

**ALMONT TOWNSHIP  
ORDINANCE NUMBER 67.1**

**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. **Open burning of "Refuse"** means any waste material. Public act 102 Of 2012 Prohibits the burning of household waste from a family dwelling with the exception of untreated paper, prohibiting the open burning of household trash that contains plastic, rubber, foam, chemically treated wood, textiles, electronics, chemicals, or hazardous materials. The burning of these household trash items poses a danger to human health and the environment.
- 4.7.1 Burning of refuse is to be conducted in an approved container made of metal or masonry that has a metal grated cover with an opening no greater than 3/4 inch.
- 4.7.2 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.

### **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**

- 6.1. Open burning is prohibited for any reason by commercial or industrial property.
- 6.2. Open burning of the following materials is prohibited.
- 6.2.1. Construction and demolition waste.
- 6.2.2. Hazardous substances including but not limited to batteries, household chemicals, pesticides, used oil, gasoline, paints, varnishes, and solvents.
- 6.2.3. Furniture and appliances.
- 6.2.4. Tires.
- 6.2.5. Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
- 6.2.6. Newspaper.
- 6.2.7. Corrugated cardboard, container board, office paper.
- 6.2.8. 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.
- 6.3. Outdoor Recreational Burning is allowed if all of the following conditions are met:
- 6.3.1. If no part of the materials being burned is located closer than 25 feet from a structure or combustible material
- 6.3.2. 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.
- 6.3.3. A working water hose or a minimum of 5 gals of water shall be readily accessible at the outdoor recreational burning site.
- 6.3.4. All burning shall take place in an approved container made of metal or masonry (fire pit, chimnea)

- 6.3.5. No burning shall have a fuel area greater than 3 feet in diameter and/or 2 feet in height.
- 6.3.6. No burning shall produce offensive or objectionable smoke or odor. complaint from a citizen related to an outdoor burning site odor will 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.
- 6.3.7. A burning permit is required for any and all open burning. Burning permits can be obtained from Almont Fire Department at [www.almontfire.org](http://www.almontfire.org).
- 6.3.8 Outdoor recreational burning is permitted to continue into the night with a competent person present and no complaints are filed.
  
- 6.3.8. Atmospheric or local conditions may preclude any outdoor burning.
  - Wind speed higher than 10 miles per hour.
  - Wind direction toward another residence.
  - Dry conditions

## **Section 7. Outdoor Wood Furnace**

- 7.1. An outdoor wood furnace is allowed if all of the following conditions are met:
  - 7.1.1. 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.
  - 7.1.2. 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.
  - 7.1.3. 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.
- 7.2. The following items are strictly prohibited in outdoor wood furnaces:
  - 7.2.1. Any prohibited material listed in 6.2, or any other items not specifically allowed by the manufacturer or this provision.
- 7.3. The owner of the outdoor wood furnace shall obtain an annual permit from the Fire Chief.

## **SECTION 8: Open Burning of Trees, Logs, Brush, Stumps, Leaves, and Grass Clippings**

- 8.1.1 A permit issued in accordance with section 10 of this ordinance must be obtained before any open burning begins.
- 8.1.2 All allowed open burning shall be conducted in a safe, nuisance-free manner. When wind and weather conditions minimize adverse effects.

- 8.1.3 Open burning shall be conducted on the property on which materials were generated.
- 8.1.4 Open burning shall be constantly attended and supervised by a competent person of at least 18 years of age until the fire is extinguished and out cold. The competent person shall have readily available fire extinguishing equipment as necessary for total control of the fire.
- 8.1.5 Open burning shall not start until 1 hour before daybreak. Open burning shall be completed, and the fire extinguished completely by 1 hour after sunset.
- 8.1.6 Flammable liquids, oils or any type of accelerant shall not be used to start open burning.
- 8.1.7 With prior approval agricultural related burning may be permitted to continue past the burning hours outlined in paragraph 8.1.6

## **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 & Rescue at [www.almontfire.org](http://www.almontfire.org) . The fire chief at any time may revoke a burning permit or invoke a burning ban causing a burning permit or permits to become void.

The person and/ or property owner obtaining a burning permit shall be responsible for all suppression cost and any other liability resulting from damage caused by the open burning. 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 for the 1<sup>st</sup> offense 2<sup>nd</sup> offense \$ 500 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.**

**13.1.** 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.

**13.2.** 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.

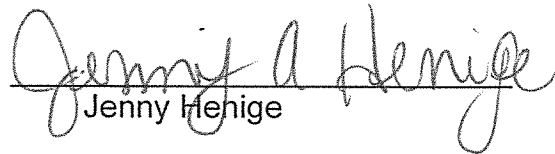
At a regular meeting of the Almont Township Board held on May 13, adoption of the foregoing ordinance was moved by Streeter and supported by Henige

The Township Supervisor declared the ordinance adopted.

CERTIFICATE OF PUBLICATION

I, the undersigned Township Clerk of the Township of Almont, do hereby certify that on May 15, 2024 the foregoing Ordinance, or summary thereof, was duly published in the Tri City Times a newspaper having general circulation within the Township of Almont.

TOWNSHIP OF ALMONT CLERK

  
Jenny Henige