Burning Ordinance Ordinance 59

SECTION 1- This ordinance shall be known and cited as the "Spring Arbor Township Burning Ordinance".

SECTION 2- PURPOSE AND INTENT

The purpose of this ordinance 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: to promote the health safety and general welfare of the community by regulating methods of burning of materials and, to encourage alternative methods of disposing of natural and biodegradable materials.

SECTION 3- GENERAL PROHIBITION

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

SECTION 4- PROVISIONS FOR CONTAINED BURNING

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 3/4" spacing.
- 2. Only consisting of paper and cardboard.
- 3. Started only after sunrise.
- 4. Extinguished and emitting no smoke after 9:00 P.M.
- 5. At least fifteen feet (15') from the edge of any road.
- 6. At least ten feet (10') from any structure including but not limited to fencing, woodpiles, sheds, out buildings and utility poles.
- 7. At least five feet (5') from any public or private property lines.

SECTION 5- PROVISIONS FOR OPEN ON THE GROUND BURNING

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. Only consisting of seasoned dry wood and seasoned dry leaves.
- 5. Started only after sunrise.
- 6. Extinguished and emitting no smoke after 9:00 P.M.
- 7. At least fifteen feet (15') from the edge of any road.
- 8. At least fifteen feet (15') from any structure including but not limited to fencing, woodpiles, shed, out buildings and utility poles.
- 9. At least five feet (5') from any public or private property lines.

SECTION 6- PROVISIONS FOR ALL CLEARING LOTS AND/OR AGRICULTURAL OPEN ON THE GROUND BURNING

All open burning, defined as out-of-doors burning on the ground for the purpose of clearing of 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. Only consisting of paper, cardboard, dry leaves, brush and clean untreated lumber.
- 5. Started only after sunrise.
- 6. Extinguished and emitting no smoke after 9:00 P.M.
- 7. At least fifteen feet (15') from the edge of any road.
- 8. At least fifteen feet (15') from any structure including but not limited to fencing, woodpiles, shed, out buildings and utility poles.
- 9. At least one thousand feet (1,000') from any school and after 4:00 P.M. while school is in session.
- 10. At least five feet (5') from any public or private property lines.

SECTION 7- FIREPITS, CAMPFIRES AND PATIO FIREPLACES

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

- 1. No smaller than eighteen inches (18") in diameter and no more than forty-eight inches (48") in diameter.
- 2. Consist of an eight-inch (8") 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 of thirty-six inches (36") 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. Supervised at all times and extinguished upon completion of the event or activity.
- 6. Reviewed and approved before construction by the Fire Department, if permanent.

SECTION 8- RECREATIONAL BONFIRES

All recreational bonfires shall be:

- 1. Approved only with a permit.
- 2. Attended by a competent person at all times.
- 3. In manageable piles.
- 4. Only consisting of paper, cardboard, dry leaves, brush and clean untreated lumber.
- 5. Started only after sunrise.
- 6. Extinguished and emitting no smoke after event completion.
- 7. At least fifteen feet (15') from the edge of any road.
- 8. At least fifteen feet (15') from any structure including but not limited to fencing, woodpiles, shed, out buildings and utility poles.
- 9. At least five feet (5') from any public or private property lines.

SECTION 9- OFFENSIVE AND UNSAFE CONDITIONS

Any fire or burning permitted by this ordinance may be prohibited if determined by the Fire Chief or Fire Officer In Charge that the burning could be offensive or objectionable due to smoke or odor conditions or that conditions are such that burning would be hazardous to health, safety, and general welfare of persons or property in the community.

SECTION 10- FIRE, ASH AND WASTE

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.

SECTION 11- FIREWORKS

All requests for fireworks and displays of fireworks shall be subjected to Michigan State Police Fire Marshall Bulletin #12 and all revisions thereto and Township Ordinance No. 54.

SECTION 12- PERMITS

All required permits issued by the Fire Department shall be:

- 1. For a maximum of four (4) days per fire.
- 2. Retained by the Fire Department for a period of no less than six (6) months.
- 3. Contain name, address and phone number of person requesting permit, location of fire and material burned.

SECTION 13- ENFORCEMENT AND PENALTIES

The enforcement of this ordinance and regulations established by the Fire Chief shall be performed by such person or persons as the Township board shall designate by resolution. Any person, partnership, firm, association or corporation who violates any provision of this ordinance, shall be deemed guilty of a misdemeanor and shall upon conviction thereof, be subject to a fine or penalty of not less than \$100.00 or more than \$1,000.00, or by imprisonment in the Jackson County Jail not exceeding 3 days, or both such fine and imprisonment and Spring Arbor Township may sue in any court of competent jurisdiction for civil damages and injunctive relief and may recover such costs and expenses incurred by them from any person, partnership, firm, association or corporation who violates this ordinance.

SECTION 14- EFFECTIVE DATE

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

SECTION 15- CERTIFICATION OF ADOPTION

We hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 59 duly adopted by Township Board of Township of Spring Arbor, Count of Jackson, Michigan, at a regular meeting held August 12, 2002 and that public notice of said Meeting was given pursuant to Act No. 261, public acts of Michigan, 1968, including in the case of a special or rescheduled meeting notice by publication or posting at least twelve (12) hours prior to the time set for the meeting.