

CHARTER TOWNSHIP OF MONITOR
COUNTY OF BAY, MICHIGAN

ORDINANCE NO. 60

AN ORDINANCE REPLACING ORDINANCE NO. 37, REGULATING THE SETTING AND CONTROL OF OUTDOOR AND OPEN FIRES WITHIN THE CHARTER TOWNSHIP OF MONITOR, PROHIBITING THE OPEN BURNING OF REFUSE AND REQUIRING BURNING PERMITS FOR OUTDOOR OR OPEN BURNING, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

THE CHARTER TOWNSHIP OF MONITOR ORDAINS:

SECTION I.
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 Charter Township of Monitor by regulating the air pollution and fire hazards of open burning and outdoor burning.

SECTION II.
APPLICABILITY

This Ordinance applies to all outdoor burning and open burning within the Charter Township of Monitor, except for the following:

- A. This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- B. 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.
- C. 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 III.
DEFINITIONS

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

- C. "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.
- D. "Fire Chief" means the Chief of the Charter Township of Monitor Fire Department or other person designated by the Fire Chief.
- E. "Outdoor burning" means open burning or burning in an outdoor wood-fired boiler or patio wood burning unit.
- F. "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.
- G. "Patio wood-burning unit" means a chimnea, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.
- H. "Refuse" means any waste material, including construction and demolition waste and grass clippings, but does not include trees, logs, brush, stumps, leaves, and other vegetative matter.

SECTION IV.
GENERAL PROHIBITION

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

SECTION V.
OPEN BURNING OF REFUSE

Open burning of refuse is prohibited.

SECTION VI.
OPEN BURNING OF TREES, LOGS, BRUSH, STUMPS, AND LEAVES

The open burning of trees, logs, brush, stumps, and leaves is allowed only in accordance with the following:

- A. Except for campfires, a permit issued in accordance with Section 10 of this ordinance must be obtained prior to open burning under this section.

- B. 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.
- C. 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.
- D. Open burning shall be conducted only on the property on which the materials were generated.
- E. Outdoor campfires and small bonfires for cooking, ceremonies, or recreation are allowed provided they do not cause a nuisance.
- F. Open burning under this section shall only be conducted at a location at least One hundred (100) feet from the nearest building which is not on the same property.
- G. 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.
- H. No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or waterbody.
- I. Except for barbecue, gas, and charcoal grills, no burning shall be undertaken within Fifty (50) feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief.

SECTION VII.
AGRICULTURAL BURNING

Open burning of weeds, brush and crop stubble on agricultural lands is permitted if conducted in a safe manner and for so long as it poses no danger to adjoining trees or structures.

SECTION VIII.
PATIO WOOD-BURNING UNITS

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

- A. The patio wood-burning unit shall not be used to burn refuse.
- B. The patio wood-burning unit shall burn only clean wood.

- C. The patio wood-burning unit shall be located at least Twenty-five (25) feet from the nearest structure which is not on the same property as the patio wood-burning unit.
- D. The patio wood-burning unit shall not cause a nuisance to the neighbors.

SECTION IX.
BURNING PERMITS

- A. No person shall start or maintain any outdoor burning or open burning covered under this section without a burning permit issued by the Charter Township of Monitor Fire Department.
- B. Any person responsible for burning leaves, brush, clean wood or other vegetative debris under Section 6 of this ordinance shall obtain a one-time burning permit before starting the fire.
- C. An outdoor campfire does not require a permit provided that the fire complies with all other applicable provisions of this ordinance.
- D. When weather conditions warrant, the Fire Chief may temporarily suspend issuing burning permits and may temporarily suspend previously issued burning permits for open burning.
- E. 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.
- F. 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.

SECTION X.
RIGHT OF ENTRY AND INSPECTION

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

SECTION XI.
COST RECOVERY EXPENSES

Any person utilizing or maintaining an outdoor fire in violation of this ordinance shall be responsible for the payment of cost recovery charges as authorized by the Township's Cost Recovery Ordinance in such amounts as are periodically adopted by Resolution of the Monitor Township Board.

SECTION XII.
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 XIII.
ENFORCEMENT AND PENALTIES

- A. The Fire Chief is authorized to enforce the provisions of this ordinance.
- B. 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 responsible for a municipal civil infraction.
- C. In addition to the imposition of cost recovery expenses and fines, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation of this Ordinance exists shall constitute a separate violation of this Ordinance.

SECTION XIV.
REPEALING ORDINANCE NO. 37

Ordinance No. 37 and all amendments thereto are hereby Repealed.

SECTION XV.
PUBLICATION AND EFFECTIVE DATE

This Ordinance shall, upon adoption, be published in a newspaper circulated within the Charter Township of Monitor, Bay County, Michigan, and shall take effect immediately upon publication.

THE CHARTER TOWNSHIP OF MONITOR

Date of 1st Reading:
November 22, 2010

BY: GARY A. BRANDT, Supervisor

Date of 2nd Reading:
December 13, 2010

BY: CINDY L. KOWALSKI, Clerk

Date of Publication and
Effective Date:
December 16, 2010

