



**Cooper Charter Township**

1590 West D Avenue  
Kalamazoo, MI 49009-6321  
(269) 382-0223

**STAFF MEMO**

**Meeting Date: April 13, 2026**

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**To:** Township Board

**From:** Julie Johnston, AICP  
Planner/Zoning Administrator

**Regarding:** Burning Ordinance Final Adoption

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Ordinance No. 280 is being presented to the Township Board for second reading and final approval of amendments to Section 93: Burning Ordinance of the Township General Ordinances. Included with this agenda item is a redlined version of the Burning Ordinance to easily review the requested changes. New language of the ordinance is shown in red font and language to be removed is shown with a strikethrough. Those areas highlighted in yellow are changes from the first reading of the ordinance, which took place on March 9, 2026. In addition to the redlined version, additional attachments include a resolution, ordinance, and required public notice.

Staff would recommend adopting (second reading) Ordinance No. 280 through Resolution 26-329.

Thank you,

A handwritten signature in cursive script that reads "Julie Johnston".

Julie Johnston, AICP  
Planner/Zoning Administrator

Attachments: Resolution 26-329  
Ordinance No. 280  
Public Notice  
Redlined Version of Section 93: Burning Ordinance

**CHARTER TOWNSHIP OF COOPER  
RESOLUTION NO. 26-329  
RESOLUTION TO ADOPT ORDINANCE NO. 280, AN ORDINANCE TO AMEND  
SECTION 93: BURNING ORDINANCE**

A resolution made and adopted at a meeting of the Township Board of the Charter Township of Cooper, Kalamazoo County, State of Michigan, held April 13, 2026, at 7:00 P.M.

PRESENT: \_\_\_\_\_

ABSENT: \_\_\_\_\_

The following Resolution was offered by \_\_\_\_\_ and seconded by \_\_\_\_\_.

WHEREAS, pursuant to the Michigan Charter Township Act, Act 359 of 1947, MCL 42.1 *et seq*, as amended (“Act”), and specifically Section 42.15, Cooper Charter Township (“Township”) has the authority to enact ordinances to provide for the public health, safety, and welfare; and

WHEREAS, the Township desires to amend ordinance Section 93: Burning Ordinance of the Township Code that provides regulations for outdoor burning; the requirement for extinguishing equipment; to allow temporary burn bans when weather conditions warrant; and to repeal all ordinances or parts of ordinances in conflict; and

WHEREAS, Section 20 of the Act requires each proposed ordinance be introduced in written or printed form, identified by a number and short title and, following introduction of the proposed ordinance, requires the Clerk to publish the proposed ordinance as provided in the Act; and

WHEREAS, on March 9, 2026, the Township Board introduced Ordinance 280 to amend the Township General Ordinances and following the meeting the Ordinance was published; and

WHEREAS, the Township wishes to adopt the proposed amendments outlined in Ordinance No. 280.

NOW, THEREFORE, the Township Board of the Charter Township of Cooper resolves as follows:

1. The Township hereby adopts Ordinance No. 280, An Ordinance to Amend Section 93: Burning Ordinance (the "Ordinance," attached as Exhibit A).
2. The Ordinance will be filed with the Township Clerk.
3. Pursuant to Section 20 of the Michigan Charter Township Act, the Clerk is directed to publish a notice of adoption in accordance with Section 8 of the Act by posting it in the office of the Clerk and on the Township's web site. The Clerk is further directed to publish the notice of adoption in a form substantially conforming to Exhibit B to this Resolution in a newspaper of general circulation within the Township within seven (7) days of adoption.
4. Any and all resolutions that are in conflict with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

STATE OF MICHIGAN            )  
  )  
COUNTY OF KALAMAZOO        )

I, the undersigned, the duly qualified and acting Clerk of the Charter Township of Cooper, Kalamazoo County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Township Board at a regular meeting held pursuant to the Open Meetings Act on the 13<sup>th</sup> day of April, 2026.

\_\_\_\_\_  
DeAnna Janssen  
Clerk, Cooper Charter Township

**CHARTER TOWNSHIP OF COOPER  
COUNTY OF KALAMAZOO  
ORDINANCE NO. 280  
AN ORDINANCE TO AMEND SECTION 93: BURNING ORDINANCE OF THE  
GENERAL ORDINANCES**

The Charter Township of Cooper ordains amendments to Section 93: Burning Ordinance of the General Ordinances, as follows:

**Section 1. Amendment to Subsection 93.A: Regulations.**

Subsection 93.A: Regulations of the Burning Ordinance is changed to “Applicability,” and amended to add the following:

A. Applicability

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

**Section 2. Amendment to Subsection 93.B: Definitions.**

Subsection 93.B: Definitions of the Burning Ordinance is amended to update the following definitions:

*Chief* shall mean the Township Fire Chief or their authorized representatives.

*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.

*Recreational fire* 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, household rubbish, or garbage.

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

Subsection 93.B: Definitions is also amended to add the following definitions:

*Authorized Representatives* of the Fire Chief shall mean either the first fire officer or senior member of the Fire Department on scene, or the Ordinance Enforcement Officer if no member of the Fire Department is on scene.

**Household Rubbish** is nonhazardous daily waste including food scraps, natural fiber packaging, and paper products.

**Outdoor burning** shall mean any type of burning that is regulated by this ordinance to include incinerators, waste burners/burn barrels, open burning, recreational fires, barbecue pits, and all grills.

**Section 3. Amendment to Subsection 93.C.**

Subsection 93.C title is changed from “Incinerators” to “Prohibited Materials” of the Burning Ordinance, and the following text is added:

The burning of refuse or garbage, including but not limited to construction and demolition waste, household rubbish, furniture, appliances, electronics, tires, any and all foams, PVC or ABS materials, synthetic material or fabrics, textiles, 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.

**Section 4. Amendment to Subsection 93.D.**

Subsection 93.D: Waste Burner is removed and the title is changed to “Incinerators” of the Burning Ordinance, and is amended as follows:

4. *Discontinuance*

The Chief or their authorized representative may require incinerator use to be immediately discontinued if it is determined 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.

**Section 5. Amendment to Subsection 93.E: Open Burning.**

Subsection 93.E: Open Burning is amended to remove the following:

*Open burning shall:*

2. Require fire department notification and a permit.

Subsection 93.E: Open Burning is also amended as follows:

Open burning shall be conducted in accordance with the requirements of this Ordinance and as required by other governmental agencies.

The open burning of brush, vegetation, grass clippings or leaves, providing all of it is dry, shall only be permitted on property containing one or more acres.

1. *Location*

The open burn shall 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 no less than fifty (50) feet from any combustible material.

The open burn shall not be allowed in the road right-of-way or on any sidewalk.

2. *Restrictions*

- a. The open burn area should not exceed ten feet in diameter.
- b. The open burn should only be performed during daylight hours.
- c. The open burn shall not include any prohibited materials outlined in this Ordinance.

3. *Fire Extinguishing Equipment*

A bucket with extinguishing material (water, sand), shovel, garden hose or a fire extinguisher in good working condition with a minimum 4-A rating be readily available for use at open burns.

4. *Attendance*

The open burn shall be constantly attended by a person knowledgeable of fire extinguishing equipment, with knowledge of ordinance requirements, and until the fire is extinguished.

5. *Discontinuance*

The open burn shall be immediately discontinued if the Chief or their authorized representative 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.

**Section 6. Amendment to Subsection 93.F.**

Subsection 93.F title is changed from “Recreational Fires” to “Waste Burner/Burn Barrels” of the Burning Ordinance and the following text is added:

1. *Construction*

Waste burners/burn barrels are to be constructed of a non-combustible metal or masonry materials, not to exceed a capacity of 55 gallons. Containers must be in

good condition with holes or openings on the sides not to exceed one (1) square inch. All containers must have a cover on top with holes no larger than one (1) square inch.

2. *Location*

Waste burners/burn barrels shall be allowed on any property within the Township if it can be located a minimum of 30 feet from any structure, including structures on neighboring properties and shall be a minimum of 15 feet from any right-of-way or property line.

3. *Fire extinguishing equipment*

A bucket with extinguishing material (water, sand), shovel, garden hose or a fire extinguisher in good working condition with a minimum 4-A rating shall be readily available for use at waste burners/burn barrels.

**Section 7. Amendment to Subsection 93.G.**

Subsection 93.G title is changed from “Indoor Barbecue Pits and Charcoal or Gas Grills” to “Recreational Fires” of the Burning Ordinance and the following is amended:

1. *Location*

Recreational fires shall not be conducted in the road right-of-way, any sidewalk or within 30 feet of a structure, including structures on neighboring properties, 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 with extinguishing material (water, sand), shovel, garden hose or a fire extinguisher in good working condition with a minimum 4-A rating shall be readily available for use at recreational fires.

4. *Discontinuance*

The Chief or their authorized representative 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.

**Section 8. Amendment to Subsection 93.H.**

Subsection 93.H title is changed from “Outdoor Barbecue Pits and Charcoal or Gas Grills” to “Indoor Barbecue Pits and all Grills” of the Burning Ordinance.

**Section 9. Amendment to Subsection 93.I.**

Subsection 93.I title is changed from “Agricultural Burns” to “Outdoor Barbecue Pits and all Grills” of the Burning Ordinance and amended as follows:

1. *Construction*

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

2. *Location*

Barbecue pits and grills outside of buildings shall be located a safe distance away from combustible walls or roofs or other combustible material.

The use of any outdoor burning device or grill on balconies in multi-family developments, such as apartments, is prohibited.

3. *Fire extinguishing equipment*

A bucket with extinguishing material (water, sand), shovel, garden hose or a fire extinguisher in good working condition with a minimum 4-A rating shall be readily available for use at all barbecue pit and grills.

**Section 10. Amendment to Subsection 93.J.**

Subsection 93.J title is changed from “Residential” to “Agricultural Burns” of the Burning Ordinance and amended to remove the following:

2. *Notification and permit*

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

Subsection 93.J. is also amended as follows:

2. *Time*

Agricultural burn shall only be performed when time and atmospheric conditions are favorable to such practice.

3. *Fire extinguishing equipment*

A bucket with extinguishing material (water, sand), shovel, garden hose or a fire extinguisher in good working condition with a minimum 4-A rating shall be readily available for use at agricultural burns.

5. *Discontinuance*

The Chief or their authorized representative 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.

**Section 11. Amendment to Subsection 93.K.**

Subsection 93.K title is changed from “Burning Ban - Notification” to “Residential Development Burns” of the Burning Ordinance and amended to remove the following:

2. *Notification and permit*

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

Subsection 93.K. is also amended as follows:

2. *Time*

Residential construction burns shall only be performed when time and atmospheric conditions are favorable to such practice.

3. *Fire extinguishing equipment*

A bucket with extinguishing material (water, sand), shovels, garden hoses or a fire extinguisher in good working condition with a minimum 4-A rating shall be readily available for use at residential burns.

5. *Discontinuance*

The Chief or their authorized representative is authorized to require that a 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.

**Section 12. Amendment to Subsection 93.L.**

Subsection 93.L title is changed from “Penalties” to “Burn Bans and Air Quality Alerts” of the Burning Ordinance and the following is amended:

If high hazard fire conditions exist, the State of Michigan, Kalamazoo County, Township Fire Chief or authorized representative may issue a burning ban, which would restrict any or all burning until such time as the ban is rescinded.

Subsection 93.L. is also amended to remove the following:

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*.

Subsection 93.L. is also amended to add the following:

The Fire Chief or their authorized representative shall be permitted to declare a temporary burn ban during periods of:

1. Drought or elevated wildfire risk
2. High wind advisories
3. Hazardous air quality levels

During a declared burn ban:

1. All forms of outdoor burning, including recreational fires and agricultural burns, shall be suspended.
2. Public notice shall be issued via township website, signage, or local media.
3. Burn bans shall remain in effect until conditions improve and official notice of lift is issued.

**Section 13. Amendment to Subsection 93.M.**

Subsection 93.M title is changed from “Validity and Severability” to “Penalties” of the Burning Ordinance and the following is amended:

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.

**Section 14. Amendment to Subsection 93.N.**

Subsection 93.N title is changed from “Repealer Clause” to “Validity and Severability” of the Burning Ordinance.

**Section 15. Amendment to Subsection 93.O.**

Subsection 93.O title is changed from “Effective Date” to “Repealer Clause” of the Burning Ordinance.

**Section 16. Addition of Subsection 93.P.**

Subsection 93.P titled “Effective Date” is added to the Burning Ordinance.

**Section 17. Severability and Validity.**

If any portion of this Ordinance is found invalid for any reason, such holding will not affect the validity of the remaining portions of this Ordinance.

**Section 12. Repealer.**

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

**Section 13. Effective Date.**

This Ordinance takes effect upon the expiration of 7 days after publication as required by MCL 125.3401(7).

**CHARTER TOWNSHIP OF COOPER**

**NOTICE OF ADOPTION OF GENERAL ORDINANCE**

**PLEASE TAKE NOTICE** that at its meeting on April 13, 2026, the Township Board adopted the following General Ordinance amendments:

Ordinance No. 280 amends the General Ordinance titled Section 93: Burning Ordinance to safeguard the health, safety, and welfare of Township residents. The primary amendments include:

1. All references to requiring a burn permit have been removed.
2. Materials that are prohibited are clearly outlined.
3. Waste burners/burn barrels are regulated based on construction and location of the barrel.
4. The Fire Chief or their authorized representative shall be permitted to declare a temporary burn ban during periods of drought or elevated wildfire risk, high wind advisories, and/or hazardous air quality levels.
5. During a declared burn ban all forms of outdoor burning, including recreational fires and agricultural burns, shall be suspended. Public notice shall be issued via Township website, signage, or local media. Burn bans shall remain in effect until conditions improve and official notice of lift is issued.

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed but only to the extent necessary to give this Ordinance full force and effect. The Ordinance shall be published and take effect seven (7) days after publication as provided by law. A copy of the Ordinance is available at the Township, 1590 West D Avenue, Kalamazoo, MI 49009.

DEANNA JANSSEN, Clerk  
Cooper Charter Township Hall  
1590 West D Avenue  
Kalamazoo, MI 49009  
(269) 382-0223

## PUBLIC SAFETY

### 93.000 BURNING ORDINANCE

#### A. **Regulations Applicability**

This Ordinance shall apply to all outdoor burning, including but not limited to incinerators, waste burners/**burn barrels**, open burning, recreational fires, barbecue pits, ~~charcoal grills and gas~~ **and all grills**. This Ordinance shall also apply to indoor barbeque 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.

*Authorized Representatives* of the Fire Chief shall mean either the first fire officer or senior member of the Fire Department on scene, or the Ordinance Enforcement Officer if no member of the Fire Department is on scene.

***Household Rubbish*** is nonhazardous daily waste including food scraps, natural fiber packaging, and paper products.

*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.

*Outdoor burning* shall mean any type of burning that is regulated by this ordinance to include incinerators, waste burners/burn barrels, open burning, recreational fires, barbecue pits, and all grills.

*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, **household rubbish**, or garbage.

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

#### C. **Prohibited Materials**

The burning of refuse or garbage, including but not limited to construction and demolition waste, furniture, appliances, electronics, tires, any and all foams, PVC or ABS materials, synthetic

material or fabrics, **textiles**, 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.

#### **D. 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~~, **or their authorized representative** ~~to~~ **may** require incinerator use to be immediately discontinued if ~~either it is determined~~ 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 shall only be** permitted ~~within Cooper Charter Township~~ on property containing one or more acres.

~~**Open burning shall:**~~

1. ***Location***

The open burn shall 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 no less than fifty (50) feet from any combustible material.

The open burn shall not be allowed in the road right-of-way or on any sidewalk.

2. ***Restrictions***

- a. The open burn area should not exceed ten feet in diameter.
- b. The open burn should only be performed during daylight hours.
- c. The open burn shall not include any prohibited materials outlined in this Ordinance paper products, any building material, or lumber products.

3. ***Fire Extinguishing Equipment***

Require A bucket with extinguishing material (water, sand), shovel, garden hose or a fire extinguisher in good working condition with a minimum 4-A rating be readily to be available for use at open burns.

4. ***Attendance***

The open burn shall be constantly attended by a person knowledgeable of fire extinguishing equipment, with knowledge of permit limitations ordinance requirements, and until the fire is extinguished.

5. ***Discontinuance***

The open burn shall be immediately discontinued if the Chief or Ordinance Officer, or their authorized representative 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.

~~2. Require fire department notification and a permit.~~

**F. Waste Burner/Burn Barrel**

1. ***Construction***

Waste burners/burn barrels are to be constructed of a non-combustible metal or masonry materials, not to exceed a capacity of 55 gallons. Containers must be in good condition with holes or openings on the sides not to exceed one (1) square inch. All containers must have a cover on top with holes no larger than one (1) square inch.

2. ***Location***

Waste burners/burn barrels shall be allowed on any property within the Township if it can be located a minimum of 30 feet from any structure, including structures on neighboring properties and shall be a minimum of 15 feet from any right-of-way or property line.

3. ***Fire extinguishing equipment***

A bucket with extinguishing material (water, sand), shovel, garden hose or a fire extinguisher in good working condition with a minimum 4-A rating shall be readily available for use at waste burners/burn barrels.

**G. Recreational Fires**

1. ***Location***

Recreational fires shall not be conducted in the road right-of-way, any sidewalk or within ~~25~~ 30 feet of a structure, including structures on neighboring properties, 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 with extinguishing material (water, sand), shovel, garden hose or a fire extinguisher in good working condition 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~~, or their authorized representative 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.

**H. Indoor Barbecue Pits and ~~Charcoal or Gas~~ all 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.

**I. Outdoor Barbecue Pits and ~~Charcoal or Gas~~ all 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 a safe distance away from combustible walls or roofs or other combustible material.

The use of any outdoor burning device or grill on balconies in multi-family developments, such as apartments, is prohibited.

3. **Portable Fire extinguishing equipment**

A bucket with extinguishing material (water, sand), shovel, garden hose or a Portable fire extinguisher in good working condition with a minimum 4-A rating shall be readily available for use at all barbecue pit and charcoal/gas grills fires.

**J. 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.~~

2. **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.

3. **Fire extinguishing equipment**

A buckets with extinguishing material (water, sand), shovels, garden hoses or a fire extinguisher in good working condition with a minimum 4-A rating shall be readily available for use at agricultural burns.

4. **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.

5. **Discontinuance**

The Chief, or Ordinance Officer, or their authorized representative 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.

## **K. Residential Development Burns**

### **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.~~

### **2. 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.~~

### **3. Fire extinguishing equipment**

A buckets with extinguishing material (water, sand), shovels, garden hoses or a fire extinguisher in good working condition with a minimum 4-A rating shall be readily available for use at residential burns.

### **4. 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.

### **5. Discontinuance**

The Chief, ~~or Ordinance Officer,~~ or their authorized representative is authorized to require that a 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.

### **6. 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.

## **L. ~~Burning Ban Notification~~ Burn Bans and Air Quality Alerts**

If high hazard fire conditions exist, the State of Michigan, Kalamazoo County, Township Fire Chief or authorized representative 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.~~

The Fire Chief or their authorized representative shall be permitted to declare a temporary burn ban during periods of:

1. Drought or elevated wildfire risk
2. High wind advisories
3. Hazardous air quality levels

During a declared burn ban:

1. **All forms of outdoor burning**, including recreational fires and agricultural burns, shall be suspended.
2. Public notice shall be issued via township website, signage, or local media.
3. Burn bans shall remain in effect until conditions improve and official notice of lift is issued.

**M. 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 of this Ordinance.

**N. 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.

**O. 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.

**P. 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]*