

PORT SHELDON TOWNSHIP  
ORDINANCE NO. 2009-01

**AN ORDINANCE TO REGULATE THE INSTALLATION  
AND USE OF OUTDOOR WOOD BOILERS**

THE TOWNSHIP OF PORT SHELDON, OTTAWA COUNTY, MICHIGAN ORDAINS:

**Section 1. Purpose.** The purpose of this Ordinance is to establish and impose regulations and restrictions on the siting, construction, use and operation of Outdoor Wood Boilers within the limits of Port Sheldon Township to secure and promote the public health, safety and welfare of the Township and its inhabitants. Outdoor Wood 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 in the operation of Outdoor Wood Boilers. Such products and conditions 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 Boilers.

**Section 2. Definition.** As used in this Ordinance, the term Outdoor Wood Boiler means a boiler, stove or furnace that is fueled by natural wood and other approved fuels and that is not located inside a building or structure intended for habitation or occupancy by humans and domestic animals, and that is installed and operated to provide heat or hot water for a building or structure occupied by humans and domestic animals. Outdoor Wood Boilers are also referred to as "outdoor wood furnaces" and "outdoor wood-fired hydronic heaters."

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

A. **Zoning District.** An Outdoor Wood Boiler may be installed and used only on a parcel of land that is located in the Agricultural AG-1 Zoning District as established by the Port Sheldon Township Zoning Ordinance, as amended.

B. **Lot Size.** An Outdoor Wood Boiler may be installed and used only on a lot that is five (5) acres or more.

C. **Setbacks, Location.**

i. An Outdoor Wood Boiler shall be located a minimum of 150 feet from any property line of the lot on which it is situated.

ii. An Outdoor Wood Boiler shall be located a minimum of 300 feet from the principal building on any adjacent lot.

D. Chimney Height. An Outdoor Wood Boiler shall have a permanent attached chimney (or stack) that extends at least 15 feet above the ground surface.

i. EXCEPTION: If the Outdoor Wood boiler is located more than 300 feet but less than 500 feet from a principal building on any adjacent lot, then the chimney shall extend to a height equal to or greater than the peak of the roof of the principal building on the adjacent lot. Where two or more adjacent lots have principal buildings within the above range of distances, the required chimney height shall be equal to or greater than the highest of the roof peaks of the adjacent principal buildings. In no event shall the chimney be less than 15 feet in height.

a. Continuing Requirement. Although the chimney height of an Outdoor Wood Boiler is in compliance at the time of installation, such chimney height shall continue to be subject to the above EXCEPTION in the event of subsequent construction on an adjacent lot.

E. FUEL.

i. Permitted Fuels. The following combustible materials may be burned in an Outdoor Wood Boiler in accordance with the manufacturer's specifications.

- a. Natural wood, untreated and with no additives.
- b. Wood pellets, without additives.
- c. Agricultural seeds in their natural form.

ii. Prohibited Fuels. All other combustible materials are prohibited from being burned in an Outdoor Wood Boiler, including without limitation:

- a. 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.
- b. Waste petroleum products, paints, varnishes or other oily wastes.
- c. Ashphalt and products containing asphalt.
- d. Any plastic, nylon, PVC, ABS, urethane foam and other synthetic materials.
- e. Rubber products.

- f. Newspapers, corrugated cardboard, container board, office paper and other paper products.
  - g. Grass clippings, brush trimmings, leaves and general yard waste.
  - h. Rubbish, garbage, construction or demolition debris or other household or business wastes.
  - i. Any materials containing asbestos, lead mercury, heavy or toxic metals, or chemicals.
- F. Compliance with Laws and Regulations. An Outdoor Wood Boiler shall comply with all applicable Federal, State and local laws, regulations and ordinances and all applicable manufacturer's specifications, including without being limited to air quality regulations and construction codes. The Outdoor Wood Boiler must qualify as a Phase 2 White Tag Model under the U.S. Environmental Protection Agency's "Phase 2 Voluntary Partnership Program: Hydronic Heaters," or qualify under similar emission standards established by State or Federal regulation.
- G. Period of Permitted Use. An Outdoor Wood Boiler may only be operated during the period from October 15 through April 15.

**Section 4. Permit.** A permit from the Township is required prior to the installation and operation of an Outdoor Wood Boiler on property in the Township. An application shall be made to the Township's Building and Zoning Administrator together with payment of the permit fee as established by the Township Board. The application shall contain the following information.

- A. Applicant's name and address.
- B. Legal description or permanent property number of the lot involved.
- C. A drawing showing the proposed location of the Outdoor Wood Boiler, the location of the building to be served, the lot lines of the subject lot, and the location of the principal buildings on any adjacent lot together with the measurement of distances of the required setbacks.
- D. A drawing showing the dimensions of the Outdoor Wood Boiler including the proposed chimney/stack height.
- E. The name of the manufacturer and the model of the Outdoor Wood Boiler.

After review of the application and any inspections of the property, the Building and Zoning Administrator shall issue a permit upon determining that the Outdoor Wood Boiler complies with this Ordinance and may conduct additional inspections during and/or at the end of the installation to confirm compliance with this Ordinance.

**Section 5. Existing Outdoor Wood Boiler.** Any Outdoor Wood Boiler erected and installed prior to the effective date of the Ordinance may continue to be operated, but only if all of the following criteria are met.

- A. Within 120 days from the effective date of this Ordinance, the owner of the Outdoor Wood Boiler must contact the Township's Building and Zoning Administrator in writing stating that an Outdoor Wood Boiler was constructed on the lot and provide the information required in Section 4, above. The Building and Zoning Administrator shall be entitled to inspect the property to confirm such information.
- B. The Outdoor Wood Boiler must pass, or already have passed all required inspections under the State construction code or State environment regulations.
- C. The chimney height of the Outdoor Wood Boiler must meet the requirements of Section 3.D. If not met, the owner shall have 180 days from the effective date of this Ordinance to bring the chimney into compliance.
- D. The operation of the Outdoor Wood Boiler complies with Section 3.E.
- E. An existing Outdoor Wood Boiler, shall not be replaced, reconstructed, enlarged, moved or substantially altered without conforming to the provisions of this Ordinance applicable to Outdoor Wood Boilers installed after its effective date.

**Section 6. Penalties.** Any person or entity who violates the provisions of this Ordinance shall be responsible for a civil infraction subject to the procedures, the civil fines and penalties, and other relief, as provided in the Township's Municipal Civil Infraction Ordinance.

**Section 7. Administrative Liability.** No officer, agent or employee of the Township shall be liable for any damage that may occur to any persons or property as a result of any act, decision, omission or other consequence or occurrence arising out of the discharge of duties or responsibilities pursuant to this Ordinance.

**Section 8. Severability.** The provisions of this Ordinance are hereby declared to be severable and should any provision, section or part thereof be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the

particular provision, section, or part thereof involved in such decision and shall not affect or invalidate the remainder of such ordinance which shall continue in full force and effect.

**Section 9. Repeal.** All other ordinances, resolutions, orders or parts thereof in conflict with this Ordinance, in whole or in part, are hereby repealed to the extent of any such conflict.

**Section 10. Effective Date.** This Ordinance was adopted by the Township board on March 12, 2009, and shall take effect on April 20, 2009, being a date thirty (30) days after the first publication in the Holland Sentinel, a newspaper having general circulation in the Township, pursuant to the provisions of MCL 41.184, as amended.

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Howard Baumann  
Township Supervisor

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Kathy Van Voorst  
Township Clerk

**CERTIFICATE**

I, the undersigned, duly qualified and acting Township Clerk of the Township of Port Sheldon, Ottawa County, Michigan, do hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board at a regular meeting of the Township Board held on the 12 day of March, 2009. I do further hereby certify that public notice of said meeting was given pursuant to and in full compliance with 1976 PA 267, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

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Kathy Van Voorst, Township Clerk