

OUTDOOR AND OPEN BURNING ORDINANCE

**FOR
REPUBLIC TOWNSHIP**

ORDINANCE NUMBER _____

SECTION 1: PURPOSE:

1: Purpose.

This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, of the citizens of Republic Township 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 in Republic Township except as noted.

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 or 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.

2.4 This ordinance does not apply to campfires as defined in section 4.1 of this ordinance.

SECTION 3: SEVERABILITY.

3:00 Severability.

If 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 wasted 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 Republic Volunteer Fire Department or other person designated by him.
- 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 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 vegetable mater.

SECTION 5: OPEN BURNING OF REFUSE

5. OO Open burning of refuse.

- 5.1 Open burning of refuse from a commercial or industrial establishment is prohibited.
- 5.2 Open burning of refuse from and at a one or two family dwelling is allowed if all the following conditions are met:
- 5.2.1 No material shall be burned that creates a foul or offensive odor or that causes smoke emissions that are reasonably offensive to occupants of surrounding property.
 - 5.2.2 The burning is conducted in a container constructed of metal or masonry which has a covering device which does not have an opening larger than $\frac{3}{4}$ of an inch.
 - 5.2.3 The material burned is not prohibited under section 6.3
- 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 Painted or treated wood including but not limited to plywood, composite wood products, or other wood products which are painted, varnished or treated with preservatives.

SECTION 6: OPEN BURNING OF TREES, LOGS, BRUSH, STUMPS, LEAVES AND GRASS

6.1 Open burning of trees, logs, brush, stumps, leaves and grass, is allowed only in accordance with all of following conditions

6.1.1 Except for campfires, a permit from the Department of Natural Resources of the State of Michigan must be obtained prior to open burning when the ground is not snow covered.

6.1.2 Open burning is prohibited in areas zoned C-1, Commercial, C-2 Commercial, R-2, Residential high density.

6.1.3 Open burning is prohibited at all times when the DNR has posted a high fire danger warning (red) or has issued a burning ban.

6.1.4 All allowed open burning shall be conducted in a safe, nuisance-free manner, and when the wind and weather conditions minimize adverse effects and do not create a health hazard, or a visibility hazard on roadways, railroads, or airfields and landing strips. Open burning shall be conducted in conformance with all local, county and state fire protection regulations.

6.1.5 Open burning shall be conducted only on the property one which the materials were generated.

6.1.6 Outdoor campfires and small bonfires for cooking, ceremonies, or recreation are allowed provided that they do not cause a nuisance.

6.1.7 Open burning under this section shall only be conducted at a location at least fifty feet for campfires from the nearest structure which is not on the same property and for other permitted fires, at least one hundred feet from the nearest structure which is not on the same property.

6.1.8 Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fires is properly extinguished and cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire, as well as a communication device such as but not limited to, a cell phone a satellite phone, or a radio phone.

6.1.9 No materials may be burned upon any street, curb, gutter or sidewalk.

6.1.10 No open burning may be conducted on days when the Department of Environmental Quality has declared and "air quality action day" applicable to Marquette County or any contiguous county to Marquette County.

SECTION 7: AGRICULTURAL BURNING

7.00 Agricultural Burns

Open burning of weeds, brush, and crop stubble on agricultural lands is allowed if conducted in accordance with other applicable provisions of this ordinance. See particularly sections 6.1.1, 6.1.3, 6.1.4, 6.1.7, 6.1.8, and 6.1.10.

SECTION 8: PRESCRIBED BURNS

8.00 Prescribed Burns.

8.1 "Prescribed burn" means the burning, in compliance with a prescription and to meet planned fire or land management objectives, of continuous cover of fuels. A "Prescription" means a written plan establishing criteria necessary for starting, controlling and extinguishing a burn.

8.2 Any prescribed burn, in Republic Township shall be done, with the approval and under the supervision of the Department of Natural Resources.

SECTION 9: OUTDOOR WOOD FIRED BOILERS/UNITS

The Republic Township Board and the Republic Township Planning Commission have determined that while outdoor furnaces can save fossil fuels and be otherwise desirable, they can, because of issues such as restricted air flow and low operating temperatures, create noxious odors, air pollution, particles and other products of combustion that can be detrimental to citizen's health, thereby depriving neighborhood residents of the enjoyment of their property and risking possible damage to their health.

None of these rules, herein set forth will be applicable when the use of these wood fired boilers as described in this ordinance becomes a noxious nuisance or a danger to citizen's health. These two conditions, when they exist, must be fully remedied or the unit shut down or removed.

- A. Setbacks are 50 feet from all property lines and 250 feet from any residence or principle structure.
- B. Minimum chimney height of 15 feet, measured from grade to chimney top, or two feet higher than the eave of the neighboring principle dwelling within 1000 feet, whichever is higher.
- C. Unit shall not be located in a front yard.
- D. No fuel other than natural wood without additives, wood pellets without additives and agricultural seeds in their natural state may be burned.
- E. The granting of a zoning approval permit constitutes an agreement between the land owner and Republic Township, that the Zoning Administrator, and or the Township Zoning Enforcement Officer, at any reasonable time, may enter the property for the purpose of inspection to determine compliance with the above conditions.

SECTION 10: PATIO WOOD BURNING UNITS

10.00 Patio wood burning units. A patio wood burning unit may be installed and used in Republic Township only in accordance with the following provisions.

10.1 The patio wood burning unit shall not be used to burn refuse.

10.2 The patio wood burning unit shall burn only clean wood or fuel pellets.

10.3 The patio wood burning unit shall not cause a nuisance to neighbors.

SECTION 11: BURNING PERMITS

11.00 Burning Permits

11.00 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. "Domestic purposes", means any fire within the curtilage 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 3/4 of an inch, or a campfire, or any fire within a building.

11.1 Any person responsible for burning leaves, brush, clean wood, or other vegetative debris in Republic village or the south location of Republic shall obtain a one-time burning permit from the Fire Chief of the Republic Volunteer Fire Department before starting the fire.

11.2 An outdoor campfire does not require a permit provided that the fire complies with all other applicable provisions of this ordinance.

11.3 When weather conditions warrant, the Fire Chief may temporarily suspend issuing burning permits, and may temporarily suspend the use of permits already issued.

11.4 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.

11.5 Any violation of the conditions of a burning permit shall be deemed a violation of this ordinance. Any violation of this ordinance or of the burning permit shall void the permit.

SECTION 12: LIABILITY

12.00 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 13: RIGHT OF ENTRY AND INSPECTION

13.00 Right of Entry and Inspection

The Fire Chief of the Republic Township Fire Department or any authorized township official who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

SECTION 14: ENFORCEMENT AND PENALTIES

14.00 Enforcement and Penalties

14.1 The Fire Chief of the Republic Township Volunteer Fire Department and the Republic Township Zoning Enforcement Officer are authorized to enforce the provisions of this ordinance.

14.2 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 the Michigan Statute which shall be punishable by civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum fine
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 Fourth Offense or more Within 3- year period.*	\$ 500.00	\$500.00

*Determined by the date of commission of the offense(s).