

ORDINANCE NO. 171

AN ORDINANCE PROHIBITING THE INSTALLATION AND USE OF OUTDOOR FURNACES DESIGNED FOR STRUCTURE HEAT WITHIN THE VILLAGE OF DECATUR, VAN BUREN COUNTY, MICHIGAN.

THE VILLAGE OF DECATUR, MICHIGAN ORDAINS:

Section 1: PURPOSE. The purpose of this Ordinance is to secure and promote the public health, safety and welfare of the inhabitants of the Village of Decatur, Michigan by prohibiting the installation and use of outdoor furnaces designed for structure heat. It is generally recognized that the types of fuel used, and the scale and duration of the burning by such furnaces create noxious and hazardous smoke, soot, fumes, odors, air pollution, particles and other products of combustion that can be detrimental to the health, safety and welfare of the public and can deprive neighboring residents of the enjoyment of their property or premises.

Section 2: DEFINITION. The words “outdoor furnaces designed for structure heat” shall mean, but is not limited to, any device, appliance, equipment, apparatus, or structure which shall include but not be limited to the following:

- a) Is designed, intended and/or used to provide heat or hot water to any associated structure.
- b) Operates by burning wood or any other solid fuel including but not limited to coal, paper, and agricultural products.
- c) Is not located within the structure to be heated.

Includes, but is not limited to, devices referred to as outdoor furnaces, outdoor boilers, and outdoor stoves.

Section 3: PROHIBITION. It shall be unlawful to install or operate an outdoor furnace, or to cause or permit the installation or operation of an outdoor furnace, freestanding or otherwise, within the Village of Decatur, Michigan.

Section 4: REGULATIONS.

1. All existing outdoor furnaces must be registered with the Village Clerk within thirty (30) days of the effective date of this Ordinance.
2. No replacement of existing outdoor furnaces shall be installed or put into use within the Village of Decatur, Van Buren County, Michigan.
3. This Ordinance shall not be deemed to bar, limit, or otherwise affect the rights of any person to take private legal action regarding damage, or nuisance, caused by the use of an outdoor furnace, freestanding or otherwise.

Section 5: VIOLATIONS: DECLARATION OF NUISANCE. Any outdoor furnace,

freestanding or otherwise, installed or operated in violation of this Ordinance is hereby declared to be a nuisance per se.

Section 6: PENALTY. A violation of this Ordinance is a Municipal Civil Infraction and any person, firm or corporation who shall violate the Ordinance shall be responsible for a civil infraction and subject to a civil fine not exceeding Five Hundred Dollars (\$500.00), plus any costs, damages, expenses and other sanctions as authorized under Chapters 83 and 87 of Act No. 236 of the Michigan Public Acts of 1961, as amended, being MCL 600.8302 and MCL 600.8701 seq., respectively. Each day that a violation exists or continues shall constitute a separate and additional violation.

Section 7: REPEAL CLAUSE. All Ordinances or parts thereof of the Village of Decatur, Michigan in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 8: SEVERABILITY. Sections of this Ordinance shall be deemed severable and should any Section, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

Section 9: EFFECTIVE DATE. This Ordinance shall become effective the 23rd day of October, 2006.

Adopted by the Village Council of the Village of Decatur, Michigan on this 2nd day of October, 2006.