

**RAY TOWNSHIP
MACOMB COUNTY, MICHIGAN**

ORDINANCE NO. 53

OPEN AND OUTDOOR BURNING ORDINANCE

TITLE

AN ORDINANCE 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 Ray due to the air pollution and fire hazards of outdoor burning by establishing regulations for open and outdoor burning within the Township, requiring a burning permit for specified burning activities, repealing all Ordinances and resolutions inconsistent with the provisions of this Ordinance and providing penalties for violations thereof.

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

SECTION 1. SHORT TITLE

This Ordinance shall be known and may be cited as the "Ray Township Open Burning Ordinance."

SECTION 2: APPLICABILITY

This ordinance applies to all outdoor burning and open burning within the Township of Ray except the following:

- 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 maintenance activities.
- 2.4 This Ordinance does not apply to campfires.

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 "Agricultural Burning" means open burning of weeds, brush and crop stubble on agricultural land.
- 4.2 "Bonfire" means a large outdoor fire which is utilized for occasional special events and which burns only clean wood intended to minimize the generation of air contaminants.
- 4.3 "Campfire" means a small outdoor fire intended for recreation or cooking but not including a fire intended for disposal of waste wood or refuse.

- 4.4 "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.
- 4.5 "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.
- 4.6 "Fire Chief" means the Chief of the Ray Twp. Fire Dept. or other person designated by the Fire Chief.
- 4.7 "Municipality" means a county, township, city, or village.
- 4.8 "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.
- 4.9 "Outdoor burning" means open burning in an outdoor wood-fired boiler or patio burning unit.
- 4.10 "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.
- 4.11 "Patio wood-burning unit" means a chiminea, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.
- 4.12 "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 Ray Township unless the burning is specifically permitted by and carried out in accordance with the provisions of 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 any residential dwelling, single or multiple family, is prohibited.
- 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 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; AGRICULTURE BURNING

Open burning of trees, logs, brush, stumps, leaves and grass clippings and Agriculture Burning is allowed only when a proper permit is issued by Ray Township and in accordance with all of the following provisions:

- 7.1 Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age and 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.
- 7.2 No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, and stream or water body.
- 7.3 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.
- 7.4 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.

SECTION 8: BONFIRES

A bonfire used for recreation/warming does not require a permit, but shall be allowable in Ray Township only in accordance with all of the following provisions:

- 8.1 A pit, or vegetation free area, of at least twice the square foot dimension of the fire shall be required.
- 8.2 Bonfires shall burn only clean wood.
- 8.3 Volatile accelerants, such as Gasoline, shall not be used to start the fire under any circumstances.
- 8.4 The bonfire shall be located at least 100 feet from the nearest structure which is not on the same property as the bonfire.
- 8.5 The property owner shall have readily available an immediate means of fire extinguishment i.e. fire extinguisher or water supply.

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 Ray Township
- 9.2 Any person responsible for burning leaves, brush, clean wood or other vegetative debris under Section 7 of this ordinance shall obtain an annual burning permit, before starting the fire. All permits will run from January 1st until January 1st of the following year. All permits must be signed and turned into Ray Township by the permit holder.

- 9.3 When weather conditions warrant the Township may temporarily suspend issuing burning permits and may temporarily suspend previously issued burning permits for open burning. Permit holders will be notified by email and/or information will be posted on Township website.
- 9.4 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. A resident may apply for a permit, the twp hall, on line or at the fire department.
- 9.5 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 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 11: RIGHT OF ENTRY AND INSPECTION

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

SECTION 12: ENFORCEMENT AND PENALTIES

- 12.1 The Fire Chief and/or his designee designated municipal officials are authorized to enforce the provisions of this ordinance.
- 12.2 Any person, firm, association, partnership, corporation, or government 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 guilty of a misdemeanor and upon conviction subject to a fine of up to \$500.00 and/or 90 days in jail at the discretion of the court.
- 12.3 No Exemption from Compliance. The imposition of any sentence shall not exempt an offender from compliance with the provisions of this Ordinance.
- 12.4 Other Appropriate Relief. The foregoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.
- 12.5 Each Day A Separate Offense. A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.
- 12.6 Rights and Remedies are Cumulative. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

SECTION 13: REPEAL

All Ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 14: PUBLICATION

This Ordinance shall be published in full, or a summary thereof shall be published, in a newspaper of general circulation in the Township of Ray, within thirty (30) days after its adoption.

SECTION 15: 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 provided by Section 14.

SECTION 16: INSPECTION OF ORDINANCE

A copy of this Ordinance may be inspected or purchased at the Township Hall, 64255 Wolcott Road, Ray, Michigan 48096, during regular posted office hours.

CERTIFICATION OF CLERK

I hereby certify that the foregoing constitutes a true and complete copy of Ordinance Number 53, duly adopted by the Township Board of the Township of Ray, Macomb County, Michigan at a regular meeting held on February 20, 2018 at which all members were present, 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, and that minutes of said meeting were kept and have been or will be made available as required by said Act.

I further certify that Member Bohm moved adoption of said Ordinance and that Member Stier supported said Motion.

FOR THIS MOTION: Yes: Bohm, Stier, Grader, Lascoe, Jarzyna.
 No: None.

I further certify that the all Members voted for adoption of said Ordinance 53, and that No Members voted against adoption of said Ordinance.




Lori Lascoe, Clerk
Township of Ray

Published: 3-7-2018
Effective date upon publication: 4-7-2018

CERTIFICATE OF PUBLICATION

I, the undersigned Township Clerk of the Township of Ray, do hereby certify that on March 7, 2018, a summary of the foregoing Ordinance was duly published in, The Record Newspaper, which has newspaper having general circulation within said Township.



Lori Lascoe, Clerk
Township of Ray

**SUMMARY OF RAY TOWNSHIP
OPEN AND OUTDOOR BURNING ORDINANCE**

PLEASE TAKE NOTICE that on the 20th day of February 2018, the Ray Township Board of Trustees adopted the Ray Township Open and Outdoor Burning Ordinance, being Ordinance No. 53 establishing regulations for open and outdoor burning within the Township, requiring a burning permit for specified burning activities, providing penalties for the violation of the Ordinance and repealing any Ordinances and/or resolutions in conflict therewith.

A true copy of the Ordinance is on file at the office of the Ray Township Clerk, 64255 Wolcott Rd., Ray, MI 48096 and may be examined, or a copy purchased during regular business hours. This Ordinance shall take effect thirty (30) days after publication of the Ordinance or a summary thereof in a newspaper of general circulation in Ray Township.

Lori R. Lascoe,
Ray Township Clerk