

**CITY OF LOWELL
KENT COUNTY, MICHIGAN**

ORDINANCE NO. 11- 05

AN ORDINANCE TO ADD A DEFINITION OF “OUTDOOR FURNACE” TO SECTION 2.16, “DEFINITIONS - O,” OF CHAPTER 2, “DEFINITIONS,” AND TO ADD SECTION 4.25, “OUTDOOR FURNACES,” TO CHAPTER 4, “GENERAL PROVISIONS,” OF “APPENDIX A - ZONING ORDINANCE” OF THE CODE OF ORDINANCES OF THE CITY OF LOWELL

Councilmember Schrauben, supported by Councilmember LaPonsie, moved the adoption of the following ordinance:

THE CITY OF LOWELL ORDAINS:

Section 1. Addition of Definition to Section 2.16 of Chapter 4. The following definition is added to Section 2.16, “Definitions - O,” of Chapter 2, “Definitions,” of “Appendix A - Zoning Ordinance” of the Code of Ordinances of the City of Lowell:

Outdoor Furnace. Any device, appliance, facility, apparatus or structure that is designed, intended and/or used to provide hot water heat and/or hot water to any associated structure, operates by burning solid fuel and is not located within the structure to be heated.

Section 2. Addition of Section 4.25 to Chapter 4. Section 4.25, “Outdoor Furnaces,” is added to Chapter 4, “General Provisions,” of “Appendix A - Zoning Ordinance” of the Code of Ordinances of the City of Lowell to read as follows:

Section 4.25. Outdoor Furnaces.

A. *Purpose.* The city desires to regulate the location and operation of outdoor furnaces to secure and promote the health, safety and welfare of the public. Outdoor furnaces are an alternative to traditional home-heating methods and have increased in popularity because of rising fuel costs. This increased usage has led to the recognition that outdoor furnaces can impact health, safety and welfare if not designed and used properly and these impacts are multiplied when used in densely populated areas. Outdoor furnaces shall only be permitted under certain circumstances and only when specific requirements are met in order to broaden home-heating options for city residents while insuring regulations are in place to protect residents from, health, safety and welfare impacts.

B. *Application.* An outdoor furnace shall not be installed on any property unless a certificate of zoning compliance and any required mechanical and building permits have been issued by the city. A mechanical permit application along with the applicable fee shall be submitted to the city with descriptive information that is necessary to determine compliance with the requirements of this section and any applicable building codes. In addition, the applicant shall submit a signed acknowledgement indicating that combustion in the outdoor furnace of material prohibited by this section is grounds for revocation of the certificate of zoning compliance requiring immediate discontinuance of its use.

C. *Eligibility.* Outdoor furnaces are permitted in side and rear yards as an accessory use to residential dwellings (i) on parcels in a SR-Suburban Residential District and (ii) on parcels in a R-1 Residential District with a parcel area of at least twenty thousand (20,000) square feet. In a R-1 Residential District the application for a mechanical permit shall include a recordance deed restriction in a form acceptable to the city signed by the property owner prohibiting the subdivision or splitting of the parcel in a manner which would result in the outdoor furnace being located on a parcel of less than twenty thousand (20,000) square feet or with isolation and setback dimensions less than those required by this section.

D. *Isolation and Setback.* An outdoor furnace shall be located a minimum of eighty (80) feet from any residential dwelling on an adjacent parcel and shall be located a minimum of forty (40) feet from the property line of the parcel where it is located.

E. *Stack Height.* Stack or chimney height of an outdoor furnace shall extend to an elevation at least two (2) feet above the roof peak of any residential dwelling within three hundred (300) feet of the outdoor furnace.

F. *Combustion Materials.* Only dry, seasoned wood or pellets manufactured for use in an outdoor furnace may be used in an outdoor furnace. The city may approve an alternative fuel if it is recommended by the outdoor furnace manufacturer and will result in air emissions no greater than that of dry, seasoned wood or pellets manufactured for outdoor furnace use. Combustion of toxic or other materials that generate offensive odors or excessive smoke or that are harmful to human health are prohibited. Such prohibited materials include, but are not limited to, trash, garbage, plastics of any kind, wood that is painted, varnished or treated, gasoline, oil, rubber, naphtha, materials treated with petroleum products, leaves and paper products including cardboard. Any use of prohibited construction materials shall result in the revocation of the zoning compliance certificate requiring the immediate discontinuance of use of the outdoor furnace.

Section 3. Publication. After its adoption, the City Clerk shall publish this ordinance, or a summary thereof, as permitted by law, along with the date of its adoption in the *Lowell Ledger*, a newspaper of general circulation in the City at least ten (10) days before its effective date.

Section 4. Effective Date. This ordinance shall take effect ten (10) days after it, or a summary thereof, as permitted by law, along with the date of its adoption is published as provided in Section 3 above.

YEAS: Councilmembers Altoft, LaPonsie, Schrauben and Mayor Pro Tem Ellison.

NAYS: Councilmembers none.

ABSTAIN: Councilmembers none.

ABSENT: Councilmembers Mayor Hodges.

ORDINANCE DECLARED ADOPTED.

Dated: April 18, 2011

Betty R. Morlock
City Clerk

CERTIFICATION

I, the undersigned City Clerk of the City of Lowell, Michigan, certify that the above ordinance is a true and complete copy of an ordinance adopted at a regular meeting of the Lowell City Council held April 18, 2011, pursuant to notice given in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended, and notice of its adoption, including a summary of its contents, was published in the *Lowell Ledger* on April 20, 2011. I further certify that the above ordinance was entered into the Ordinance Book of the City on April 18, 2011, and was effective April 30, 2011, ten (10) days after publication.

Dated: April 18, 2011

Betty R. Morlock
City Clerk