

TALLMADGE CHARTER TOWNSHIP

ORDINANCE NO. 08-10-10-2

**NUISANCE AMENDMENT ORDINANCE**

AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF THE  
TALLMADGE CHARTER TOWNSHIP NUISANCE ORDINANCE.

THE CHARTER TOWNSHIP OF TALLMADGE, COUNTY OF OTTAWA, AND STATE  
OF MICHIGAN, ORDAINS:

Section 1. Outdoor Wood Boilers. Section 5 of the Nuisance Ordinance shall be restated in its entirety as follows.

**SECTION 5. OUTDOOR WOOD BOILERS.**

- 5.1 No person shall erect or install any outdoor wood boiler (OWB) on any residentially or agriculturally used property, according to the Tallmadge Charter Township Zoning Ordinance (the "Zoning Ordinance"), without obtaining any permits required by any other State law or ordinance including, but not limited to, mechanical permit, zoning permit, etc. OWBs are prohibited on commercially or industrially used or zoned properties, according to the Zoning Ordinance.
- 5.2 OWBs shall have a minimum smoke stack, chimney, or exhaust pipe height of at least two (2) feet above the highest intake vent or window, whichever is higher, of any dwelling that is within one hundred fifty (150) feet of the OWB and is located on a separate lot.
- 5.3 All OWBs shall be limited to use only natural untreated wood products or corn pellets as fuel. Further, the following are strictly prohibited to be used as fuel:
  - a. Processed wood products and other non-wood products not permitted by the OWB manufacturer;
  - b. Garbage, trash, or other waste material;
  - c. Painted or treated wood, particle board, plywood, railroad ties, telephone poles, or pressure treated wood;
  - d. Material treated with or containing petroleum products, preservatives, resins, or glue;

- e. Shingles, tires, insulation, wiring, rubber or any type of construction waste;
- f. Gasoline or other petroleum products;
- g. Plastics including, but not limited to, nylon, PVC, ABS, polystyrene or urethane, foam, plastic films, plastic containers and synthetic fabrics;
- h. Leaves or yard waste;
- i. Green wood;
- j. Paper products and cardboard;
- k. Any other material that may cause offensive or noxious odors, smoke, airborne ash, or debris; and
- l. Hazardous substances, including but not limited to batteries, chemicals, pesticides, paints, varnishes, and solvents.

Section 2. Smoke. Section 6 of the Nuisance Ordinance shall be added to state in its entirety as follows.

**SECTION 6. SMOKE.** No OWB, and no other burning device, whether located indoors or outdoors, shall emit or create smoke that fails to dissipate or becomes a nuisance or hazard to the public or threatens the health, safety, and welfare of pedestrians or motorists.

- 6.1 No smoke emitted by the OWB or other burning device may hover above or on any right-of-way that would impair the vision and ability of motorists to safely operate their vehicles within the right-of-way.
- 6.2 No smoke emitted by the OWB or other burning device may hover above or on any right-of-way that would impair the vision and ability of a bicyclist, pedestrian, or any other person to safely travel within the right-of-way.
- 6.3 No smoke emitted by the OWB or other burning device may hover above or on any building located upon any other lot within the Township.

Section 3. Nuisance Per Se. The former Section 6 of the Nuisance Ordinance shall be restated as Section 7.

Section 4. Severability and Captions. The former Section 7 of the Nuisance Ordinance shall be restated as Section 8.

Section 5. Administrative Liability. The former Section 8 of the Nuisance Ordinance shall be restated as Section 9.

Section 6. Violations. The former Section 9 of the Nuisance Ordinance shall be restated as Section 10.

Section 7. Repeal. The former Section 10 of the Nuisance Ordinance shall be restated as Section 11.

Section 8. Effective Date. The former Section 11 of the Nuisance Ordinance shall be restated as Section 12.

Section 9. Effective Date of this Ordinance. This Amendment Ordinance is ordered to take effect on the 31<sup>st</sup> day after publication of a Notice of Adoption in the *Ottawa Advance*, a newspaper having general circulation in the Township. This Ordinance was given a first reading on August 10, 2010, and it was published after that first reading. All of this was accomplished pursuant to the provisions of Act No. 359 of the Public Acts of 1947, as amended.

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James VanEss, Township Supervisor

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Lenore Cook, Township Clerk

RB101031

**CERTIFICATE**

I, Lenore Cook, the Clerk for the Charter Township of Tallmadge, Ottawa County, Michigan, certify that the foregoing Nuisance Amendment Ordinance was adopted at a regular meeting of the Township Board held on \_\_\_\_\_, 2010. The following members of the Township Board were present at that meeting: \_\_\_\_\_  
\_\_\_\_\_. The following members of the Township Board were absent: \_\_\_\_\_  
\_\_\_\_\_. The Amendment Ordinance was adopted by the Township Board with members of the Board \_\_\_\_\_  
\_\_\_\_\_ voting in favor and members of the Board \_\_\_\_\_  
\_\_\_\_\_ voting in opposition. Notice of Adoption and Posting of the Amendment Ordinance was published in the *Ottawa Advance* on \_\_\_\_\_, 2010.

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Lenore Cook  
Township Clerk

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