

Hamburg Township
Ordinance 40-F
Outdoor and Open Burning Ordinance

Section 1.0. Purpose

This Ordinance is intended to promote the public health, safety and welfare and to safeguard the health, safety and welfare of the citizens of the Township of Hamburg, Michigan by regulating the air pollution and fire hazards of open burning and outdoor burning.

Section 2.0. Applicability

- 2.1 This Ordinance applies to all Outdoor Burning and Open Burning within the Township of Hamburg, Michigan.
- 2.2 This Ordinance does not apply to grilling or cooking food using charcoal, clean wood, propane or natural gas in cooking or grilling appliances.
- 2.3 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.
- 2.4 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 3.0. Severability

The sections of this Ordinance shall be deemed to be severable, and should any section, clause or provision of this Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same will not affect the validity of this Ordinance as a whole or any part thereof, other than the part declared to be invalid.

Section 4.0. 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 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.

- 4.4 "Fire Chief" means the Chief of the Hamburg Township Fire Department or other person designated by the Fire Chief.
- 4.5 "Municipality" means a County, Township, City or Village.
- 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 a 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 habitation 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, garbage, animal carcasses, and trash or household materials except trees, logs, brush, stumps, leaves, and other vegetative matter.

Section 5.0. General Prohibition on Outdoor Burning and Open Burning

Except as provided in this Ordinance, Open Burning and Outdoor Burning are prohibited in the Township of Hamburg.

Section 6.0. Open Burning or Refuse

Open burning of refuse or grass clippings is prohibited.

Section 7.0. General Prohibition of Trees, Logs, Brush, Stumps, Leaves and Grass Clippings

Open Burning of trees, logs, and leaves is allowed only in accordance with all the following provisions.

- 7.1 **Except** fires occurring during the times specified in 7.1.7, a permit issued in accordance with Section 10 of this Ordinance must be obtained prior to Open Burning under this section.
- 7.2 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 Hamburg Township.

- 7.3 All allowed Open Burning shall not create a visibility hazard on roadways, railroads, or airfields. Open Burning shall be conducted in conformance with all local and State Fire Protection Regulations.
- 7.4 Open Burning shall be conducted only on the property on which the materials were generated or naturally deposited.
- 7.5 Outdoor Campfires for cooking, ceremonies, or recreation are allowed. Said fires may be around a home or place of residence, within the curtilage of said dwelling where the material to be burned has been properly placed in a debris burner constructed of metal or masonry. Said burners shall not be larger than three (3) feet square or three (3) feet in diameter and located not less than twenty-five (25) feet away from any building or less than ten (10) feet from any adjoining line. Said campfires must be supervised at all times by an adult. No permits shall be required for such fires. Except as provided in this Ordinance, leaf burning is specifically prohibited.
- 7.6 Open Burning under this section shall only be conducted at a location at least twenty-five (25) feet from the nearest building and ten (10) feet from any property line.
- 7.7 Except for campfires, Open Burning shall only be conducted during months of April, May, October and November. Burning hours are from sunrise to sunset, local time.
- 7.8 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. One adult must be in attendance of each fire (i.e. three fires = three attendees). The adults in attendance must be free from the effects of alcohol and/or illegally used controlled substances and/or over the counter medicines and/or prescribed medications that may impair proper judgement.
- 7.9 Open burn fires must not exceed eight (8) feet in diameter or square or be within twenty-five (25') feet of a lake, stream or river.
- 7.10 No materials may be burned upon any street, curb, gutter, sidewalk or active railroad right of way.
- 7.11 Barbecue, gas, charcoal grills and patio wood-burning units are exempt under this section.
- 7.12 The Fire Chief or designee shall have the authority to implement a temporary burning ban due to environmental conditions including but not limited to high winds or extreme dry conditions. The Fire Department shall make a reasonable attempt to inform the public of the ban using available resources. If a temporary burning ban is imposed, the Fire Chief or designee shall have the authority to implement alternate open burning times. The alternate burning times shall be comparable in length to the temporary burning ban.

- 7.13 The Township Board may temporarily suspend any of the terms and conditions of this Ordinance for reasons it deems appropriate. The Township Board, after consultation with the Fire Chief or the Fire Marshal, may allow additional open burning times if a storm or storms result in large amounts of downed trees, branches and/or leaves. Such additional open burns shall otherwise comply with the applicable requirements of this Ordinance

Section 8.0. Outdoor Wood-Fired Boilers

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

- 8.1 The outdoor wood-fired boiler shall not be used to burn refuse and shall be used to burn only clean wood.
- 8.2 The outdoor wood-fired boiler shall be located at least one hundred (100) feet from the nearest residential dwelling which is not on the same property as the outdoor wood-fired boiler.
- 8.3 The outdoor wood-fired boiler shall have a chimney that extends at least fifteen (15) feet above the ground surface or three (3) feet above the building it serves, whichever is greater. In addition, the chimney shall extend three (3) feet above the highest peak of any residence located within five hundred (500) feet from the wood-fired boiler. The Fire Chief or designee may approve a lesser height on a case-by-case basis if, in the opinion of the Fire Chief or designee, it is necessary to comply with the manufacturer's recommendations and if a lower chimney height does not create a nuisance for neighbors.
- 8.4 The owner of the outdoor wood-fired boiler shall obtain a permit from the Fire Chief prior to any installation and the final installation shall be inspected by the Fire Chief and only put into operation with written approval from the Fire Chief. The purpose of the Fire Chief's inspection will only be to ensure compliance with this Ordinance and shall not be considered a safety inspection.

Section 9.0. Patio Wood-Burning Units

A patio wood-burning unit may be installed and used in the Township of Hamburg 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 twenty-five (25) feet from the nearest structure which is not on the same property as the patio wood-burning unit.

Section 10.0. Burn Permits

- 10.1 For all fires not otherwise defined in this Ordinance for fires which would otherwise result in the violation of specifications and requirements of this Ordinance, a permit shall be obtained through the Hamburg Township Fire Department. The Fire Chief or its designee has the discretion to issue all such permits. The application must be made to the Hamburg Township Fire Department at least thirty (30) days in advance of any such fire. The Fire Chief or its designee shall immediately notify the Hamburg Township Board of any such application.
- 10.2 A burning permit for a Special Event Fire is necessary. Special Event Fires are those which are normally incident to commemorative or celebration events that are sponsored by schools, municipalities, and other charitable type organizations. Any person, partnership, firm, association, corporation, other entity seeking a special event fire must make application to and obtain from the Hamburg Township Fire Department a permit for such fire. A formal written request must be made to the Hamburg Township Fire Department c/o the Fire Chief at least thirty (30) days in advance of any such special event fire.
- 10.3 The Fire Chief or designee shall immediately notify the Hamburg Township Board of any such application.

Section 11.0. 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 12.0. Right of Entry and Inspection

Upon probable cause of a possible violation of this Ordinance, the Fire Chief or any authorized officer, agent, employee or representative of the Township of Hamburg who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this Ordinance.

Section 13.0. Enforcement and Penalties

- 13.1 The enforcing authority for this Ordinance shall be the Hamburg Township Board, Hamburg Township Police Department, Hamburg Township Fire Department or the Hamburg Township Zoning Department.
- 13.2 Any person who shall violate any of the provisions of this ordinance shall be responsible for a municipal civil infraction. The fines and penalties as set forth in Section 6.0 entitled "Sanctions for Violations" of the Hamburg Township Municipal Civil Infraction Ordinance, as it may be amended from time to time, are incorporated herein by reference.
- 13.3 For purposes of assessing fines and penalties only, a violation under this section shall be classified as a Class C municipal civil infraction.

Section 14.0. Recovery of Costs, Charges for Fire Department Services and Administrative Services

The method of recovery costs incurred by the Township in providing Emergency Services and Equipment set forth in Hamburg Township Ordinance No. 78 is incorporated herein by reference.

Section 15.0. Effective Date

This Ordinance will become effective 30 days following publication in the Livingston Daily Press & Argus. This Ordinance was adopted on the November 9, 2017 by the Hamburg Township Board at a meeting duly scheduled for the conduct of Township business.

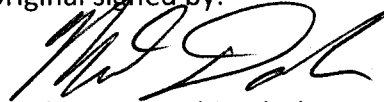
Section 16.0. Repeal or Previous Ordinance

This Ordinance shall, upon its effective date, specifically repeal all provisions contained within Hamburg Township Ordinance No. 40-E. All other ordinances and parts of ordinances in conflict or inconsistent with the provisions of this ordinance are also hereby repealed.

Certification

I, Michael Dolan, being the duly elected Clerk of the Township of Hamburg, County of Livingston and State of Michigan hereby certify that this Hamburg Township Ordinance No. 40-F to replace Hamburg Township Ordinance No. 40-E, was duly approved by the Township Board at their regular meeting of Tuesday, November 9, 2017, and was published by the Livingston County Press on November 26, 2017.

Original signed by:



Hamburg Township Clerk

