

ORDINANCE NO. 56

**An Ordinance Prohibiting Outdoor Wood Burning Furnaces
as Accessory Uses in the Village of Marquette**

WHEREAS, it is the intent of the Village Board to prohibit the construction, placement and operation of outdoor wood burning furnaces within the limits of the Village of Marquette for the purposes of securing and promoting the public health, comfort, convenience and welfare of the Village and its inhabitants: and

WHEREAS, it is generally recognized that the types of fuel used and the scale and duration of the burning by outdoor wood burning furnaces create noxious and hazardous smoke, soot, fumes, odors and air pollution, can be detrimental to citizens' health and can deprive neighboring property owners/users of the enjoyment of their property or premises when located in an urban setting,

NOW, THEREFORE, the Village Board of the Village of Marquette, does ordain as follows:

SECTION 1: OUTDOOR WOOD BURNING FURNACES PROHIBITED.

No person shall erect, install, or operate an outdoor wood burning furnace within the limits of the Village of Marquette. This includes any accessory structure or appliance designed for location ordinarily outside the principal structure and to transfer or provide heat via liquid or other means, by burning wood, corn, pellets or other solid fuels for heating any principal or accessory structure on the premises. It does not include occasional use of fire pits, barbecues, fryers or chimneys.

SECTION 2: Existing outdoor wood burning furnaces shall be permitted to be used during the period of October 1st to May 1st. No burning will be allowed during May, June, July, August and September.

SECTION 3: Existing outdoor wood burning furnaces, at the end of their lifetime, may NOT be replaced, repaired, refurbished, or at any time be transferred to a new location within the Village limits, as described in Section 1.

SECTION 4: COST OF ABATEMENT.

In addition to any other penalty imposed by this Ordinance for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, such cost shall be assessed against the real estate as a special charge.

SECTION 5: PENALTY PROVISION.

Any person who shall violate any provision of this Ordinance, upon conviction, shall forfeit not less than \$50.00 nor more than \$500.00 together with the cost of prosecution, including reasonable attorney's fees and all other costs incurred by the Village and any costs of abatement as described in Section 4 above. Each violation and each day of a violation continues or occurs shall constitute as a separate offense. Furthermore, the Village shall be permitted to withhold the issuance of licenses, authorities, grants or permits until the nuisance has been abated and all penalties and costs satisfied.

SECTION 6: SEVERABILITY.

If any section, provision, phrase, word or any portion of this ordinance shall be declared by a decision of a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section, word, phrase, provision or portion thereof directly specified in the decision, and not affect the validity of all other provision, words, sections or portions thereof of the ordinance which shall remain in full force and effect.

SECTION 7: This ordinance shall take effect from and after its passage and posting as required by law.

ROLL CALL: Ayes: 3 Nays: 0 Absent: 0 Abstain: 0

Passed and adopted this 11th day of June, 2007.

Attest:

Deborah J. Flagel
Deborah J. Flagel, Clerk

APPROVED AS TO FORM

[Signature]
Village Attorney

VILLAGE OF MARQUETTE

John L. Ouellette
John L. Ouellette, President

Jason A. Winchell
Jason A. Winchell, Trustee

Ronald C. Flagel
Ronald C. Flagel, Trustee

Posted: 6-12-07

Effective: 6-13-07