

**AUGUSTA CHARTER TOWNSHIP
COUNTY OF WASHTENAW
STATE OF MICHIGAN**

**OUTDOOR BURNING ORDINANCE
ORDINANCE NO. 2019-01**

SECTION 1: PURPOSE

1.00 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 Augusta Charter Township by regulating the air pollution and fire hazards of outdoor burning.

SECTION 2: APPLICABILITY

2.00 Applicability

This ordinance applies to all outdoor burning within Augusta Charter Township.

- 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

3.00 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

4.00 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 Augusta Charter Township Fire Dept. or other persons designated by the Fire Chief.
- 4.5. "Municipality" means a county, township, city, or village.
- 4.6. "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.

- 4.7. "Outdoor burning" means open burning or burning in an outdoor wood furnace or patio wood-burning unit.
- 4.8. "Outdoor wood furnace" also known as an outdoor wood-fired boiler, outdoor wood-burning appliance, or hydronic heater, means a fuel-burning device that is designed to burn clean wood or other approved solid fuels and is not located within a building intended for habitation by humans or domestic animals; and heats building space and/or water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.
- 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 OPEN BURNING

5.00 General prohibition on open burning.

Open burning is prohibited in Augusta Charter Township unless the burning is specifically permitted by this ordinance.

SECTION 6: OPEN BURNING OF REFUSE

6.00 Open burning of refuse.

Open burning of refuse is prohibited.

SECTION 7: OPEN BURNING OF TREES, LOGS, BRUSH, STUMPS, LEAVES, AND GRASS CLIPPINGS

7.00 Burning trees, logs, brush, stumps, leaves, and grass clippings.

- 7.1. Open burning of grass clippings is prohibited.
- 7.2. Open burning of trees, logs, brush, stumps and leaves
 - 7.2.1. Except for campfires, a Burning Notification Requirement must be completed in accordance with Section 11 of this ordinance must be obtained prior to open burning under this section when the ground is not snow-covered.
 - 7.2.2. Open burning of trees, logs, brush, and stumps must be conducted at least 1,400 feet from an incorporated city or village limit.
 - 7.2.3. 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.
 - 7.2.4. All allowed open burning shall be conducted in a safe, nuisance-free manner, when wind speed is less than 10 mph 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.
 - 7.2.5. Open burning shall be conducted only on the property on which the materials were generated.
 - 7.2.6. Campfires and small bonfires for cooking, ceremonies, or recreation are allowed provided they do not cause a nuisance. ***No burning of piles that are greater than 5-Ft-square at the base unless approved by the Fire Chief or other persons designated by the Fire Chief.***
 - 7.2.7. Open burning under this section shall only be conducted at a location at least 100 feet from the nearest building which is not on the same property.

- 7.2.8. Except for campfires, open burning is only permitted during the daylight hours.
- 7.2.9. 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.
- 7.2.10. No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or waterbody.
- 7.2.11. Except for barbecue, gas, and charcoal grills, no burning shall be undertaken within 50 feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief.
- 7.2.12. No open burning may be conducted on days when the Department of Environmental Quality has declared an "air quality action day" applicable to Augusta Charter Township

SECTION 8: OUTDOOR WOOD FURNACES

8.00 Outdoor wood furnaces.

An outdoor wood furnace may be installed and used in Augusta Charter Township only in accordance with the following provisions:

- 8.1. The outdoor wood furnace shall have a permanently attached stack with a minimum stack height of 15 feet above the ground that also extends at least two feet above the highest peak of any residence not served by the outdoor wood furnace located less than 100 feet from the outdoor wood furnace.
- 8.2. Fuel burned in the outdoor wood furnace shall be only clean wood, wood pellets made from clean wood, or other listed fuels specifically permitted by the manufacturer's instructions such as fuel oil, natural gas or propane backup.
- 8.3. The following items are strictly prohibited in outdoor wood furnaces:
- Any material not listed in 8.2.
 - Wood that has been painted, varnished, or coated with similar material and/or has been pressure treated with preservatives and contains resins or glues as in plywood or other composite wood products.
 - Rubbish or garbage, including but not limited to food wastes, food packaging, food wraps.
 - Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 - Rubber, including tires or other synthetic rubber-like products.
 - Newspaper, cardboard, or any paper with ink or dye products.
 - Any other items not specifically allowed by the manufacturer or this provision.
- 8.4. The owner of the outdoor wood furnace shall install furnace a minimum distance of 100 feet from property line or from the nearest building which is not on the same property.
- 8.5. Outdoor wood furnaces installed on or after 3/1/2019 must comply with the following provisions:
- 8.5.1. The outdoor wood furnace shall be installed and used only in an area with limited population to reduce the exposure risk.
- 8.5.2. The outdoor wood furnace shall be constructed, established, installed, operated and maintained in conformance with the manufacturer's instructions and the requirements of this ordinance. In the event of a conflict, the requirements of this ordinance shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.
- 8.5.3. The outdoor wood furnace shall be laboratory tested and listed to appropriate safety standards such as UL, CAN/CSA, ANSI or other applicable safety standards.
- 8.5.4. The outdoor wood furnace shall be located at least 100 Feet from the nearest property line.
- 8.5.5. The outdoor wood furnace shall be located on the property in compliance with manufacturer's recommendations and or testing and listing requirements for

clearance to combustible materials.

SECTION 9: PATIO WOOD-BURNING UNITS

9.00 Patio wood-burning units.

A patio wood-burning unit may be installed and used in Augusta Charter Township only in accordance with all of the following provisions:

- 9.1. The patio wood-burning unit shall not be used to burn refuse.
- 9.2. The patio wood-burning unit shall burn only clean wood.
- 9.3. The patio wood-burning unit shall be located at least 50 feet from the nearest structure which is not on the same property as the patio wood-burning unit.
- 9.4. The patio wood-burning unit shall not cause a nuisance to neighbors.

SECTION 10: FIRE SUPPRESSION TRAINING

10.00 Fire suppression training.

Notwithstanding sections 5 and 6 of this ordinance, structures and other materials may be burned for fire prevention training only in accordance with all of the following provisions.

- 10.1. The burn must be exclusively for fire prevention training. The burning shall not be used as a means to dispose of waste material including tires and other hazardous materials.
- 10.2. All asbestos must be removed prior to conducting the fire suppression training. If the structure is a residential dwelling, the owner may remove the asbestos or have it removed by a licensed abatement contractor. A listing of accredited individuals and companies licensed by the Department of Licensing and Regulatory Affairs Asbestos Program can be accessed at www.dleg.state.mi.us/asbestos_program.
- 10.3. A notification of the demolition must be submitted to the Michigan Department of Environmental Quality, Air Quality Division at least 10 business days prior to burning a standing structure. The notification must be submitted using Form EQP 5661 "Notification of Intent to Renovate/Demolish."
- 10.4. All ash and demolished materials must be disposed of in an approved landfill or at an alternate location approved by the Michigan Department of Environmental Quality.
- 10.5. All fire suppression training should conform to the guidelines established by the National Fire Protection Association (NFPA) Standard on Live Fire Training Evolutions (NFPA 1403).

SECTION 11: BURNING NOTIFICATION REQUIREMENT

11.00 Burning Notification Requirement.

- 11.1. No person shall start or maintain any open burning covered under this section without a burning notification called in permit to the Augusta Charter Township Fire Department (734-461-9500) and leave their name, address of burn, duration of burn, phone number and what exactly is being burned on the answering machine. The called in burning notification is good for 3 days.
- 11.2. A campfire does not require a permit provided that the fire complies with all other applicable provisions of this ordinance.
- 11.3. When weather conditions warrant, the Fire Chief may temporarily suspend issuing burning permits and may temporarily suspend previously issued burning permits for open burning.
- 11.4. 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.
- 11.5. 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 12: LIABILITY

12.00 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 13: RIGHT OF ENTRY AND INSPECTION

13.00 Right of entry and inspection.

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

SECTION 14: ENFORCEMENT AND PENALTIES

14.00 Enforcement and Penalties.

- 14.1.** The Fire Chief or any authorized officer, agent, employed or representative of Augusta Charter Township are authorized to enforce the provisions of this ordinance.
- 14.2.** 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 determined in accordance with the following schedule:

	<u>Minimum Fine</u>	<u>Maximum Fine</u>
1 st Offense within 3-Year period*	\$75.00	\$500.00
2 nd Offense within 3-year period*	\$150.00	\$500.00
3 rd Offense within 3-year period*	\$325.00	\$500.00
4 th Or More Offenses within 3-year period*	\$500.00	\$500.00


*Determined on the basis of the date of commission of the offense(s).

- 14.3.** The violator shall pay; costs which may include all expenses, direct and indirect, which Augusta Charter Township has incurred in connection with the municipal infraction. In no case however, shall costs of less than \$75.00 nor more than \$500.00 be ordered. In addition, Augusta Charter Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this ordinance. Each date that a violation of this ordinance exists shall constitute a separate violation of this ordinance.

EFFECTIVE DATE:

The Township Clerk shall cause this Ordinance to be published in the manner required by law. This Ordinance shall be effective as of the day after final publication of the ordinance.

This Ordinance was duly adopted by the Augusta Charter Township Board at its regular meeting called and held on the 12th day of March 2019 and was ordered given publication in the manner required by law.



Brian Shelby, Supervisor
Charter Township of Augusta

Date: 3/15/19

First Reading: February 12, 2019

First Publication: February 17, 2019

Adoption: March 12, 2019

Final Publication and Effective Date: March 17, 2019

CERTIFICATE


I, Belynda Domas, Clerk of the Charter Township of Augusta, Washtenaw County, Michigan, hereby certify that the foregoing constitutes a true and complete copy of Augusta Charter Township Ordinance No. 2019-01, which was duly adopted by the Township Board of Augusta Charter Township at a Regular Meeting of said Board, held on March 12, 2019, after said ordinance had previously been introduced at a Regular Meeting of the Board held February 12, 2019, and published in the form it was introduced in accordance with P.A. 359 of 1947, as amended.

I further certify that Member Domas moved for the adoption of said Ordinance, and that Member Shelby supported said motion.

I further certify that the following Members voted for adoption of said Ordinance; Chie, Domas, Howard, Knick, Ortiz, Shelby, and that No Members voted against adoption of said Ordinance and that Member Burek was absent or abstained from voting on the adoption of said Ordinance as indicated.

I further certify that after its passage the Ordinance was published in the Ann Arbor News on Sunday March 17, 2019, in accordance with P.A. 359 of 1947, as amended.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and that such recording has been authenticated by the signatures of the Supervisor and the Township Clerk.



Belynda Domas, Clerk
Charter Township of Augusta

Date: 3/19/19