

**CHARTER TOWNSHIP OF YORK
WASHTENAW COUNTY, MICHIGAN
ORDINANCE NO. 110**

OPEN BURNING

EFFECTIVE DATE: March 23, 2006

AN ORDINANCE TO REGULATE AND CONTROL THE BURNING OF WASTE MATERIALS, GARBAGE, REFUSE, RUBBISH, LEAVES, PAPER AND OTHER COMBUSTIBLE DEBRIS IN THE CHARTER TOWNSHIP OF YORK AND TO PROVIDE A PENALTY FOR VIOLATION THEREOF AND ITS ENFORCEMENT.

THE CHARTER TOWNSHIP OF YORK, WASHTENAW COUNTY, MICHIGAN, HEREBY ORDAINS:

SECTION 1 SHORT TITLE

This Ordinance shall be known and cited as the Charter Township of York Open Burning Ordinance.

SECTION 2 PURPOSE

The fundamental purpose of this Ordinance is to promote the health, safety and general welfare of the residents and property owners of the Charter Township of York; to limit and restrict the outdoor open burning of garbage, refuse and rubbish which may cause foul odors within the boundaries of the Township; to prohibit all open burning upon public rights of way, and public property; to regulate and restrict open burning so as to avoid conditions that may be hazardous to life and property and to prevent ill effects upon adjoining residents and property owners caused by smoke, odors, ash, and other byproducts of the uncontrolled burning of garbage, refuse, rubbish, and other materials and debris.

SECTION 3 DEFINITION

For the purpose of this Ordinance the following terms shall have the following meanings:

- (a) PERSON is any person, firm, partnership, association, corporation, company or organization of any kind.
- (b) GARBAGE is food waste including animal, fruit and vegetable wastes or materials used in cooking, serving or storing of food.
- (c) REFUSE is all solid waste including garbage and rubbish.
- (d) RUBBISH is solid wastes consisting of both combustible and non-combustible wastes, such as metal, plastics, glass, bedding, building materials, tires, synthetics and other similar materials.
- (e) BURNING CONTAINER is a fireproof masonry or metal container covered by mesh screen spark and ash arrester with an opening not larger than 3/4 of an inch in diameter or 3/4 of an inch in length and width.

SECTION 4 PROHIBITED OPEN BURNING

No person shall permit or cause the open burning of any substance which releases toxic emissions including, by way of example and not as a limitation, the burning of tires, paint and paint products, motor oil, plastics, carpet or foam. Except as otherwise specifically permitted herein, no person shall permit or cause the burning of garbage, animal carcasses, refuse, trash, rubbish or other like material that emits foul odors, at any time.

SECTION 5 PAPER AND WOOD PRODUCTS

Paper, cardboard and wood products may be burned within a burning container provided:

- (a) All burned paper, cardboard and wood products shall be free of garbage, rubbish or refuse materials.
- (b) The burning container shall be located at a safe distance from any structure, not less than 15 feet from a neighboring house or structure, and not less than 5 feet from any boundary line.
- (c) The burning shall at all times be attended and supervised to ensure that the fire is controlled;
- (d) Determination by Fire Official. The fire official may prohibit any or all container fires when atmospheric conditions or local circumstances make such fires hazardous or whenever such fires are (or could be) offensive or objectionable due to smoke or odor emissions. The fire official shall order the extinguishment, by the land holder or the fire department, of any container fire which creates a nuisance or which either creates or adds to a hazardous or objectionable situation.

SECTION 6 LEAVES, YARD CLIPPINGS, WOOD LOT MANAGEMENT PERMIT REQUIRED

For domestic purposes only, the open burning of leaves, yard clippings, wood lot management, and bonfires may be permitted subject to the following provisions:

- (a) Application shall be made and a permit obtained in accordance with procedures and the payment of any permit fees as may be established by Township Board resolution.
- (b) The location of open burning in accordance with a permit issued under this section shall be located a safe distance from any structures and combustibles, and shall be so located so as not to be a nuisance to an adjacent property owner.
- (c) Open burning shall at all times be attended and supervised to ensure that the fire is controlled;
- (d) There shall be no burning allowed in or on any public road right-of-way or on any paved surface.
- (e) Determination by Fire Official. The fire official may prohibit any or all open fires when atmospheric conditions or local circumstances make such fires hazardous or
- (f) whenever such fires are (or could be) offensive or objectionable due to smoke or odor emissions. The fire official shall order the extinguishment, by the land holder or the fire department, of any open fire which creates a nuisance or which either creates or adds to a hazardous or objectionable situation.

The open burning for any commercial, industrial, or business purpose of any leaves, yard clippings, wood lot management, yard waste, bonfires, and the burning of wastes related to landscape and lawn care businesses is strictly prohibited.

SECTION 7 EXCEPTIONS

The following are not circumstances of open burning as regulated under this Ordinance and shall be exceptions from the requirements herein:

- (a) Open burning shall not include the burning and/or use of candles, lanterns, lamps, bug repellent torches, fireplaces, cigarettes, cigars, pipes, charcoal cookers, braziers, hibachis, barbecue grills or any flammable liquid or liquified gas fire stoves or similar devices maintained and used solely for the preparation of food on the premises of the owner or occupant.
- (b) Open burning shall not include controlled fires caused and maintained for training of fire fighters by local fire department.
- (c) Camp fire.

SECTION 8 BURNING HOURS

No outdoor burning or fires shall be permitted within the boundaries of the Township except between the hours of 8:00 a.m. and 8:00 p.m.

SECTION 9 APPROVALS AND VARIATIONS

In the event that the regulations and prohibitions set out in this Ordinance create special or peculiar undue hardships because of unforeseen circumstances, locations, or conditions, the Fire Department, or duly authorized representative, is hereby given authority to grant written permission to an applicant to set or start a specific fire or engage in burning contrary to the provisions hereof provided that no adjoining property owner is adversely affected thereby and the spirit and purpose of this Ordinance is substantially observed.

SECTION 10 VIOLATIONS DECLARED A NUISANCE

Any setting or starting of a fire or burning activity contrary to the provisions of this Ordinance shall constitute a violation of this ordinance subject to the fines and penalties provided for herein, and such unauthorized fires are hereby declared to be a public nuisance which may be enjoined or which may subject the violator to civil damages.

SECTION 11 CONSTRUCTION

The requirements of this Ordinance shall be in addition to any other laws, ordinances and regulations of the Charter Township of York, Washtenaw County and State of Michigan.

SECTION 12 SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any Court of competent jurisdiction, it shall not affect any portion of the Ordinance other than said part or portion thereof.

SECTION 13 PENALTY

The owner and/or any person who violates the provisions of this Ordinance, or knowingly permits a violation hereof is responsible for a Municipal Civil Infraction. For any general violation of the terms of this Ordinance the following schedule of fines shall apply:

- Fifty (\$50.00) dollars for any first offense, plus costs;
- One hundred (\$100.00) dollars for a first repeat offense, plus costs;
- Two hundred and fifty (\$250.00) dollars for a second repeat offense, plus costs; and
- Five hundred (\$500.00) dollars for any third or subsequent repeat offenses, plus costs.

In addition to the penalties provided for herein, any person who violates or fails to comply with any provision of this Ordinance or who sets an open fire which necessitates an emergency response by a fire department shall pay to the Township all costs and charges incurred by the Township by reason of such response from the fire department, and the Township may sue in any court of competent jurisdiction for civil damages and may recover all such costs and expenses incurred from any person who caused or permitted such open burning.

SECTION 14 DEMOLITION/PRACTICE BURN PERMIT REQUIREMENTS

The controlled burning of a structure is permitted only in accordance with this Section. If a controlled burn is conducted by a fire department for the purpose of practice and training of firefighters, any required permit fee, if any, shall be waived. The following requirements shall apply to the burning of any structure or part thereof.

- (a) The owner of the property must apply for and obtain the Demolition/Burn Permit in accordance with standards and procedures as may be established by resolution of the Township Board. A representative of the owner may apply if determined to be a proper agent of the owner with authority to permit destruction of the structure, and there is a notarized letter from owner authorizing such destruction.
- (b) The house shall not be a historical building.
- (c) There must be verification that all utilities have been disconnected-verification must come from the appropriate utility company involved-water, sewer, electric, gas and any other utility that may apply.
- (d) Proof that there is not a current insurance policy covering the property.
- (e) Upon completion of the burn, all foundations and basements shall be completely removed from the property, properly disposed and not buried on the property.
- (f) All septic vaults shall be emptied of any contents, broken open and filled with sand.
- (g) Any open well must be sealed and grouted as per county specifications.
- (h) Basement hole must be properly filled, and compacted using acceptable fill.
- (i) Site must be kept safe and secure after the burn and during the clean up process.
- (j) A permit issued under this Section must be approved by the Zoning Administrator.
- (k) No burn shall be commenced nor permit issued under this Section until the owner presents evidence that an asbestos inspection has been performed in conjunction with the request for permit, or immediately preceding the request, and that all asbestos has been successfully removed from the property and structures to be burned.

Any permit issued under this Section may include a requirement that a bond, letter of credit or cash deposit sufficient to secure performance of all relevant requirements of this Section be posted and deposited with the Township. Any security required under this Section shall be in a form and amount as approved by the Township.

SECTION 15 ADMINISTRATION AND ENFORCEMENT

The provisions of this Ordinance shall be administered and enforced by the Chief of the local Fire Department, or by such members of his department as he may delegate to enforce this Ordinance, by a local fire marshal, local law enforcement, and the zoning or building official for York Charter Township.

SECTION 16 EFFECTIVE DATE

This Ordinance shall take effect after the publication thereof. All ordinances in conflict are hereby repealed.

ADOPTED: March 14, 2006

PUBLISHED: March 23, 2006

EFFECTIVE: March 23, 2006

Helen Neill
York Charter Township Clerk

Joseph Zurawski
York Charter Township Supervisor

CLERK'S CERTIFICATE

I, Helen Neill, the duly qualified and acting Clerk of York Charter Township, Washtenaw County, Michigan, do hereby certify that the foregoing Ordinance No. 110, the York Charter Township Open Burning Ordinance, was duly approved and adopted by the York Charter Township Board of Trustees duly assembled in a regular meeting of said Board, held March 14, 2006.

I further certify that Member John Bulmer moved the adoption of the Ordinance, seconded by David Potter and that the vote upon said Ordinance was as follows:

AYE: Bulmer, Potter, Kipley, Zurawski, Neill, Donahue

NAY: None

ABSENT: Kartje

ABSTAIN: None

Helen Neill, Clerk
York Charter Township

Date

**CHARTER TOWNSHIP OF YORK FIRE MARSHALL
BURN PERMIT**

MILAN AREA FIRE DEPARTMENT

SALINE AREA FIRE DEPARTMENT

STANDARD OPERATING GUIDELINES (SOG): Effective: Immediately; Expiration Date:
Indefinitely; Total pages: one

PURPOSE:

To establish a procedure for requesting a BURN PERMIT within the boundaries of the Charter Township of York for the residents of both the Milan Area Fire Department and Saline Area Fire Department service areas.

SCOPE:

To be followed by all Township residents in order to ensure proper authority to burn within the legal jurisdiction of the Milan and Saline Area Fire Department Districts, also known as the response area(s).

PROCEDURE:

Please contact the **Milan Area Fire Department** if you reside within their jurisdiction. They can be reached at the following telephone number: **(734) 439-1551**.

Please notify the **Saline Area Fire Department** if you reside within their jurisdiction. They can be reached at the following telephone number: **(734) 429-7911**.

The above numbers reach the Communications Center for the appropriate Fire Departments. The dispatcher will take all pertinent information including: type of requested burning to be done and size within the guidelines of the York Township Open Burning Ordinance No. 110 effective March 23, 2006.

**CHARTER TOWNSHIP OF YORK BURN PERMIT (FOR OFFICE USE ONLY)
(THIS FORM TO BE USED BY APPROPRIATE DISPATCH WHO SHALL NOTIFY THE
APPROPRIATE FIRE AUTHORITY OF THE INTENDED BURNING VIA FAX – RESIDENTS
NEED NOT SUBMIT THIS FORM, ONLY REPORT THIS INFORMATION TO THE
DISPATCHER)**

Name: _____ Permit Number: _____

Address: _____ Nearest Crossroad: _____

Phone Number: _____ Cell Phone Number: _____

Type of Burning: _____

Date: _____ Time: _____

Dispatcher: _____

Fire Command Notified: Yes ____ No ____ Copy faxed to Fire Department: _____

REMINDER: Burning only during daylight hours unless otherwise noted by Fire Command.

No burning of household goods, tires, plastics and/or large piles of brush.

Any questions, please contact Fire Command.