

**FIRE PREVENTION AND PROTECTION\***

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**ARTICLE III. BURNING\***

**Sec. 10-46. Violation and penalty.**

(a) Any person who violates any of the provisions of this article shall be deemed to be responsible for a municipal civil infraction, as defined by state statute, which shall be punishable by a civil fine determined in accordance with the following schedule:

<i>Number of Offenses Within 3-year Period</i>	<i>Minimum Fine (in dollars)</i>	<i>Maximum Fine (in dollars)</i>
1st offense*	75.00	500.00
2nd offense*	150.00	500.00
3rd offense*	300.00	500.00
4th offense or more*	500.00	500.00

\*Determined on the basis of the date of commission of the offense.

(b) Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which the township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 or more than \$500.00 be ordered. In addition, the

\*State law references—Open burning of leaves and grass clippings, MCL 324.11522; prevention and suppression of forest fires, MCL 324.51501 et seq.; arson and burning, MCL 750.71 et seq.

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 article. Each day that a violation exists shall constitute a separate offense.

(Ord. No. 18, § 11, 4-2-2001; Ord. No. 65, § X, 10-19-2008)

**Sec. 10-47. Purpose and intent.**

The purpose of this article is to protect the people and property within the township against health, safety, environmental and fire hazards caused by the burning near roads, streets, places, buildings and structures, both public and private, promote the health, safety and general welfare of the community by regulating methods of burning of materials and encourage alternative methods of disposing of natural and biodegradable materials.

(Ord. No. 18, § 2, 4-2-2001)

**Sec. 10-48. General prohibitions.**

All out-of-doors burning of any material shall be prohibited, except as provided for in this article.

(Ord. No. 18, § 3, 4-2-2001)

**Sec. 10-49. Contained burning.**

- (a) All out-of-doors contained burning, not requiring a permit, shall be:
- (1) Conducted within a fireproof masonry or metal burner containing an approved spark arrester that has no larger than a three-quarter-inch spacing.
  - (2) Constructed only of paper, cardboard, dry leaves, brush and clean untreated lumber.
  - (3) Started only after sunrise.
  - (4) Extinguished and emitting no smoke after 9:00 p.m.
  - (5) At least 15 feet from the edge of any road.
  - (6) At least ten feet from any structure including, but not limited to, fencing, woodpiles, shed, out buildings and utility poles.
  - (7) At least 1,000 feet from any school and after 4:00 p.m. while school is in session.
  - (8) At least five feet from any public or private property lines.
  - (9) Prohibited within a 24-hour period preceding and during the day of Trick-or-Treat, hours established by the township board.
  - (10) Prohibited if determined by the fire chief that conditions are such that burning would be hazardous to health, safety, and general welfare of persons or property in the community.

(b) Ash or waste from any fire shall not be deposited in the storm gutters adjoining or within the public streets and highways within the township.

(Ord. No. 18, § 4, 4-2-2001)

**Sec. 10-50. Open burning.**

(a) All open burning, defined as out-of-doors burning on the ground, shall be:

- (1) Approved only with a permit.
- (2) Attended by a competent person at all times.
- (3) In small, manageable piles.
- (4) Constructed only of paper, cardboard, dry leaves, brush and clean untreated lumber.
- (5) Allowed only from September 1 through May 15 of the following year or as the township board shall designate by resolution, except for clearing lots for new building construction and agricultural purposes.
- (6) Started only after sunrise.
- (7) Extinguished and emitting no smoke after 9:00 p.m.
- (8) At least 15 feet from the edge of any road.
- (9) At least 15 feet from any structure including, but not limited to, fencing, woodpiles, shed, out buildings and utility poles.
- (10) At least 1,000 feet from any school and after 4:00 p.m. while school is in session.
- (11) At least five feet from any public or private property lines.
- (12) Prohibited within a 24-hour period preceding and during the day of Trick-or-Treat, hours established by the township board.
- (13) Prohibited if determined by the fire chief that conditions are such that burning would be hazardous to health, safety, and general welfare of persons or property in the community.

(b) Ash or waste from any fire shall not be deposited in the storm gutters adjoining or within the public streets and highways within the township.

(Ord. No. 18, § 5, 4-2-2001)

**Sec. 10-51. Open burning for clearing lots and/or agricultural use.**

(a) All open burning, defined as out-of-doors burning on the ground for the purpose of clearing lots and/or for agricultural use, shall be:

- (1) Approved only with a permit.
- (2) Attended by a competent person at all times.
- (3) In manageable piles.

- (4) Allowed yearround.
  - (5) Constructed only of paper, cardboard, dry leaves, brush and clean untreated lumber.
  - (6) Started only after sunrise.
  - (7) Extinguished and emitting no smoke after 9:00 p.m.
  - (8) At least 15 feet from the edge of any road.
  - (9) At least 15 feet from any structure including, but not limited to, fencing, woodpiles, shed, out buildings and utility poles.
  - (10) At least 1,000 feet from any school and after 4:00 pm while school is in session.
  - (11) At least five feet from any public or private property lines.
  - (12) Prohibited within a 24-hour period preceding and during the day of Trick-or-Treat, hours established by the township board.
  - (13) Prohibited if determined by the fire chief that conditions are such that burning would be hazardous to health, safety, and general welfare of persons or property in the community.
- (b) Ash or waste from any fire shall not be deposited in the storm gutters adjoining or within the public streets and highways within the township.  
(Ord. No. 18, § 6, 4-2-2001)

**Sec. 10-52. Fire pits, campfires and patio fireplaces.**

All fire pits, patio fireplaces and campfires, not requiring a permit, shall:

- (1) Be no smaller than 18 inches in diameter and no more than 48 inches in diameter.
  - (2) Consist of an eight-inch minimum depression in the ground ringed with stone, brick, concrete or concrete blocks, or steel truck rims with the tire removed.
  - (3) Have a minimum area of 36 inches cleared of all burnable materials outside of the fire ring.
  - (4) Use only seasoned firewood and not extending outside the fire pit or campfire.
  - (5) Be supervised at all times and extinguished upon completion of the event or activity.
  - (6) Be reviewed and approved before construction by the fire department, if permanent.
  - (7) Be allowed yearround.
- (Ord. No. 18, § 7, 4-2-2001)

**Sec. 10-53. Recreational bonfires.**

- (a) All recreational bonfires shall be:
  - (1) Approved only with a permit.

- (2) Attended by a competent person at all times.
- (3) Allowed yearround.
- (4) In manageable piles.
- (5) Constructed only of paper, cardboard, dry leaves, brush and clean untreated lumber.
- (6) Started only after sunrise.
- (7) Extinguished and emitting no smoke after event completion.
- (8) At least 15 feet from the edge of any road.
- (9) At least 15 feet from any structure including, but not limited to, fencing, woodpiles, shed, out buildings and utility poles.
- (10) At least five feet from any public or private property lines.
- (11) Prohibited if determined by the fire chief that conditions are such that burning would be hazardous to the health, safety, and general welfare of persons or property in the community.

(b) Ash or waste from any fire shall not be deposited in the storm gutters adjoining or within the public streets and highways within the township.

(Ord. No. 18, § 8, 4-2-2001)

**Sec. 10-54. Permits.**

All required permits issued by the fire department shall:

- (1) Be for a maximum of four days per fire.
- (2) Be retained by the fire department for a period of no less than six months.
- (3) Contain the name, address and telephone number of the person requesting the permit, the location of the fire and the material burned.

(Ord. No. 18, § 10, 4-2-2001)

