

The regular monthly meeting of the Manistee Township Board was held on Thursday, at 7:30 P.M., December 8, 2005, at the Manistee Township Hall. Board members present were John W. Anderson, Dennis R. Bjorkquist, John M Dontz, Connie L Smith, and M. Rebecca Dinsen. Also present were Zoning Administrator Rob Marble, Charles Gregg, John White, Paul Revolt, Assistant Fire Chief of MTFD, County Commissioner Ed Haik, and Keith Brown of PEG.

The meeting was called to order by Supervisor John W. Anderson with the pledge to the United States flag.

The minutes of the November 10, 2005, Manistee Township Board meeting were provided. It was moved by Bjorkquist, seconded by Dontz to approve the minutes as provided. All voting in favor. Motion carried.

Treasurer Smith gave the Financial report for the month of December. It was moved by Bjorkquist seconded by Dinsen to accept the Treasurers report as presented. All voting in favor. Motion carried.

The proposed minutes of the December 1, 2005 Manistee Township Planning Commission meeting were presented to each board member, accepted, and placed on file.

Correspondence was received from various sources and given to each board member to read and initial.

Correspondence was received from County Commissioner Allan O'Shea regarding the County-Wide Recycling Plan. He indicated he would be at the meeting. A telephone call at 5:00 P.M. today indicated Eric Nyman would be at the meeting to explain the plan. No one representing the recycling plan attended the Manistee Township Board meeting.

County Commissioner Ed Haik stated the Commissioners are in negotiations with the various unions at the courthouse. There have been a number of threats on office personnel at the court house. A safety plan will be installed and instituted shortly. The ATV Ordinance is still under discussion. The Manistee County Road Commission has been in a dispute over the lack of a contract for the union employees.

Rob Marble, Zoning Administrator explained the ongoing problem with outdoor wood burning units causing excessive smoke, and breathing problems in areas of dense population. The Manistee Township Planning Commission, Zoning Administrator Rob Marble, and Attorney Richard Wilson have done an in-depth study of the heating units, their placement and installation, researching material from Michigan and other states. They feel the issue can best be addressed by an ordinance to promote the public health, safety and welfare by regulating free standing wood burning furnaces. There was a great deal of discussion on the proposed ordinance, with questions on education of the public, lot setbacks, existing units, permitting process, and effective date. It was moved by Dontz, seconded by Smith to approve the Ordinance to Promote the Public Health,

Safety and Welfare by Regulating Free Standing Wood Burning Furnaces. Smith, Dontz, Dinsen, Anderson voting in favor. Bjorkquist opposed. Motion carried. The ordinance will be published and become effective 31 days from this meeting.

AN ORDINANCE TO PROMOTE THE PUBLIC HEALTH,  
SAFETY AND WELFARE BY REGULATING  
FREE STANDING WOOD BURNING FURNACES  
AND BY REPEALING ALL ORDINANCES  
IN CONFLICT HEREWITH

Manistee Township Ordains:

Section 1. Statement of Legislative Intent and Authority

Manistee Township finds that free standing wood burning furnaces, as hereinafter defined, are a potential source of unhealthy amounts of particulate matter and may emit unhealthy amounts of air pollution, including carbon monoxide and other toxic air pollutants. The Township further finds that the unregulated use and placement of free standing wood burning furnaces may result in public and private nuisances and a threat to the public health, safety and welfare by the emission of smoke and sparks. Therefore, under the authority granted by MCL 41.181(1), the Township Board adopts this ordinance for the protection of the public health, safety and general welfare of persons and property within the Township.

Section 2. Definitions

A. The term “free standing wood burning furnace”, or “furnace” as used in this ordinance, shall mean any device or structure that (1) is designed, intended or used to provide heat and/or hot water to any residence or other structure; (2) operates by the burning of wood, coal, or other solid fuel; and (3) is not located within a residential or other structure for which it provides heat and/or hot water.

B. The terms “parcel” and “lot line” shall have the meanings assigned to them in the Manistee Township Permanent Zoning Ordinance, as amended.

C. The term “person” shall mean any natural person, corporation, partnership, limited liability company, limited liability partnership, or other incorporated or unincorporated voluntary association.

Section 3. Regulations

All persons owning, leasing, operating or using a free standing wood burning furnace shall conform to all of the following regulations:

- (1) Shall install and locate the free standing wood burning furnace only in the rear yard of a parcel and more than 125 feet from any lot line of that parcel;
- (2) Shall not install or locate a free standing wood burning furnace closer than 25 feet to the principal residence or structure to which it is intended to supply heat and/or hot water and all tress and brush shall be cleared within a 25 foot radius of the location of the free standing wood burning furnace. Fuel stored within the 25 foot radius shall be covered or otherwise protected against accidental ignition.
- (3) Shall have a smoke stack or chimney that shall not be less than 20 feet from the ground and shall include a spark arrester.
- (4) Shall only be used to burn fuel designed or intended to be burned in the furnace, except that no garbage, household trash, petroleum products, rubber, construction waste, or other solid waste shall be burned in a furnace regardless of design or

manufacture's intended fuel source.

(5) Shall comply with all other state, federal and local laws and regulations applicable to furnaces.

#### Section 4. Enforcement

The Township Zoning Administrator or any police officer having jurisdiction to act within Manistee Township is hereby designated as an authorized local official to issue municipal civil infraction citations to enforce this ordinance.

#### Section 5. Violations/Civil Infractions

Any person who violates Section 3 of this ordinance shall be guilty of a civil infraction. Violations of this ordinance and its penalty shall be judicially enforced through the 85th Judicial District Court. Enforcement for violation of this ordinance may include fines up to \$500 plus costs and an order enforcing this ordinance.

#### Section 6. Other Remedies

In addition to the remedies provided in Section 5 above, the Township may also institute a nuisance, injunction, mandamus, abatement or other appropriate action or proceeding to prevent, enjoin, abate or remove any free standing wood burning furnace that has been installed or used in violation of this ordinance. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

#### Section 7. Severability

If any part of this ordinance is declared to be invalid by a court of competent jurisdiction, such ruling shall not affect any other provisions of this ordinance not specifically included in such ruling and the Township hereby declares that it would have adopted this ordinance without such offending provision.

#### Section 8. Repealer

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

#### Section 9. Effective Date

This Ordinance shall be effective at 12:01 a.m. on the 31st day following its adoption and publication as required by law.

Those voting in favor: Anderson, Dinsen, Dontz, Smith

Those voting against: Bjorkquist

Those absent or abstaining: None

ORDINANCE DECLARED PASSED.

M. Rebecca Dinsen, CMC

Manistee Township Clerk

#### CERTIFICATION

I, Clerk of the Township of Manistee, Manistee County, Michigan, do hereby CERTIFY that the foregoing is a true and correct copy of the Ordinance adopted by the Manistee Township Board at a regular meeting held on the 8th day of December, 2005.

M. Rebecca Dinsen, CMC

Manistee Township Clerk

Assistant Fire Chief Paul Revolt reported the Manistee Township Fire Department held

four training sessions, and responded to sixteen fire/medical runs during the month of November.

Liquor Inspector Bjorkquist stated there had been closures of the warm weather business liquor licensees during the past month.

The Manistee Township Fire Department is still waiting for their new fire fighting vehicle. The outfitter received the wrong tank for the unit, and is waiting for the correct tank.

A quote has not been received from MCRC Manager Gerry Peterson on the repair of the Bridge Street Boat ramp.

The Manistee Township Recreation plan will be an ongoing process - possibly done in house, or in cooperation with the county wide Envision process.

There has been no word on the 20-foot lot requested by Steve Crosby. County Treasurer Alan Verheek will be consulted on the process.

Smith asked that a letter be sent to the Lighthouse Pregnancy Center on their request to have a reduction in the fee paid for the appeal of the sign. No action was taken by the township board on their request for the refund. A letter will be sent to the Lighthouse Pregnancy Center.

Dinsen had given each board member a copy of the Social Security Privacy Act Policy. It was moved by Dinsen, seconded by Bjorkquist to approve the Social Security Privacy Act Policy as presented. All voting in favor. Motion carried.

The Manistee Township board will meet with the Manistee County Road Commission on Wednesday, January 18, 2005 at 7:00 P.M. at the Manistee County Road Commission offices. Board members and citizens are reminded to add their concerns and questions to the annual form given to the road commission for their consideration.

It was moved by Dinsen, seconded by Bjorkquist to accept and approve the annual calendar of meetings for the years of 2006-2007. All voting in favor. Motion carried. Forbes will have a list of the meeting dates for their plowing schedule.

The Manistee Township Board of Review will meet on Tuesday, December 13, 2005 at 6:00 P.M. at the Manistee Township Hall, to correct errors and omissions on the 2005 tax roll.

It was noted the PEG Commission has two openings. Meetings are held every other month on the 2nd Thursday at 6:30 P.M. at the Manistee High School. Any township board member is invited to serve. There were several openings on County Boards, with applications being accepted through December 12, 2005.

The Little River Revenue Sharing Board will meet on February 13, 2006, at 5:00 P.M. at

the Manistee County Road Commission Building.

The current bills for the month of December were presented. It was moved by Bjorkquist, seconded by Dontz to pay the bills as they are received for the month of December. All voting in favor. Motion carried.

The Manistee County Chapter of the Michigan Townships Association will meet at the Bear Lake Township Hall, on Wednesday, January 18, 2006 at 7:00 P.M.

The next regular monthly meeting of the Manistee Township Planning Commission will be held on Thursday, January 5, 2006 at 7:00 P.M. the Manistee Township Hall, 410 Holden Street.

The next regular monthly meeting of the Manistee Township Board will be held on the second Thursday, January 12, 2006, at 7:30 P.M. at the Manistee Township Hall, 410 Holden Street.

There being no further business to come before the board, it was moved by seconded by to adjourn the meeting at 8:50 P.M.. All voting in favor. Motion carried.

Respectfully submitted,

M. Rebecca Dinsen, CMC  
Manistee Township Clerk