

Village of Laurium

ORDINANCE 150

AN ORDINANCE TO PROHIBIT THE INSTALLATION AND USE OF OUTDOOR FURNANCES AND OUTDOOR BOILERS DESIGNED FOR DEWELLING/STRUCTURE HEATING PURPOSES.

The Village of Laurium hereby ORDAINS:

Section 1. Purpose:

It is the purpose of this ordinance to ban and prohibit the installation of outdoor furnaces and outdoor boilers within the Village limits of the Village of Laurium for the purpose of securing and promoting public health, comfort, convenience, safety and welfare of Village residents. It is recognized that the type of furnaces and boilers, generally fired with wood, create noxious and hazardous smoke, soot, fumes, odors, air pollution, particles. Temperature inversions and wind can cause smoke to stay close to the ground or migrate to neighboring houses and buildings. These units generally incorporate smoldering and frequent fire flare ups as the units adjust to local temperature settings. Typically, the outdoor wood-burning hot water furnace or boiler is a freestanding unit situated outside the envelope of the structure to be heated. The unit consists of a closed combustion chamber surrounded by a water tank and vented through a stack. A wood-burning fire is contained and controlled in the combustion chamber or firebox of the furnace. During the combustion process, heat is transferred through the walls of the chamber into the water. The hot water from the furnace tank can then be circulated through radiators or air-handling heat exchangers to transfer heat into a building. Some outdoor heating furnaces are equipped with additional plumbing to provide domestic hot water.

Section 2. Definitions:

The words "outdoor furnace" shall mean, but is not limited to any device, appliance, equipment, apparatus or structure that:

- Is designed, intended and/or used to provide and/or hot water to any associated structure or dwelling.
- Operates by burning wood or any other solid fuel included but not limited to: Coal, paper, cardboard, pellets and agricultural products.
- Is not located within the structure to be heated.
- Includes, but not limited to, devices referred to as outdoor furnaces, outdoor boilers and outdoor stoves

Section 3. Regulations:

Outdoor furnaces and outdoor boilers shall not be placed or located on any property, land or lots within the Village limits of the Village of Laurium. This section shall not apply to

any outdoor furnaces installed, connected and operating as of November 09, 2010. However, this section shall not be deemed as specific authorization for the use of any preexisting outdoor furnace and shall not be deemed to bar, limit, or otherwise affect the rights of any person to take private legal action regarding damage or nuisance caused by the use of an outdoor furnace. Any outdoor furnace operated in violation of this ordinance is hereby declared to be a nuisance per se.

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Section 4. Penalty:

Failure to abate a violation of this ordinance shall constitute a municipal civil infraction and shall result in a fine in the amount of \$100.00 for each day that a violation exists.

Section 5. Severability:

The section and provisions of this ordinance are declared to be severable and any portion which is declared inoperative or invalid for any reason by a court or competent jurisdiction shall in no way affect the remaining sections or provisions of this ordinance.

Section 6. Publication and Effective Date:

This ordinance was adopted by the Village Council of the Village of Laurium, Houghton County, Michigan on the 9 day of November, 2010.

This Ordinance shall take effect 20 days from the date of adoption by the Village Council. Effective date: 29 day of November, 2010.

Patricia M. Golus, Clerk
Village of Laurium

Donald Bausano, President
Village of Laurium

I hereby certify that the foregoing is a true and complete copy of Ordinance No.150 adopted by the Village Council of the Village of Laurium, County of Houghton, State of Michigan, at a regular meeting held on _____ This meeting was conducted and public notice of this meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan 1976.

Patricia M, Golus, Clerk
Village of Laurium