

**STATE OF MICHIGAN
COUNTY OF HURON
TOWNSHIP OF LAKE**

GENERAL ORDINANCE NO: 2005-01

LAKE TOWNSHIP BURNING ORDINANCE

An Ordinance to protect the health, safety and general welfare of the persons and property within Lake Township, Huron County, Michigan, by regulating the burning of leaves and brush within the Township, to prove penalties for the violation thereof and to repeal all ordinances or parts of ordinances in conflict therewith;

THE TOWNSHIP BOARD OF LAKE, HURON COUNTY, MICHIGAN, ORDAINS:

Section 1. Title. This ordinance shall be known and cited as the “Lake Township Burning Ordinance.”

Section 2. Purpose and Intent. The purpose of this ordinance is to protect the people and property within Lake Township against health, safety, environmental and fire hazards caused by burning near roads, streets, places, buildings and structures, both public and private. To promote the health, safety and general welfare of the community by regulating methods of burning of materials. To encourage alternative methods of disposing of natural and biodegradable materials.

Section 3. General Prohibitions

All outdoor burning of any material shall be prohibited, except as provided for in this ordinance.

Section 4. Provisions for Contained Burning. All outdoor contained burning, not requiring a permit, shall be:

1. Conducted within a fireproof masonry or metal burner containing an approved spark arrester that has no larger than a 3/4” spacing.
2. Only consisting of dry leaves and brush.
3. Started only after sunrise.
4. Extinguished and emitting no smoke after 9:00 p.m.
5. At least fifteen (15’) feet from the edge of any road.
6. At least ten (10’) feet from any structure including but not limited to fencing, wood, piles, shed, outbuildings and utility poles.
7. At least one thousand (1000’) feet from any school and after 4:00 p.m. while school is in session.
8. At least five (5’) feet from any public or private property lines.
9. Prohibited within a 24-hour period preceding and during the Trick-or-Treat hours established by the Township Board.
10. Prohibited if determined by the Fire Chief that conditions are such that burning would be hazardous to health, safety and general welfare of persons or property in the community.
11. Ash or waste from any fire shall not be deposited in the storm gutters adjoining or within the public streets and highways within the Township.

Section 5. Provisions for Open On-The-Ground Burning. All open burning, defined as outdoor burning on the ground, shall be:

1. Approved only with a permit.
2. Attended by a competent person at all times.
3. In small, manageable piles.
4. Only consisting of dry leaves and brush.
5. Allowed only from April 1st through November 15th as the Township Board shall designate by resolution, except for clearing lots for new building construction and agricultural purposes.
6. Started only after sunrise.
7. Extinguished and emitting no smoke after 9:00 p.m.
8. At least fifteen (15') feet from the edge of any road.
9. At least ten (10') feet from any structure including but not limited to fencing, wood, piles, shed, outbuildings and utility poles.
10. At least one thousand (1000') feet from any school and after 4:00 p.m. while school is in session.
11. At least five (5') feet from any public or private property lines.
12. Prohibited within a 24-hour period preceding and during the Trick-or-Treat hours established by the Township Board.
13. Prohibited if determined by the Fire Chief that conditions are such that burning would be hazardous to health, safety and general welfare of persons or property in the community.
14. Ash or waste from any fire shall not be deposited in the storm gutters adjoining or within the public streets and highways within the Township.

Section 6. Provisions for All Clearing of Lots and/or Agricultural Open, On-The-Ground Burning. All open burning, defined as outdoor burning on the ground for the purpose of clearing of lots and/or for agricultural use shall be:

1. Approved only with a permit.
2. Attended by a competent person at all times.
3. In manageable piles
4. Allowed year round.
5. Only consisting of dry leaves, brush and clean untreated lumber.
6. Started only after sunrise.
7. Extinguished and emitting no smoke after 9:00 p.m.
8. At least fifteen (15') feet from the edge of any road.
9. At least fifteen (15') feet from any structure including but not limited to fencing, wood piles, shed, outbuildings and utility poles.
10. At least one thousand (1000') feet from any school and after 4:00 p.m. while school is in session.
11. At least five (5') feet from any public or private property lines.
12. Prohibited within a 24-hour period preceding and during the Trick-or-Treat hours established by the Township Board.
13. Prohibited if determined by the Fire Chief that conditions are such that burning would be hazardous to health, safety and general welfare of persons or property in the community.
14. Ash or waste from any fire shall not be deposited in the storm gutters adjoining or within the public streets and highways within the Township.

Section 7. Firepits, Campfires and Patio Fireplaces. All fire pits, patio fireplaces and campfires, not requiring a permit, shall:

1. Be no smaller than 18 inches in diameter and no more than 48 inches in diameter.
2. Consist of an 8-inch minimum depression in the ground ringed with stone, brick, concrete or concrete blocks, or steel truck rims with the tire removed.
3. Have a minimum area of 36 inches cleared of all burnable materials outside of the fire ring.
4. Use only seasoned firewood and not extending outside the fire pit or campfire.
5. Be supervised at all times and extinguished upon completion of the event or activity.
6. Be reviewed and approved before construction by the Fire Department, if permanent.
7. Be allowed year round.

Section 8. Recreational Bonfires. All recreational bonfires shall be:

1. Attended by a competent person at all times.
2. Allowed year round.
3. In manageable piles.
4. Only consisting of dry leaves, brush and clean untreated lumber.
5. Started only after sunrise.
6. Extinguished and emitting no smoke after event completion.
7. At least fifteen (15') feet from the edge of any road.
8. At least fifteen (15') feet from any structure including but not limited to fencing, wood piles, shed, outbuildings and utility poles.
9. At least five (5') feet from any public or private property lines.
10. Prohibited if determined by the Fire Chief that conditions are such that burning would be hazardous to health, safety and general welfare of persons or property in the community.
11. Ash or waste from any fire shall not be deposited in the storm gutters adjoining or within the public streets and highways within the Township.

Section 9. Fireworks. All requests for fireworks and displays of fireworks shall be subject to Michigan State Police Fire Marshall Bulletin #12 and all revisions thereto.

Section 10. Permits. All required permits issued by the Fire Department shall be:

1. For a maximum of one (1) day per fire by calling 989-856-9198.
2. Retained by the Fire Department for a period of no less than six (6) months.
3. Contain name, address and phone number of person requesting permit, location of fire and material burned.
4. Reason for the fire and give such other information as the Township Board may from time to time require.

Section 11. Foul Odors. No person shall burn garbage, animal carcasses, refuse, trash, rubbish, or a like material giving off foul odors at any time. This section applies to all the above types of burning and fires.

Section 12. Enforcement and Penalties. The enforcement of this ordinance and regulations established by the Fire Chief shall be performed by such person or persons as the Township Board shall designate by resolution.

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the aforesaid official. He or she shall record properly such complaint, immediately investigate and take action thereon as provided by this Ordinance. A record of the disposition of complaints shall be filed. Any owner or agent, or any person or

corporation who shall violate any of the provisions of this Ordinance or fail to comply therewith with any of the requirements thereof shall be liable for a civil infraction as defined by Michigan law and subject to a civil fine of not more than \$500.00 and not less than \$100.00 plus costs which may include all direct or indirect expenses to which the township has put forth in connection with the violation including actual attorneys fees. A violator of this ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized by Michigan law.

Section 13. Effective Date

This ordinance shall take effect 30 days after publication following its adoption.

Section 14. Adoption and Certification

This ordinance is hereby declared to be adopted by the Township Board of the Township of Lake, Huron County, Michigan, at a regular meeting held on September 19, 2005. All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

Clay Kelterborn, Supervisor

Valerie McCallum, Clerk

First Reading: August 15, 2005
Second Reading: September 19, 2005
Published: September 27, 2005

Effective Date: October 30, 2005