

**OUTDOOR WOOD-FIRED BOILER ORDINANCE**  
**Porter Township, Cass County Michigan**

Ordinance No; 3200

**111.3201 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 Porter Township by regulating the air pollution and fire hazards of outdoor burning.

**111.3202 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.

**111.3203 DEFINITIONS**

1. "Clean wood" means natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.
2. "Construction and demolition waste" means building waste materials, including but not limited to waste shingles, insulation, lumber, 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 other structure.
3. "Fire Chief" means the Chief of the South East Public Safety Authority
4. "Municipality" means a county, township, city, or village.
5. "Outdoor burning" means burning in an outdoor wood-fired boiler.
6. "Outdoor wood-fired boiler" means a wood-fired boiler, stove or furnace that is not located within a building intended for habitation by humans or domestic animals.
7. "Refuse" means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.

**111.3204 USAGE** An outdoor wood-fired boiler may be installed and used in Porter Township only in accordance with all of the following provisions:

1. Proper mechanical permits must be in effect before proceeding with any installation of a wood fired boiler.
2. The outdoor wood-fired boiler shall not be used to burn refuse.
3. The outdoor wood-fired boiler shall be located at least two hundred feet (200) from the nearest building which is not on the same property as the outdoor wood-fired boiler.
4. The outdoor wood-fired boiler shall have a chimney that extends at least fifteen feet (15) above the ground surface. If there are any residences within three hundred feet (300), 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 may grant a lesser height on a case-by-case basis if necessary to comply with manufacturer's recommendations and if the smoke from the lower chimney height does not

create a nuisance for neighbors. This process must be processed through the Zoning Board of Appeals, (ZBA).

5. The outdoor wood-fired boiler must be a “Listed and Labeled Appliance.”

**111.3205 LIABILITY** A person utilizing or maintaining an outdoor wood fired boiler shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the wood burning unit

**111.3206 RIGHT OF ENTRY AND INSPECTION** The Fire Chief or any authorized officer, agent, employee or representative of Porter Township who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

**111.3207 ENFORCEMENT AND PENALTIES**

1. The Fire Chief and Porter Township Zoning Enforcement Officer are authorized to enforce the provisions of this ordinance.
2. Any person, firm, association, partnership, corporation, or governmental entity who violates any of the 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 fee schedule of Porter Township:
3. The violator shall pay costs which may include all expenses, direct and indirect, which Porter Township has incurred in connection with the municipal infraction and 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. Each day that a violation of this Ordinance exists shall constitute a separate violation of this Ordinance.