

**VILLAGE OF GRASS LAKE  
COUNTY OF JACKSON, MICHIGAN**

**General Ordinance No. 40**

**An Ordinance regulating the installation and use of  
Outdoor Wood-Fired Hydronic Heaters**

**THE VILLAGE OF GRASS LAKE HEREBY ORDAINS:**

**Section 1. Title**

This ordinance shall be known as the "Outdoor Wood-Fired Hydronic Heater Ordinance", (Woodburners).

**Section 2. Purpose**

The purpose of this Ordinance is to protect the health, safety and welfare of the citizens of the Village of Grass Lake by requiring that all permitted outdoor furnaces and outdoor furnace systems are properly located, installed and maintained consistent with this Ordinance and the manufacturer's instructions.

**Section 3. Definitions**

A. "Clean natural wood" means natural wood which: (i) has not been pressure treated, painted, varnished, or coated with a similar material; (ii) does not contain resins or glues, such as plywood or other composite wood products; and (iii) is not particleboard, refuse, or yard waste.

B. The term "nuisance" as used in this Ordinance, shall mean, but is not limited to, the burning of any material of any kind which generates smoke or odor from an outdoor wood-fired hydronic heater in a manner so as to endanger the public; in a manner which constitutes a threat to the safety or health of the public; or in a manner which unreasonably disturbs the comfort or repose of any person residing in the vicinity.

C. "Outdoor wood-fired hydronic heater" means any equipment, device, appliance or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source.

D. The terms "Refuse" and "Yard Waste" shall mean, for the purposes of this Ordinance, and shall refer to, any waste material, including, but not limited to, leaves, grass, garbage and other, similar, organic material; construction and demolition waste material; automobiles or parts thereof; flammable (excluding clean natural wood), toxic or explosive material; electrical wiring, rubber products, and plastic products.

#### **Section 4. Installation and Use**

An outdoor wood-fired hydronic heater may be installed and used in the Village of Grass Lake only in accordance with all of the following provisions:

- A. An outdoor wood-fired hydronic heater shall use, as a fuel source, only clean natural wood; provided however, that other fuel sources recommended by the manufacturer of the heater may be utilized if the same are not specifically prohibited by this Ordinance.
- B. Neither refuse, nor yard waste shall be used as a fuel source. Further, no material shall be used as a fuel source that causes any particulate matter which is detrimental to human beings or animals to be released into the atmosphere.
- C. No outdoor wood-fired hydronic heater shall be utilized in a manner which endangers the public, which threatens the safety or health of the public, or which constitutes a nuisance as that term is defined in this Ordinance, or as the same may be otherwise defined in law.
- D. An outdoor wood-fired hydronic heater shall be installed and used only on property which is zoned as OS-1 (Open Space), or, R-1 (Residential) parcels which meet a minimum lot size requirement of two (2) acres.
- E. Outdoor wood-fired hydronic heaters shall be located at least 300 feet from the nearest residence which is not located on the same property as is the outdoor wood-fired hydronic heater.
- F. An outdoor wood-fired hydronic heater shall be located to the rear or to the side of the structure for which it is intended to act as a heat source.
- G. An outdoor wood-fired hydronic heater shall be located at least forty (40) feet from the nearest structure on the same property, one hundred (100) feet from any structure on an adjoining property, and fifty (50) feet from any property line.
- H. An outdoor wood-fired hydronic heater shall have an attached permanent chimney that extends at least as high above the ground surface as the height of the roofs of all residences which are located within 200 feet of the outdoor wood-fired hydronic heater and which are not on the same property.
- I. An outdoor wood-fired hydronic heater shall be UL listed and have attached an approved U.S. Environmental Protection Agency (EPA) label. The label shall indicate the model being installed including the test results from an independent accredited laboratory demonstrating that the unit meets the EPA 2007 (Phase 1) voluntary testing program for emissions levels for outdoor wood-fired hydronic heaters (OWHH).

#### **Section 5. Permits**

The owner or occupant of the property shall obtain all required permits including but not limited to electrical and mechanical permits for each Outdoor wood-fired hydronic heater prior to installation and any required inspections shall be completed and approved prior to use of the outdoor wood-fired hydronic heater.

## **Section 6. Right of Entry and Inspection**

Any authorized officer, agent, employee or representative of the Village of Grass Lake who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

## **Section 7. Outdoor Wood-Fired Hydronic Heaters Installed Prior to the Effective Date of this Ordinance**

The lawful use of a nonconforming outdoor wood-fired hydronic heater existing at the time of the adoption or amendment of this ordinance may be continued although such heater does not conform to the provisions of this Ordinance. Notwithstanding the foregoing, a non-conforming outdoor wood-fired hydronic heater shall not be used or operated in such a manner so as to constitute a public nuisance or so as to cause a condition which is hazardous to human health or is prohibited by any applicable federal, state or local statutes, ordinances, or regulations. Additionally, such non-conforming outdoor wood-fired hydronic heaters shall be used and maintained in compliance with all the provisions of this Ordinance to the maximum extent to which compliance is reasonably possible.

Outdoor Wood-Fired Hydronic Heaters which are relocated shall be considered "newly installed units" and shall be subject to all of the provisions and requirements of this Ordinance

## **Section 8. Enforcement and Penalties**

(A) Any person, firm or corporation who violates any of the provisions of this ordinance shall be deemed guilty of a municipal civil infraction and shall be punished by a fine(s) as provided for by Ordinance. Each day that a violation continues to exist shall constitute a separate offense.

(B) In addition, any violation of this Ordinance shall be deemed a nuisance per se, permitting the Village Council, its officers, agents, or any private citizen to bring an action in any court of competent jurisdiction to cause the abatement of the nuisance, including injunctive relief.

## **Section 9. 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 10. Effective Date**

This ordinance shall be published in the manner provided by law and shall take effect 30 days after publication.

At a regular meeting of the Grass Lake Village Council on the 2nd day of November, 2010, at 7:30 p.m., the foregoing ordinance was offered by member Sherwood, and supported by member Fearer.

The foregoing Ordinance, or a synopsis thereof, shall be published in a newspaper of general circulation within the boundaries of the Village of Grass Lake and qualified under state law to publish legal notices promptly within its adoption, and shall take effect thirty (30) days after the date of publication.

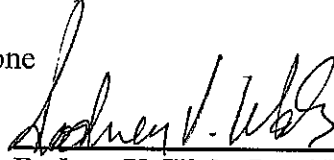
MEMBERS PRESENT: Rodney V. Walz, Sharon Sherwood, Melissa Shelhart, Joseph DeBoe and Esther Fearer.

MEMBERS ABSENT: Diane DeBoe.

MEMBERS VOTING IN FAVOR OF ADOPTION: All present.

MEMBERS VOTING AGAINST ADOPTION: None

Dated: 11-02-2010

  
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**Rodney V. Walz, President**

Dated: 11-02-2010

  
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**Estelle Mead, Clerk**

Adopted: November 2, 2010

Published: November

Effective: