

# Outdoor Burning Ordinance for the Township of Rollin Michigan

## Ordinance No. 19

### SECTION 1: PURPOSE

#### 1.00 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 Rollin Township by regulating the air pollution and fire hazards of outdoor burning.

### SECTION 2: APPLICABILITY

#### 2.00 Applicability.

This ordinance applies to all outdoor burning within the Township of Rollin, Lenawee County, Michigan

- 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 Addison 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 includes burning in a burn barrel.
- 4.7. "Outdoor burning" means open burning or burning in an outdoor wood furnace or patio wood-burning unit.
- 4.8. "Patio wood-burning unit" means a chimnea, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.
- 4.9. "Refuse" means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.

## **SECTION 5: GENERAL PROHIBITION ON OPEN BURNING**

### **5.00 General prohibition on open burning.**

Open burning is prohibited in Rollin Township, unless the burning is specifically permitted by this ordinance.

## **SECTION 6: OPEN BURNING OF REFUSE**

- 6.1. Open burning of refuse from a commercial or industrial establishment is prohibited.
- 6.2. Open burning of refuse from and at a one or two family dwelling in Agricultural or Rural Residential zoning areas only is allowed if all of the following conditions are met:
  - 6.2.1. The burning does not create a nuisance.
  - 6.2.2. 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.
  - 6.2.3. The material being burned is not prohibited under subsection 6.3.
- 6.3. Open burning of the following materials is prohibited.
  - 6.3.1. Construction and demolition waste except for clean wood.
  - 6.3.2. Hazardous substances including but not limited to batteries, household chemicals, pesticides, used oil, gasoline, paints, varnishes, and solvents.
  - 6.3.3. Furniture and appliances.
  - 6.3.4. Tires.
  - 6.3.5. Any plastic materials in large quantities including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
  - 6.3.6. Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

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

### **7.00 Burning trees, logs, brush, stumps, leaves, and grass clippings.**

- 7.1. Open burning green or wet grass clippings is prohibited.
- 7.2. Open burning of trees, logs, brush, stumps or leaves is allowed only in accordance with all of the following provisions:
  - 7.2.1. Except for campfires, a notice must be given to the Addison Fire Department in accordance with Section 13 of this ordinance prior to open burning under this section when the ground is not snow-covered.
  - 7.2.2. Open burning of trees, logs, brush, and stumps must be conducted at least 1,400 feet from an incorporated municipal limit.
  - 7.2.3. 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.
  - 7.2.4. 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.
  - 7.2.5. Open burning shall be conducted only on the property on which the materials were generated.
  - 7.2.6. Open burning under this section shall only be conducted at a location at least 100 feet from the nearest building which is not on the same property.
  - 7.2.7. 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.
  - 7.2.8. No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or water body.

### **8.00 Patio wood-burning units.**

A patio wood-burning unit may be installed in accordance with all of the following provisions:

- 8.1. The patio wood-burning unit shall not be used to burn refuse.
- 8.2. The patio wood-burning unit shall burn only clean wood.
- 8.3. The patio wood-burning unit shall be located at least 25 feet from the nearest structure which is not on the same property as the patio wood-burning unit.
- 8.4. The patio wood-burning unit shall not cause a nuisance to neighbors.

## **SECTION 9: FIRE SUPPRESSION TRAINING**

- 9.1. The burn must be exclusively for fire prevention training. The burning shall not be used as a means to dispose of waste material including tires and other hazardous materials.
- 9.2. All asbestos must be removed prior to conducting the fire suppression training. If the structure is a residential dwelling, the owner may remove the asbestos or have it removed by a licensed abatement contractor. If it is a commercial building, all asbestos must be removed by a licensed abatement contractor.
- 9.3. A notification of the demolition must be submitted to the Michigan Department of Environmental Quality, Air Quality Division and the Township at least 10 business days prior to burning a standing structure. The notification must be submitted using Form EQP 5661 "Notification of Intent to Renovate/Demolish."
- 9.4. All ash and demolished materials must be disposed of in an approved landfill or at an alternate location approved by the Michigan Department of Environmental Quality.
- 9.5. At least five days before a planned practice burn, residents within 100 feet of the site of the proposed burn shall be notified.
- 9.6. All fire suppression training should conform to the guidelines established by the National Fire Protection Association (NFPA) Standard on Live Fire Training Evolutions (NFPA 1403).

## **SECTION 10: BURNING NOTICE**

### **10.00 Burning Notice.**

- 10.1. No person shall start or maintain any open burning covered under this section without notifying the Addison Fire Department.
- 10.2. Any person responsible for burning leaves, brush, clean wood or other vegetative debris under Section 7 of this ordinance shall notify the Addison Fire Department before starting the fire.
- 10.3. A campfire does not require notification provided that the fire complies with all other applicable provisions of this ordinance.
- 10.4. When weather conditions warrant, the Fire Chief may temporarily suspend open burning.

## **SECTION 11: LIABILITY**

### **11.00 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 12: RIGHT OF ENTRY AND INSPECTION**

### **12.00 Right of entry and inspection.**

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

## **SECTION 13: ENFORCEMENT AND PENALTIES**

### **13.00 Enforcement and penalties.**

**13.1.** The Fire Chief and authorized Township employees are authorized to enforce the provisions of this ordinance.

**13.2.** A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not more than \$100.00 for the first offense within a three year period, \$200.00 for a second offense within a three year period, \$400.00 for a third offense within a three year period and for a subsequent offense within a three year period, and such fine shall be in addition to all other costs, attorney fees, damages, expenses, and other remedies as provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person for the same property within three (3) years of a previous violation of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following the issuance of a citation for a first offense shall be considered separate first offenses.

**13.3.** In addition to pursuing a municipal civil infraction proceeding pursuant to subsection A hereof, the Township may also initiate an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to enforce or interpret this Ordinance or any provision of the Ordinance.

**13.4.** All remedies available to the Township under this Ordinance and Michigan law shall be deemed to be cumulative and not exclusive.

**13.5.** Each and every day during which a violation of this Ordinance shall exist shall be deemed to be a separate offense.

**13.6.** Any person, firm or entity that assists with or enables the violation of this Ordinance shall be responsible for aiding and abetting, and shall be considered to have violated the provision of this Ordinance involved for which such aiding and abetting occurred. Furthermore, any attempt to violate this Ordinance shall be deemed a violation of the provision of this Ordinance involved as if the violation had been successful or completed.

### **RESOLUTION**

**TO RESCIND OPEN FIRE ORDINANCE AND ENACT A REPLACEMENT ORDINANCE**

Whereas, the state of Michigan has recently issued new criteria for open burning through the Department of Environmental Quality, and

Whereas, the Township has not revised its Open Fire Ordinance (Ordinance 19) since December 1987, and

Whereas, Rollin Township desires to bring its burning ordinance into compliance with the practices recommended by the Michigan Department of Environmental Quality as its Outdoor Burning Ordinance, and

Whereas, the existing Ordinance 19, Open Fire Ordinance must be rescinded before the new ordinance can be adopted,

NOW THEREFORE, BE IT RESOLVED by the Township of Rollin that the Open Fire Ordinance of 1987, also known as Ordinance 19, be rescinded immediately, and

BE IT FURTHER RESOLVED that an Outdoor Burning Ordinance including the appropriate criteria of the Michigan Department of Environmental Quality be adopted and that it replace Ordinance 19 of the Rollin Township Governing Ordinances.

Moved by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Motion carried (denied) upon a roll call vote at the regular October meeting as follows:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Abstain: \_\_\_\_\_

Clerk: \_\_\_\_\_ Supervisor: \_\_\_\_\_

Date: October 11, 2013