

Rollin Township Planning Commission

March 4, 2010

Call to order: The meeting was called to order by Chairman Burch at 7 p.m.

Roll call: The following members were present: Peterson, Hawkins, McGrath, Burch, Miller, Nichols & Griewahn

Chairman's remarks: Chairman Burch reported on meeting with Supervisor Jenkins.

Minutes: It was moved by Miller, supported by Hawkins to accept the February 11, 2010 minutes as presented. The motion passed unanimously.

Comments from floor: none

Communications: none

Appeals Board Report: none

Trustee Report: none

Old Business: Information compiled by the sub committee will be presented to Supervisor Jenkins at a date to be determined during the week of March 8th.

New Business: The following Planning Commission budget will be presented to the Township Board for their consideration: Salaries \$6,000, Printing \$600, Fringes \$500, Education \$500, Transportation \$200, Supplies \$100 and Miscellaneous \$100 for a total budget of \$8,000.

Language for an ordinance for outside wood burners was reviewed. McGrath moved and Hawkins seconded the motion to forward the ordinance for outside wood burners to the Township Board for consideration. The motion was adopted by unanimous roll call vote.

Comments from floor: none

Comments from commission members: none

Next meeting: April 6, 2010

Moved McGrath, seconded by Hawkins to adjourn at 8:17 p.m., motion carried.

Respectively submitted,
Nancy Nichols, Secretary

Outdoor Wood-Fired Boiler, Stove and Furnace Ordinance
for Rollin Township, Michigan, Ordinance No.____of 2010

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 Rollin Township by regulating the use of outdoor wood-fired boilers, stoves, or furnaces.

SECTION 2: APPLICABILITY

2:00 Applicability.

This ordinance applies to all outdoor wood-fired boilers, stoves, or furnaces within Rollin Township.

- 2.1 This ordinance does not apply to grilling or cooking food using charcoal, wood, propane, or natural gas in cooking or grilling applications.
- 2.2 This ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fire place or other heating device within a building used for human or animal habitation.
- 2.3 This ordinance does not apply to use of propane, acetylene, natural gas, gasoline, or kerosene in a device intended for heating, construction, or maintenance activities.

SECTION 3: SEVERABILITY

3:0 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

4.0 Definitions.

- 4.1 “Outdoor wood-fired boiler, stove, or furnace” means a structure that:
 - (1) Is designed, intended, or used to provide heat and/or hot water to any residence or other structure; and
 - (2) Operates by the burning of wood or other solid fuel; and
 - (3) Is not located within a structure used for human or animal habitation.
- 4.2 “Refuse” means any waste material, garbage, animal carcasses, and trash or household materials except trees, logs, brush and stumps.

SECTION 5: OUTDOOR WOOD-FIRED BOILERS, STOVES, OR FURNACES

5:00 Outdoor wood-fired boilers, stoves, or furnaces.

The following provisions shall apply to outdoor wood-fired boilers, stoves, and furnaces in Rollin Township:

- 5.1 Outdoor wood-fired boilers, stoves or furnaces shall be prohibited on any land zone R-1 and in all platted subdivisions in Rollin Township

- 5.2 In all unplatted areas of Rollin Township which are not zoned R-1, an outdoor wood-fired boiler, stove or furnace may be installed with the issuance of a zoning permit before installation.
- 5.3 The outdoor wood-fired boiler, stove or furnace shall not be used to burn refuse, leaves, green vegetative matter and noxious plants.
- 5.4 The outdoor wood-fired boiler, stove or furnace shall be located at least 300 feet from the nearest occupied dwelling which is not on the same property as the outdoor wood-fired boiler, stove or furnace.
- 5.5 The outdoor wood-fired boiler, stove or furnace shall be located at least 50 feet from the nearest occupied dwelling which is not on the same property on which it is located and shall not be located within any front yard.
- 5.6 Setback of a residence located on a state highway is 300 feet.
- 5.7 The outdoor wood-fired boiler, stove or furnace shall have a chimney that extends at least 12 feet above the ground surface. If there are any residences within 500 feet, the chimney shall also extend at least as high above the ground surface as the peak of the roofs of all such residences. The Zoning Administrator may approve or require a lesser or greater height on a case-by-case basis if necessary:
 - 5.7.1 to comply with manufacturer's recommendations or
 - 5.7.2 to obtain a sufficient height to effectively disperse smoke or
 - 5.7.3 if the smoke from the lower chimney height does not create a nuisance for neighbors.
- 5.8 Only products designed and manufactured to be utilized in the outdoor wood-fired boiler, stove, or furnace may be burned in the unit.
- 5.9 Existing outdoor wood-fired boilers, stoves, or furnaces which are located less than 300 feet away from a dwelling which is not on the same property as the outdoor wood-fired boiler, stove or furnace may not be operated during the months of May, June, July, August, and September.
- 5.10 Outdoor wood-fired boilers, stoves, or furnaces existing at the time of the adoption of this ordinance but which are not in compliance with the provision of this ordinance may continue but cannot be relocated, attached to new buildings, expanded or replaced with a new unit unless they are brought into compliance with the provisions of this ordinance. However, existing outdoor wood-fired boilers, stoves, or furnaces which are not in compliance with this ordinance must adhere to subsection 5.9.
- 5.11 Outdoor wood-fired boilers, stoves, or furnaces and any electrical, plumbing, mechanical or other apparatus or device in connection with an outdoor wood-fired boiler, stove, or furnace shall be installed, operated, and maintained in conformity with the manufacturer's specifications and recommendations and all local, state, and federal codes, laws, rules, and regulations.
- 5.12 Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other Township law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such ordinance shall govern. Where any provision of this Ordinance differs from any other provision of this Ordinance, the more restrictive requirement shall prevail.

SECTION 6: RIGHT OF ENTRY AND INSPECTION

6:00 Right of entry and inspection.

Upon receipt of a report or complaint that there has been a violation of this ordinance, the Zoning Administrator, or any authorized officer, agent, employee or representative of Rollin Township who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

SECTION 7: ENFORCEMENT AND PENALTIES

7:00 Enforcement and penalties.

- 7.1 Authority to enforce this ordinance is hereby given to the Zoning Administrator, the Rollin Township Supervisor in the Zoning Administrator's absence or in the event of a conflict of interest, or any officer, agent, employee, or representative to whom such authority has been delegated by the Rollin Township Board of Trustees in the event of absence or conflict involving both.
- 7.2 If violations of any provision of this ordinance shall be found, a written notice, stating the nature of the violation, shall be sent by first class mail to the person or persons apparently guilty of the violation. This notice shall be deemed sufficient in the event of violation by a person to whom property within the Township is assessed for taxes, if sent to the address of that person as shown in the tax rolls. With respect to all other persons, this notice shall be deemed sufficient if sent to the last know address of said persons. Further, if the violation appears to be occurring upon private property within the system service area, a copy of said notice shall likewise be posted upon said property. The notice shall, in all cases, set forth a time limit (thirty days) during which all noted violations shall cease and be abated, and appropriate corrective action taken, and if the violator shall not thus comply the provisions of the following paragraph shall then apply.
- 7.3 Any person who shall continue any violation beyond the time limit provided in paragraph 1, shall be responsible for a misdemeanor and /or a municipal civil infraction as defined by applicable Michigan Statute which shall be punishable by a fine in an amount not exceeding One-Hundred (\$100) Dollars for each violation, or imprisonment not to exceed thirty (30) days. Each day in which any such violation shall continue shall be deemed a separate offence.
- 7.4 Any person violating any of the provisions of this ordinance shall become liable to the Township for any expense, loss or damage occasioned the Township by reason of such violation, notwithstanding whether said person may have been prosecuted for a violation of the terms of this ordinance.

SECTION 8: EFFECTIVE DATE

8:00 Effective date

This ordinance shall become effective 30 days after publication.

CERTIFICATION

I, Sharon Gus, duly elected Clerk of the Township of Rollin, County of Lenawee, State of Michigan, do hereby certify the foregoing to be a true copy and the whole of an ordinance adopted by the Rollin Township Board on _____2010, at which meeting a quorum was present by a roll call vote of said members as hereinbefore set forth, the ordinance was ordered to take effect upon publication as set forth in SECTION 8.

