

**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 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.

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.

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.

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, Goetzing, 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, Goetzing and Paterek and that the following Armada Township Board members voted against adoption of said Ordinance: None.

Mary K. Swiacki, CMMC
Armada Township Clerk

NOTICE OF ADOPTION
TOWNSHIP OF ARMADA

Notice is hereby given that at its regular meeting of July 13, the Armada Township Board of Trustees adopted Ordinance No. R2016-19 commonly referred to as the Armada Township Open Burning Ordinance. The Ordinance has been published within 7 days of the Board's adoption and becomes effective 30 days after the publication of this notice. Copies of the text of the Ordinance are available at the Township Offices during regular business hours. A summation of the Ordinance is as follows:

The purpose of this Ordinance is 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 the Ordinance and providing penalties for violations thereof. The Ordinance contains the following sections:

Section 1. Short Title, **Section 2.** Applicability, **Section 3.** Definitions, **Section 4.** General Prohibition on open and outdoor burning, **Section 5.** Open burning of refuse, **Section 6.** Open burning of trees, logs, brush, stumps, leaves and grass clippings, **Section 7.** Agricultural burning, **Section 8.** Outdoor wood furnaces, **Section 9.** Patio wood-burning units, **Section 10.** Bonfires, **Section 11.** Fire suppression training by fire department of other authorized agency, **Section 12.** Burning permits, **Section 13.** Liability, **Section 14.** Right of entry and inspection, **Section 15.** Enforcement and penalties, **Section 16.** Repeal of conflicting provisions, **Section 17.** Severability, **Section 18.** Publication, **Section 19.** Effective Date.

Mary K. Swiacki, CMMC
Armada Township Clerk

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