

Outdoor and Open Burning Ordinance
Hawes Township of Hawes, Michigan

SECTION 1: PURPOSE

1.00 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 Township of Hawes by regulating the air pollution and fire hazards of open burning and outdoor burning.

Outdoor Burning Ordinance

SECTION 2: APPLICABILITY

2.00 Applicability.

This ordinance applies to all outdoor burning and open burning within the Township of Hawes.

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 but 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.

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

3.00 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

4.00 Definitions.

4.1. "Campfire" means a small outdoor fire intended for recreation or cooking but not including a fire intended for disposal of waste wood or refuse.

4.2. "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.

4.3. "Construction and demolition waste" means building waste materials, including but not limited to waste shingles, insulation, treated wood, painted wood, wiring, pipes, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on a house, commercial or industrial building, or other structure.

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Ordinance No. 2012-01

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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 but this ordinance does not convey the right to burn refuse or prohibited materials in such devices.

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.

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4.4. "Fire Chief" means the Chief of any fire department located within Township of Hawes or other person designated by the Fire Chief.

4.5. "Municipality" means a county, township, city, or village.

4.6. "Outdoor burning" means open burning or burning in an outdoor wood-fired boiler or patio wood burning unit.

4.7. "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 a chimney. This includes burning in a burn barrel.

4.8. "Outdoor wood-fired boiler" means a wood-fired boiler, stove or furnace that is not located within a building intended for habitation by humans or domestic animals.

4.9. "Patio wood-burning unit" means a chimenea, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.

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

SECTION 5: GENERAL PROHIBITION ON OUTDOOR BURNING AND OPEN BURNING

5.00 General prohibition on outdoor burning and open burning.

Open burning and outdoor burning are prohibited in the Township of Hawes unless the burning is specifically permitted by this ordinance.

SECTION 6: OPEN BURNING OF REFUSE

6.00 Open burning of refuse.

6.1 Open burning of refuse is prohibited.

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. Corrugated cardboard, and container board.

6.3.7. 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 9: PRESCRIBED BURNS

9.00 Prescribed burning.

9.1. "Prescribed Burn" means the burning, in compliance with a prescription and to meet planned fire or land management objectives, of a continuous cover of fuels. A "prescription" means a written plan establishing the criteria necessary for starting, controlling, and extinguishing a burn.

9.2. Fires set for forest, prairie, and wildlife habitat management are allowed only if conducted in accordance with Part 515 of the Natural Resources and Environmental Protection Act, MCL 324.51501 et seq.

SECTION 10: OUTDOOR WOOD-FIRED BOILERS

10.00 Outdoor wood-fired boilers.

10.1 No person shall install, use, or maintain an outdoor wood-fired boiler in the Township of Hawes except as it meets the Zoning Ordinance of the Township of Hawes and applicable building and heating requirements of the State of Michigan and County of Alcona.

10.2 Outdoor wood-fired boilers may be used provided installed and operated in accordance with all provisions of the Hawes Township ordinances, State of Michigan and County of Alcona regulations.

10.3 Outdoor wood-fired boilers must burn only clean wood.

10.4 The outdoor wood-fired boiler shall not be used to burn refuse or other prohibited materials.

SECTION 11: PATIO WOOD-BURNING UNITS

11.00 Patio wood-burning units. A patio wood-burning unit may be installed and used in the Township of Hawes only in accordance with all of the following provisions:

11.1. The patio wood-burning unit shall not be used to burn refuse or other prohibited materials.

11.2. The patio wood-burning unit shall burn only clean wood.

11.3. The patio wood-burning unit shall be located at least 25 feet from the nearest structure which is not on the same property as the patio wood-burning unit.

11.4. The patio wood-burning unit shall not cause a nuisance to neighbors.

SECTION 15: LIABILITY

15.00 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 16: ENFORCEMENT AND PENALTIES

16.00 Enforcement and penalties.

16.1 Any person, firm, association, partnership, corporation, or governmental 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 Michigan Statute which shall be punishable by civil fine determined in accordance with the following schedule:

| | |
|---|---|
| 1 st Offense within 3-year period* the violation | Verbal notice provided to the property owner of |
| 2 nd Offense within 3-year period* of the violation | Written notice provided to the property owner |

| | <u>Minimum Fine</u> | <u>Maximum Fine</u> |
|---|---------------------|---------------------|
| 3rd Offense within 3-year period* | \$75.00 | \$500.00 |
| 4th Offense within 3-year period* | \$150.00 | \$500.00 |
| 5th Offense within 3-year period* | \$325.00 | \$500.00 |
| 6th or More Offense within 3-year period* | \$500.00 | \$500.00 |