

## ORDINANCE NO. 09-01

An Ordinance to amend Mt. Morris Charter Township Ordinance No. 06-02, which defines open burning, defines open burning which is permitted, restricted, and prohibited, and sets forth the liability of owners and agents for costs incurred in the extinguishment of open burning through addition of new forms of prohibited and allowable burning.

### THE CHARTER TOWNSHIP OF MT. MORRIS ORDAINS:

That Mt. Morris Charter Township Ordinance Number 06-02 is amended as follows:

#### **ARTICLE IV** **OPEN BURNING**

##### ***Sec. 7-81***      **Definition**

Open burning means burning done under such conditions that the products of combustion are emitted directly into ambient air space. Open burning shall include, but not be limited to, burning on the ground or other flat surfaces, burning done in simple outdoor structures, receptacles, or other devices which are designed primarily to contain the materials being burned or to minimize the risk of fire and which do not provide effective control of the air pollutants generated.

##### ***Sec. 7-82***      **Prohibited and Restricted Burning**

I.      **Prohibited Open Burning** Any burning which violates the provisions of the Natural Resources and Environmental Protection Act (Public Act 1994, No. 451) shall be prohibited. The following types of open burning are also prohibited:

- A.      The open burning of yard debris, brush, leaves, and trees;
- B.      The open burning of household or other refuse at a private residence;
- C.      The open burning of refuse from a multiple dwelling;
- D.      The open burning of refuse at commercial and industrial sites;
- E.      The open burning of building, demolition, or construction material;
- F.      The open burning of automobiles or parts thereof;
- G.      The open burning of tires, plastics, and similar materials;

- H. The open burning of highly flammable, toxic, or explosive materials; and
- I. The open burning of hazardous or toxic materials.

II. Restricted Burning The burning of trees, brush, leaves, logs, and stumps may be allowed at licensed disposal sites on an intermittent basis under a schedule approved by the local health department.

**Sec. 7-83 Allowable Open Burning**

I. Open burning shall be allowed in the township as follows:

- A. for highway safety flares;
- B. for smudge pots;
- C. for similar occupational needs;
- D. for outdoor food preparation, provided that such fires are safely contained in an appropriate cooking device (grill, etc.) and fueled by charcoal, gas, or seasoned dry firewood and provided said fires are maintained in a manner so as not to endanger other persons or property; and
- E. for recreational use, provided said fires are completely contained within an above-ground recreational fire pit, chimney, etc., provided said fires are fueled by charcoal or seasoned dry firewood, and provided said fires are maintained in a manner so as not to endanger other persons or property.

II. Bonfires A bonfire shall be allowed subject to the following conditions:

- A. Size: A bonfire shall be circular in shape with a circumference no greater than three (3) feet.
- B. Material: Fuel for bonfires shall consist only of seasoned dry firewood. The fire shall not be used for waste disposal purposes.

III. On-Ground Recreational Campfires On-ground recreational campfires shall be allowed subject to the following conditions:

- A. Size: An on-ground recreational campfire shall be circular in shape with a circumference no greater than three (3) feet. The campfire shall be contained in a fire pit / depression and must be maintained in such a manner so as to not endanger other persons or property.

B. Material: Fuel for on-ground recreational campfires shall consist only of seasoned dry firewood. The fire shall not be used for waste disposal purposes.

IV. Open Burning Stipulations Open burning shall not be used for waste disposal purposes and shall be of the minimum size for the intended purpose.

V. Attendance Any open burning shall be constantly attended until the fire is extinguished. Fire extinguishing equipment shall be available for immediate use.

VI. Prohibited Burning The fire chief of the township or his designee shall prohibit open burning which will be offensive or objectionable due to smoke or odor emissions or when atmospheric conditions or local circumstances make such fires hazardous. The fire chief(s) of the township, or their designee, shall order the extinguishment of any fire / open burn which creates or adds to a hazardous or objectionable situation.

All allowable open burning provided for in this ordinance shall not begin before 7:00 a.m. and shall be extinguished by midnight.

In no case shall any person engage in open burning which in any way endangers any person or property or is offensive or objectionable to other township residents.

***Sec. 7-84      Liability for Costs of Extinguishment; Collection***

The owner, his agent, and/or the occupant of any township property shall be liable for all extinguishment costs incurred by the township as a result of violation of any term(s) of this ordinance. The township shall place a lien upon the lot or lots involved, and in the event the charges are not paid by the owner, agent, or occupant of said lot within ninety (90) days from the date of billing payment shall become delinquent, and said lien shall be enforceable as a tax lien against the lot or lots and be collected in the same manner as other taxes are levied and collected.

***Sec. 7-85      Appeal Procedures***

All decisions by township fire chiefs or their designees relating to any violations of this ordinance and/or imposition of costs of fire extinguishment may be appealed to the Charter Township Board within 30 days from the date the decision being appealed is imposed.

If any portion of this Ordinance shall be determined invalid or unconstitutional by a Court, the remainder shall be considered severable and shall remain in full force and effect.

This Ordinance shall be published in a newspaper circulated within the Charter Township of Mt. Morris, Genesee County, Michigan.

This Ordinance shall take effect immediately upon publication following adoption.

We hereby certify that the foregoing Ordinance was adopted on the second reading by the Township Board of the Charter Township of Mt. Morris, Michigan.

Introduction: \_\_\_\_\_

Charter Township of Mt. Morris

First publication: \_\_\_\_\_

By: \_\_\_\_\_

Larry Green, Supervisor

Adoption: \_\_\_\_\_

Second publication: \_\_\_\_\_

By: \_\_\_\_\_

Brenda Ashley, Clerk