

PROPOSED ORDINANCE NO. 148

AN ORDINANCE TO ADD ARTICLE VII TO CHAPTER 38 OF THE CODE OF ORDINANCES OF THE CITY OF OTSEGO, MICHIGAN TO PROHIBIT THE INSTALLATION AND USE OF OUTDOOR WOOD-FIRED BOILERS

THE CITY OF OTSEGO ORDAINS:

Section 1. Amendment. Chapter 38, "Fire Prevention and Protection", of the Code of Ordinances of the City of Otsego, Michigan is amended to read as follows:

Article VII. Outdoor Wood-Fired Boilers

Section 38-181. Purpose.

The purpose of this Article is to prohibit the installation and use of outdoor wood-fired boilers to secure and promote the public health, safety and welfare and to protect residential neighbors living in close proximity from the excessive smoke and fumes commonly associated with such devices.

Section 38-182. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- (1) *Outdoor wood-fired boiler* means any device, appliance, equipment, apparatus or structure that:
 - (a) Is designed, intended or used to provide hot water heat and/or hot water to any associated structure.
 - (b) Operates by burning wood or any other solid fuel including but not limited to coal, paper pellets and agricultural products.
 - (c) Is not located within the structure being heated.

Section 38-183. General Prohibition.

Except as provided in Section 38-184 below, no person shall install, use or maintain an outdoor wood-fired boiler within the City limits.

Section 38-184. Existing Outdoor Wood-Fired Boilers.

- (1) An existing outdoor wood-fired boiler in use prior to the adoption of this Article must be inspected by and registered with the City fire department. After inspection and registration, the existing outdoor wood-fired boiler may be used as permitted by the City fire chief or his or her designee.
- (2) Existing outdoor wood-fired boilers that require repair, that require modification to conform to applicable regulations or codes, or that are not used for 12 consecutive months shall be dismantled and removed.

Section 38-185. Enforcement.

The provisions of this Article shall be enforced by the City fire chief or his or her

designee.

Section 38-186. Penalty.

A person who violates any provision of this Article is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 2-216. Repeat offenses under this Article shall be subject to increased fines as set forth in section 2-216.

Section 2. Effective Date. This ordinance shall take effect upon the latter of publication or the passage of twenty (20) days time following its final adoption in accordance with the City Charter.