

TOWNSHIP OF EAGLE

CLINTON COUNTY, MICHIGAN

ORDINANCE NUMBER 06-10-2014-1

Open Burning Ordinance

An ordinance to protect the health, safety, and general welfare of the persons and property within Eagle Township, Clinton County, Michigan, by regulating open burning within the Township, to provide penalties for the violation thereof, and to repeal all ordinances or parts of ordinances in conflict therewith.

EAGLE TOWNSHIP ORDAINS:

Section 1: Title

This ordinance shall be known and cited as the “Eagle Township Open Burning Ordinance”.

Section 2: Purpose and Intent

The purpose and intent of this ordinance is:

1. To protect the people and property within Eagle Township against health, safety, environmental, and fire hazards caused by burning near roads, streets, buildings, and structures, both public and private
2. To promote the health, safety, and general welfare of the community by regulating materials and methods of burning to reduce air pollution and the hazards of open burning.
3. To encourage alternative methods of disposing of natural and biodegradable materials.

Section 3: Applicability

This Ordinance applies to all open burning within Eagle Township.

Section 4: Definitions

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.
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.
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. "Fire Chief" means the Chief of the Looking Glass Regional Fire Authority or other person designated by Eagle Township to serve as Fire Chief.
5. "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 or other container.
6. "Refuse" means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.

Section 5: General Prohibitions on Open Burning

All open burning of any material shall be prohibited, except as specifically provided for in this ordinance. Prohibited materials include but are not limited to

- A. Construction and demolition waste.
- B. Hazardous substances including but not limited to batteries, household chemicals, pesticides, used oil, gasoline, paints, varnishes, and solvents.
- C. Furniture and appliances.
- D. Tires.
- E. Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic films, and plastic containers.
- F. Newspaper.
- G. Corrugated cardboard, container board, office paper.
- H. Wood that is not clean wood, including treated or painted wood, including but not limited to plywood or composite wood product.

Section 6: General Provisions

1. Any burning permitted under this ordinance shall be prohibited if the Fire Chief (or the Fire Chief's designee) determines that conditions are such that burning would be hazardous to health, safety, and general welfare of persons or property in the community.
2. Ash or waste from any fire shall not be deposited within the public streets and highways with the township.
3. Except for campfires, which may be conducted year round, open burning shall commence only after sunrise and extinguished and emitting no smoke after dusk.
4. Open burning shall be conducted only on the property on which the materials were generated. Materials to be burned shall not be transported onto the property for purposes of open burning.
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 individual attending the fire shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.

6. No permit is required for burning within an outside grill or barbecue for the express purpose of food preparation. Grills and barbecues are prohibited on any multi-family housing balcony.

Section 7: Open Burning of Refuse

1. Open burning of refuse from a commercial or industrial establishment is prohibited.
2. Open burning of refuse from and at a one or two family dwelling is allowed and does not require a permit if all of the following conditions are met:
 - A. The burning is conducted in a fireproof container constructed of metal or masonry that has a metal covering device that does not have an opening larger than $\frac{3}{4}$ inch.
 - B. The material being burned is not prohibited under subsection 6.3.
 - C. The fireproof container in which the fire is set and maintained is located at least:
 - i. Fifteen (15) feet from the edge of any road or right of way and
 - ii. Twenty-five (25) feet from any structure including, but not limited to fencing, woodpile, shed, out-building or accessory buildings, and utility poles

Section 8: Open Burning on the Ground

Open burning on the ground is allowed only in accordance with this ordinance, including the following additional provisions:

- A. A permit issued in accordance with this ordinance has been obtained.
- B. Open burning of trees, logs, brush, and stumps must be conducted at least 1,400 feet from an incorporated city or village limit.
- C. 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.
- D. 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 and in conformance with all local and state fire protection regulations.
- E. Campfires and small bonfires for cooking, ceremonies, or recreation are allowed provided:

- i. They are conducted in fire pits no smaller than 18 inches in diameter and no larger than 48 inches in diameter, consisting of an 8-inch minimum depression in the ground ringed with stone, brick, concrete or concrete blocks, or steel truck rims with the tire removed;
 - ii. The area surrounding the fire pit is cleared of all burnable materials eighteen (18) inches around the pit; and
 - iii. The burn otherwise meets the requirements of this ordinance.
- F. Open burning under this section shall only be conducted at a location at least 200 feet from the nearest building which is not on the same property.
- G. No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or body of water.
- H. 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.
- I. No open burning may be conducted on days when the Department of Environmental Quality has declared an “air quality action day” applicable to Eagle Township.

Section 9: Nuisance

No burning shall be permitted at any time or in any location which would be a nuisance, hazard, or annoyance to adjoining persons or property by reason of heat, flame, ash, sparks, smoke, or odor, as determined by the Fire Chief or the Township designee authorized to enforce this ordinance.

Section 10: Permits

1. All required permits shall be issued by the Looking Glass Regional Fire Authority (or their designee) upon proper application.
2. When weather conditions warrant, the Fire Chief may temporarily suspend approval to burn.
3. Permit holders shall comply with all applicable provisions of this ordinance and any additional special restrictions deemed necessary to protect public health and safety.
4. Violation of the conditions of a burning permit shall be deemed a violation of this ordinance.
5. Violation of this ordinance or the burning permit shall void the permit.

Section 11: Liability

A permit holder or, if no permit is obtained, the person utilizing or maintaining a fire in violation of this ordinance 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

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

Section 13: Enforcement and Penalties

1. Eagle Township and the Fire Chief or any authorized officer, agent, employee are authorized to enforce the provisions of this ordinance.
2. Violations of the ordinance are subject to a fine as set forth in the Eagle Township Schedule of Fees.
3. Alternately, the Township may pursue prosecution of the violation as follows: Any person, firm, association, partnership, corporation, or 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 guilty of a misdemeanor and shall, upon conviction, be subject to a fine or penalty not less than \$50.00 nor greater than \$500.00, or by imprisonment in the Clinton County Jail not exceeding ninety (90) days, or both. In addition, Eagle 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 or relief to compel compliance with this Ordinance and recover such costs, fees, and expenses incurred in connection with such action.
4. Each day that a violation of this ordinance exists shall constitute a separate violation of this ordinance.

Section 14: Severability

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

Section 15: Repeal

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

Section 16: Effective Date

This ordinance shall take effect thirty (30) days after publication following its adoption.

Section 17: Publication

This ordinance is ordered to be given publication in the manner prescribed by law.

Section 18: Adoption, Repeal, and Certification

This ordinance is hereby declared to be adopted by the Township Board of the Township of Eagle, Clinton County, Michigan, at a regular meeting held on June 10, 2014. All ordinances, or parts of ordinances, in conflict with any of the provisions of this ordinance, are hereby repealed.

Moved by Clerk Snider and supported by Treasurer Smith that the foregoing ordinance be adopted.

A vote on the foregoing ordinance was as follows:

Aye: Jones, Rademacher, Snider, Smith, Schafer
Nay: None

Susan Snider, Clerk

CERTIFICATION

I, Susan Snider, Clerk of the Township of Eagle, do hereby certify that the foregoing is a true and accurate copy of the Burning Ordinance adopted by the Township of Eagle on the 10 day of June, 2014.

Susan Snider, Clerk