

Township of Surrey

County of Clare, State of Michigan

Surrey Township Ordinance 2010-02

An Ordinance to protect the health, safety, and general welfare of the persons and property within the Township of Surrey, Clare County, State of Michigan, by regulating the use of Outdoor Fueled Furnaces and Boilers.

The Township of Surrey, County of Clare,

State of Michigan Hereby Ordains:

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 Surrey by regulating the air pollution and other hazards associated with the burning and use of Outdoor Wood-Fired Furnaces and Boilers.

Section 2: Applicability:

2.00 Applicability.

This Ordinance applies to all outdoor wood-fired furnaces and boilers within the Township of Surrey.

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. Garages and other similar structures such as pole barns used as workshops shall qualify as buildings used for human habitation for the purposes of this section.

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.

2.4 A wood-fired furnace or boiler within Surrey Township which is in existence upon the date of the passage of this ordinance shall not be deemed unlawful under the terms of this ordinance. A non-conforming wood-fired installation may be continued provided it remains otherwise lawful. The non-conformity shall not be enlarged or altered in any way which increases its non-conformity. If the non-conforming wood-fired appliance or installation is moved, it shall thereafter conform to these regulations. If the non-conforming wood-fired furnace or boiler is abandoned for any period of one year or greater, then it shall thereafter conform to all regulations and conditions of this ordinance.

Section 3: Severability:

3.00 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 4: Definitions

4.00 Definitions

- 4.1 “Clean wood” means natural wood which has not been painted, varnished or coated with a similar material; has not been pressured treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.
- 4.2 “Construction and demolition waste” means building waste materials, including but not limited to waste shingles, insulation, 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 structure.
- 4.3 “Fire Chief” means the Chief of the Surrey Township Fire Department or other person or persons designated by the Fire Chief.
- 4.4 “Municipality” means a county, Township, City or Village.
- 4.5 “Outdoor Burning” means burning in an outdoor wood-fired boiler or furnace
- 4.6 “Outdoor Wood-fired boiler” means a boiler, stove or furnace that is **not** located within a building intended for habitation by humans or animals that uses wood, grain, wood products, bio-mass or any other fuel source not specifically prohibited by this Ordinance.
- 4.7 “Zoning Administrator” means the official designated by the Surrey Township Board of Trustees to administer and enforce the provisions of this Ordinance.

Section 5: Prohibitions

5.00 Prohibitions:

Burning of the following in an Outdoor wood-fired boiler or furnace is prohibited.

- 5.1 Construction and demolition waste.
- 5.2 Hazardous substances including but not limited to batteries, household chemicals, pesticides, used oil, gasoline, paints, varnishes and solvents.
- 5.3 Furniture and appliances.
- 5.4 Tires
- 5.5 Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam and synthetic fabrics, plastic films and plastic containers.
- 5.6 Newspapers
- 5.7 Corrugated cardboard, container board, office paper.
- 5.8 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.
- 5.9 Yard waste including but not limited to grass clippings, leaves and plants.

Section 6: Outdoor Fuel-fired Boiler

6.00 Outdoor wood-fired boilers: May be installed in the Township of Surrey only in accordance with the following provisions:

- 6.1 The outdoor wood-fired boiler may be installed and used in all zoning districts as an accessory use permitted by right, providing that setback requirements can be met. Setback requirements in Section 6.3
- 6.2 The outdoor wood-fired boiler shall not be used to burn refuse.
- 6.3 The outdoor wood-fired boiler shall be located at least 300 feet from the property line.

Setbacks for UL listed, Category 3 and 4 Outdoor wood-burning boilers shall meet accessory use setbacks for applicable zoning district in which outdoor wood-burning will be installed.

6.4 The outdoor wood-fired boiler shall have a chimney that extends at least 15 feet above the ground surface. If there are any residences within 300 feet, the chimney shall also extend at least as high above the ground surface as the height of the roofs of all such residences. The Fire Chief or Zoning Administrator or their designee, may approve a lesser height on a case by case basis if necessary to comply with manufacturer recommendations and if the smoke from the lower chimney height does not create a nuisance for the neighbors.

6.5 The owner of the outdoor wood-fired boiler shall obtain a zoning permit and State of Michigan Mechanical permit prior to installing said device within the Township of Surrey.

Section 7: Right of Enter and Inspection

7.00 Right of Entry and Inspection.

The Fire Chief, Zoning Administrator or their designee, of the Township of Surrey, who presents credentials, may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

Section 8: Enforcement and Penalties

8.00 Enforcement and Penalties.

8.1 The Fire Chief, Zoning Administrator or their designee, are authorized to enforce the provisions of this ordinance.

8.2 Any person, firm, association, partnership, corporation, or government entity who violates any provisions of this ordinance or fails to comply with a duly authorized Order issued pursuant to this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by civil fine determined in accordance with the following schedule:

	<u>Minimum Fine</u>	<u>Maximum Fine</u>
1 st Offense	\$75.00	\$500.00
2 nd Offense*	\$150.00	\$500.00
3 rd Offense*	\$325.00	\$500.00
4 th Offense*	\$500.00	\$500.00

*Offense determined on the basis of the date of first offense and subsequent offenses within a 3 year period.

8.3 The violator shall pay costs which may include all expenses, direct and indirect, which the Township of Surrey has incurred in connection with the municipal infraction. In no case, however, shall costs of not less than \$75.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in ant court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation of this Ordinance exists shall constitute a separate violation of this Ordinance.

Adopted this 11th day of May, 2010, by the Surrey Township Board of Trustees.

Attested:

Approved:

Glenna Bradbury
Surrey Township Clerk

Richard T. Miller
Surrey Township Supervisor

I hereby certify that I am the qualified Clerk of the Township of Surrey and the keeper of the records and that the foregoing is a true and complete copy of the Ordinance adopted by the Township of Surrey

Glenna Bradbury
Clerk