

**WHITEHALL TOWNSHIP GENERAL CODE
AMENDMENT BY ADDITION
ARTICLE 13**

ARTICLE 13 OUTDOOR WOOD-FIRED FURNACES

1301 PURPOSES

Outdoor wood-fired furnaces, stoves, or boilers are a leading cause of citizen complaints. They are designed for long burn times between loading and typically have chimney heights less than 10 feet. Restricted airflow, low operating temperatures, and large fuel loads frequently result in excessive smoke. The smoke can cause both acute and chronic health problems if nearby residents are exposed.

1302 DEFINITIONS

"Outdoor Wood-Fired Furnace" means a fuel burning device designed (1) to burn primarily wood by hand-firing; (2) not to be located inside structures ordinarily occupied by humans; and, (3) to heat spaces or water by the distribution through pipes of a fluid heated in the device, typically water. Examples of common uses of outdoor wood-fired boilers include, but are not limited to, residential or commercial space heating, heating of domestic hot water, and heating of water for swimming pools, hot tubs or whirlpool baths.

"Zoning Ordinance" means the zoning ordinance adopted by the Whitehall Township Board on June 8, 2004, including any amendments thereto.

1303 REQUIREMENTS OF OUTDOOR WOOD-FIRED FURNACES

An outdoor wood-fired furnace may be installed and used in the Township of Whitehall only in accordance with all of the following provisions: *Amended 7/28/2014 Effective 9/16/2014*

- A. The outdoor wood-fired furnace shall be installed and used only in an area zoned F (Small Farm) District in the Zoning Ordinance. Provided further that any property owner or resident in any zoning district who installed and used an outdoor wood-fired furnace before the enactment of this ordinance, and who desires to continue such use, shall notify the Township in writing of such within 90 days of the publication of this ordinance so that the Township may validate the claim and issue a permit that would allow for such use. If such property owner or resident fails to contact the Township within the specified time period, such use of an outdoor wood-fired furnace will be deemed a violation of this ordinance.
- B. No outdoor wood-fired furnace shall be used to burn garbage, trash, or other refuse.

- C. An outdoor wood-fired furnace shall be located at least 300 feet from the nearest building which is not on the same property as the outdoor wood-fired furnace. Provided further, that if a building is subsequently erected closer than 300 feet to the outdoor wood-fired furnace, on property that is not the same property upon which the outdoor wood-fired furnace is situated, then the owner of the outdoor wood-fired furnace shall not be required to move the outdoor wood-fired furnace.
- D. An outdoor wood-fired furnace shall have a chimney that extends at least 15 feet above the ground elevation. If there are any residences within 300 feet, the chimney shall also extend at least as high above the ground surface as the height of the roofs of all such residences. The Township recognizes that wind directions, topography of the land, and existence of vegetation may impact how smoke affects neighboring properties. Therefore, the White Lake Area Fire Chief may approve a lesser height on a case-by-case basis, provided that it is necessary to comply with manufacturer's recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors. In the event that an exception or complaint is received in writing by the Township of an alleged nuisance caused by an outdoor wood-fired furnace, and thereafter is determined by the Township zoning administrator that as a result of the lesser height of the chimney that the smoke is creating unreasonable or unsafe conditions, then the Township may require the owner of an outdoor wood-fired furnace to extend the chimney 15 feet above ground elevation, or if there are any residences within 300 feet, then require that the chimney be extended at least as high above the ground surface as the height of such residences.
- E. The owner of the outdoor wood-fired furnace shall obtain an annual permit from Whitehall Township in accordance with this ordinance in the event that the White Lake Area Fire Chief approves a lesser height of the chimney (Section 1303(D))

1304 NO BURN DAYS

When weather conditions warrant and a no burn day is issued by an applicable governmental entity, use of outdoor wood-fired furnaces is strictly prohibited.

1305 INSPECTIONS

Any White Lake Fire official or any authorized officer, agent, employee or representative of the Township may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.