

**VILLAGE of CASNOVIA**  
**COUNTIES of KENT and MUSKEGON, MICHIGAN**

At a regular meeting of the Village Council of the Village of Casnovia, held at the Village Office, 141 North Main Street, within the Village, on the 12th day of August 2024 at 6:30p.m.

PRESENT: Members: Morris, Frary, Bennett, Palinski  
ABSENT: Members: Kahrs

The following ordinance was offered by: Member Frary and supported by Member Palinski

**ORDINANCE NO. Δ 2024-03 Amended 1-06Δ**

**REGULATE THE INSTALLATION AND USE OF  
OUTDOOR FURNACES**

**AN ORDINANCE to amend the Village Ordinance regulate the installation and use of outdoor furnaces in the Village of Casnovia, to provide civil infraction penalties for the violation thereof:** (Note: The presence of the Delta symbol Δ before and after a section will denote a change to the ordinance.)

THE VILLAGE OF CASNOVIA ORDAINS:

**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 Casnovia 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.** *Definitions:* 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 by humans or domestic animals, but that provides heat or hot water for such building or structure.

**Section 3.** *Regulations.* An outdoor furnace shall not be permitted within the Village unless it complies with each of the following regulations:

A. **Setback.** The outdoor furnace shall be located no less than 240 feet from the nearest building which is not on the same property as the outdoor furnace and no less than 200 feet from the nearest property line of another property.

B. **Chimney Height.** If there are any residences within 300 feet of the outdoor furnace, the chimney of the outdoor furnace shall be no lower than the height, above the ground surface, of the height of all roofs of such residences. Further, all chimneys shall have a minimum height of 20 feet and shall have a spark arrester installed on the top of the chimney.

The Zoning Administrator, or such other person as is designated by the Village Council to enforce ordinances, may approve a lesser height on a case-by-case basis 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 radius of 10 feet around the outdoor furnace shall be free of vegetation, except grass not exceeding four (4) 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 ten percent greater than the size of the structure to be heated shall not be permitted.

E. Fuel. No fuel other than natural wood without additives, wood pellets without additives, and agricultural seeds in their natural state may be burned. 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,

(6) Plastic containers.

(7) Rubber, including tires and synthetic rubber-like products.

(8) Newspapers, corrugated cardboard, container board or office paper.

F. Zoning District. An outdoor furnace shall only be permitted in the Agricultural Zoning District.

**Section 4.** *Permit:* The owner of an outdoor furnace shall obtain an annual 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 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.

B. Application Permit; Fee. The Zoning Administrator, or such other person as is designated by the Village Council to enforce ordinances, shall review each application, on an annual basis, 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.** *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 6.** *Severability:* The sections and provisions of this ordinance are severable and any portion which is declared inoperative or invalid for any reason by a court of competent jurisdiction shall in no way affect the remaining sections or provisions of this ordinance.

**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, for which the fine shall not be less than \$100.00 nor more than \$500.00 for the first offense and not less than \$200.00 nor more than \$1,000.00 for subsequent offenses, in the discretion of the court and in addition to all other costs, damages and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this ordinance committed by the same person within 12 months of a previous violation of the same provision of this ordinance for which said person admitted responsibility or was adjudicated to be responsible.

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.

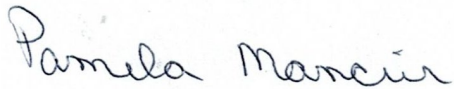
**Δ Section 8. Repealed Ordinances:** Ordinance No. 1-06 is hereby repealed and replaced with Ordinance No. 2024-03.

**Section 9.** *Severability:* The provisions of this ordinance are hereby declared to be severable, and if any clause, sentence, paragraph, section, or sub-section is declared to be void or ineffective for any reason, it shall not affect any other part or portion hereof.

**Section 10.** *Effective Date:* This ordinance shall be effective thirty (30) days following its publication or the publication of a summary of its provisions in a local newspaper of general circulation in the Village. **Δ**

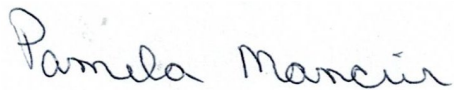
ORDINANCE DECLARED ADOPTED.

AYES: 4  
NAYES: 0



Pamela Manciu, Casnovia Village Clerk

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Village Council of the Village of Casnovia at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.



Pamela Manciu, Casnovia Village Clerk