

ORDINANCE NO. 2.22

AN ORDINANCE TO REGULATE THE INSTALLATION AND USE OF OUTDOOR FURNACES DESIGNED FOR STRUCTURE HEAT.

The City of Crystal Falls hereby Ordains:

Section 1. Purpose.

It is the purpose of this ordinance to establish and impose restrictions upon the construction and operation of outdoor furnaces within the limits of the City of Crystal Falls for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity of the City and its inhabitants. 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 citizens health, 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 that:

- A. Is designed, intended and/or used to provide heat and/or hot water to any associated structure.
- B. Operates by burning wood or any other solid fuel including but not limited to: coal, paper pellets, and agricultural products.
- C. Is not located within the structure to be heated.
- D. Includes, but not limited to, devices referred to as outdoor furnaces, outdoor boilers, and outdoor stoves.

Section 3. Regulations.

Outdoor furnaces shall not be placed less than forty (40) feet from the nearest point of intersection of any other adjacent property owners structure and shall have a chimney stack of at least twenty (20') feet and/or at least two (2') feet above the roof line of the highest structure within two hundred (200') feet. Said chimney stack will also have a spark arrestor installed on top.

Outdoor furnaces shall not be placed less than twenty (20) feet from the nearest point of intersection of the property line of another property owner.

An area of twenty (20) feet around the outdoor furnace structure shall be free of vegetation, except grass not exceeding four (4) inches in length.

No fuel other than natural wood, without additive, wood pellets without additives and agricultural seeds in their natural state may be burned.

Outdoor furnaces which are designed to heat structures ten percent (10%) greater than the size of the structure(s) to be heated, are not permitted.

Outdoor furnaces and associated installation shall be subject to inspection by the Zoning Administrator at any reasonable time to assure compliance with the terms hereof.

Outdoor furnace installation is subject to the permit provision hereof including furnishing the following information:

- A. A drawing providing and identifying all of the information necessary to assure compliance herewith.
- B. Manufacturer's specifications for the outdoor furnace.
- C. Compliance with all applicable State and Federal statutes.

Nothing contained herein shall authorize any installation that is a public or private nuisance, regardless of compliance herewith.

This ordinance shall not be a defense to any civil claims.

Section 4. Enforcement.

- A. Before commencing prosecution under this ordinance, the enforcement officer shall give notice to the person charged with violating this ordinance. Such notice shall be in writing, and shall be served upon said person or, at the option of the enforcement officer, by posting a copy of this notice on the land or attaching a copy of the notice to the building or structure. In addition, a copy of the notice shall be sent by first class mail to the owner of the land, building, or structure at the owner's last known address. The notice shall specify that failure to remedy the violation within ten (10) days of the date of personal service or twelve (12) days from the date of mailing shall result in the issuance of a municipal civil infraction citation.

Section 5. Penalty.

Failure to comply with the requirements of this ordinance shall constitute a Municipal Civil Infraction, which shall be processed in accordance with

MCLA 600.8701. The assessment and collection of fines and costs shall be in accordance with MCLA 600.8701 et seq. Each day's continued violation shall constitute a separate and distinct offense.

- A. Any person violating this ordinance shall be deemed to have committed a civil infraction, subject to the payment of civil fines of \$50.00 plus costs, for the first violation.
- B. Any repeat offense shall be subject to increased fines as follows:
 - 1. First repeated offense shall be no less than \$150.00 plus costs.
 - 2. A fine for any second repeated offense or any subsequent repeated offense shall be no less than \$250.00 plus costs.

Section 6. Severability.

The sections and provisions of this ordinance are declared to be severable and any portion which is declared inoperative or invalid for any reason by a court of competent jurisdiction shall in no way affect the remaining sections or provisions of this ordinance.

EFFECTIVE DATE

This ordinance shall become effective 30 days after adoption by the City Council as set forth in the City Charter.

Adopted: December 13, 2004
Published: December 22, 2004
Effective: January 13, 2004