

**PROPOSED COPY FOR PUBLIC COMMENT  
UNTIL FEBRUARY 20, 2012**

**Outdoor and Open Burning Ordinance for the Township of Burt, Michigan.**

**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 Burt by regulating the air pollution and fire hazards of open burning and outdoor burning.

**SECTION 2: APPLICABILITY**

2.00 Applicability.

This ordinance applies to all outdoor burning and open burning within the Township of Burt.

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**

3.00 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**

4.00 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, lumber, treated wood, painted 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 Burt Township, or other person designated by the Fire Chief

4.5. "Municipality" means a county, township, city or village.

4.6. "Outdoor burning" means open burning or burning in an outdoor wood-fired boiler or patio wood burning unit.

4.7. "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 includes burning in a burn barrel.

4.8. "Outdoor wood-fired boiler" means a wood fired boiler, stove or furnace that is not located within a building intended for habitation by humans or domestic animals.

- 4.9. "Patio wood burning unit" means a chimnea, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.
- 4.10. "Refuse" means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.

#### SECTION 5: OPEN BURNING OF REFUSE

- 5.1. Open burning of refuse from a commercial or industrial establishment is prohibited in zoning district R-1 and Bay District west of Cemetery Road.
- 5.2. Open burning of refuse from and at a one or two family dwelling is allowed if all of the following conditions are met:
  - 5.2.1. The burning does not create a nuisance
  - 5.2.2. The burning is conducted in a container constructed of metal or masonry that has a metal covering device that does not have an opening larger than ¾ inch.
  - 5.2.3. The material burned is not prohibited under subsection 5.3.
  - 5.2.4. A permit issued in accordance with section 7 of this ordinance has been obtained.
- 5.3. Open burning of the following materials is prohibited.
  - 5.3.1. Construction and demolition waste.
  - 5.3.2. Hazardous substances including but not limited to batteries, household chemicals, pesticides, used oil, gasoline, paints, varnishes, and solvents.
  - 5.3.3. Furniture and appliances.
  - 5.3.4. Tires.
  - 5.3.5. Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
  - 5.3.6. Treated or painted wood including but not limited to plywood, composite wood products of other wood products that are painted, varnished or treated with preservatives.

#### SECTION 6: OUTDOOR WOOD-FIRED BOILERS

- 6.1 The outdoor wood-fired boiler shall not be used to burn refuse or garbage.
- 6.2 The use of outdoor wood-fired boilers is prohibited in Zoning Districts C-1, R-1 and Bay, west of Ellen St and westerly along the bottom of the bluff to the North of Wilson St. (excluding Wilson St. itself). The western boundary is H-58.
- 6.3 An outside wood-fired boiler must be 10 feet from any structure.
- 6.4 A County permit is required to install an outdoor wood-fired boiler.
- 6.5 Wood-fired Boilers existing prior to this ordinance are grandfathered.

#### SECTION 7: BURNING PERMITS

7.0 At any time the ground is not snow covered, a person shall not burn any flammable material on or adjacent to forest land, except for domestic purposes, without a permit from the Michigan Department of Natural Resources and Environment. "Domestic purposes" means any fire within the cartilage of a dwelling where the material being burned has been properly placed in a debris burner constructed of metal or masonry with metal covering devices with opening no larger than ¾ of an inch, or a campfire, or any fire within a building.

#### SECTION 8: LIABILITY

- 8.0. Liability.  
A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

#### SECTION 9: RIGHT OF ENTRY AND INSPECTION

9.0. Right of entry and inspection.

The Fire Chief or any authorized officer, agent, employee or representative of the Township of Burt who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

SECTION 10: ENFORCEMENT AND PENALTIES

10.0. Enforcement and penalties.

10.1 The Fire Chief is authorized to enforce the provisions of this ordinance.

10.2. Any person, firm, association, partnership, corporation, or government 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 punished by civil fine determined in accordance with the following schedule:

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

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

10.3 The violator shall pay costs which may include all expenses, direct and indirect, which the Township of Burt has incurred in connection with the municipal infraction. In no case, however, shall costs of less than **\$75.00** nor more than **\$500.00** be ordered. In addition, the Township of Burt 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 of this Ordinance.