

## **ORDINANCE # 150      PROHIBITED OUTDOOR FURNACE INSTALLATION**

An ordinance to prohibit the installation and use of outdoor furnaces and outdoor boilers designed for dwelling/structural heating purposes.

The Village of Laurium ordains:

### **SEC. 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, conveniences, safety and welfare of Village residence. It is recognized that the type of furnaces and boilers, generally fired with wood, create noxious and hazardous smoke, soot, fumes, odors, air pollution, and 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 furnace are equipped with additional plumbing to provide domestic hot water.

### **SEC. 2. DEFINITIONS:**

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

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

### **SEC. 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 9, 2010. However, this

outdoor furnaces installed, connected and operating as of November 9, 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 any outdoor furnace. Any outdoor furnace operated in violation of this Ordinance is hereby declared to be a nuisance per se.

**SEC. 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 exist.

**SEC. 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.

**SEC. 6. PUBLICATION AND EFFECTIVE DATE:**

This Ordinance was adapted by Village Council of the Village of Laurium, Houghton County, Michigan on the 9<sup>th</sup> day of November, 2010.

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Patricia M. Golus  
Clerk, Village of Laurium

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Donald Bausano  
President, Village of Laurium

I hereby certify that the foregoing is a true and complete copy of an 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 November 9, 2010. This meeting was conducted and public notice of the meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan 1976.

**Original Signed**

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Patricia M. Golus  
Clerk, Village of Laurium

Date Reviewed by Council

*Jan 2021*