

ORDINANCE NO. 09-04-01

OUTDOOR WOOD-FIRED BOILER ORDINANCE

AN ORDINANCE TO REGULATE THE INSTALLATION AND USE OF OUTDOOR WOOD-FIRED BOILERS IN ROBINSON TOWNSHIP, OTTAWA COUNTY, MICHIGAN; AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

THE TOWNSHIP OF ROBINSON, COUNTY OF OTTAWA, AND STATE OF MICHIGAN ORDAINS:

Section 1. Purpose. The purpose of this Ordinance is to establish and impose restrictions upon the construction and operation of Outdoor Wood-Fired Boilers (as defined in this Ordinance) within the limits of the Township of Robinson (the "Township") to secure and promote the public health, safety and welfare of the Township and its inhabitants. Outdoor Wood-Fired Boilers 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 people's health and can deprive neighboring property owners' of the enjoyment of their property. These regulations are intended to eliminate noxious and hazardous conditions caused by Outdoor Wood-Fired Boilers.

Section 2. Outdoor Wood-Fired Boilers Defined. For purposes of this Ordinance, "Outdoor Wood-Fired Boiler" shall mean a boiler, furnace or stove that is fueled by the burning of natural wood and is not located within a building or structure intended for habitation by humans or domestic animals, but that provides heat or hot water for that building or structure.

Section 3. Regulations. An Outdoor Wood-Fired Boiler shall not be permitted within the Township unless it complies with each of the following regulations.

- A. Zoning District. An Outdoor Wood-Fired Boiler may be installed and used only on parcels of land which are located in the A-1 Agricultural Zoning District or the RR Rural Residential Zoning District as established by the Robinson Township Zoning Ordinance, as amended. This limitation shall not apply to Outdoor Wood-Fired Boilers legally installed in the Township as of the effective date of this Ordinance.
- B. Setback. The Outdoor Wood-Fired Boiler shall be located no less than 150 feet from the nearest building which is not on the same property as the Outdoor Wood-Fired Boiler and which building is in existence before the installation of the Outdoor Wood-Fired Boiler. Further, the Outdoor Wood-Fired Boiler shall satisfy all applicable setbacks for an accessory building, as established by the Robinson Township Zoning Ordinance, as amended, for the zoning district in

which the Outdoor Wood-Fired Boiler is located. The limitations in this subsection shall not apply to Outdoor Wood-Fired Boilers legally installed in the Township as of the effective date of this Ordinance.

- C. Chimney Height. The Outdoor Wood-Fired Boiler shall have a chimney that extends at least 15 feet above the ground surface.

- D. Fuel. No fuel other than natural wood without additives, wood pellets without additives, and agricultural seeds in their natural state may be burned. The following materials are specifically prohibited:
 - (1) Rubbish or garbage, including but not limited to food waste, food wraps, packaging, animal carcasses, 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) Newspapers, corrugated cardboard, container board or office paper (unless used exclusively to start a fire);
 - (8) Grass clippings.

Section 4. Permit. The owner of an Outdoor Wood-Fired Boiler shall obtain a permit from the Township. The applicant for a permit shall submit the following information.

- A. Verification that the Outdoor Wood-Fired Boiler will comply with the applicable manufacturer's specifications;
- B. Verification that the Outdoor Wood-Fired Boiler will comply with all applicable Township, State and Federal laws and ordinances; and
- C. A drawing providing the location and other relevant details of the proposed Outdoor Wood-Fired Boiler and of nearby residences, to establish compliance with all regulations contained in this Ordinance.

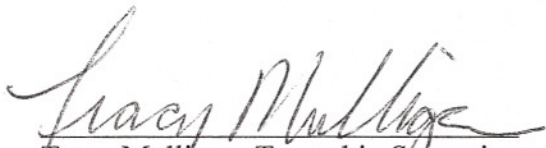
Section 5. Severability. The sections and provisions of Ordinance are severable. Any portion of this Ordinance declared inoperative or invalid for any reason by a court of competent jurisdiction shall not affect the remaining sections or provisions of this Ordinance.

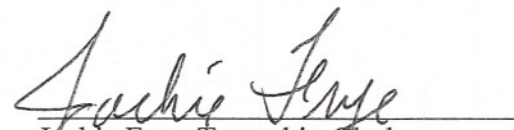
Section 6. Penalty. A violation of any term or provision of this Ordinance is a nuisance per se. Any person who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of any term or provision of this Ordinance, as amended, shall be responsible for a municipal civil infraction subject to enforcement procedures as set forth in the Municipal Civil Infraction Ordinance adopted by the Township, and a fine of \$50.00, plus costs and other sanctions, for each infraction. Each day during which any violation continues after due notice has been served shall be deemed a separate and distinct offense. Increased civil fines may be imposed for repeated violations of the Ordinance; a repeat violation means a second or subsequent municipal civil infraction violation committed by a person within any 12 month period and for which a person admits responsibility or is determined to be responsible. The increased civil fines for repeat violations shall be as follows:

- A. The fine for any offense which is a first repeat offense shall be \$250.00, plus costs and other sanctions;
- B. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be \$500.00, plus costs and other sanctions.

The Township Zoning Administrator, members of the Ottawa County Sheriff's Department assigned to the Township, members of any law enforcement agency whose services are contracted for by the Township, and any other individuals who may from time to time be appointed by resolution of the Township Board, are designated as the authorized Township Officials to issue municipal civil infraction citations (directing alleged violators to appear in Court) or municipal civil infraction notices (directing alleged violators to appear at the Robinson Township Municipal Ordinance Violations Bureau).

Section 7. Effective Date. This Ordinance was approved and adopted by the Township Board of the Township of Robinson, Ottawa County, Michigan, on April 20, 2009. This Ordinance shall be effective 30 days after publication of its contents or a summary of its contents in a local newspaper of general circulation in the Township, pursuant to the provisions of Act No. 191 of the Public Acts of 1939, as amended.


Tracy Mulligan, Township Supervisor


Jackie Frye, Township Clerk