

**LELAND TOWNSHIP
COUNTY OF LEELANAU
STATE OF MICHIGAN**

ORDINANCE NO. 2010-01

Outdoor and Open Burning Ordinance for the Township of Leland, Michigan

THE TOWNSHIP OF LELAND ORDAINS:

SECTION 1: PURPOSE

This ordinance 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 Leland** by regulating the air pollution and fire hazards of open burning and outdoor burning.

SECTION 2: APPLICABILITY

This ordinance applies to all outdoor burning and open burning within the township of Leland.

- 2.1. This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- 2.2. This ordinance does not apply to 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.
- 2.3. 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.

SECTION 3: SEVERABILITY

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

SECTION 4: DEFINITIONS

- 4.1. "Campfire" means a small outdoor fire intended for recreation or cooking but not including a fire intended for disposal of waste wood or refuse.
- 4.2. "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.
- 4.3. "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.

- 4.4. "Fire Chief" means the Chief of the Leland Township Fire and Rescue or other person designated by the Fire Chief.
- 4.5. "Municipality" means a county, township, city, or village.
- 4.6. "Outdoor burning" means open burning or burning in an outdoor wood-fired boiler or patio wood burning unit.
- 4.7. "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.
- 4.8. "Outdoor wood-fired boiler" means a wood-fired boiler, stove or furnace that is not located within a building intended for habitation by humans or domestic animals.
- 4.9. "Patio wood-burning unit" means a chimney, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.
- 4.10. "Refuse" means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.

SECTION 5: GENERAL PROHIBITION ON OUTDOOR BURNING AND OPEN BURNING

Open burning and outdoor burning are prohibited in the **township of Leland** unless the burning is specifically permitted by this ordinance.

SECTION 6: OPEN BURNING OF REFUSE

- 6.1. Open burning of refuse from a commercial or industrial establishment is prohibited.
- 6.2. Open burning of refuse from and at a one or two family dwelling is allowed if all of the following conditions are met:
 - 6.2.1. The burning does not create a nuisance.
 - 6.2.2. The material being burned is not prohibited under subsection 6.3.
 - 6.2.3. A permit issued in accordance with section 9 of this ordinance has been obtained.
- 6.3. Open burning of the following materials is prohibited.
 - 6.3.1. Construction and demolition waste.
 - 6.3.2. Hazardous substances including but not limited to batteries, household chemicals, pesticides, used oil, gasoline, paints, varnishes, and solvents.
 - 6.3.3. Furniture and appliances.
 - 6.3.4. Tires.

- 6.3.5. Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
- 6.3.6. Newspaper.
- 6.3.7. Corrugated cardboard, container board, office paper.
- 6.3.8. 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 7: OPEN BURNING OF TREES, LOGS, BRUSH, STUMPS, LEAVES, AND GRASS CLIPPINGS

- 7.1. Open burning of trees, logs, brush, stumps, leaves, and grass clippings is allowed only in accordance with all of the following provisions
 - 7.1.1. Except for campfires, a permit issued in accordance with Section 9 of this ordinance must be obtained prior to open burning under this section when the ground is not snow covered.
 - 7.1.2. 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.
 - 7.1.3. 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. Open burning shall be conducted in conformance with all local and state fire protection regulations.
 - 7.1.4. Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age 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.
 - 7.1.5. No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or waterbody.
 - 7.1.6. 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.

SECTION 8: 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 ordinance.

8.1. All applicable state and local laws for burning on property zoned for agricultural use shall apply.

8.2. A permit issued in accordance with section 9 of this ordinance has been obtained.

8.3. This ordinance does not require agricultural burning to be attended at all times.

8.4. Failing to require the fire to be attended does not release individuals from liability should the fire become out of hand requiring suppression.

SECTION 9: BURNING PERMITS

9.1. No person shall start or maintain any outdoor burning or open burning covered under this section without a burning permit issued by the Fire Chief or his designee.

9.2. Any person responsible for burning leaves, brush, clean wood or other vegetative debris under Section 7 of this ordinance shall obtain a one-time burning permit before starting the fire.

9.3. An outdoor campfire does not require a permit provided that the fire complies with all other applicable provisions of this ordinance.

9.4. When weather conditions warrant, the Fire Chief may temporarily suspend issuing burning permits and may temporarily suspend previously issued burning permits for open burning.

9.5. A burning permit issued under this section shall require compliance with all applicable provisions of this ordinance and any additional special restrictions deemed necessary to protect public health and safety.

9.6. 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 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 pursuant to the Public Safety and Fire Emergency Response Cost Recovery Ordinance..

SECTION 11: RIGHT OF ENTRY AND INSPECTION

The Fire Chief or any authorized officer, agent, employee or representative of

the township of Leland who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

SECTION 12: ENFORCEMENT AND PENALTIES

The Fire Chief is authorized to enforce the provisions of this ordinance.

Section 13. Effective Date

This ordinance shall become effective 14 days following publication of this ordinance in the Leelanau Enterprise. Publication took place on June 24, 2010.

At a regular meeting of the Board of Trustees of Leland Township held on June 14, 2010, adoption of the foregoing ordinance was moved by Jane Keen and supported by Shirley Garthe.

Voting for: Ms. Garthe, Ms. Keen, Mr. Larkin, Mr. Plamondon, and Ms. Och

Voting against: None

The supervisor declared the ordinance adopted.

Harry R. Larkin
Township Supervisor

Jane M. Keen
Township Clerk

CERTIFICATION

The foregoing is a true copy of Ordinance #2010-01 which was enacted by the Leland Township Board of Trustees at a regular meeting held on June 14, 2010.

Jane Keen
Township Clerk