

ORDINANCE # 65
OUTDOOR & OPEN BURNING ORDINANCE
FOR THE TOWNSHIP OF CLYDE, MICHIGAN

SECTION 1.00 PURPOSE

This ordinance is intended to promote the public health, safety and welfare while authorizing and issuing of Burning permits to the citizens of the Township of Clyde, Michigan.

SECTION 1.01 APPLICABILITY

This ordinance applies to all outdoor burning and open burning within the Township of Clyde, Michigan when the ground is not snow covered. Except as provided below in Subsections 1 through 6.

1. This ordinance does not apply to residents living in a fire district where Clyde Township contracts with an outside municipality for fire protection services and said municipality mandates specific adherence to their burning ordinance. Residents in these fire districts will be subject to the jurisdiction and burning ordinances of the contracting municipality.
2. This ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.
3. This ordinance does not apply to burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.
4. This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.
5. This ordinance does not apply to campfires when a small outdoor fire is intended for recreation or cooking.
6. This ordinance does not apply to patio wood burning units, such as chimneas.

SECTION 1.02 DEFINITIONS

1. "Campfire" means small outdoor fire intended for recreation or cooking but not including a fire intended for disposal of waste wood or refuse.
2. "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.
3. "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.

4. "Fire Chief" means the Chief of the Clyde Township Fire Department or other person designated by the Fire Chief.
5. "Municipality" means a county, township, city or village.
6. "Outdoor burning means open burning or burning in an outdoor patio wood burning unit.
7. "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.
8. "Patio wood-burning unit" means a chimnea, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.
9. "Refuse" means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.

SECTION 1.03 AUTHORIZATION

Fire department of Clyde Township shall authorize the application and issuing of burning permits.

1. A burning permit allows the Open and Outdoor burning of logs, brush, stumps, leaves, grass clippings, and other vegetative matter for up to four consecutive days.

SECTION 1.04 REQUIREMENTS OF OPEN & OUTDOOR BURNING

1. 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.
2. No open burning shall be done in road ditches, public right-of-ways, roadway, traffic lanes, public parking areas, and all public alleys.
3. There shall be no burning of construction and demolition waste.
4. No open burning shall be closer than (50) ft from any standing structure.
5. An adequate fire line shall be made around the area to be burned.
6. A force of personnel sufficient to control the fire shall be on hand at the time of burning. A fire shall not be left unattended.

SECTION 1.05 BURNING PERMITS

1. No person shall start or maintain any outdoor burning or open burning covered under this ordinance without a burning permit issued by the Clyde Township Fire Department and all contracted Fire Departments.
2. Any person responsible for burning leaves, brush, clean wood, or other vegetative debris under Section 1.03 of this ordinance shall obtain an annual burning permit that is signed after reading the outdoor and open burning ordinance. The annual permit would expire December 31st of each year.
3. After the annual burning permit is obtained, the individual shall notify the Township via telephone to request additional burning dates.

4. When weather conditions warrant, the Fire Chief from Clyde Township and all contracted Fire Department Chiefs, may temporarily suspend issuing burning permits, and may temporarily suspend previously issued burning permits for open burning.
5. Any violation of the conditions of a burning permit shall be deemed a violation of this ordinance. Any violation of this ordinance or the burning permit shall void the permit.

SECTION 1.06 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 1.07 RIGHT OF ENTRY AND INSPECTION

The Clyde Township Chief, contracted fire department and / or their designated representatives, officers or agents who present approved credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

SECTION 1.08 ENFORCEMENT AND PENALTIES

1. The Fire Chiefs and St. Clair County Sheriff Department are authorized to enforce the provisions of this ordinance.
2. Any person, firm, association, partnership, corporation, or governmental entity who violates any of the provisions of this ordinance or fails to comply with a duly authorized Order issued pursuant to this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by civil fine not to exceed a maximum of \$500.00.

Certification

I, Kathleen Turner, Clerk of the Township of Clyde, hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board of the Township of Clyde, County of St. Clair, State of Michigan, at a special meeting held on June 27, 2011 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, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

SIGNATURE ON FILE
Kathleen Turner, Clerk
Township of Clyde

SECTION 2. Effective Date

This Ordinance shall take effect 30 days after publication.

SIGNATURE ON FILE
Kathleen Turner, Clerk
Clyde Township

Certification

I, Kathleen Turner, Clerk of the Township of Clyde, do hereby certify that Ordinance No. 65 was adopted by the Clyde Township Board at a special meeting of the Township Board held at the Township Hall on the

Vote on this Ordinance, 7 members being present, was as follows:

AYES: 7

NAYS: 0

ABSENT: 0

I, further certify that said Ordinance No. 65 adopted by the Clyde Township Board on the 27, of June 2011 was published once as provided by law, in the Times Herald, a paper published in the County of St. Clair and circulated in the Township of Clyde, on the July 5, 2011 this being the first and final day of publication of the ordinance.

SIGNATURE ON FILE
Kathleen Turner, Clerk
Clyde Township

Adopted: June 27, 2011
Published: July 5, 2011
Effective: August 4, 2011