

SHERMAN TOWNSHIP: NEWAYGO COUNTY

Ordinance #33

An ordinance to regulate and control open burning and outdoor furnaces in Sherman Township.

**SECTION I. 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 Sherman Township.

**SECTION II. APPLICABILITY**

This ordinance applies to all outdoor furnaces and open burning within Sherman Township.

2.1 This ordinance does not apply to grilling or cooking using charcoal, wood, propane, or natural gas in cooking or grilling appliances.

2.2 This ordinance does not apply to burning in a stove, furnace, fireplace, or other heating device within a building used for human or animal habitation.

2.3 This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline, or kerosene in a device intended for heating, construction or maintenance activities.

**SECTION III DEFINITIONS**

3.1 Outdoor furnace means any device or structure that is designed, intended or used to provide heat and/or hot water to any residence, building or structure which operates by burning of solid fuel and is not located entirely within a residential dwelling or other building for which it provides heat and/or hot water.

3.2 "Open Burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air.

3.3 "Clean Wood" means any natural wood which has not been painted, varnished, or coated with a similar material, has not been pressure-treated with preservatives and does not contain resins or glues an in plywood or other composite wood products.

3.4 "Campfire" means a small, controlled fire used for cooking or recreation.

3.5 Construction waste means building waste materials, including but not limited to waste shingles, insulation, treated wood, painted wood, wiring, plastics, packaging and rubble that results from construction remodeling, repair and demolition of a house or other building.

3.6 "Household Waste" includes, but is not limited to, paper products.

**SECTION IV. REGULATIONS FOR OUTDOOR FURNACES**

4.1 No outdoor furnace shall be located or utilized in the **LAKE RESIDENTIAL** or **SUBURBAN RESIDENTIAL** districts of Sherman Township.

4.2 Outdoor furnaces may be used in all other districts of Sherman Township, providing the follow regulations are met:

- A. Can only be located in side or rear yards and in no event be located within 25 feet of any lot line of the parcel on which it is located.
- B. No outdoor furnace shall be installed or located within 30 feet of the principal residence or structure for which it is intended to supply heat and/or hot water.
- C. The outdoor furnace shall be located at least 200 feet from the nearest habitable building which is not on the same property as the outdoor furnace.

- D. Only clean wood or other solid fuel for which the furnace is designed may be burned in the furnace.
- E. No garbage, household trash, petroleum products, rubber, construction waste or other solid waste shall be burned in such a furnace regardless of design or manufacturer's intended fuel source.
- F. Replacement of all outdoor furnaces, installed after the effective date of this ordinance, shall comply with all rules and regulations of this ordinance.
- G. The owner of an outdoor furnace shall obtain all necessary permits required from Local, County or State authorities, including Sherman Township zoning permit.

## **SECTION V. OPEN BURNING**

5.1 The burning of household waste is prohibited in the **LAKE RESIDENTIAL** or **SUBURBAN RESIDENTIAL** districts of Sherman Township.

5.2 Campfires for cooking, ceremonies or recreation are allowed in all districts of Sherman Township provided they do not cause a nuisance and burn only "clean wood".

5.3 In all districts of Sherman Township, open burning of the following materials is prohibited;

- A. Roofing and/or asphalt construction products
- B. Hazardous substances, including but not limited to batteries, household chemicals, pesticides, used oil, gasoline, paints, varnishes and solvents
- C. Furniture and appliances
- D. Tires
- E. Any plastic materials, including but not limited to nylon, PVC, ABS, polystyrene or urethane foam and synthetic fabrics, plastic films and plastic containers
- F. Treated or painted wood, including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

## **SECTION VI. RIGHT OF ENTRY AND INSPECTION**

The Zoning administrator or any authorized officer, agent, employee or representative of Sherman Township who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this Ordinance.

## **SECTION VII. ENFORCEMENT AND PENALTIES**

A violation of this Ordinance constitutes a municipal infraction. Any person who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance, or any permit or approval issued hereunder, or any amendment thereof, any person who knowingly or intentionally aids or abets another person in the violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction. The civil fine for municipal infraction shall be not less than one hundred dollars (\$100.00) for the first offence and not less than two hundred dollars (\$200.00) for subsequent offenses, in the discretion of the Court, in addition to all other costs, damages, expenses, and remedies provided by the law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance or similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.

The forgoing ordinance was offered by Board Member Obits, and was supported by Board member Smalligan, the vote being as follows;

YEAS: Derks, Obits, Smalligan, Stocking

NAYS: Stroven

ABSENT: None

Ordinance is declared adopted and to be effective 30 days after it is published in the newspaper as provided by law.

*Murry D Stocking*

Murry D Stocking; Clerk of Sherman Township

Adopted August 6<sup>th</sup>, 2007