

Open Burning Ordinance for the Township of Manchester, Washtenaw County, Michigan.

ORDINANCE NO. 71

MANCHESTER TOWNSHIP ORDAINS:

1. **Purpose**

1.1. 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 Manchester by regulating the air pollution and fire hazards of open burning.

2. **Applicability**

2.1. This ordinance applies to all open burning within the Township of Manchester, Washtenaw County, Michigan.

3. **Severability**

3.1. 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.

4. **Definitions**

- 4.1. **Campfire** – a small fire that is less than three feet in diameter and two feet in height but not including a fire intended for disposal of waste wood or refuse.
- 4.2. **Clean wood** – 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** – 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, accessory buildings, or other structures.
- 4.4. **Fire Chief** – The Chief or other designated officer of the fire department that has jurisdiction for the location.
- 4.5. **Open burning** – kindling or maintaining a fire where the products or combustion are emitted directly into the ambient air without passing through a stack or chimney.
- 4.6. **Outdoor burning** – open burning or burning in an outdoor wood-fired boiler or patio wood-burning unit.
- 4.7. **Patio wood-burning unit** – a chimnea, patio warmer, or other portable wood-

- burning device used for outdoor recreation and/or heating.
- 4.8. Refuse – any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.
 - 4.9. Prescribed Burn - 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.
 - 4.10. Bonfire – a small outdoor fire intended for recreation but not including a fire intended for disposal of waste wood or refuse. A Bonfire must be smaller than six(6) feet in diameter and four (4) feet in height.
 - 4.11. Burning Barrel – a container constructed of metal or masonry with a metal covering devise with holes no larger than ¾”. i.e 55 gallon steel barrel.

5. Non-Permit required Open Burning

- 5.1. The following Open Burning Fires **Do Not** require a Burning Permit.
 - 5.1.1. Campfires
 - 5.1.1.1. A campfire must be extinguished when unattended.
 - 5.1.2. Patio wood-burning unit (chimnea)
 - 5.1.3. Charcoal or gas grill used for cooking food
 - 5.1.4. Open burning of refuse from a one or two family dwelling if it is contained in a burning barrel.

6. Permit required Open Burning

- 6.1. The following Open Burning Fires **Do** require a Burning Permit.
 - 6.1.1. Open burning of trees, logs, brush, stumps, leaves and grass clippings.
 - 6.1.2. Agricultural land open burning of fence rows, ditch banks, or crop stubble.
 - 6.1.3. Prescribed burning of forest prairie and wildlife habitant management grounds. Permit must be obtained at least two days prior to burning.
 - 6.1.4. Bonfires. However, Bonfires can be no larger than six feet in diameter and four feet in height, and may not be allowed to burn later than midnight on the date of the permit.
 - 6.1.5. Burn permits will be issued by your respective Fire Department
 - 6.1.5.1. Manchester Township Fire Department - To obtain a burning permit from Manchester Twp Fire Dept call and leave a message per the voice mail instructions.
 - 6.1.5.2. Sand Lake Volunteer Fire Department
 - 6.1.5.3. Clinton Fire Department

7. Rules for Permit required and Non-Permit required Open Burning

- 7.1. The Open Burning must not create a nuisance. (e.g., “no materials shall be burned that create a foul or offensive odor or that cause smoke emissions that are reasonably offensive to occupants of surrounding property.”)
- 7.2. 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 visibility hazard on roadways, railroads, or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.

- 7.3. No materials may be burned upon any street, curb, gutter, or sidewalk or on the ice of lake, pond, stream, or body of water.
- 7.4. No burning shall be undertaken within 25 feet from any combustible vegetation, combustible material, combustible wall or partition, exterior window opening, exit or access exit.
- 7.5. No burning may be conducted on days when the Department of Environmental Quality has declared an "air quality action day" applicable to the Township of Manchester.
- 7.6. Open burning shall be conducted only on the property on which the materials were generated. This prohibition does not include campfires.
- 7.7. Open burning shall only be conducted at a location at least 100 feet from the nearest building which is not on the same property.
- 7.8. Open burning shall be conducted during daylight hours only. This prohibition does not include campfires or bonfires.
- 7.9. Open burning shall be constantly attended and supervised by a competent person of at least eighteen years of age until the fire is extinguished and is cold.

8. Burning Restrictions

- 8.1. **The following CAN NOT be burnt:** Construction and demolition waste, hazardous substances including but not limited to batteries, household chemicals, pesticides, used oil, gasoline, paints, varnishes and solvents, furniture and appliances, tires, any plastic material, 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, and animal carcasses.
- 8.2. Burning of refuse from a commercial or industrial establishment is prohibited.
- 8.3. Open burning on property that is zoned commercial or industrial is prohibited.
- 8.4 All open burning is prohibited except as specifically allowed in this ordinance.

9. Fire Suppression Training

- 9.1. The burn must be exclusively for fire prevention training. The burning shall not be used as a means to dispose of waste material.
- 9.2. Any structure to be burnt must be inspected by a state licensed asbestos inspector, and the DEQ must be notified at least 10 days prior to burning.
- 9.3. Fire suppression training must conform to the guidelines established by the National Fire Protection Association Standard on Live Fire Training Evolutions (NFPA 1403).

10. Liability

10.1. A person utilizing or maintaining an open burning fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire or extinguishing methods.

11. Right of entry and inspection

11.1. The Fire Chief or any authorized local official of Manchester Township who presents credential may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

12. Prohibition, Enforcement, and Penalties

12.1. The Manchester Township Supervisor shall be responsible for enforcing this ordinance. Except for the issuance of citations, the Supervisor may delegate the actual enforcement of the provisions of this ordinance to other township officials and personnel. For the issuance of citations, the Manchester Township Supervisor, the Fire Chief, the Fire Marshall, the zoning inspector, the zoning administrator, and all police officers, Sheriff deputies, and State troopers who have jurisdiction within Manchester Township are authorized to issue citations as “authorized local officials” pursuant to MCL 600.8707.

12.2. Any person, firm, association, partnership, corporation, or government entity who violates or authorized, allowed, or permitted a violation of 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.

12.3.

1st Offense within a 1-year period	\$50.00
2nd Offense within a 1-year period	\$100.00
3rd Offense within a 1-year period	\$350.00
4th or more Offenses within a 1-year period	\$500.00
Fees will be set by the Manchester Township Board.	

12.4 In addition to the fine designated above, each person, firm, association, partnership, corporation, or government entity who violates or authorized, allowed, or permitted a violation of any of the provisions of this ordinance or fails to comply with a duly authorized order issued pursuant to this ordinance shall be summarily taxed the costs of the action, which are not limited to the costs taxable in ordinary civil infraction actions and may include all expenses, direct and indirect, to which Manchester Township

has been put in connection with the municipal civil infraction, up to the entry of judgment. Costs of not more than \$500.00 shall be ordered. Except as otherwise provided by law, costs shall be payable to the general fund of Manchester Township.

- 13. Publication and Effective Date.** This ordinance shall be published once in a newspaper having general circulation in Manchester Township and shall take effect 30 days after the date of the publication of the ordinance.

Ann M. Becketl, Township Clerk

Clerk's Certification

Township Trustee Huber moved the adoption of the foregoing Ordinance, which was supported by Township Trustee Kolon and thereupon adopted by the Manchester Township Board of Trustees by a roll call vote of the Township Board at the regular meeting, held this 12th day of February 2008.

The following members voted:

Ayes: Widmayer, Macomber, Kolon, Huber, Becketl & Mann.

Nays: None. Absent: Schmitt

I, Ann M. Becketl, Clerk for Manchester Township, hereby certify that the foregoing is a true and correct copy of Ordinance No. 71 of Manchester Township, adopted at a meeting of the Township Board of Trustees held on February 12, 2008 whole thereof now in my custody.

Ann M. Becketl, Township Clerk

A copy of the complete ordinance text may be inspected or purchased at the Manchester Township Hall, 275 South Macomb, Manchester, Michigan 48158. The office hours are 8:30 a.m. until noon Monday, Tuesday, Wednesday and Friday.

Adopted: 2/12/2008
Published: 2/21/2008
Effective: 3/22/2008