

**STATE OF MICHIGAN
COUNTY OF IOSCO
TOWNSHIP OF WILBER**

ORDINANCE NO: 2013-002

OUTDOOR WOOD FURNACE ORDINANCE

Adopted: June 3, 2013
Published: June 12, 2013
Effective: July 12, 2013

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

SECTION 1: PURPOSE

1.00 Purpose.

This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Township of Wilber by regulation the air pollution and fire hazards of outdoor burning in outdoor wood-burning furnaces.

SECTION 2: APPLICABILITY

2.00 Applicability

This ordinance applies to burning with outdoor wood-burning furnaces within the Township of Wilber.

- 2.1** This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- 2.2** This ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.
- 2.3** 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: GENERAL PROHIBITION ON OUTDOOR BURNING

3.00 General prohibition on outdoor burning.

Outdoor burning is prohibited in the Township of Wilber unless the burning is specifically permitted by this or other related ordinances and state statutes addressing outdoor and open burning.

SECTION 4: OUTDOOR WOOD FURNACES

After July 12, 2013 no person shall install an outdoor wood furnace in the Township of Wilber without obtaining a Township Zoning Permit from the Zoning Administrator. The Zoning Administrator shall issue a zoning permit for such furnace upon finding that the application complies with the standards and regulations of Section 18.04 of the Township's Zoning Ordinance, and of this ordinance.

4.1 The following provisions apply to outdoor wood furnaces:

4.1.1 Fuel burned in the outdoor wood furnace shall be only clean wood, wood pellets made from clean wood, or other listed fuels specifically permitted by the manufacturer's instructions such as fuel oil, natural gas or propane backup.

4.1.2 The following items are strictly prohibited in outdoor wood furnaces:

- Any material not listed in 6.1.
- Wood that has been painted, varnished, or coated with similar material and/or has been pressure treated with preservatives and contains resins or glues as in plywood or other composite wood products.
- Rubbish or garbage, including but not limited to food wastes, food packaging, and food wraps.
- Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
- Rubber, including tires or other synthetic rubber-like products.
- Newspaper, cardboard, or any paper with ink or dye products (small amounts of newspaper *may* be used as starter).
- Any other items not specifically allowed by the manufacturer or this provision.

4.2 Outdoor wood furnaces installed on or after July 12, 2013 must comply with the following provisions:

4.2.1 The outdoor wood 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.

4.2.2 The outdoor wood furnace cannot be located within the front yard setbacks and shall be at least sixty (60) feet from the nearest property line.

4.2.3 Any outdoor wood furnace located less than two-hundred (200) feet from any residence not served by the outdoor furnace shall have a permanently attached stack extending at least two feet above the highest peak of any residence not served by the outdoor wood furnace.

4.2.4 The outdoor furnace shall be located on the property in compliance with the manufacturer's recommendations and or testing and listing requirements for clearance to combustible materials.

SECTION 5: PATIO WOOD-BURNING UNITS

5.00 Patio wood-burning units.

A patio wood-burning unit may be installed and used in the Township of Wilber only in accordance with all of the following provisions:

5.1 The patio wood-burning unit shall not be used to burn refuse.

5.2 The patio wood-burning unit shall burn only clean wood.

5.3 The patio wood-burning unit shall be located at least 25 feet from the nearest structure which is not on the same property as the patio wood-burning unit.

5.4 The patio wood-burning unit shall not cause a nuisance to neighbors.

SECTION 6: LIABILITY

6.00 Liability

A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire. A person using such an outdoor wood burning furnace, which by the usage of same causes a fire and therefore loss, financial or otherwise, to the Township, shall be responsible for reimbursement to the Township, and further, must inquire and submit a claim for such expense to the individual's relevant insurance company.

SECTION 7: SEVERABILITY

7.00 Severability

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

SECTION 8: ENFORCEMENT AND PENALTIES

8.00 Enforcement and penalties.

8.1 The Ordinance Enforcement Officer, or Deputy Ordinance Enforcement Officer, of the Township Wilber is authorized to enforce the provisions of this ordinance.

8.2 Any person, firm, association, partnership, corporation, or governmental entity who violates any of the provisions of this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute, and as adopted and/or amended by the Township of Wilber.

SECTION 9: DEFINITIONS

9.00 Definitions

9.1 “Outdoor burning” includes open burning as well as burning in outdoor wood furnaces, stoves, boilers, hydronic heaters and patio burners.

9.2 “Clean wood” means natural 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.

9.3 “Construction and demolition waste” means building waste materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on a house, commercial or industrial building, or other structure.

9.4 “Municipality” means a county, township, city or village.

9.5 “Refuse” means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.

9.6 “Nuisance” means anything that the general public finds offensive or annoying and that is perceived to be in violation of their legal rights.

SECTION 10: EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days after publication of same.
At a regular meeting of the Township Board, held on the 3rd day of June 2013, adoption of the foregoing Ordinance was moved by Mary Pingot and supported by Sally Krueger.

A roll call vote was held.	Aye	Nay: None	Absent: None
MaryPingot	X		
Sally Krueger	X		
Stephen Ferguson	X		
Robert D. White	X		
Mark Nunn	X		

Publication Date: June 12, 2013

I, Robert White, Wilber Township Clerk, hereby certify that the foregoing is a true copy of Ordinance Number 2013-002 as adopted by the Board of Trustees of the Township of Wilber, County of Iosco, and State of Michigan.

Dated: June 3, 2013

By: Mark Nunn
Wilber Township Supervisor

Dated: June 3, 2013

By: Robert White
Wilber Township Clerk