PUBLIC SAFETY

93.000 BURNING ORDINANCE
ORDINANCE NO. 138

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

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.

B. 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.

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

Household Rubbish is nonhazardous daily waste including food scraps, natural fiber packaging, textiles, 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.

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 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 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.

E. Open Burning.

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.

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 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 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 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 All Grills.

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.

J. Agricultural Burns.

1. *Location.*

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

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.

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 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. *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), shovel, garden hose 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 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. 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.

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.

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.

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

[Amended by Ord. No. 148, Eff. 07/24/1996]
[Amended by Ord. No. 222, Eff. 30 days after publication]
[Amended by Ord. No. 280, Eff. 04/14/2026]