

**VILLAGE OF BELLEVUE**  
**EATON COUNTY, MICHIGAN**

**ORDINANCE NO. \_\_\_\_ - \_\_\_\_**

**PREAMBLE**

AN ORDINANCE OF THE VILLAGE OF BELLEVUE, MICHIGAN, PROVIDING THAT THE CODE OF THE VILLAGE OF BELLEVUE BE AMENDED BY **ADDING \_\_\_\_\_** TO: ESTABLISH AND IMPOSE RESTRICTIONS UPON THE CONSTRUCTION AND OPERATION OF OUTDOOR FURNACES WITHIN THE LIMITS OF THE VILLAGE OF BELLEVUE SO AS TO SECURE AND PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE VILLAGE AND ITS INHABITANTS, AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF; TO REPEAL ORDINANCES AND PORTIONS OF ORDINANCES INCONSISTENT WITH THIS ORDINANCE; AND TO PROVIDE AN EFFECTIVE DATE HEREOF.

The Village of Bellevue, Eaton County, Michigan, hereby ordains:

1. **\_\_\_\_\_** The Code of the Village of Bellevue is hereby amended by adding **\_\_\_\_\_** as follows:

**Section 1 Purpose.**

The purpose of this Ordinance is to establish and impose restrictions upon the construction and operation of outdoor furnaces within the limits of the Village of Bellevue so as to secure and promote the public health, safety and welfare of the Village and its inhabitants. Outdoor furnaces can create noxious and hazardous smoke, soot, fumes, odors, air pollution, particles and other products of combustion, particularly when restricted airflow and low operating temperatures are present. These products can be detrimental to citizens' health and can deprive neighboring residents of the enjoyment of their property. These regulations are intended to eliminate noxious and hazardous conditions caused by outdoor furnaces.

**Section 2 Outdoor Furnaces Defined.**

For purposes of this ordinance, the term "outdoor furnace" shall mean a furnace, stove or boiler that is not located within a building or structure intended for habitation or occupation by humans or domestic animals, but that provides heat or hot water for such building or structure. The term "outdoor furnace" includes "solid fuel heating devices" and "external heating devices."

**Section 3 Regulations.**

An outdoor furnace shall not be permitted on any property within the Village unless it complies with each of the following regulations:

- A. Setback. The outdoor furnace shall be located a minimum of 100 feet from the nearest point of any existing residence or other occupied structure which is not located on the same property as the outdoor furnace, and a minimum of 50 feet from the nearest property line of another property. An outdoor furnace shall not be located within any yard that fronts on a street.
- B. Chimney Height. The chimney shall be a minimum of 20 feet in height and shall also extend a minimum of two feet above the highest roof peak of the residence or structure that it serves. If there are any residences or occupied structures not served by the outdoor furnace located within 300 feet of the outdoor furnace, the chimney of the outdoor furnace shall also extend a minimum of two feet above the highest point of the roofs of such structures. All chimneys shall have a spark arrester installed at the top of the chimney.

The Village Manager, or a designee thereof, or such other person as is designated by the Village Council to enforce ordinances, may approve a lesser height only if necessary to comply with manufacturer's recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors. Insulated chimneys are recommended.

- C. Open Ground Area. An area with a minimum radius of ten feet around the outdoor furnace shall be free of vegetation, except grass not exceeding four inches in length.
- D. Appropriate Furnace Size. Outdoor furnaces shall be appropriately designed for the size of the structure to be heated. An outdoor furnace designed to heat structures more than 10 percent greater than the size of the structure to be heated shall not be permitted.
- E. Fuel. No fuel or materials other than natural wood without additives, wood pellets without additives, and agricultural seeds in their natural state may be burned in an outdoor furnace. The following materials are specifically prohibited:
  - 1. Rubbish or garbage, including but not limited to food waste, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
  - 2. Waste oil or other oily wastes.
  - 3. Asphalt and products containing asphalt.
  - 4. 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.

5. Any plastic material including, but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
6. Rubber, including tires and synthetic rubber-like products.
7. Newspapers, corrugated cardboard, container board or office paper.

#### **Section 4 Permit.**

The owner of an outdoor furnace shall obtain a permit from the Village, according to the following provisions:

- A. Application Information. The applicant for a permit shall submit the following information:
  1. Verification that the outdoor furnace will comply with the manufacturer's specifications for such outdoor furnace.
  2. Verification that the outdoor furnace will comply with all applicable state and federal statutes.
  3. A drawing providing the location of the proposed outdoor furnace and of nearby residences, together with the height of all applicable roofs, so as to establish compliance with all regulations contained in this Ordinance and the Village of Bellevue Zoning Ordinance.
- B. Application Permit; Fee. The Village Manager, or a designee thereof or such other person as is designated by the Village Council to enforce ordinances, shall review each application and issue a permit to such applicants as meet the requirements contained in this ordinance. The Village Council may establish by resolution a fee for the processing of outdoor furnace permit applications.

#### **Section 5 Complaints.**

Any person who secures a permit to install an outdoor furnace also agrees and consents to allow the Village's Code Enforcement Officer or any other person designated by the Village Council to inspect the outdoor furnace if a complaint is filed in writing relative to an alleged violation of this ordinance.

#### **Section 6 Liability.**

A person using or maintaining an outdoor furnace shall be responsible for all fire suppression, costs and other liability resulting from damage caused by the outdoor furnace. Compliance with this Ordinance shall not be a defense to any civil claims. Nothing in this Ordinance shall authorize any installation or use that is a public or private nuisance, regardless of compliance herewith.

**Section 7 Penalty.**

- A. Failure to comply with the requirements of this Ordinance is hereby declared to be a nuisance per se. A violation of this ordinance is a municipal civil infraction. The penalty for a violation that is a municipal civil infraction shall be a civil fine in an amount set by resolution of the Village Council from time to time.
- B. Each day during which any violation continues shall be deemed a separate offense.
- C. The foregoing penalty shall not prohibit the Village from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

**Section 8 Existing Outdoor Furnaces**

- A. Except as hereinafter provided, the lawful use of an outdoor furnace existing at the time of the adoption of this ordinance may be continued, although such use does not conform with the provisions of this ordinance.
- B. No outdoor furnace existing at the time of the adoption of this ordinance shall thereafter be extended or enlarged unless such extension or enlargement shall comply with this ordinance. The owner of such an outdoor furnace existing at the time of the adoption of this ordinance, which furnace is not in compliance with this ordinance, shall ensure that the outdoor furnace does not become more violative of or noncompliant with this ordinance following its adoption.
- C. The owner of an outdoor furnace existing at the time of the adoption of this ordinance shall comply with the permitting, application and fee requirements set forth in Section 4 above.

2. **Severability.** If any clause, sentence, paragraph, or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

3. **Repeal.** All ordinances and resolutions, or parts of ordinances and resolutions, of the Village of Bellevue inconsistent herewith are hereby repealed so far as they may be inconsistent with the provisions of this Ordinance.

4. **Publication/Effective Date.** This Ordinance shall become effective 20 days after publication of a summary of its provisions thereof in a local newspaper of general circulation within the Village.

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Denise Poyer, President  
Village of Bellevue

I, Travis Brininstool, Clerk of the Village of Bellevue, hereby certify that the foregoing is a true copy of the original of Ordinance No. \_\_\_\_ - \_\_\_\_, enacted by the Village Council of the Village of Bellevue at a \_\_\_\_\_ meeting on \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.

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Travis Brininstool, Clerk  
Village of Bellevue