

**ARMADA TOWNSHIP
MACOMB COUNTY, MICHIGAN
ORDINANCE NO. R2016-19
OPEN AND OUTDOOR BURNING ORDINANCE**

TITLE

AN ORDINANCE 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 Armada due to the air pollution and fire hazards of outdoor burning by establishing regulations for open and outdoor burning within the Township, requiring a burning permit for specified burning activities, repealing all Ordinances and resolutions inconsistent with the provisions of this Ordinance and providing penalties for violations thereof.

**THE TOWNSHIP BOARD OF THE TOWNSHIP OF
ARMADA, MACOMB COUNTY, MICHIGAN ORDAINS:**

SECTION 1. SHORT TITLE.

This Ordinance shall be known and may be cited as the "Armada Township Open Burning Ordinance."

SECTION 2. APPLICABILITY.

This Ordinance applies to all open and/or outdoor burning within the Township of Armada.

2.1 This Ordinance does not apply to property governed by the Village of Armada; Village of Armada properties shall be governed by any Ordinance specifically adopted by the Village of Armada.

2.2. This Ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.

2.3. This Ordinance does not apply to burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.

2.4. 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. DEFINITIONS.

3.1 "Bonfire" means a large outdoor fire which is utilized for occasional special events and which burns only seasoned dry firewood intended to minimize the generation of air contaminants.

3.2. "Campfire" means a small outdoor fire intended for recreation or cooking but not including a fire intended for disposal of waste wood or refuse, campfires shall have a fuel load dimension not exceeding 24" x 24" x 24".

3.3. "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.

3.4. "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.

3.5. "Fire Chief" means the Chief of the Armada Township Fire Department or other person designated by the Fire Chief.

3.6 "Fuel load" means the total amount of combustible material in a defined space.

3.7. "Municipality" means the Township of Armada.

3.8. "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.

3.9. "Outdoor burning" means burning in an outdoor wood furnace or patio wood-burning unit.

3.10. "Outdoor wood furnace" also known as an outdoor wood-fired boiler, outdoor wood-burning appliance, or hydronic heater, means a fuel-burning device that is designed to burn clean wood or other approved solid fuels and is not located within a building intended for habitation by humans or domestic animals; and heats building space and/or water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

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

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

SECTION 4. GENERAL PROHIBITION ON OPEN AND OUTDOOR BURNING.

Open and outdoor burning are prohibited in the Township of Armada unless the burning is specifically permitted by and carried out in accordance with the provisions of this Ordinance.

SECTION 5. OPEN BURNING OF REFUSE.

Open burning of refuse is prohibited.

SECTION 6. OPEN BURNING OF TREES, LOGS, BRUSH, STUMPS, LEAVES, AND GRASS CLIPPINGS.

6.1. Open burning of leaves and grass clippings is allowable only when a proper permit is issued by the Armada Township Fire Department.

6.2. Open burning of trees, logs, brush, and stumps is allowed only in accordance with all of the following provisions:

6.2.1. Except for campfires and small bonfires, a permit issued in accordance with Section 12 of this Ordinance must be obtained prior to open burning under this Section when the ground is not snow-covered.

6.2.2. 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.

6.2.3. 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, railroads or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.

6.2.4. Open burning shall only be conducted at a location at least 50 feet from the nearest building which is not on the same property for small campfires and 100 feet from the nearest building which is not on the same property for all other fires.

6.2.5. Except for campfires and small bonfires, open burning shall only be conducted between the hours of 8:00 AM and 8:00 PM.

6.2.6. 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.

6.2.7. No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream, or water body.

6.2.8. Except for barbecue, gas, and charcoal grills, no burning shall be undertaken within 25 feet from any combustible material.

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 and any State of Michigan DNR regulations.

SECTION 8. OUTDOOR WOOD FURNACES.

An outdoor wood furnace may be installed and used in the Township of Armada only in accordance with the following provisions:

8.1. The outdoor wood furnace shall have a permanently attached stack with a minimum stack height of 15 feet above the ground.

8.2. 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.

8.3. The following items are strictly prohibited in outdoor wood furnaces:

- Any material not listed in 8.2.
- Wood that has been painted, varnished, or coated with similar material and/or has been pressure treated with preservatives and contains resins or glues as in plywood or other composite wood products.
- Rubbish or garbage, including but not limited to food wastes, food packaging, food wraps.
- Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
- Rubber including tires or other synthetic rubber-like products.
- Newspaper, cardboard, or any paper with ink or dye products.
- Any other items not specifically allowed by the manufacturer or this provision.

8.4. Outdoor wood furnaces must comply with the following provisions:

8.4.1. The outdoor wood furnace shall be constructed, established, installed, operated and maintained in conformance with the manufacturer's instructions and the requirements of this Ordinance. In the event of a conflict, the requirements of this Ordinance shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.

8.4.2. The outdoor wood furnace shall be laboratory tested and listed to appropriate safety standards such as UL, CAN/CSA, ANSI or other applicable safety standards.

8.4.3. The outdoor wood furnace shall be located at least 50 feet from the nearest structure which is not on the same property as the outdoor wood furnace.

8.4.4. The outdoor wood furnace shall be located on the property in compliance with manufacturer's recommendations and or testing and listing requirements for clearance to combustible materials.

SECTION 9. PATIO WOOD-BURNING UNITS.

A patio wood-burning unit may be installed and used in the Township of Armada only in accordance with all of the following provisions:

9.1. The patio wood-burning unit shall not be used to burn refuse.

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

9.3. The patio wood-burning unit shall be located at least 50 feet from the nearest structure which is not on the same property as the patio wood burning unit.

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

Section 10. BONFIRES.

A bonfire used for recreation/warming does not require a permit, but shall be allowable in Armada Township only in accordance with all of the following provisions:

10.1. The dimensions of the fuel load shall not exceed 48" x 48" x 48".

10.2. A pit, or vegetation free area, of at least twice the square foot dimension of the fire shall be required

10.3. Bonfires shall burn only clean wood.

10.4. Volatile accelerants, such as Gasoline, shall not be used to start the fire under any circumstance.

10.5 The bonfire shall be located at least 100 feet from the nearest structure which is not on the same property as the bonfire.

10.6. The property owner shall have readily available an immediate means of fire extinguishment i.e. fire extinguisher or water supply

SECTION 11. FIRE SUPPRESSION TRAINING BY FIRE DEPARTMENT OR OTHER AUTHORIZED AGENCY.

Notwithstanding sections 4 and 5 of this Ordinance, structures and other materials may be burned for fire prevention training only in accordance with all of the following provisions, and with approval of the Fire Chief.

11.1. The burn must be exclusively for firefighter training. The burning shall not be used as a means to dispose of waste material including tires and other hazardous materials.

11.2. All asbestos must be removed prior to conducting the fire suppression training. If the structure is a residential dwelling, the owner may remove the asbestos or have it removed by a licensed abatement contractor. If it is a commercial building, all asbestos must be removed by a licensed abatement contractor.

11.3. A notification of the demolition must be submitted to the Michigan Department of Environmental Quality, Air Quality Division at least 10 business days prior to burning a standing structure. The notification must be submitted using Form EQP 5661 "Notification of Intent to Renovate/Demolish" or current form in use at the time.

11.4. All ash and demolished materials must be disposed of in an approved landfill or at an alternate location approved by the Michigan Department of Environmental Quality.

11.5. Asphalt shingles and asphalt or plastic siding shall be removed prior to the practice burn unless the Fire Chief determines that they are necessary for the fire practice.

11.6. At least seven days before a planned practice burn, residents within 2,000 feet of the site of the proposed burn shall be notified.

11.7. All fire suppression training should conform to the guidelines established by the National Fire Protection Association (NFPA) Standard on Live Fire Training Evolutions (NFPA 1403).

SECTION 12. BURNING PERMITS.

12.1 Burning permits are required for open burning of trees, logs, brush, stumps, leaves and grass clippings under Section 6 of this Ordinance and agricultural burning under Section 7 of this Ordinance.

12.2 Any person responsible for burning leaves, brush, clean wood or vegetative debris under Section 6 or agricultural burning under Section 7 of this Ordinance shall obtain a one-time burning permit before starting the fire. All permits will run from January 1st until January 1st the following year. All applications for burning permits must be signed and turned into the Armada Township Fire Department by the property owner.

12.3. No person shall start or maintain any open burning covered under Sections 6 or 7 without a burning permit issued by the Armada Township Fire Department.

12.4. When weather conditions warrant, the Fire Chief may temporarily suspend issuing burning permits and may temporarily suspend previously issued burning permits for open burning. Permit holders will be notified by the Fire Department by E-mail, text message, phone call, standard mail or in person.

12.4. A burning permit issued under this section shall require compliance with all applicable provisions of this Ordinance and any additional special restrictions deemed necessary to protect public health and safety.

12.5. Any violation of the conditions of a burning permit shall be deemed a violation of this Ordinance. Any violation of this Ordinance or the burning permit shall void the permit.

12.6. Campfires, small bonfires, outdoor wood furnaces, patio wood burning units and fire suppression training burns do not require a permit provided that such comply with all other applicable provisions of this Ordinance. Bonfires exceeding a fuel load size of 48"x48"x48" require a special permit issued by the Fire Chief.

SECTION 13. 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 a fire that spreads beyond control and causes property damage, or which requires a response from the Armada Township Fire Department to extinguish; the issuance of a permit does not void or negate this liability.

SECTION 14. RIGHT OF ENTRY AND INSPECTION.

The Fire Chief or any authorized officer, agent, employee or representative of the Township of Armada who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this Ordinance.

SECTION 15. ENFORCEMENT AND PENALTIES.

15.1. The Fire Chief and/or his/her designee are authorized to enforce the provisions of this Ordinance.

15.2 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 guilty of a misdemeanor and upon conviction subject to a fine of up to \$500.00 and/or 90 days in jail at the discretion of the court.

SECTION 16. REPEAL OF CONFLICTING PROVISIONS.

All other resolutions or Ordinances, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION 17. SEVERABILITY.

If any section, paragraph, clause or provision of this Ordinance is, for any reason, held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 18. PUBLICATION.

This Ordinance shall be published in full, or a summary thereof shall be published, in a newspaper of general circulation in the Township of Armada, within seven (7) days after its adoption.

SECTION 19. EFFECTIVE DATE.

This Ordinance shall take effect thirty (30) days from and after the date of publication of a true copy thereof in a newspaper circulating within the Township of Armada as provided by Section 18.

CERTIFICATE OF TOWNSHIP CLERK

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of the Township of Armada, Macomb County, Michigan, at a meeting held on the 13th day of July, 2016.

I hereby further certify that the following Township Board Members were present at said meeting: Swiacki, Smith, Goetzinger, Lemieux and Paterek and the following Township Board members were absent: None.

I further certify that Member Paterek moved for the adoption of said Ordinance, and that motion was supported by Member Smith.

I further certify that the following Armada Township Board Members voted for the adoption of said Ordinance: Swiacki, Smith, Goetzinger and Paterek and that the following Armada Township Board members voted against adoption of said Ordinance: None.

Mary K. Swiacki, CMMC
Armada Township Clerk

CERTIFICATE OF PUBLICATION

I, the undersigned Township Clerk of the Township of Armada, do hereby certify that on July 20, 2016, a true copy or summary of the foregoing Ordinance was duly published in a newspaper having general circulation within said Township.

Mary K. Swiacki, CMMC
Armada Township Clerk