which is installed and operating on the effective date of the ordinance except in full compliance with Subsections 1, 2, 5 and 6 above. If an Outdoor Wood Furnace existing and operating on the effective date of this Chapter is determined by the Building Administrator, after investigation, to be a verifiable nuisance or is verifiably interfering with the repose and comfort of an adjacent or neighboring property owner or tenant, and the pre-ordinance furnace is not otherwise in conformance with Subsections 1 through 6 of this Section, then the non-compliant Outdoor Wood Furnace shall be modified in location, construction, and operation to the neighboring properties, or the operation and maintenance of such pre-ordinance furnace shall immediately cease and be discontinued.

SECTION 14.04 - PERMIT APPROVAL PROCEDURE

Prior to installation of an Outdoor Wood Furnace, a permit must be obtained and permit fee paid as may be established by resolution of the Township Board. Application for a permit must be by written request which shall include a copy of the owner's manual and installation instructions for the proposed Outdoor Wood Furnace. A drawing to scale showing the existing boundary lines and location of the proposed Outdoor Wood Furnace shall demonstrate the proposed Furnace will be installed in compliance with this Chapter. A permit to construct and operate will be granted by the building administrator if it is determined that the proposed Furnace complies with this Chapter and the manufacture's specifications. As a condition to issuance of a permit under this section for construction and use of an outdoor wood furnace which is proposed to be located less than 100 feet from an adjacent property boundary under Section 4(A)(4)(b) of this Ordinance, the permit shall require that a 16 foot chimney be established and maintained if at any time any part of a residential home is established on an adjoining property less than 100 feet from the outdoor wood furnace.

SECTION 14.05 - APPEALS

A person aggrieved by the Building Administrator's decision may appeal to the Township Planning Commission within 21 days of the final decision of the Building Administrator. The Planning Commission may grant minor variances from the strict standards and requirements of this Chapter so long as the intent and purpose of this Chapter is observed, public safety secured, and substantial justice is done. The Planning Commission shall impose such conditions on the approval of a permit or variance under this Chapter as it deems necessary and appropriate to achieve the intent and objectives of this Chapter. The breach of any such condition imposed shall automatically void any permit or variance hereunder.

SECTION 14.06 - FEES

An applicant for a permit under this Chapter shall be responsible for paying all Township costs and expenses related to review and approval of an Outdoor Wood Furnace under this Chapter, including the Township's engineering and attorney fees, if any. The Township Board shall establish a schedule of fees, charges and expenses for applications, permits, inspections and other matters pertaining to administration of this Chapter. No permits or certificates of completion or occupancy shall be issued unless or until such costs, charges, fees, and expenses have been paid in full.

SECTION 14.07 - VIOLATION PENALTY

Any person who violates any provision of this Chapter or any condition attached to a permit issued under this Chapter is responsible for a municipal civil infraction and subject to payment of a civil fine of not less than two hundred (\$200.00) dollars and not more than five hundred (\$500.00) dollars plus costs, attorney fees and other sanctions as permitted under Chapter 87 of the Revised Judicature Act, P.A. 236 of 1961, being MCL §600.8701 et.seq., as amended. The building administrator, zoning administrator, a deputy sheriff, or other authorized local official is hereby authorized to issue and process municipal civil infraction citations in accordance with the Rives Township Municipal Civil Infractions Ordinance and otherwise as permitted by law.

Nothing in this Section shall be interpreted as abrogating the Township's right to proceed with an appropriate equitable action in the Jackson County Circuit Court to enjoin and/or abate any violation of the terms of this Chapter. Each day that a violation is permitted to continue shall constitute a separate offense for which a separate fine and penalty may be assessed. The imposition of any fine or penalty shall not exempt the offender from compliance with the requirements of this Chapter.

SECTION 14.08 - SEVERABILITY

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

SECTION 14.09 - ADOPTION HISTORY

The regulations of this Chapter were made effective by adoption of Ordinance No. 2010-1 on February 2, 2010, and amended 11-8-2018 by Ordinance No. 2018-1.