

**MANCHESTER TOWNSHIP
ORDINANCE NO. 86**

AN ORDINANCE TO AMEND THE MANCHESTER TOWNSHIP ZONING ORDINANCE SECTIONS 2.03 "DEFINITIONS" AND ARTICLE 16.0 "SUPPLEMENTAL REGULATIONS AND STANDARDS" TO DEFINE "OUTDOOR WOOD, CORN, PELLET-FIRED, CHERRY-PITS, OR COAL BOILER OR FURNACE" AND REGULATE OUTDOOR BOILERS AND FURNACES.

MANCHESTER TOWNSHIP, WASHTENAW COUNTY, MICHIGAN, ORDAINS:

Section 1: Amendments, additions, and deletions to the Manchester Township Zoning Ordinance, Article 2.0, "Definitions," Section 2.03 - Definitions, and Article 16.0, "Supplementary Regulations and Standards".

That the Manchester Township Zoning Ordinance, Article 2.0, "Definitions," Section 2.03 - Definitions, is hereby amended by adding a definition for "Outdoor Wood, Corn, Pellet-Fired, Cherry-pits, or Coal Boiler or Furnace" to read as follows:

Outdoor Wood, Corn, Pellet-Fired, Cherry-pits, or Coal Boiler or Furnace, A fuel burning devise designed: (1) to burn primarily wood, corn, or pellets by hand-firing; (2) not to be located inside structures ordinarily occupied by humans; and (3) to heat spaces or water by the distribution through pipes of a fluid heated in the device, typically water. Examples of common uses of outdoor wood-fired boilers include residential or commercial space heating, heating of domestic hot water, and heating of water for swimming pools, hot tubs, or whirlpool baths.

That the Manchester Township Zoning Ordinance, Article 16.0, "Supplemental Regulations and Standards," is hereby amended by adding Section 16.24 - Outdoor Boiler or Furnace to read as follows:

SECTION 16.24 OUTDOOR BOILER OR FURNACE

Subsection 1: Outdoor Boilers and Furnaces restricted:

A. Outdoor furnaces and boilers designed to be fueled by other means than those specifically stated within this Section are prohibited.

B. Outdoor furnaces and boilers that are not listed and labeled as being properly tested and approved by a national testing agency or approved by the State Construction Code Commission are prohibited.

Subsection 2: Outdoor Wood, Corn, Pellet-Fired, Cherry-pits, or Coal Boiler or Furnaces are permitted subject to the following:

- Location: Are only be permitted in the AR and LDR Districts.
- Purpose: This section 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 Manchester due to the air pollution and fire hazards of outdoor burning.
- Installation and Use:
 - (a) Zoning Certificate of Compliance required: Applicants must obtain a Zoning Certificate of Compliance from the Township Zoning Administrator prior to construction or installation to ensure that all the standards of this Section will be met.
 - (b) Must only be used to burn fuel designed or intended by the manufacturer's recommendations to be burned in the boiler or furnace. However, no refuse, leaves, green vegetable matter, noxious plants, garbage, household trash, petroleum products, rubber, construction waste, or other solid waste may be burned regardless of design or manufacture's intended fuel source.
 - (c) Must be located at least one hundred and fifty (150) feet from the property line.
 - (d) Location distance from the principle building will be determined by manufactures recommendations. Chimney height will be determined by the manufactures recommendations. Chimney height will have to be adjusted if smoke creates a nuisance for neighbors.
 - (e) All furnaces must be located within the rear yard.
 - (f) All brush and shrubbery shall be cleared within a twenty-five (25) foot radius from the location on any boiler or furnace, and such twenty-five (25) foot cleared area shall be maintained free of brush and shrubbery at all times. Any firewood or other allowed fuel stored within such twenty-five (25) foot radius shall either be covered or otherwise reasonably protected against accidental ignition or combustion.
 - (g) Must obtain an inspection and the written approval of the building inspector or official that the outdoor furnace or boiler is constructed, installed, and

connected pursuant to manufacturers recommendations, the State Construction Code, and all applicable codes adopted by reference.

(h) Must be maintained in a good condition.

- D. Immediately following completion of the construction/installation of the boiler or furnace, and after receiving written approval from the building inspector or official, the applicants must obtain an inspection from the Township Zoning Administrator to ensure that the boiler or furnace complies with the Zoning Certificate of Compliance, the standards in this Section, and the Manchester Township Zoning Ordinance.

Section 2: Severability.

If any clause, sentence, paragraph or part of this Ordinance will for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment will not affect, impair or invalidate the remainder of this Ordinance but will be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

Section 3: Saving Clause

The Manchester Township Zoning Ordinance, except as herein or heretofore amended, will remain in full force and effect. The amendments provided herein will not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

Section 4: Effective Date

The ordinance changes will take effect seven days after the publication of the notice of adoption unless petition procedures are initiated under MCL 125.3402. If petition procedures are initiated, the ordinance will take effect in accordance with MCL 125.3402.

Gene DeRossett, Supervisor

Ann Bechtel, Township Clerk

I, Ann M. Bechtel, Clerk for Manchester Township, hereby certify that the foregoing is a true and correct copy of Ordinance No. 86 of Manchester Township, adopted by resolution at a meeting of the Township Board of Trustees held on Tuesday, March 12, 2013, the whole thereof is now in my custody, and that copies of the ordinance were transmitted and published as directed.

Ann Bechtel, Township Clerk

A copy of the complete ordinance text may be inspected or purchased at the Manchester Township Hall, 275 South Macomb. Manchester, Michigan 48158. The office hours are 8:30 a.m. until noon Monday, Tuesday, Wednesday and Friday.

Adopted: 3/12/13

Published: 3/21/13

Effective: 3/28/13, subject to PA 110 of 2006 as amended.