

**ORDINANCE NO. 2003 - 3**  
**BURNING ORDINANCE**

**AN ORDINANCE TO REGULATE THE SETTING, STARTING AND USE OF FIRES IN GREENWOOD TOWNSHIP, ST. CLAIR COUNTY, MICHIGAN AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.**

**THE TOWNSHIP OF GREENWOOD ORDAINS:**

**SECTION 1. PURPOSE**

This ordinance is adopted in the interest of public safety, and is designed to promote the general peace, health, safety, and welfare of Greenwood Township by providing for the control of fires, burning of trash and rubbish, obtaining of permits, hours to set fires and the prevention of foul odors caused by burning.

**SECTION 2. PERMITS-WHERE TO OBTAIN**

No person, partnership, firm, association, company, limited liability company, organization, corporation and/or entity shall within the limits of Greenwood Township, set or cause to be set, burn or cause to be burned, any combustible material including but not limited to building debris, brush, limbs, trees, leaves, grass and/or vegetation on any lot or parcel of land or ground within Greenwood Township, unless such person shall first obtain from the Fire Department or the duly authorized representative at the Greenwood Township Offices, a permit for such fire or fires.

**SECTION 3. PERMIT REQUIRED**

- A. A permit is required to burn any open fires (as described herein), in any outdoor area at any time of the year. Permits will be issued in person at the Fire Department or the Township Offices. The permit shall not exceed four (4) days. No permit is required for burning in an EPA approved incinerator or approved container. An approved container shall be of metal or masonry construction with a metal covering device, and with openings no larger than  $\frac{3}{4}$  of an inch. It shall be kept in good repair.
  
- B. An annual written burn permit may be issued. In order to obtain an annual burn permit the applicant must apply in person at the Fire Department or the Township Offices. A copy of the burning ordinance will be provided. A signed and dated permit form will be kept on file at the Fire Department. The permit may be issued for a period of one (1) year during which time the permit holder shall either appear in person at the Fire Department or Township Offices or make a telephone call to the Fire Department or the Township Offices informing the Township of the time and location of the burning and the material to be burned. A record of each phone in permit will be dated and added in to the original signed annual permit.

SECTION 4. LOCATION RESTRICTED

No person shall kindle, start and/or maintain any fire, open or in an authorized container, or authorize any such fire to be kindled, started and/or maintained within twenty-five (25') feet of any structure, property line or fence.

SECTION 5. ADJACENT AREA

A minimum clearance of ten (10') feet shall be maintained between any open fire or incinerator and all rubbish, dry grass, weeds, vegetation and any other combustible material.

SECTION 6. ATTENDANCE REQUIRED

Campfires, bonfires or open fires shall be constantly attended by a competent person of mature age and discretion until such fire is extinguished. This person shall have a garden hose connected to a water supply, or other fire extinguishing equipment readily available for use such as an extinguisher, shovel, rake or sand. No burning shall be done where its maximum size is not controllable by one (1) person of mature years and discretion.

SECTION 7. FIRE CHIEF OR DESIGNEE MAY PROHIBIT

The fire chief may prohibit any and all campfires, bonfires or open fires when atmospheric conditions or local circumstances make such fires hazardous.

SECTION 8. GRILLS, CAMPFIRES AND BONFIRES

- A. Grills or barbeques of metal or masonry that are in good repair and fueled by any means for the cooking of food do not require a permit.
- B. Campfires shall be defined as small fires, not to exceed a 4' x 4' area, used to cook food and for camping enjoyment. A permit is not required for a campfire
- C. Bonfires shall be defined as a recreational type fire that exceeds a 4' x 4' area. A permit is required for the use of a bonfire.

SECTION 9. KINDLING OF FIRE ON LAND OF OTHERS

No person shall kindle, start and/or maintain a fire upon the land of another person without the permission of the owner or his agent.

SECTION 10. DISCARDING OF BURNING OBJECTS

No person shall throw down or drop any lighted match, cigar, cigarette or other burning substance on combustible material or in close proximity thereto.

SECTION 11. HOURS OF BURNING

- A. All open fires, except campfires and bonfires, shall be out by dark unless approval is given by the Fire Department.
- B. Burning in incinerators or approved containers shall be from daylight until dusk.

SECTION 12. BURNING ON PUBLIC LAND

No person shall burn on public land without the permission of a responsible governmental unit and the Fire Department.

SECTION 13. PROHIBITED FIRES AND BURNING

- A. It shall be a nuisance and unlawful for any person to openly burn or allow to be openly burned, at any time or place any materials of any kind which exude obnoxious odors, or when such fire emits sparks or burning embers upon adjoining, adjacent, neighboring or nearby premises.
- B. No person shall start or maintain any fire intended to burn rubbish, garbage or other refuse.
- C. No burning shall be done at any time or place when wind conditions will create or be apt to create a nuisance to anyone or the property of anyone in the vicinity thereof, or be a danger to the property or any person in the vicinity thereof.
- D. No person shall construct, erect, install, maintain, or use an incinerator or barbeque pit to burn any combustible materials, that could endanger lives or property of any persons thereby.

SECTION 14. REPEAL

All Ordinances in conflict herewith are hereby repealed.



SECTION 15. SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, paragraph, rule, regulation, section or subsection is declared void or inoperable for any reason by any Court, it shall not affect any other part or portion thereof, other than the part declared void or inoperable.

SECTION 16. PENALTY

All violations of this Code shall be civil infractions, and upon conviction thereof, shall be punishable by a fine of not more than Five Hundred (\$500.00) Dollars, plus costs, which may include direct or indirect expenses of the Township.

- A. No Exemption From Compliance. The imposition of any sentence shall not exempt an offender from compliance with the provisions of this Ordinance.
- B. Other Appropriate Relief. The foregoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.
- C. Each Day A Separate Offense. A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.
- D. Rights and Remedies are Cumulative. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

SECTION 17. EFFECTIVE DATE

This Ordinance shall become effective upon publication after adoption.

SECTION 18. INSPECTION OF ORDINANCE

A copy of this Ordinance may be inspected or purchased at the Township Hall, 9025 Yale Road, Greenwood, MI 48006 during regular posted office hours.

I hereby certify that the foregoing constitutes a true and complete copy of Ordinance Number 2003-3, duly adopted by the Township Board of the Township of Greenwood, St. Clair County, Michigan, at a regular meeting held on the 14th Day of October 2003, at which all members were present except

\_\_\_\_\_, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that minutes of said meeting were kept and have been or will be made available as required by said Act.

I further certify that Member Richard Campbell moved adoption of said Ordinance and that Member Terry Gill supported said Motion.

I further certify that the following Members voted for adoption of said Ordinance:

\_\_\_\_\_ Paul D. Vincent \_\_\_\_\_

\_\_\_\_\_ Helen L. Preston \_\_\_\_\_

\_\_\_\_\_ Brenda Eisele \_\_\_\_\_

\_\_\_\_\_ Terry Gill \_\_\_\_\_

\_\_\_\_\_ Richard Campbell \_\_\_\_\_

and that the following Members voted against:

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Greenwood Twp. Clerk

October 14, 2003