

**Outdoor Wood-Fired Boilers, Stoves and Furnaces**  
**Ordinance No. 741**  
**Adopted November 7, 2011**

THE CHARTER TOWNSHIP OF FENTON, GENESEE COUNTY, MICHIGAN,  
ORDAINS:

**SECTION 1. Purpose.**

This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort and living conditions of the citizens of Fenton Township by regulating the use of outdoor wood-fired boilers, stoves and furnaces.

**SECTION 2. Applicability**

This ordinance applies to all outdoor wood-fired boilers, stoves, or furnaces within Fenton Township.

- A. This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- B. 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.
- C. 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. Definitions**

- A. "Outdoor wood-fired boiler, stove, or furnace" means a structure that:
  - 1. Is designed, intended, or used to provide heat and/or hot water to any residence or other structure; and
  - 2. Operates by the burning of wood or other solid fuel; and
  - 3. Is not located within a structure used for human or animal habitation.
- B. "Refuse" means any waste material, garbage, animal carcasses, and trash or household materials except trees, logs, brush, and stumps .

**SECTION 4. Requirements for Outdoor Wood-fired Boilers, Stoves, or Furnaces**

The following provisions shall apply to outdoor wood-fired boilers, stoves, and furnaces in Fenton Township:

- A. Outdoor wood-fired boilers, stoves or furnaces are permitted on property two (2) acres or greater in size.
- B. The outdoor wood-fired boiler, stove or furnace shall not be used to burn refuse, leaves, green vegetative matter and noxious plants.
- C. The outdoor wood-fired boiler, stove or furnace shall be located at least three hundred feet (300') from the nearest occupied dwelling which is not on the same property as the outdoor wood- fired boiler, stove or furnace.
- D. The outdoor wood-fired boiler, stove or furnace shall be located at least fifty feet (50') from the side and rear lot lines of the property on which it is located and shall not be located within any front yard.
- E. Setback of a outdoor wood-fired boiler, stove or furnace from a state highway is three hundred feet (300') in order to ensure that smoke from the outdoor wood-fired boiler, stove or furnace does not interfere with passing traffic .

- F. The outdoor wood-fired boiler, stove or furnace shall have a chimney that extends at least fifteen feet (15') above the ground surface..
- G. Only products designed and manufactured to be utilized in the outdoor wood-fired boiler, stove, or furnace may be burned in the unit.
- H. Outdoor wood-fired boilers, stoves, or furnaces existing at the time of the adoption of this ordinance but which are not in compliance with the provisions of this ordinance
  - a. may continue but cannot be relocated, attached to new buildings, expanded or replaced with a new unit unless they are brought into compliance with the provisions of this ordinance.
  - b. If they are located less than three hundred feet (300') away from a dwelling which is not on the same property as the outdoor wood-fired boiler, stove, or furnace they shall not be operated during the months of June, July, and August. and If there are any residences within three hundred feet (300') of the outdoor wood-fired boiler that are negatively impacted by the units emissions, the Building Inspector can require the chimney to be extended up to as high above the ground surface as the roofs of all such residences.
  - c. They shall be installed, operated, and maintained in conformity with the manufacturer's specifications and recommendations and all local, state, and federal codes, laws, rules, and regulations.

#### **SECTION 5: Permit Required**

Prior to the erection of an outdoor wood fired boiler, the property owner shall apply for an outdoor wood fired boiler permit from the Zoning Administrator and any required building, plumbing, mechanical or electrical permits from the Building Inspector or other appropriate permitting agency.

#### **SECTION 6: Right of Entry and Inspection**

Upon receipt of a report or complaint that there has been a violation of this ordinance, the Zoning Administrator or any authorized officer, agent, employee or representative of Fenton Township who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

#### **SECTION 7: Penalty**

Violation of any of the provisions of this Ordinance shall hereafter constitute a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) together with the cost of prosecution and/or imprisonment in the Genesee County Jail or such other place of detention as the court may prescribe for a period of time not to exceed ninety (90) days.

#### **SECTION 8. Appeals**

Appeals of the decisions of the Zoning Administrator or other Township administrative personnel in enforcement of this ordinance may be appealed to the Zoning Board of Appeals (ZBA) provided such appeal occurs within twenty-one (21) days of the date of the determination that is being appealed.

#### **SECTION 9. Variance**

Variance from the dimensional requirements of this ordinance such as minimum setback or lot size may be granted by the ZBA provided the ZBA finds that requiring the

standard be met would impose a practical difficulty on the applicant. The finding of practical difficulty shall be based on the standards in Section 13.04 of the Township Zoning Ordinance. Any variance from the 300' setback from a residence shall only be permitted in compliance with Section 4.I of this ordinance.

**SECTION 10. Fee**

An application for issuance of an outdoor wood fired boiler permit shall be accompanied by a fee payable to the Township in an amount which shall be from time to time established by the Township Board of Trustees

**SECTION 11. Conflicting Provisions**

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other Township law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such ordinance shall govern. Where any provision of this Ordinance differs from any other provision of this Ordinance, the more restrictive requirement shall prevail.

**SECTION 12. Severability.**

This ordinance and the various parts, sections, subsections, provisions, sentences and clauses are severable. If any part of this ordinance is found to be unconstitutional or invalid it is declared the remainder of this ordinance shall not be affected hereby.

**Section 13. Effective Date**

This ordinance shall be published as required by law and shall take effect 30 days after adoption and publication. Enacted at a regular meeting of the Fenton Township Board held on the 7th day of November 2011.

**Bonnie K. Mathis, Supervisor**

**Robert E. Krug, Clerk**