

JONESFIELD TOWNSHIP
SAGINAW COUNTY, MICHIGAN
CHAPTER 10
OUTDOOR BURNER/FURNACE ZONING ORDINANCE
Use By Right in A-1, A-2, R-1, B-1 and M-1 Zoning Districts

PLEASE TAKE NOTICE that a regular meeting held on November 15, 2010, the Jonesfield Township Board adopted Chapter 10 - OUTDOOR BURNER/FURNACE ZONING ORDINANCE. The summary of the Ordinance appears below.

CHAPTER 10 - OUTDOOR BURNER/FURNACE ZONING ORDINANCE

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SECTION 1002:	Definitions
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SECTION 1014:	Municipality Exempt from Liability

PLEASE TAKE FURTHER NOTICE that the full text of this Ordinance will be available and may be purchased at the Jonesfield Township Office on the regular scheduled Jonesfield Township Board meeting days, from the date of this publication.

Approved: _____
Rochelle E. Siler

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Section 1001: Legislative Intent

Although outdoor burners/furnaces may provide an economical alternative to conventional heating systems, concerns have been raised regarding the safety and environmental impacts of these heating devices, particularly the production of offensive odors and potential health effects of uncontrolled emissions. This Ordinance is intended to ensure that outdoor burners/furnaces are utilized in a manner that does not create a nuisance and is not detrimental to the health, safety and general welfare of the residents of Jonesfield Township, Saginaw County, Michigan.

Section 1002: Definitions

- a. **CLEAN WOOD.** Wood that has not been painted, stained, coated, preserved, or treated with chemicals such as copper chromium arsenate, creosote, or pentachlorophenol. The term does not include construction and demolition debris.
- b. **EPA.** United States Environmental Protection Agency
- c. **OUTDOOR BURNER/FURNACE.** A fuel burning device designed to burn wood or other solid fuels that the manufacturer specifies for outdoor installation or in structures not normally occupied by humans, including structures such as garages and sheds; and which heats building space and water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.
- d. **EXISTING OUTDOOR BURNER/FURNACE –** An Outdoor Burner/Furnace that was purchased and installed prior to the effective date of this Ordinance.
- e. **PERSON –** Any individual, firm, partnership, corporation, association, institution, cooperative, enterprise, municipality, municipal authority, governmental entity or agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.
- f. **STACK or CHIMNEY –** Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel fired heating device or structure, including that part of the structure extending above a roof.

Section 1003: General Requirements

Permit Requirements

No Outdoor Burner/Furnace may be installed or relocated from one lot to another lot in any district without first obtaining a permit from the building department. Any new installation or relocation of an Outdoor Burner/Furnace must be inspected by the building department prior to use.

a. Unit Requirements

1. All new Outdoor Burner/Furnace shall be constructed, established, installed, operated and maintained in conformance with the manufacturer's instructions and the requirements of this ordinance.

In the event of a conflict, the requirements of this ordinance shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.

2. All new Outdoor Burner/Furnace shall be laboratory tested and listed to appropriate safety standards such as UL, CAN.CSA, ANSI or other applicable safety standards. All Outdoor Burner/Furnace units must be manufactured and tested; "home-made" units are not allowed.
3. The owner of any new Outdoor Burner/Furnace shall produce a copy of the manufacturer's Owner's manual or installation instructions and a site plan of where the furnace will be located to the Building Department to review prior to installation.

Section 1004: Installation of Outdoor Burner/Furnace

Any person desiring to install an Outdoor Burner/Furnace within the municipality shall obtain a permit from the Code Enforcement Officer. The applicant for such a permit shall meet the following requirements:

1. Present a plan showing all property lines, the locations and distances of all dwellings or occupied buildings on adjoining properties, and the proposed location of the Outdoor Burner/Furnace.
2. The Outdoor Burner/Furnace shall have a stack or chimney that extends to a minimum height in compliance with the manufacturer's instructions and the requirements of this ordinance.

Section 1005: Replacements and Modifications.

If an Outdoor Burner/Furnace is replaced, upgraded or modified, a permit shall be required pursuant to Section 3 of this Ordinance and shall comply with all sections of this Ordinance.

Section 1006: Set back Requirements

The Outdoor Burner/Furnace shall be located on the Lot:

- a. A minimum of 15 (fifteen) feet from the property line.
- b. At least 250 (two hundred fifty) feet from any residence that is not served by the Outdoor Burner/Furnace

Section 1007: Permitted Fuels

Permitted fuels burned in an Outdoor Burner/Furnace are:

- a. Clean wood – wood that does not have paint, stains, or other types of coatings, and wood that has not been treated with substances, including but not limited to, copper arsenate, creosote, or pentachlorophenol, and wood pellets made from clean wood.
- b. Wood pellets made from clean wood;
- c. Home heating oil, natural gas, or propane that complies with all applicable sulfur limits and is used as a starter or supplemental fuel for dual fired Outdoor Burner/Furnace.
- d. Biofuels recommended by the manufacture.

Section 1008: Prohibited Fuels

The only substance that may be burned in an Outdoor Burner/Furnace is Permitted Fuels (see definition, Section 1007 of this Ordinance).

No person shall burn any of the following in an Outdoor Burner/Furnace:

- a. Any wood that does not meet the definition of clean wood.
- b. Tires.
- c. Lawn clippings or yard waste.
- d. Rubbish or garbage, including but not limited to food wastes, food packaging, or food wraps.
- e. Materials containing plastic.

Section 1008: Prohibited Fuels (Continued)

- f. Materials containing rubber.
- g. Waste petroleum products.
- h. Paint and paint thinners.
- i. Any type of paper/cardboard.
- j. Construction and demolition debris (such as shingles).
- k. Plywood or other composite wood products.
- l. Particleboard.
- m. Manure.
- n. Animal carcasses.
- o. Asphalt products.
- p. Used cooking oils.

Section 1009: Requirements

The Outdoor Burner/Furnace shall at all times be operated and maintained in accordance with the manufacturer's specifications.

The Outdoor Burner/Furnace shall be maintained and operated in compliance with all emissions and air quality standards promulgated by the United States Environmental Protection Agency, the Michigan Department of Environmental Protection or other relevant state or federal agency.

Any ash or other by-products from the operation of the Outdoor Burner/Furnace shall be disposed of in accordance with all applicable laws.

Section 1010: Fuel Storage

Fuel must be stored in the rear or side yard and meet the setback requirements for accessory buildings.

Section 1011: Nuisance

A nuisance is "an offensive, annoying, unpleasant, or obnoxious thing, or practice, a cause of source of annoyance, especially a continual or repeated invasion of a use or activity which invades the property line of another so as to cause harm or discomfort, to the owner or resident to that property."

If an Outdoor Burner/Furnace is, through the course of a proper investigation by local authorities, creating a verifiable nuisance, the following steps may be taken by the owner and the (appropriate department) having jurisdiction:

- a. Cease and desist operating the unit until reasonable steps can be taken to ensure that the Outdoor Burner/Furnace will not be a nuisance;
- b. Modifications made to the unit to eliminate the nuisance, such as extending the chimney/stack, or relocating the Outdoor Burner/Furnace, or both.

Section 1012: Suspension of a Permit

A permit issued pursuant to this Ordinance may be suspended as the Code Enforcement Officer or other person appointed by the Governing Body to administer and enforce this Ordinance may determine to be necessary to protect the public health, safety and welfare of the residents of Jonesfield Township if any of the following conditions occur:

- a. The emission from the Outdoor Burner/Furnace interferes with the reasonable enjoyment of life on neighboring property.
- b. The emissions from the Outdoor Burner/Furnace cause damage to vegetation on neighboring property.
- c. The emissions from the Outdoor Burner/Furnace are or may be harmful to human or animal health.
- d. The burning of any material referenced in Section 8 of this ordinance.

A suspended permit may be reinstated once the condition which resulted in suspension is remedied and reasonable assurances are given that such condition will not recur. Recurrence of a condition which has previously resulted in suspension of a permit shall be considered a violation of this Ordinance subject to the penalties provided within this Ordinance.

Section 1013: Inspections; Permission

The Enforcement Officer, and any other agent so authorized by Jonesfield Township, may inspect any premises to determine whether any violations of this ordinance exist. Prior to entering upon any property to conduct an inspection, the Enforcement Officer shall obtain the permission of the owner or occupant of the property to conduct the inspection. If after due diligence, the Enforcement Officer is unable to obtain such permission, the Enforcement Officer shall have the authority to conduct the necessary inspection in accordance with this ordinance.

Section 1014: Municipality Exempt from Liability.

The Township of Jonesfield, and its agents, officials and representatives, shall not, under any circumstances, be liable or responsible for damages caused to any person or property by reason of the issuance of any permit under the provisions of this Ordinance, or by reason of the conduct of any burning activity in compliance with the terms and provisions of this Ordinance. The person or party responsible for any such burning activity shall bear sole liability of any damages caused as a result thereof.

This Ordinance shall take effect five (5) days after the date of its enactment.
Ordained and Enacted into an Ordinance at a regular meeting of the Township of Jonesfield, Saginaw County, Michigan of, this 15th day of November, 2010

PLEASE TAKE FURTHER NOTICE that the full text of this Ordinance will be available and may be purchased at the Jonesfield Township Office on the regular scheduled Jonesfield Township Board meeting days, from the date of this publication.

Approved: _____
Rochelle E. Siler