

## **OUTDOOR FURNACES**

### **Sec. 105-81. Purpose.**

It is the purpose of this article to establish and impose restrictions upon the construction and operation of outdoor furnaces within the limits of the township for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity of the township 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.

(Ord. No. 2006-03, § 1, 9-18-2006)

### **Sec. 105-82. Definition.**

The term, "outdoor furnace" shall mean, but is not limited to, any device, appliance, equipment, apparatus or structure that:

- (1) Is designed, intended and/or used to provide heat and/or hot water to any associated structure;
- (2) Operates by burning wood or any other solid fuel, including but not limited to coal, paper pellets, and agricultural products;
- (3) Is not located within the structure to be heated; and
- (4) Includes, but is not limited to, devices referred to as outdoor furnaces, outdoor boilers, and outdoor stoves.

(Ord. No. 2006-03, § 2, 9-18-2006)

### **Sec. 105-83. Regulations.**

No person shall install, use or maintain an outdoor furnace unless a permit is obtained from the township building inspector (a mechanical permit from the mechanical inspector is also required) and the outdoor furnace complies with these regulations:

- (1) Outdoor furnaces shall comply with all applicable state and federal statutes and regulations and shall be approved by a nationally recognized testing agency such as Underwriters Laboratories.
- (2) Outdoor furnaces shall be placed in a rear or side yard, if possible, or screened from general public view as determined by the township building inspector.
- (3) Outdoor furnaces shall have a chimney stack height of at least eight feet or as required by the testing agency.
- (4) The smoke source on the outdoor furnace shall not be less than 65 feet from any property line. Any future land division or property line change shall maintain such setback or require removal

or relocation of the outdoor furnace.

- (5) Outdoor furnaces shall be constructed and installed in strict accordance with the manufacturer's instructions and specifications.
- (6) No fuel other than natural wood without additives, wood pellets without additives and agricultural products or seeds in their natural state may be burned in an outdoor furnace or as allowed by the testing agency.
- (7) Outdoor furnaces and associated installations shall be subject to inspection by the township building inspector at any reasonable time to assure compliance with the terms hereof.
- (8) A permit application shall include a drawing providing and identifying all of the information necessary to assure compliance herewith and a copy of the manufacturer's instructions and specifications and the approval of an approved testing agency.

(Ord. No. 2006-03, § 3, 9-18-2006)

#### **Sec. 105-84. Existing outdoor furnaces.**

Use of outdoor furnaces existing on the effective date of the ordinance from which this article is derived may continue on the condition that within 12 months of such date the owner obtain a permit for continued use and bring the outdoor furnace into compliance with the requirements hereof as near as is practically possible.

(Ord. No. 2006-03, § 4, 9-18-2006)

#### **Sec. 105-85. Enforcement.**

(a) Before commencing prosecution under this section, the enforcement officer shall give notice to the person charged with violating this article. 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 days of the date of personal service or 12 days from the date of mailing shall result in the issuance of a citation.

(b) Nothing contained herein shall authorize any installation or use that is a public or private nuisance, regardless of compliance herewith. This section shall not be a defense to any civil claims.

(Ord. No. 2006-03, § 5, 9-18-2006)

#### **Sec. 105-86. Penalty.**

Failure to comply with the requirements of this article shall constitute a municipal civil infraction. Each day's continued violation shall constitute a separate and distinct offense.

(Ord. No. 2006-03, § 6, 9-18-2006)