

CITY OF BURTON
LEGISLATIVE COMMITTEE MEETING MINUTES
MAY 2, 2011, 6:00 P.M., COUNCIL CHAMBERS
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Chairwoman Ellenburg called the Meeting to order at 6:10 p.m.

MEMBERS PRESENT: Wells and Ellenburg.

MEMBERS ABSENT: Haskins.

OTHERS PRESENT: Deputy Chief K. Gould and J. Adams, City Clerk.

PURPOSE OF THE MEETING: Discussion and possible recommendations concerning the following:

1. Outdoor Wood Burner Ordinance

PRESENTATION:

Mr. Gould said the issue is unauthorized burns. The Fire Department anticipates calls on the burners because residents often call the department whenever they seen smoke.

AUDIENCE PARTICIPATION:

John Stapish, P.O. Box 190934 said only 2 people in a City of 30,000 that have a wood burner. He feels the Fire Department should be able to determine which house the smoke is coming from. Nobody knew about these burners until the Fire Chief brought it to everyone's attention. There is enough Ordinances already that aren't enforced.

Jim Shustock, 1346 Howe, stated he has improved insulation, which has decreased his heating bill significantly. He does not feel the wood burners are a great deal unless the wood is free.

Les Harding, 15178 Murray Woods Ct., said he and his wife are in court with their neighbor who has an outdoor wood burner, which is about 30 ft. from their home. The layout was within proper footage from the fence line and the house. However, the smoke was horrendous. It is constant all winter long and he could not go outdoors. They are not fighting the wood burner itself, but the spreading of particles, which affects the lungs. Some states have banned their usage. Argentine Township now has an Ordinance in place to regulate these. Only the agricultural areas are allowed to use wood burners. They must have a minimum of an acre and be 100 ft. from the house. The stack must clear the closest building.

Rick Fuhst, 1208 S. Genesee, agreed that people don't know how to use the burner properly. He would like to see regulations on these, but not necessarily a ban on them.

Camelia Greenburg, 4400 Howe, said she has a wood burner. She was sorry Mr. Harding is having a hardship because of his neighbor, who obviously has no concern for Mr. Harding. She would hate to see this one person dominate what is allowed. Her burner has reduced the heat bill but she still uses gas for the water and stove. If you install and use it properly there is little notice of smoke. When looking at the burner, there is very little smoke coming out of the stack because it is kept at a regular temperature. The wood boiler is meant to heat the home continuously, not like a wood stove that will heat one room at a time. She is not opposed to having regulations and guidelines, but before her burner was purchased, she came to the City to ask and was told to go

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ahead with the purchase since there were no guidelines. If the guidelines are set in a way that people can use it responsibly, she feels there isn't a need to ban outdoor wood boilers.

COMMITTEE DISCUSSION:

Mrs. Ellenburg met with the Harding's, who read the article in the Burton View and contacted her. She said the brochure highly recommends using seasoned wood and avoid to residential areas. It recommends the boiler be located with due consideration to any neighboring resident to the prevailing wind direction. She spoke with neighbors of the Greenburg's, who were pleased because they do not experience smoke or issues. The City is trying to eliminate having combative neighbors over this and applauded Mrs. Green for installing and using the burner properly. Mrs. Ellenburg put together a sample Ordinance taken from many other jurisdictions.

Mr. Wells is blindsided as to how this subject became an issue. The City has had 3 meetings on something that saves people money. He thinks the Harding's have a bad neighbor but this is not a bad system. He pointed out the City has a burning Ordinance.

Mr. Gould wasn't sure if the City could define the closed burners into the same category as an open burn. In an open burn, if the smoke is creating a health issue, the person burning has to put the fire out.

Mr. Wells feels an addendum could be added to incorporate the burners. There is a lot of work that goes into operating a burner such as, transporting and splitting wood and maintaining the system. To not have any complaints about this and already the City is making an Ordinance to ban it is beyond his imagination. He appreciated the work the Harding's have come up with.

Mrs. Ellenburg has read the burning Ordinance in which residents need a permit to burn, whereas, a permit wouldn't apply every time the burner is fired up. There is no problem within the City at this time, and that is why you set guidelines, to eliminate issues.

Mr. Gould said whenever there is a call for smoke, regardless of whether a permit has been pulled, the department must follow through with the call. Most calls come in very vague. The resident calling says, "in the area of".

Mr. Wells said every Ordinance that is worked on costs the City between \$3,500 and \$4,500. The City is talking about laying off several people so we need to be very cautious on how we are spending City money.

COMMITTEE RECOMMENDATIONS:

Mr. Wells recommended sending this before Council as a Whole, with the recommendation that Council look at the current burning Ordinance to determine if this issue can be added as an addendum.

Meeting adjourned at 6:50 pm.
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