

## PUBLIC SAFETY

### 93.000      **BURNING ORDINANCE ORDINANCE NO. 138**

Adopted:      May 10, 1995  
Effective:     July 12, 1995

#### **A.      Regulations**

This Ordinance shall apply to all outdoor burning, including but not limited to incinerators, waste burners, open burning, recreational fires, barbecue pits, charcoal grills and gas grills. This Ordinance shall also apply to indoor barbecue pits used for commercial cooking operations in buildings.

#### **B.      Definitions**

*Chief* shall mean the Township Fire Chief, the Chief Officer of the Township Fire Department on duty, the fire inspector, or their authorized representatives.

*Incinerator* is a structure, or portion thereof, container, device or other appliance designed, used or intended to be used for the disposal of combustible rubbish by burning.

*Open burning* is 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.

*Ordinance Officer* shall mean the Township Ordinance Enforcement Officer.

*Recreational fire* constitutes open burning, but is limited to a small outdoor fire less than three (3) feet in diameter and two (2) feet in height located within a fire ring, pit, patio warmer, chiminea or other portable wood-burning device intended for recreation or cooking, but does not include a fire intended for disposal of waste wood, refuse or garbage.

*Waste burner* is a container designed, used or intended to be used for outdoor burning of residential household rubbish.

#### **C.      Incinerators**

##### **1.      Construction**

Freestanding incinerators shall be constructed of concrete or masonry and have a completely enclosed combustion chamber. Incinerators shall be equipped with a permanently attached spark arrester. The spark arrester shall be constructed of iron, heavy wire mesh or other noncombustible material with openings not larger than ½ inch.

2. ***Location***

Freestanding incinerators shall not be located within 30 feet of combustible walls, roofs or other combustible material, building openings, or property lines. Incinerators shall not be located within 30 feet of non-combustible buildings or structures. Chimney stacks shall be constructed in accordance with the Building Code.

3. ***Maintenance***

Incinerators shall be maintained in good condition at all time.

4. ***Discontinuance***

The Chief or Ordinance Officer is authorized to require incinerator use to be immediately discontinued if either determines that smoke emissions are offensive to occupants of surrounding property or if the use of the incinerator is determined by the Chief or Ordinance Officer to constitute a hazardous condition.

**D. Waste Burner**

Waste burners and the open burning of refuse or garbage, including but not limited to construction and demolition waste, household trash, furniture, appliances, tires, any and all foams, PVC or ABS materials, synthetic material or fabrics, any plastic material and treated or painted wood, including plywood, composite wood products or any other wood products that are painted, varnished or treated with preservatives or chemicals are prohibited.

**E. Open Burning**

Open burning shall be conducted in accordance with the requirements of this Ordinance and as required by other governmental agencies regulating emissions. The open burning of brush, vegetation, grass clippings or leaves, providing all of it is dry, is permitted within Cooper Charter Township on property containing one or more acre.

***Open burning shall:***

1. Not include paper products, any building material, or lumber products.
2. Require fire department notification and a permit.
3. Only be performed during daylight hours.
4. Not be conducted within thirty (30) feet of any combustible material or be likely to spread within thirty (30) feet of a structure. If the burn pile is larger than three (3) feet in diameter or greater than two (2) feet in height, then the setback shall be less than fifty (50) feet from any combustible material.
5. Not be allowed in the road right-of-way or on any sidewalk.
6. Not exceed ten feet in diameter.

7. Require a bucket, shovel, garden hose or a fire extinguisher to be available.
8. Be constantly attended by a person knowledgeable of fire extinguishing equipment, with knowledge of permit limitations and until the fire is extinguished.
9. Be immediately discontinued if the Chief or Ordinance Officer determines that smoke emissions are offensive to occupants of surrounding property or if the open burning is determined by the Chief or Ordinance Officer to constitute a hazardous condition.

**F. Recreational Fires**

1. ***Location***

Recreational fires shall not be conducted in the road right-of-way, any sidewalk or within 25 feet of a structure or combustible material. Conditions which could cause a fire to spread to within 50 feet of a structure shall be eliminated prior to ignition.

2. ***Fire extinguishing equipment***

A bucket, shovel, garden hose or a fire extinguisher with a minimum 4-A rating shall be readily available for use at recreational fires.

3. ***Attendance***

Recreational fires shall be constantly attended by a person knowledgeable in the use of the fire extinguishing equipment. An attendant shall supervise a recreational fire until such fire has been extinguished.

4. ***Discontinuance***

The Chief or Ordinance Officer is authorized to require that recreational fires be immediately discontinued if the Chief determines that the smoke emissions are offensive to occupants of surrounding property or if the fire is determined by the Chief to constitute a hazardous condition.

**G. Indoor Barbecue Pits and Charcoal or Gas Grills**

Barbecue pits used for commercial cooking operations in buildings shall be constructed as commercial food heat-processing equipment in accordance with the Township Mechanical Code.

**H. Outdoor Barbecue Pits and Charcoal or Gas Grills**

1. ***Construction***

Barbecue pits and charcoal/gas grills in outdoor locations shall be constructed of noncombustible masonry or metal materials.

2. ***Location***

Barbecue pits and charcoal/gas grills outside of buildings shall not be located within ten feet of combustible walls or roof or other combustible material.

3. ***Portable fire extinguishers***

Portable fire extinguishers shall be readily available for use at all barbecue pit and charcoal/gas grill fires.

**I. Agricultural Burns**

1. ***Location***

The burning off of areas of fields on land which is zoned agricultural within the Township is permitted.

2. ***Notification and permit***

Prior to commencement of an agricultural burn, the fire department shall be notified and a permit shall be obtained.

3. ***Time***

Agricultural burn shall only be performed when time and atmospheric conditions are favorable to such practice and shall take place only during hours approved by the Chief or Ordinance Officer.

4. ***Fire extinguishing equipment***

Buckets, shovels, garden hoses or a fire extinguisher with a minimum 4-A rating shall be readily available for use at agricultural burns.

5. ***Attendance***

Agricultural burns shall be constantly attended by a person knowledgeable in the use of the fire extinguishing equipment. The attendant shall supervise an agricultural burn until the fire has been extinguished.

6. ***Discontinuance***

The Chief or Ordinance Officer is authorized to require that an agricultural burn be immediately discontinued if such fire is determined by the Chief or Ordinance Officer to be offensive to occupants of surrounding property or if the burn is determined by the Chief to constitute a hazardous condition.

**J. Residential**

1. ***Location***

The burning off of areas for residential development within the Township is permitted.

2. ***Notification and permit***

Prior to commencement of a residential burn, the fire department shall be notified and a permit shall be obtained.

3. ***Time***

Residential construction burns shall only be performed when time and atmospheric conditions are favorable to such practice and shall take place only during hours approved by the Chief or Ordinance Officer.

4. ***Fire extinguishing equipment***

Buckets, shovels, garden hoses or a fire extinguisher with a minimum 4-A rating shall be readily available for use at residential burns.

5. ***Attendance***

Residential burns shall be constantly attended by a person knowledgeable in the use of the fire extinguishing equipment. The attendant shall supervise a residential burn until the fire has been extinguished.

6. ***Discontinuance***

The Chief or Ordinance Officer is authorized to require that an residential burn be immediately discontinued if such fire is determined by the Chief or Ordinance Officer to be offensive to occupants of surrounding property or if the burn is determined by the Chief to constitute a hazardous condition.

7. ***Restrictions***

This provision shall not be interpreted to allow the burning of building materials which shall be prohibited as set forth elsewhere in this Ordinance.

**K. Burning Ban – Notification**

If high hazard fire conditions exist, the Chief may issue a burning ban, which would restrict any or all burning until such time as the ban is rescinded. Imposition of the ban and the lifting of the ban shall be effective upon the date of publication of notice thereof in the *Kalamazoo Gazette*.

**L. Penalties**

1. ***Violation***

Violation of any of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a municipal civil infraction and, in addition to any other penalty imposed by this subsection, may result in the revocation of any permit issued pursuant to this section or refusal to issue any further permits by the Chief.

2. ***Fine***

Upon determination of responsibility, the person, corporation, firm or other entity shall pay a fine according to the following schedule:

First offense.....	\$ 75.00
Second offense within three years of first offense.....	\$ 150.00
Third offense within three-year period.....	\$ 325.00
Fourth and each subsequent offense within three-year period.....	\$ 500.00

3. ***Costs***

If a determination of responsibility is made by the court, the court may impose costs as provided for by law in addition to the fines called for above.

4. ***Each day a separate offense***

Each day during which a violation continues shall be deemed a separate offense. The imposition of a fine shall not exempt an offender from compliance with the provisions of this Ordinance.

5. ***Other action***

Nothing herein contained shall prevent the Township Board, public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation this Ordinance.

**M. Validity and Severability**

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

**N. Repealer Clause**

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**O. Effective Date**

This Ordinance took effect on July 12, 1995. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

*[Amended by Ord. No. 148, Eff. 07/24/1996]*

*[Amended by Ord. No. 222, Eff. 30 days after publication]*