

Open Burning Ordinance

Open Burning Ordinance for the Township of Clarence, Michigan.

Ordinance No. 26

AN ORDINANCE to repeal the Clarence Township Burning Ordinance No. 3 and replace it with this Open Burning Ordinance

THE TOWNSHIP OF CLARENCE ORDAINS:

Section 1. *Open Burning Ordinance.* Ordinance No. 3 is repealed and replaced with the following:

OPEN BURNING ORDINANCE ORDINANCE No. 26

SECTION 1: PURPOSE

1.0 Purpose.

This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the township of Clarence by regulating the air pollution and fire hazards of open burning.

SECTION 2: APPLICABILITY

2.0 Applicability.

This ordinance applies to all open burning within the township of Clarence

- 2.1 This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- 2.2 This ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.
- 2.3 This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

SECTION 3: SEVERABILITY

3.0 Severability.

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

SECTION 4: DEFINITIONS

4.0 Definitions.

- 4.1 "Campfire" means a small outdoor fire intended for recreation or cooking but not including a fire intended for disposal of waste wood or refuse.
- 4.2 "Clean wood" means natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.
- 4.3 "Construction and demolition waste" means building waste materials, including but not limited to waste shingles, insulation, treated wood, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on a house, commercial or industrial building, or other structure.

- 4.4 "Fire Chief" means the Chief of the Springport/Clarence Township Fire Department or other person designated by the Fire Chief.
- 4.5 "Municipality" means a county, township, city, or village.
- 4.6 "Open burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney. This does not include burning in a burn barrel.
- 4.7 "Open Burning Permit" means permission to burn, issued orally or in writing by the Springport/Clarence Fire Chief or other authorized officer of the Springport/Clarence Township Fire Department.
- 4.8 "Refuse" means any waste material, including tires, except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.

SECTION 5: GENERAL PROHIBITION ON OPEN BURNING

5.0 General prohibition on open burning.

Open burning is prohibited in the township of Clarence unless the burning is specifically permitted by this ordinance.

SECTION 6: OPEN BURNING OF REFUSE

6.0 Open burning of refuse.

Open burning of refuse is prohibited.

SECTION 7: OPEN BURNING OF TREES, LOGS, BRUSH, STUMPS, LEAVES, AND GRASS CLIPPINGS

- 7.0 Open burning of trees, logs, brush, stumps, leaves and grass clippings is allowed only in accordance with all of the following provisions:
 - 7.1 Except for campfires, residential leaves and residential grass clippings, a permit issued in accordance with Section 9 of this ordinance must be obtained prior to open burning under this section.
 - 7.2 Except for barbecue, gas, and charcoal grills, no open burning shall be undertaken during periods when the Governor of Michigan has issued a burning ban applicable to the area.
 - 7.3 All allowed open burning shall be conducted in a safe, nuisance-free manner, when wind and weather conditions minimize adverse effects and do not create a health hazard or a visibility hazard on roadways, railroads or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.
 - 7.4 Open burning shall be conducted only on the property on which the materials were generated.
 - 7.5 Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
 - 7.6 Except for barbecue, gas, and charcoal grills, no burning shall be undertaken within 25 feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief.

SECTION 8: AGRICULTURAL BURNING

8.0 Agricultural burning.

Open burning of weeds, brush, and crop stubble on agricultural lands is allowed if a permit issued in accordance with Section 9 of this ordinance is obtained prior to open burning under this section.

SECTION 9: BURNING PERMITS

- 9.1** No person shall start or maintain any open burning covered under this section without a burning permit issued by the Fire Chief or other person designated by the Fire Chief.
- 9.2** Any person responsible for burning brush, clean wood or other vegetative debris under Section 7 of this ordinance shall obtain a one-time burning permit before starting the fire. There is no fee for a burning permit.
- 9.3** To apply for a burning permit, applicant shall call the Springport/Clarence Township Fire Department at (517) 857-2509 at least 24 hours prior to the proposed burn and provide their name, the phone number the applicant can be reached at, the address of the property where the burning permit is requested for and the date of the planned burn.
- 9.4** A campfire does not require a permit provided that the fire complies with all other applicable provisions of this ordinance.
- 9.5** When weather conditions warrant, the Fire Chief may temporarily suspend issuing burning permits and may temporarily suspend previously issued burning permits for openburning.
- 9.6** A burning permit issued under this section shall require compliance with all applicable provisions of this ordinance and any additional special restrictions deemed necessary to protect public health and safety.
- 9.7** Any violation of the conditions of a burning permit shall be deemed a violation of this ordinance. Any violation of this ordinance or the burning permit shall void the permit.

SECTION 10: LIABILITY

10.0 Liability.

A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs, including a minimum \$625 fee when a response by the Springport/Clarence Township Fire Department is required, and any other liability resulting from damage caused by the fire.

SECTION 11: ADOPTION OF THE MICHIGAN FIRE PREVENTION ACT

11.0 Adoption of the Michigan Fire Prevention Act.

Incorporated hereby by reference and made a part of this Ordinance, as though each and every part thereof were reprinted in full, is the Fire Prevention Act of the State of Michigan, being Act 207 of the Public Acts of 1941 as amended, and the Michigan State Flammable Liquid Regulations as promulgated and the National Fire Codes, with any amendments, additions and supplements thereto, as promulgated by the National Fire Protection Association and the Life Fire Safety Code. Any future additions or amendments made to the foregoing act or state or national regulation, shall be deemed an addition or amendment to this Ordinance without further notice or action by the Township Board.

SECTION 12: RIGHT OF ENTRY AND INSPECTION

12.0 Right of entry and inspection.

The Fire Chief or designee who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

SECTION 13: ENFORCEMENT AND PENALTIES

13.0 Enforcement and penalties.

13.1 The Fire Chief or designee are authorized to enforce the provisions of this ordinance.

13.2 Any person, firm, association, partnership, corporation, or governmental entity who violates any of the provisions of this ordinance or fails to comply with a duly authorized order issued pursuant to this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by civil fine determined in accordance with the following schedule:

	<u>Minimum Fine</u>	<u>Maximum Fine</u>
1 st Offense within 3-year period*	\$75.00	\$500.00
2 nd Offense within 3-year period*	\$150.00	\$500.00
3 rd Offense within 3-year period*	\$325.00	\$500.00
4 th or More offenses within 3-year period*	\$500.00	\$500.00

*Determined on the basis of the date of commission of the offense(s)

The violator shall pay costs which may include all expenses, direct and indirect, which the township of Clarence has incurred in connection with the municipal infraction as provided by law. In addition, the township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this ordinance. Each day that a violation of this ordinance exists shall constitute a separate violation.

Section 2. Effective Date. This ordinance shall become effective thirty (30) days after its publication or a publication of a summary of its provisions in a local newspaper of general circulation. Motion by Linda Kubiak and supported by Sue Ott to adopt Burning Ordinance #26 at the regular Township Board meeting held on July 13, 2015. Roll call taken

AYES: Robert L Fisher, Linda Kubiak, Walter Obrinske, Sue Ott and Sheryl Proteau

NAYS: 0

ABSENT: 0

ORDINANCE DECLARED ADOPTED.

Sheryl A Proteau, Township Clerk

STATE of MICHIGAN)
)ss.
COUNTY OF CALHOUN)

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Township of Clarence at a regular meeting held on July 13, 2015 first stated above, and I further certify that public notice of such meeting was given as provided by law.

Sheryl A Proteau, Township Clerk