

RICHFIELD TOWNSHIP

ORDINANCE NO. 145

An ordinance to repeal Ordinance No. 52 and to adopt a new ordinance governing outdoor and open burning in the Township; and to provide penalties and sanctions for violations thereof.

THE TOWNSHIP OF RICHFIELD ORDAINS:

Section 1. Applicability.

This ordinance applies to all outdoor burning and open burning within the Township. This ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances. 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. 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 2. Definitions.

"Bonfire/Campfire" means an outdoor fire not larger than five feet by five feet intended for recreation or cooking but not including a fire intended for disposal of waste, wood or refuse.

"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.

"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.

"Fire Chief" means the Chief of the Davison-Richfield Area Fire Department or other person designated by the Fire Chief.

"Outdoor burning" means open burning or burning in an outdoor wood-fired boiler or patio wood burning unit.

"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.

"Refuse" means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.

Section 3. General Prohibition on Open Burning, Outdoor Burning and Refuse Burning.

(1) Open burning of refuse from a commercial or industrial establishment is prohibited.

(2) Open burning of refuse from and at a one or two family dwelling is allowed if all of the following conditions are met:

- (a) The burning does not create a nuisance;
- (b) The burning is conducted in a container constructed of metal or masonry that has a metal covering device that does not have an opening larger than $\frac{3}{4}$ inch.
- (c) The material being burned is not prohibited under subsection (3), below.

(3) Open burning of the following materials is prohibited:

- (a) Construction and demolition waste.
- (b) Hazardous substances including but not limited to batteries, household chemicals, pesticides, used oil, gasoline, paints, varnishes, and solvents.
- (c) Furniture and appliances.
- (d) Tires.
- (e) Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
- (f) 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.
- (g) Household garbage.
- (h) Buildings, except as provided for in section 5.
- (l) Leaves and grass clippings.

(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 only on the property on which the materials were generated. Open burning shall be conducted in conformance with all local and state fire protection regulations.

(5) Outdoor campfires and small bonfires for cooking, ceremonies, or recreation are allowed subject to other applicable provisions of this ordinance.

(6) Open burning under this section shall only be conducted at a location at least 50 feet from any structure.

(7) Except for bonfires/campfires, open burning shall only be conducted between sunrise and one-half hour following sunset.

(8) 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.

(9) No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream, or water body.

(10) 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.

Section 4. 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.

Section 5. Fire Suppression Training.

Notwithstanding another provision of this ordinance, the Township Board may authorize the Davison-Richfield Area Fire Department to burn structures and other materials for fire prevention/suppression training, provided the training conforms to the guidelines established by the National Fire Protection Association (NFPA) Standard on Live Fire Training Evolutions (NFPA 1403).

Section 6. 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 Township or authorized Fire Department Personnel.

(2) When weather conditions warrant, the Township may temporarily suspend issuing burning permits and may temporarily suspend previously issued burning permits for open burning.

(3) A burning permit issued under this ordinance shall require compliance with all applicable provisions of this ordinance.

(4) 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 also void the permit.

Section 7. Right of Entry and Inspection.

The Fire Chief and/or Township Police Chief may enter onto property to inspect for the purpose of ascertaining compliance with the provisions of this ordinance.

Section 8. Enforcement and Penalties.

(1) The Township Police Chief or his designee is 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 misdemeanor punishable by a fine not more than \$500.00, imprisonment for not more than 90 days, or both. Each day that a violation of this Ordinance exists shall constitute a separate violation of this Ordinance.

(3) A person utilizing or maintaining an open or outdoor burn in violation of the provisions of this ordinance shall also be responsible for all fire suppression costs or other enforcement expenses related to the violation.

Section 9. Repeal of Ordinance No. 52.

The Township Board hereby repeals Ordinance No. 52 in its entirety.

Section 10. Effective Date.

This Ordinance shall become effective thirty (30) days after publication.

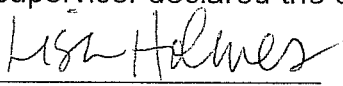
At a regular meeting of the Board of Trustees of Richfield Township held on March 13, 2007, adoption of the foregoing ordinance was moved by Schneider, supported by Masters.

Voting for: 5

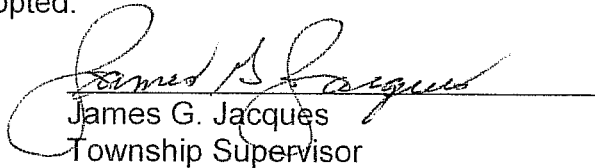
Voting against: 0

Absent: 0

The supervisor declared the ordinance adopted.

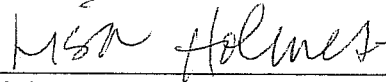


Lisa Holmes
Township Clerk


James G. Jacques
Township Supervisor

CERTIFICATION

The foregoing is a true copy of Ordinance No. 145 which was enacted by the Richfield Township Board of Trustees at a regular meeting held on March 13, 2007.



Lisa Holmes
Township Clerk