

**AN ORDINANCE TO ADOPT THE TOWNSHIP OF BLENDON OUTDOOR AND
OPEN BURNING ORDINANCE AND PROVIDE PENALTIES FOR THE VIOLATION
THEREOF; AND TO REPEAL BLENDON TOWNSHIP ORDINANCE NO. 39**

THE TOWNSHIP OF BLENDON ORDAINS:

SECTION 1: PURPOSE AND SHORT TITLE

- 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 Blendon due to the air pollution and fire hazards of open burning and outdoor burning.
- 1.2 This ordinance shall be known and may be cited as the Blendon Township Outdoor and Open Burning Ordinance.

SECTION 2: APPLICABILITY

This ordinance applies to all outdoor burning and open burning within the Township of Blendon, except the following:

- 2.1 This ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- 2.2 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.
- 2.3 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

Should a court of competent jurisdiction declare any portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected.

SECTION 4: 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 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 residential, commercial or industrial building, or other structure.

- 4.4 “Fire Chief” means the Chief of the Blendon Township Fire Department or other person designated by the Fire Chief.
- 4.5 “Municipality” means the Township of Blendon , Hudsonville, Michigan.
- 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 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 habitations by humans or domestic animals.
- 4.9 “Patio wood-burning unit” means a chimney, 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 OPEN BURNING, OUTDOOR BURNING, AND REFUSE BURNING.

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

SECTION 6: OPEN BURNING OF REFUSE.

- 6.1 Open burning of refuse from a commercial or industrial establishment is prohibited.
- 6.2 Open burning of refuse from and at a one-family dwelling, a two-family dwelling or a multiple-family dwelling is allowed if all of the following conditions are met.
 - 6.2.1 The burning does not create a nuisance.
 - 6.2.2 A permit in accordance with section 13 of this ordinance has been obtained.
- 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, 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.

SECTION 7: OPEN BURNING OF TREES, LOGS, BRUSH, STUMPS, AND GRASS CLIPPINGS.

7.1 Open burning of grass clippings is prohibited.

7.2 Open burning of trees, logs, brush, and stumps is allowed in accordance with all of the following provisions

7.2.1 Except for campfires, a permit issued in accordance with Section 13 of this ordinance must be obtained prior to open burning under this Section when the ground is not snow covered.

7.2.2 Except for barbecue, gas, and charcoal grills, no open burning shall be undertaken during periods when the Governor of Michigan, or other state official or agency having jurisdiction, has issued a burning ban applicable to the area.

7.2.3 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.

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

7.2.5 Except for campfires, open burning shall only be conducted between the hours of 9:00 AM and 10:00 PM.

7.2.6 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.

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

7.2.8 Except for barbecue, gas, and charcoal grills, no burning shall be undertaken within 25 feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief.

SECTION 8: 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.

SECTION 9: PRESCRIBED BURNING.

- 9.1 “Prescribed Burn,” means 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 prescribed burn.

SECTION 10: OUTDOOR WOOD-FIRED BOILERS

An outdoor wood-fired boiler may be installed and used in Blendon Township only in accordance with the following provisions:

- 10.1 The outdoor wood-fired boiler shall be installed and used only in an area zoned for agricultural use.
- 10.2 The outdoor wood-fired boiler shall not be used to burn refuse.
- 10.3 The outdoor wood-fired boiler shall be located at least 100 feet from the nearest building which is not on the same property as the outdoor wood-fired boiler.
- 10.4 The outdoor wood-fired boiler shall have a chimney that extends at least 15 feet minimum height above the ground surface but not less than the average height of the roofs of all resident dwellings located within 500 feet of the proposed outdoor wood-fired boiler. The Fire Chief of Blendon Township may approve a chimney of lesser height to comply with manufacture’s recommendations if the smoke from the lower chimney does not create a nuisance for residents located within 500 feet of the proposed wood-fired boiler.

SECTION 11: PATIO WOOD-BURNING UNITS

- 11.1 The patio wood-burning unit shall not be used to burn refuse.
- 11.2 The patio wood-burning unit shall only burn clean wood.
- 11.3 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.

SECTION 12: FIRE SUPPRESSION TRAINING

Notwithstanding section 5 and 6 of this ordinance, structures and other materials may be burned for fire prevention training only in accordance with all of the following provisions.

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

- 12.2 Any standing structure that will be used in fire suppression training must be inspected by a licensed asbestos inspector. A notification of this inspection must be submitted to the Michigan Department of Environmental Quality, Air Quality Division at least ten business days prior to burning a standing structure. The notification must be submitted using Form EQP 5661 "Notification of Intent to Renovate/Demolish," or other applicable form.
- 12.3 All asbestos must be removed prior to conducting the fire suppression training. If the structure is a dwelling, the owner may remove the asbestos or have it removed by a licensed abatement contractor. If it is a building other than a dwelling or residential accessory building, a licensed abatement contractor must remove all asbestos.
- 12.4 All ash shall be disposed of in an approved landfill or at an alternate location approved by the Michigan Department of Environmental Quality.
- 12.5 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.
- 12.6 At least seven days before a planned practice burn, residents within 2,000 feet of the site of the proposed burn shall be notified.
- 12.7 All fire suppression training shall conform to the guidelines established by the National Fire Protection Association (NFPA) Standard on Live Fire Training Evolutions (NFPA 1403).

SECTION 13: BURNING PERMITS

- 13.1 No person shall start or maintain any outdoor burning or open burning covered under this section without a burning permit issued by the Blendon Township Fire Department.
- 13.2 Any person responsible for burning brush, clean wood or other vegetative debris under Section 7 of this ordinance shall obtain a burning permit before starting the fire.
- 13.3 An outdoor campfire does not require a permit provided that the fire complies with all other applicable provisions of this ordinance.
- 13.4 When weather conditions warrant, the Fire Chief may temporarily suspend issuing burning permits and may temporarily suspend previously issued burning permits for open burning.
- 13.5 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.

- 13.6 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.
- 13.7 A burning permit can be applied for by calling the Blendon Township Office between 9:00 a.m. and 5:00 p.m. Monday through Friday. Application for a burning permit must be made 24 hours prior to the time of the planned event for which the burning permit is being requested.

SECTION 14: LIABILITY

A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any liability resulting from damage caused by the fire.

SECTION 15: RIGHT OF ENTRY AND INSPECTION

The Fire Chief or any authorized officer of the Township fire department, the Township ordinance enforcement officer or any law enforcement officer of the County of Ottawa or the State of Michigan who presents proper credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

SECTION 16: VIOLATION AND PENALTY

- 16.1 A violation of this ordinance and a violation of any permit issued under this ordinance is a municipal civil infraction for which the fine shall be not less than \$50.00 for the first offense and not less than \$250.00 for a subsequent offense, in the discretion of the Court, and in addition to all other costs, damages, expenses and attorney fees incurred by the Township in enforcing the ordinance. A subsequent offense is an offense that occurs within one year after the immediately preceding offense. Each day that a violation occurs or continues to occur shall constitute a separate offense.
- 16.2 The Fire Chief, the Township Supervisor, the Township Zoning Administrator and the Township Enforcement Officer are authorized to issue civil infraction citations for violations of this ordinance.
- 16.3 In addition to the above-stated municipal civil infraction penalties, the Township shall also be entitled to such other or equitable relief to abate a violation and otherwise to enforce the requirements of this ordinance as may be permitted by law.

SECTION 17: REPEAL OF PRIOR ORDINANCE

Blendon Township Ordinance No. 39, titled "An Ordinance Adopted to Provide for the Public Peace, Health and Safety of Persons and Property in the Township of Blendon by Regulating Fires Within the Township," adopted June 21, 1991, and any amendments therein, is hereby repealed.

SECTION 18: PUBLICATION AND EFFECTIVE DATE

This ordinance or a notice of adoption and summary of the regulatory effect of this ordinance shall be published in a newspaper of general circulation in the Township. This ordinance shall become effective 30 days after such publication.

This ordinance is effective October 8, 2009.

This Ordinance reads as amended by ordinance 39A adopted by the Board 2011-08-18.