

OPEN BURNING ORDINANCE

Township of Forsyth, Marquette County, Michigan

Ordinance #5-2018

Amended & Adopted November 29, 2018

SECTION 1. PURPOSE

1.0 Purpose.

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 Forsyth Township by regulating the air pollution and fire hazards of outdoor burning.

SECTION 2: APPLICABILITY

2.00 Applicability.

This ordinance applies to all open burning within the Township of Forsyth. If a provision in a township ordinance covers a provision contained in a Marquette County ordinance, the township ordinance controls.

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

3.00 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 4: DEFINITIONS

4.00 Definitions.

- 4.1.** "Campfire" means a small outdoor fire, less than or equal to 3 foot diameter, 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.** "Municipality" means a county, township, city, or village.
- 4.4.** "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.

- 4.5. "Patio wood-burning unit" means a chimnea, patio warmer, or other portable wood- burning device used for outdoor recreation and/or heating.
- 4.6. "Refuse" means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.
- 4.7. "Residential development" means any subdivision, plat, condominium association, mobile home park, or lot less than 150' wide.
- 4.8. "Sky-lantern" means an airborne lantern typically made of paper with a wood frame containing a candle, fuel cell composed of waxy flammable material, or other open flame which serves as a heat source to heat the air inside the lantern to cause it to lift into the air. Sky candles, fire balloons, airborne paper lanterns, and Chinese lanterns mean the same as sky lanterns.

SECTION 5: GENERAL PROHIBITION ON OPEN BURNING

5.00 General prohibition on open burning.

Open burning is prohibited in the Township of Forsyth unless the burning is specifically permitted by this ordinance.

SECTION 6: OPEN BURNING OF REFUSE

6.00 Open burning of refuse.

Open burning of refuse is prohibited in all areas of Forsyth Township.

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

7.00 Open burning of trees, logs, brush, stumps, leaves, and grass clippings.

Open burning of trees, logs, brush, stumps, leaves, and grass clippings is prohibited in all residential developments and commercial properties in Forsyth Township.

- 7.1. In permitted locations that are not in a residential development, open burning of trees, logs, brush, stumps, leaves, and grass clippings is allowed only in accordance with the following provisions:
 - 7.1.1. Campfires and bonfires, for cooking, ceremonies, or recreation are allowed if the fire is not located in a residential development.
 - 7.1.2. Opening burning permitted under this section shall only be conducted at a location at least 100 feet from the nearest structure which is not on the same property and it shall be at least 25 feet away from any combustible material, wall, window, or door.
 - 7.1.3. Except for campfires, a permit issued in accordance with Section 10 of this ordinance must be obtained prior to open burning when the ground is not snow covered.
 - 7.1.4. No open burning shall be undertaken during periods when the Governor of Michigan has issued a burning ban applicable to the area.
 - 7.1.5. Permitted 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.

SECTION 8: PATIO WOOD-BURNING UNITS AND FIRE PITS OR FIRE RINGS

8.00 Patio wood-burning units and fire pits or fire rings.

Patio wood-burning units and fire pits or fire rings may be used for campfires in Forsyth Township only in accordance with all the following provisions:

- 8.1.** The patio wood-burning unit or fire pit / ring shall burn only clean wood. The burning of refuse is prohibited in under this section.
- 8.2.** The patio wood-burning unit or fire pit / ring shall be shall be located at least 25 feet from the nearest structure which is not on the same property as the patio wood- burning unit and at least 15 feet from any combustible material, wall, window, or door.
- 8.3.** The patio wood-burning unit or fire pit / ring shall not be larger than three feet by three feet (3 feet x 3 feet).
 - 8.3.1.** Fire pits must include a fire-retaining ring and liner made from steel or non-combustible material and shall not be higher than three feet off the ground.
- 8.4.** The patio wood-burning unit or fire pit / ring 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.

SECTION 9: FIRE SUPPRESSION TRAINING

9.00 Fire suppression training.

Structures and other materials may be burned for fire prevention training only in accordance with all the following provisions:

- 9.1.** The burn must be exclusively for fire prevention training.
- 9.2.** 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.
- 9.3.** 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."
- 9.4.** 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.
- 9.5.** 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.
- 9.6.** At least seven days before a planned practice burn, residents within 2,000 feet of the site of the proposed burn shall be notified.

- 9.7. 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 10: BURNING PERMITS

10.00 Burning Permits.

At any time the ground is not snow-covered, a person shall not burn any flammable material on or adjacent to forest land, except for domestic purposes, without a permit from the Michigan Department of Natural Resources. "Domestic purposes" means any fire within the curtilage of a dwelling where the material being burned has been properly placed in a debris burner constructed of metal or masonry with metal covering devices with openings no larger than ¾ of an inch, or a campfire, or any fire within a building.

Michigan Burn Permits are available from the DNR. Information can be obtained by calling 866-922-BURN (866-922-2876) or by visiting Michigan.gov/burn permit.

- 10.1. 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.
- 10.2. 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.
- 10.3. A burning permit shall be required for sky lanterns. Sky lanterns must be tethered in a safe manner to prevent them from leaving the area and must be constantly attended until extinguished.

SECTION 11: LIABILITY

11.00 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 the fire.

SECTION 12: RIGHT OF ENTRY AND INSPECTION

12.00 Right of entry and inspection.

Any Forsyth Township Police Office or authorized agent, employee or representative of Forsyth Township who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

SECTION 13: ENFORCEMENT AND PENALTIES

13.00 Enforcement and penalties.

The Forsyth Police Department is authorized to enforce the provisions of this ordinance. 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 responsible for a municipal civil infraction.

	<u>Fine</u>
1st Offense	\$75.00

2nd Offense	\$150.00
3rd Offense	\$325.00
4th Offense	\$500.00

The violator shall pay costs which may include all expenses, direct and indirect, which the Township of Forsyth has incurred in connection with the municipal infraction. In no case, however, shall costs of less than \$75.00 nor more than \$500.00 be ordered. In addition, 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 separated violation of this Ordinance.

SECTION 14: REPEAL AND EFFECTIVE DATE

14.00 Repeal and effective Date.

This Ordinance shall take effect thirty (30) days after a notice of adoption of this Ordinance is published as required by law. All Ordinances or parts of Ordinances in conflict herewith are repealed, including Open Burning Ordinance #1-09, adopted in February 2009.

The original signed and dated Open Burning Ordinance will be kept in the Forsyth Township Clerk's office.

Dated: 11/29/18

Michelle Borrett

Clerk

[Signature]
Supervisor

Adopted at a regular meeting of the Forsyth Township Board on November 29, 2018.

MOTION by Clerk Michelle Borrett, supported by Trustee Neil Armatti, to adopt the OPEN BURNING ORDINANCE.

AYES: 5

NAYS: 0

MOTION CARRIED. Ordinance declared adopted.