

**ALPINE TOWNSHIP  
KENT COUNTY, MICHIGAN**

**ORDINANCE NO. 08-06**

**AN ORDINANCE TO REGULATE THE INSTALLATION  
AND USE OF OUTDOOR FURNACES**

**THE TOWNSHIP OF ALPINE ORDAINS:**

**Section 1. Purpose**

The purpose of this Ordinance is to establish and impose restrictions upon the construction and operation of outdoor furnaces within the limits of Alpine Township so as to secure and promote the public health, safety and welfare of the Township and its inhabitants. The Township Board finds that outdoor furnaces can create noxious and hazardous smoke, soot, fumes, odors, air pollution, particles and other products of combustion, particularly when restricted airflow and low operating temperatures are present. These products can be detrimental to citizens' health and can deprive neighboring residents of the enjoyment of their property. These regulations are intended to reduce noxious and hazardous conditions caused by outdoor furnaces.

**Section 2. Applicability**

This Ordinance applies to all outdoor furnaces in the Township.

- A. All persons owning, controlling, leasing, operating, or using a lot or parcel on which an outdoor furnace is located shall comply with this Ordinance, unless otherwise indicated.
- B. This Ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- C. This Ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device located within a building or structure used for human or animal habitation.
- C. This Ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

**Section 3. Definitions**

The following words and terms, when used in this Ordinance, shall have the following meanings:

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

Outdoor furnace means a furnace, stove or boiler that is not located within a building or structure used for or intended to be used for habitation by humans or domestic animals,

but that provides heat or hot water for such a building or structure. An outdoor furnace may also be referred to as an outdoor boiler.

Person means any natural person, corporation, entity, partnership, limited liability company, or other incorporated or unincorporated voluntary association.

The terms lot, parcel, front yard, front lot line, side lot line, and rear lot line shall have the meanings assigned to them in the Alpine Township Zoning Ordinance as amended from time to time.

#### **Section 4. Regulations**

An outdoor furnace shall not be permitted within the Township unless it complies with each of the following regulations:

- A. **Eligible Property.** An outdoor furnace shall only be permitted in the A, Agricultural and the RA, Rural Agricultural zoning districts on a lot, unit, parcel or tract of land greater than two acres in size excluding public road rights-of-way and private access easements.
- B. **Setbacks.** An outdoor furnace shall be located at least 200 feet from any existing residence which is not located on the same property as the outdoor furnace.

An outdoor furnace shall further be located at least 50 feet from the nearest side lot line and rear lot line. No outdoor furnace shall be located in the front yard of a parcel or between the principal building on a parcel and the road right-of-way, unless the outdoor furnace is located at least 100 feet from the front lot line as measured at the road right-of-way line.

- C. **Chimney Height.** An outdoor furnace shall have a chimney that extends at least 15 feet in height above the ground surface and shall have a spark arrester installed on the top of the chimney.

The Township Building Official may, in writing, approve a lesser chimney height on a case-by-case basis if necessary to comply with the manufacturer's recommendations or if the smoke from the lower chimney height will not create a nuisance for neighbors. However, the height of a chimney shall not be less than the minimum height recommended by the manufacturer.

- D. **Fuel.** No fuel other than natural wood without additives, wood pellets without additives, corn and agricultural seeds in their natural state may be burned in an outdoor furnace. The burning of all other fuels or materials, including but not limited to the following, is specifically prohibited:

- (1) Rubbish or garbage, including but not limited to food waste, food wraps, packaging, animal carcasses, animal waste, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
- (2) Waste oil or other oily wastes.

- (3) Asphalt and products containing asphalt.
- (4) Treated or painted wood including, but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
- (5) Any plastic material including, but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
- (6) Rubber, including tires and synthetic rubber-like products.
- (7) Leaves and grass clippings.
- (8) Newspapers, corrugated cardboard, container board or office paper.
- (9) Any fuel that violates applicable state or federal regulations.

Any fuel stored within 25 feet of an outdoor furnace shall either be covered or otherwise reasonably protected against accidental ignition or combustion.

- E. **Safety Standards.** An outdoor furnace shall be laboratory tested and comply with appropriate safety standards such as UL (Underwriter Laboratories), ANSI (American National Standards Institute) standards or other industry recognized safety standards. An outdoor furnace shall be kept in good condition and reasonable repair at all times.
- F. **Other Requirements for New and Existing Outdoor Furnaces.** Except as otherwise provided herein, all new outdoor furnaces and those existing as of the effective date of this Ordinance shall be constructed, established, installed, operated and maintained in conformance with the manufacturer's instructions the requirements of this Ordinance and state law.

## **Section 5. Permits**

In addition to a mechanical permit as otherwise required by law, the owner of an outdoor furnace shall obtain an installation permit from the Township before installation, consistent with the following provisions:

- A. **Application Information for an Installation Permit.** An applicant for an installation permit shall submit:
- (1) Verification that the installation of the outdoor furnace will comply with the manufacturer's specifications for such outdoor furnace.
  - (2) Verification that the outdoor furnace will comply with all applicable state statutes.

- (3) A site plan showing the proposed location of the outdoor furnace, applicable setbacks, and all residences or structures within 200 feet of the proposed location of the outdoor furnace, so as to establish compliance with this Ordinance. Additional information may be required on a case-by-case basis to determine compliance with this Ordinance and other applicable Township regulations.

- B. **Application Fee for an Installation Permit.** The Township Building Official, or such other person as is designated by the Township Board, shall review each application for an installation permit and issue a permit for applications meeting the requirements contained in this Ordinance. The Township Board may establish by resolution a fee for the processing outdoor furnace installation permit applications.
- C. **Waiver of Installation Permit.** In the instances where a building permit is required, a separate outdoor furnace installation permit is not required. However, all of the above listed application information shall be supplied on the building permit application.

#### **Section 6. Right of Entry and Inspection**

The Building Official or an authorized officer, agent, employee or representative of the Township may inspect any property for the purpose of ascertaining compliance with the provisions of this Ordinance.

#### **Section 7. Liability**

A person improperly installing, using, or maintaining an outdoor furnace shall be responsible for all costs and other liability resulting from damage caused by the outdoor furnace. Nothing in this Ordinance shall authorize any installation or use that is a public or private nuisance, regardless of compliance herewith.

#### **Section 8. Existing Outdoor Furnaces**

Any outdoor furnace for which a mechanical and/or building permit was approved and issued by the Township prior to the adoption of this Ordinance shall be exempt from the provisions of Sections 4.A., 4.B., and 4.C., provided that the size of the lot, unit, parcel or tract of land is not subsequently reduced and also provided that the outdoor furnace is not relocated on the property in any manner that violates that minimum setback requirements in Section 4.B.

#### **Section 9. Severability**

The sections and provisions of this Ordinance are severable and any portion that is declared or invalid by a court or regulatory body of competent jurisdiction shall in no way affect the validity of the remaining sections or provisions of this Ordinance.

#### **Section 10. Penalty**

- A. Failure to comply with the requirements of this Ordinance is hereby declared to be a nuisance per se. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be \$100 for the first offense, \$250 for the second offense, and \$500 for the third and subsequent offenses and in addition to all other costs, damages and expenses provided by law.

- B. Each day during which any violation continues shall be deemed a separate offense.
- C. The foregoing penalty shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

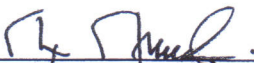
**Section 11. Effective Date**

This Ordinance shall become effective 30 days after publication of a summary of the provisions thereof in a local newspaper of general circulation within the Township.

At a regular meeting held on Monday, December 15, 2008, a motion was offered by May, with support from Cordes to adopt Ordinance No. 08-06. The motion carried as follows in a roll call vote:

AYES: Arends, Cordes, May, Schweitzer, Townsend, Wahlfield, and Wallace.  
NAYS: None.  
ABSENT: None.

**ORDINANCE NO. 08-06 WAS DECLARED ADOPTED**

  
\_\_\_\_\_  
Alex Arends, Supervisor

  
\_\_\_\_\_  
Jean Wahlfield, Clerk

I hereby certify the foregoing to be true and accurate copy of an ordinance duly adopted at a regular meeting of the Alpine Township Board held on Monday, December 15, 2008, and that public notice of that meeting was given pursuant to and in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended.

  
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Jean Wahlfield, Clerk