

**OUTDOOR AND OPEN BURNING
ORDINANCE NO 2013-18
REPUBLIC TOWNSHIP**

Section 1: Purpose

This Ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort and 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

This Ordinance applies to all outdoor burning and open burning in Republic Township except as noted:

1. This Ordinance does not apply to grilling or cooking food using charcoal, wood, propane, or natural gas in cooking or grilling appliances.
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 habitation.
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.
4. This Ordinance does not apply to campfires as defined in section 4.1 of this Ordinance.

Section 3: 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

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.
2. "Clean Wood" means a natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; does not contain resins or glues as in plywood or other composite wood products.
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. "Fire Chief" means the Chief of the Republic Volunteer Fire Department or other person designated by him.
5. "Municipality" means a county, Township, City or Village.
6. "Outdoor Burning" means open burning or burning in an outdoor wood fired boiler or patio wood burning unit.
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 chimney. This includes burning in a barrel.
8. "Outdoor Wood-Fired Boiler" means a wood-fired boiler stove or furnace that is not located within a building intended for the habitation by humans or domestic animals.
9. "Patio Wood-Burning Unit" means a chimnea, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.

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

Section 5: Open Burning of Refuse

1. Open burning of refuse from a commercial or industrial establishment is prohibited.
2. Open burning of refuse from and at a one or two family dwelling is allowed if all the following conditions are met.
 - A. 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.
 - B. 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.
 - C. The material burned is not prohibited under section 6.3.
 - D. Open burning of the following materials is prohibited:
 - a. Construction and demolition waste
 - b. Hazardous substances including but not limited to batteries, household chemicals, pesticides, used oil, gasoline, paints varnishes and solvents.
 - c. Furniture and appliances
 - d. Tires
 - e. Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films, and plastic containers.
 - f. 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

- A. Open burning of trees, logs, brush, stumps, leaves and grass is allowed only in accordance with all of the following conditions:
 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.
 2. Open burning is prohibited in areas zoned C-1 commercial, C-2 Commercial and R-2 Residential high density.
 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.
 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 not create a health hazard, or a visibility hazard on roadways, railroads, or airfields and landing strips. Open burning shall be conducted in accordance with all local county and state fire protection regulations.
 5. Open burning shall be conducted only on the property on which the materials were generated.
 6. Outdoor campfires and small bonfires for cooking, ceremonies or recreation are allowed provided that they do not cause a nuisance.
 7. Open burning under this section shall only be conducted at a location at least fifty (50) feet for campfires from the nearest structure which is not on the same property.

8. Open burning shall be constantly attended and supervised by a competent person of least eighteen (18) years of age until the fire 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.
9. No materials may be burned upon any street, curb, gutter or sidewalk.
10. No open burning may be conducted on days when the Department of Environmental Quality has declared an "air quality day" applicable to Marquette County or any contiguous county to Marquette County.

Section 7: Agricultural Burning

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, 6.3, 6.4, 6.7, and 6.10.

Section 8: prescribed Burns

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.
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 citizens' 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 citizens' health. These two conditions, when they exist, must be fully remedied or the unit will be shut down or removed.

- A. Setbacks are fifty (50) feet from all property lines and two hundred fifty (250) feet from any residence or principal structure
- B. Minimum chimney height of fifteen (15) feet, measured from grade to chimney top or two feet higher than the eave of the neighboring principle dwelling within one thousand (1,000) 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 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

1. The patio wood burning unit shall not be used for burn refuse.
2. The patio wood burning unit shall burn only clean wood or fuel pellets.
3. The patio wood burning unit shall not cause a nuisance to neighbors.

Section 11: Burning Permits

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 cartilage 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 $\frac{3}{4}$ of an inch or a campfire, or any fire within a building.

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.
2. Any outdoor campfire does not require a permit provided that the fire complies with all other applicable provisions of this Ordinance.
3. When weather conditions warrant, the Fire Chief may temporarily suspend the use of permits already issued.
4. A burning permit issued under this section, shall require compliance with applicable provisions of this Ordinance and any additional special restrictions deemed necessary to protect public health and safety.
5. Any violations of the conditions of a burn 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

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

The Fire Chief of the Republic Township Volunteer Fire Department or nay 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

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.
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 the civil fine determined in accordance with the following schedule:

1st Offense within a 3 YR period*	\$75.00	\$500.00
2nd Offense within a 3 YR period*	\$150.00	\$500.00
3rd Offense within a 3 YR period*	\$325.00	\$500.00
4th Offense within a 3 YR period* (or more)	\$500.00	\$500.00

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