

**ALMONT TOWNSHIP
ORDINANCE NUMBER 67**

ALMONT TOWNSHIP OUTDOOR BURNING ORDINANCE

ALMONT TOWNSHIP HEREBY ORDAINS:

SECTION 1: 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 the Almont Township by regulating the air pollution and fire hazards of outdoor burning.

SECTION 2: Applicability

This ordinance applies to all outdoor burning within Almont Township.

- 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

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

- 4.1. "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.
- 4.2. "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.
- 4.3. "Fire Chief" means the Chief of the Almont Fire Department or other person designated by the Fire Chief.
- 4.4. "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.
- 4.5. "Outdoor burning" means open burning or burning in an outdoor wood furnace.
- 4.6. "Outdoor recreational burning" means restricted outdoor burning for recreational purposes for pleasure, ceremonial, cooking, warmth, or similar purpose (not for the disposal of materials).

4.7. "Refuse" means any waste material except trees, logs, brush, stumps, leaves, grass clippings and other vegetative matter.

SECTION 5: General Prohibition on Open Burning

Open burning is prohibited in the Almont Township unless the burning is specifically permitted under this ordinance.

SECTION 6: Open Burning of Refuse.

- 6.1. Open burning of refuse from any commercial or industrial establishment is prohibited.
- 6.2. Open burning of refuse from a one or two family dwelling is allowed if all of the following conditions are met:
 - 6.2.1. The burning does not create a nuisance. No materials shall be burned that create a foul or offensive odor or that cause smoke emissions that are reasonably offensive to occupants of surrounding property.
 - 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 $\frac{3}{4}$ 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.
 - 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 including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 - 6.3.6. Newspaper.
 - 6.3.7. Corrugated cardboard, container board, office paper.
 - 6.3.8. 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

- 7.1. Outdoor Recreational Burning is allowed if all of the following conditions are met:
 - 7.1.1. If no part of the materials being burned is located closer than 25 feet from a structure or combustible material.
 - 7.1.2. A competent and responsible person must be constantly present at the burn site and shall not leave the site unattended until the fire is completely extinguished. Ashes must be disposed of in a metal container with a tight fitting lid.
 - 7.1.3. A working water hose or a minimum of 5 gals of water shall be readily accessible at the outdoor burning site.
 - 7.1.4. All recreational burning shall take place in an approved fire pit made of metal or masonry.

- 7.1.5. No burning shall have a fuel area greater than 3 feet in diameter and/or 2 feet in height.
 - 7.1.6. No burning shall produce offensive or objectionable smoke or odor. A complaint from a citizen related to an outdoor burning site odor may require the fire to be extinguished. A person or persons who is/are conducting outdoor burning shall consider wind direction when starting an outdoor burning site.
 - 7.1.7. Atmospheric or local conditions may preclude any outdoor recreational burning. No outdoor recreational burning shall be undertaken during periods when the Governor of Michigan has issued a burning ban applicable to the area.
- 7.2 Open burning of trees, logs, brush, stumps and leaves is allowed only in accordance with all of the following provisions:
- 7.2.1. Except for outdoor recreational burning, a permit issued in accordance with Section 10 of this ordinance must be obtained prior to open burning under this section.
 - 7.2.2. Open burning of trees, logs, brush and stumps must be conducted at least 1,400 feet from the village 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.
 - 7.2.5. Open burning shall be conducted on the property on which the materials were generated.
 - 7.2.6. 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.

Section 8. Outdoor Wood Furnace

- 8.1. An outdoor wood furnace is allowed if all of the following conditions are met:
- 8.1.1. The outdoor wood furnace must be located not less than 50 feet from the nearest building or an adjoining property line or from the nearest building which is not on the same property.
 - 8.1.2. The outdoor wood furnace shall have a permanently attached stack with a minimum stack height of 15 feet above the ground that also extends at least two feet above the highest peak of any residence not served by the outdoor wood furnace.
 - 8.1.3. Fuel burned in the outdoor wood furnace shall be only clean wood, wood pellets made from clean wood, or other listed fuels specifically permitted by the manufacturer's instructions such as fuel oil, natural gas or propane backup.
- 8.2. The following items are strictly prohibited in outdoor wood furnaces:

- 8.2.1. Any prohibited material listed in 6.3, or any other items not specifically allowed by the manufacturer or this provision.
- 8.3. The owner of the outdoor wood furnace shall obtain an annual permit from the Fire Chief.

SECTION 9: Flag Retirement Ceremonies

- 9.1. Flag retirement ceremonies associated with community organizations such as the Boy Scouts, DAR, American Legion, etc, may be conducted provided the following provisions are met.
 - 9.1.1. In accordance with State Law.
 - 9.1.2. No materials prohibited in section 6.2 are also being burned.
 - 9.1.3 The event takes place a minimum of 150 feet from a residence.

SECTION 10: Burning Permits

- 10.1. A burning permit is required for any and all open burning. Burning permits can be obtained from Almont Fire Department at www.almontfire.org. The Fire Chief at any time may revoke a burning permit or invoke a burning ban causing a burning permit to become void. The person and / or property owner obtaining a burning permit shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire. Violations of the burning permit conditions and requirements or burning without a permit will result in a township civil infraction fine not to exceed a maximum of \$500.00 for the 1st offense, 2nd offense \$500.00 plus Fire Department response cost.

SECTION 11: 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

The Fire Chief or any sworn Police Officer of the Almont Township may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

SECTION 13. Violations.

- 12.1. Any violation of this ordinance is designated as a municipal civil infraction and violators shall be subject to the civil fines, sanctions, remedies and procedures as set forth in Ordinance No. 48, the Almont Township Civil Infraction Ordinance.
- 12.2. A violation of this ordinance shall also be deemed a public nuisance and the Township is hereby authorized to enter into and upon that person's land to abate the nuisance and to assess against the property all costs and expenses it incurs abating the nuisance.


SECTION 14. Effective Date.

This Ordinance shall take effect immediately upon publication.

CERTIFICATION

At a regular meeting of the Almont Township Board held on, August 13, 2018 adoption of the foregoing ordinance was moved by Roberta Kudsin and supported by Scott Stroup. Motion Carried

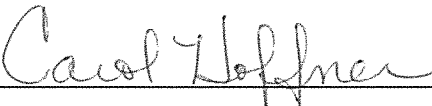
The Township Supervisor declared the ordinance adopted.



Carol Hoffner, Clerk

CERTIFICATE OF PUBLICATION

I, the undersigned Township Clerk of the Township of Almont, do certify that on August 22, 2018 the foregoing Ordinance, or summary thereof, was duly published in the Tri City Times, a newspaper having general circulation within the Township of Almont



Carol Hoffner, Clerk

