

Date Enacted:
08/02/1989

RAY TOWNSHIP

MACOMB COUNTY MICHIGAN

ORDINANCE NO. 53

RAY TOWNSHIP OPEN BURNING ORDINANCE

TITLE

AN ORDINANCE prohibiting open burning in the Township except under certain circumstances and/or pursuant to a permit issued by the Township Fire Department, prescribing information to be disclosed as a condition for issuance of such permit, regulating permitted open burning, prescribing a penalty for a violation thereof,, and repealing any and all ordinances or resolutions in conflict therewith.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF RAY, MACOMB COUNTY MICHIGAN ORDAINS:

SECTION 1. SHORT TITLE

This Ordinance shall be know and cited as the "Ray Township Open Burning ordinance."

SECTION 2. ENABLING AUTHORITY

This Ordinance is adopted pursuant to and in accordance with 1945 PA 246, as amended, and 1965 PA 348, as amended.

SECTION 3. PROHIBITION OF OPEN BURNING

Except for campfires and fires used for outdoor cooking and other recreational purposes or ceremonial occasions, fires purposely set for the actual instruction and training of public and industrial fire fighting personnel, and as may be allowed pursuant to a permit issued by the Ray Township Fire Department as set forth in Section 4, open burning of any type is hereby expressly prohibited within the boundaries of the Township of Ray. For purposes of this Section the term "open burning" means a fire from which the products of combustion are emitted directly into the open air without passing through a stack or chimney.

SECTION 4. PERMITTED OPEN BURNING

Section 4.1 The open burning of dry, non toxic wood, brush, tree stumps, branches, hedge clippings, leaves may be allowed after first securing a permit therefor issued by the Township Fire Department.

Section 4.2 Permits may be secured during regular business hours and as a minimum, shall include the following information:

- (a) The name and address of the applicant; and
- (b) The location of the land and/or premises where such open burning is to occur; and
- (c) The type of material to be burned; and
- (d) The time and date contemplated for such open burning permits shall be valid for a period of not to exceed fourteen (14) days after the date of issuance.

Section 4.3 Permits may be issued with conditions,, denied, canceled or revoked based upon a determination by the Township Fire Department that the requested open burning may endanger persons or property.

Section 4.4 The Township Board may establish a fee for such permit to cover the cost of administration. Such fee may be established by resolution and published in a newspaper of general circulation within thirty (30) days after adoption. The authority to levy such fee shall become effective upon publication.

SECTION 5. REGULATION OF PERMITTED OPEN BURNING

Except for campfires and fires used for outdoor cooking and other recreational purposes or ceremonial occasions, permitted open burning shall:

- (a) occur only between the hours of sunrise and sunset;
- (b) not be located in proximity to structures or woodlots;
- (c) not include burning of building demolition or excess construction materials;
- (d) not occur on any land and/or premises more than 6 (six) times per year;

All permittees shall be fully responsible for containing such open burning and shall assume any and all civil and/or criminal liabilities which may result from a failure to do so.

SECTION 6. ENFORCEMENT

The Township Fire Chief and any other person or persons designated by the Township Board pursuant to the Township Ordinance Enforcement Officer Ordinance, being Ordinance No. 39 of the Ray Township Ordinances, shall act as enforcement officers of this Ordinance.

SECTION 7. VIOLATION; PENALTY

Any person,, firm or corporation,, who shall violate any of the provisions of this Ordinance shall, upon conviction thereof be

subject .to a fine of not to exceed Five Hundred (\$500.00) Dollars and/or by imprisonment in the County Jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment.

SECTION 8. REPEAL OF CONFLICTING PROVISIONS

Ordinance No. of the Ray Township Ordinances[#] is hereby expressly repealed. Any and all other ordinances and/or resolutions in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby expressly repealed.

SECTION 9. SEVERABILITY

If any section, paragraph, 'clause or provision of this Ordinance is for any reason held to be invalid or unconstitutional,, the invalidity or unconstitutionality of such section paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

SECTION 10. PUBLICATION

This Ordinance shall be published in full in the ROMEO OBSERVER and ARMADA TIMES Newspapers of general circulation in the Township of Ray,, within thirty (30) days after its adoption.

SECTION 11. EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days from and after the date of publication of a true copy thereof in a newspaper circulating within the Township of Ray as heretofore provided by Section 10.