

**CLYDE TOWNSHIP**  
**ALLEGAN COUNTY, MICHIGAN**  
**OUTDOOR FURNANCE ORDINANCE**

**ORDINANCE NO. 52**

**ADOPTED: January 14, 2009**

**EFFECTIVE: February 28, 2009**

An Ordinance to protect the public health, safety and general welfare from excessive smoke pollution, soot contamination, other toxic air pollutants and offensive odors emanating from outdoor furnaces fueled by wood, coal, corn, or other types of fuel injurious to lungs, nasal passages and eyes; to provide penalties or sanctions for the violation of the ordinance provisions, to repeal any ordinances or parts of ordinances in conflict herewith and to provide for an effective date of such ordinance.

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**ORDAINS:**

**SECTION I**  
**TITLE AND PURPOSE**

This Ordinance shall be known and cited as the “Clyde Township Outdoor Furnace Ordinance”.

The purpose of this Ordinance is to protect the public health, safety and general welfare of the residents of Clyde Township from any excessive smoke pollution, soot contamination and other toxic air pollutants and offensive odors emanating from outdoor furnaces and to regulate the location and use of same.

**SECTION II**  
**DEFINITIONS**

“Outdoor furnace” means a fuel-fired boiler or furnace, often fueled by wood, coal, corn or other types of fuel, located outside the structure it is used to heat, with the designated purpose of providing indoor heat for water and/or air for a residence or other structure. The provisions of this ordinance do not apply to boilers or furnaces fueled by natural gas, propane or fuel oil if the boiler or furnace has been inspected and approved by the Township mechanical inspector.

**SECTION III**  
**RESTRICTIONS**

1. Outdoor furnaces are permitted to be located in the R-1, R-2, and R-3 zoning districts, but are prohibited in the R-4, R-5, C-1, C-2, and I zoning districts and in any area that is part of a Planned Unit Development, Condominium or Subdivision within Clyde Township.
2. No outdoor furnace shall be constructed, installed, or continued without first obtaining a permit from the Building and/or Mechanical Inspector.
3. The lot shall be a minimum of two (2) acres in area.
4. All such units shall be "UL" (Underwriters Laboratory) listed and shall comply with the State Mechanical Code.
5. The furnace shall be not located within the minimum side and rear yard setback requirement for the zoning district in which it is located.
6. The furnace shall not be located within a front yard unless it is located over two hundred (200) feet from the road right-of-way.
7. The furnace shall not be located within fifty (50) feet of any residence on any other property and such unit shall not constitute a nuisance to any neighboring property.
8. Outdoor furnaces shall not be used to burn any fuel other than a fuel listed by the manufacturer as a fuel it has been designed to handle.
9. No more than one outdoor furnace shall be permitted on any parcel.
10. All permitted outdoor furnaces shall be subject to periodic inspection to determine its avoidance of any cause of pollution, contamination or public nuisance by the Building and/or Mechanical Inspector and/or by the Fire Chief or the designee to assure that all provisions of this ordinance have been and continue to be satisfied.
11. Outdoor furnaces that have been legally installed and approved by the Building and/or Mechanical Inspector as of the effective date of this Ordinance shall be permitted to continue even if it does not meet all the requirements of this ordinance.

**SECTION IV**  
**SEVERABILITY**

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section, or provision is declared void or unenforceable for any reason, by any court of competent jurisdiction, it shall not affect any portion of the ordinance other than said part or portion thereof.

**SECTION V**  
**SANCTIONS**

Failure to obtain a permit for an outdoor furnace as required by this ordinance shall constitute a violation of it. Placing an outdoor furnace in an impermissible zoning district or outside of the location parameters set by this Ordinance shall constitute a violation of this Ordinance. The burning of items for which the furnace is not approved or designed shall constitute a violation of this ordinance. The creation of an unreasonably foul odor or the emission of voluminous smoke caused by the burning of unlawful materials shall constitute a violation of this Ordinance. Any person, firm, association, partnership, corporation or entity that violates any of the provisions of the within ordinance shall be deemed responsible for a municipal civil infraction as defined by Michigan statutes which shall be punishable by a civil fine determined in accordance with the following schedule:

1 <sup>st</sup> Offense	\$100.00
2 <sup>nd</sup> Offense and Subsequent Offenses Each	\$100.00
Each Day Offense Continues after Notice of Violation	\$100.00

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which Clyde Township has incurred in connection with the municipal civil infraction. In no case, however, shall costs be less than \$9.00.

In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this ordinance.

**SECTION VI**  
**EFFECTIVE DATE AND REPEAL OF ANY ORDINANCES OR PARTS OF**  
**ORDINANCES IN CONFLICT HEREWITH**

This Ordinance shall take effect 30 days after its publication following its adoption by the Clyde Township Board. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**CLYDE TOWNSHIP**  
Cathy Ptak, Clerk  
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