

CHAPTER 4

FIRE REGULATIONS

Regulations to protect general health, safety and welfare; to provide regulations for outdoor open burning; to provide for issuance of permits for outdoor open burning and for the administration, enforcement, and for fees to defray the cost of enforcement; to repeal and replace inconsistent regulations; and to provide a penalty for violation hereof. (Ord. No. 2014-2, Adopted October 14, 2014)

SECTION 4.00 – TITLE

This Chapter shall be known and cited as the Rives Township Open Burning and Fire Regulations Ordinance.

SECTION 4.01 – PURPOSE

This Chapter is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Township of Rives by regulating the air pollution and fire hazards of outdoor burning.

SECTION 4.02 – APPLICABILITY

This Chapter applies to all outdoor burning within the township of Rives except the following:

- A. Grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- B. 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.
- C. The use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

SECTION 4.03 – DEFINITIONS

- A. "Campfire" means a small outdoor fire intended for recreation or cooking but not including a fire intended for disposal of waste wood or refuse.
- B. "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.
- C. "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.
- D. "Fire Chief" means the Chief of the Rives Tompkins Fire Department or other person designated by the Fire Chief.
- E. "Municipality" means a county, township, city, or village.

F. "Nuisance" as used under the terms of this Chapter shall mean the burning of materials that create a foul or offensive odor or that causes smoke emissions which are offensive to occupants of surrounding property. No person, firm or corporation shall create, cause or maintain any public nuisance within the Township by the unreasonable emission of dust, smoke, fly ash or noxious odors which are offensive or disturbing to adjacent property owners and residents or persons in the area.

G. "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.

H. "Outdoor burning" means open burning or burning in an outdoor wood furnace or patio wood-burning unit.

I. "Outdoor wood furnace" also known as an outdoor wood-fired boiler, outdoor wood-burning appliance, or hydronic heater, means a fuel-burning device that is designed to burn clean wood or other approved solid fuels and is not located within a building intended for habitation by humans or domestic animals; and heats building space and/or water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

J. "Patio wood-burning unit" means a chimenea, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.

K. "Prescribed Burn" means the burning, in compliance with a prescription and to meet planned fire or land management objectives, of a continuous cover of fuels. A "prescription" means a written plan establishing the criteria necessary for starting, controlling, and extinguishing a burn.

L. "Refuse" means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.

SECTION 4.04 – GENERAL PROHIBITION ON OPEN BURNING

Open burning is prohibited in the Township of Rives unless the burning is specifically permitted by this Chapter.

SECTION 4.05 – OPEN BURNING OF REFUSE

A. Open burning of refuse and waste from a commercial or industrial establishment is prohibited.

B. Open burning of household waste and refuse from one or two family dwellings is allowed if all of the following conditions are met:

- (i) The burning does not create a nuisance as defined in this Chapter.
- (ii) The burning is conducted in a container constructed of metal or masonry that has a metal covering device that does not have an opening larger than $\frac{3}{4}$ inch.
- (iii) The material being burned does not contain any of the material prohibited under subsection (iv) below.
- (iv) Open burning of the following materials is prohibited.

- (a) Construction and demolition waste.
- (b) Hazardous substances including but not limited to batteries, household chemicals, pesticides, used oil, gasoline, paints, varnishes, and solvents.
- (c) Furniture and appliances.
- (d) Tires.
- (e) Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
- (f) Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

SECTION 4.06 – OPEN BURNING OF TREES, LOGS, BRUCH, STUMPS, LEAVES & GRASS CLIPPININGS

Open burning of trees, logs, brush, stumps, leaves, and grass clippings is allowed only in accordance with all of the following provisions:

- (a) Except for campfires, a permit issued in accordance with Section 4.09 of this Chapter must be obtained prior to open burning under this section when the ground is not snow covered.
- (b) 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 the area.
- (c) All allowed open burning shall be conducted in a safe, nuisance-free manner, when wind and weather conditions minimize adverse effects and do not create a health hazard or a visibility hazard on roadways, railroads or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.
- (d) Open burning shall be conducted only on the property on which the materials were generated.
- (e) Campfires and small bonfires for cooking, ceremonies, or recreation are allowed provided they do not cause a nuisance.
- (f) Open burning under this section shall only be conducted at a location at least 25 feet from the nearest building which is not on the same property.
- (g) Open burning shall be constantly attended and supervised by a competent person 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.
- (h) No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or waterbody.
- (i) Except for barbecue, gas, and charcoal grills, no burning shall be undertaken within 25 feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief.
- (j) No open burning may be conducted on days when the Department of Environmental Quality has declared an “air quality action day” applicable to the Township of Rives.

SECTION 4.07 – AGRICULTURAL BURNING

Open burning of weeds, brush, and crop stubble on agricultural lands is allowed if conducted in accordance with other applicable provisions of this Chapter.

SECTION 4.08 – PRESCRIBED BURNS

Fires set for forest, prairie, and wildlife habitat management are allowed only if conducted in accordance with Part 515 of the Natural Resources and Environmental Protection Act, MCL 324.51501 et seq.

SECTION 4.09 – PERMITS

No person shall start or maintain any open burning of leaves, brush, clean wood or other vegetative debris under Section 4.06 unless a one-time burning permit is first obtained from the Fire Chief of the Rives Tompkins Fire Department or other person(s) authorized to issue burning permits. A campfire does not require a permit under this section provided the fire otherwise complies with all other applicable provisions of this Chapter. The Fire Chief may temporarily suspend issuing burning permits and may temporarily suspend previously issued burning permits for open burning when weather conditions warrant. A burning permit issued under this section shall require compliance with all applicable provisions of this Chapter and any additional special restrictions deemed necessary to protect public health and safety. Violation of any condition of a burning permit shall be deemed a violation of this Chapter. Any violation of this Chapter or the burning permit shall void the permit.

SECTION 4.10 – 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 4.11 – RIGHT OF ENTRY AND INSPECTION

The Fire Chief or any authorized officer, agent, employee or representative of the Township of Rives who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this Chapter.

SECTION 4.12 – ENFORCEMENT AND PENALTIES

The Fire Chief and Ordinance Enforcement Official are authorized to enforce the provisions of this Chapter. Any person, firm, association, partnership, corporation, or governmental entity who violates any of the provisions of this Chapter or fails to comply with a duly authorized order issued pursuant to this Chapter shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by civil fine determined in accordance with the following schedule:

	<u>Minimum Fine</u>	<u>Maximum Fine</u>
1 st Offense within 3-year period*	\$75.00	\$500.00
2 nd Offense within 3-year period*	\$150.00	\$500.00
3 rd Offense within 3-year period*	\$325.00	\$500.00
4 th or More offenses within 3-year period*	\$500.00	\$500.00

In accordance with Chapter 87 of the Revised Judicature Code, MCL §600.8701 *et. seq.*, the violator and/or person responsible shall pay costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the municipal civil infraction. In addition the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Chapter. Each day that a violation of this Chapter exists shall constitute a separate violation of this Chapter for which a separate penalty may be imposed.

SECTION 4.13 – ADOPTION HISTORY

The regulations in this Chapter were adopted as Ordinance No. 2014-2, repealing and replacing Ordinance No. 6 of 1966 as amended by Ordinance No. 37 of 2002.