

**CHARTER TOWNSHIP OF MILFORD
ORDINANCE NO. 219
BURNING ORDINANCE AMENDMENT**

AN ORDINANCE TO AMEND CHAPTER 16, FIRE PREVENTION AND PROTECTION, OF THE CODE OF ORDINANCES FOR THE CHARTER TOWNSHIP OF MILFORD, BY REPEALING ARTICLE IV, BURNING, AND REPLACING IT WITH A NEW ARTICLE IV, BURNING, IN ORDER TO BETTER REGULATE THE AIR POLLUTION AND FIRE HAZARDS ASSOCIATED WITH OUTDOOR BURNING IN THE TOWNSHIP.

THE CHARTER TOWNSHIP OF MILFORD ORDAINS:

Section 1. Amendment.

Article IV, Burning, shall be repealed from Chapter 16, Fire Prevention and Protection, of the Code of Ordinances for the Charter Township of Milford, and shall be replaced with a new Article IV, Burning, which shall read as follows:

ARTICLE IV. BURNING

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| Sec. 16-76 | Purpose. |
| Sec. 16-77 | Applicability. |
| Sec. 16-78 | Definitions. |
| Sec. 16-79 | General prohibition on open burning. |
| Sec. 16-80 | Open burning of refuse. |
| Sec. 16-81 | Open burning of trees, logs, brush, stumps, leaves, and grass clippings. |
| Sec. 16-82 | Outdoor wood furnaces. |
| Sec. 16-83 | Patio wood burning units. |
| Sec. 16-84 | Fire suppression training. |
| Sec. 16-85 | Burn permits. |
| Sec. 16-86 | Liability. |
| Sec. 16-87 | Right of entry and inspection. |
| Sec. 16-88 | Enforcement and penalties. |
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| Sec. 16-76. | 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 the Township by regulating the air pollution and fire hazards of outdoor burning.

Sec. 16-77. Applicability.

- (a) This ordinance applies to all outdoor burning within the Township.
- (b) This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- (c) 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.
- (d) 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.

Sec. 16-78. Definitions.

"Campfire" means a small outdoor fire 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.

"Municipality" means the Charter Township of Milford.

"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.

"Outdoor burning" means open burning or burning in an outdoor wood furnace or patio wood burning unit.

"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.

“Patio wood-burning unit” means a chimnea, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.

“Recreational Fires” means campfires and small bonfires for cooking, ceremonies, or recreation, which do not cause a nuisance. Such campfires and bonfires shall be no larger than four (4’) feet by four (4’) feet and shall be contained within a metal, brick or similar fireproof receptacle specifically designed for containing fire.

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

Sec. 16-79. General prohibition on open burning.

(a) Open burning is prohibited in the Township unless the burning is specifically permitted by this ordinance.

(b) No burning of any kind shall be allowed in any industrial or commercial district within the Township.

Sec. 16-80. Open burning of refuse.

Unless otherwise stated herein, the open burning of refuse is prohibited.

Sec. 16-81. Open burning of trees, logs, brush, stumps, leaves, and grass clippings.

(a) Open burning of leaves and grass clippings is prohibited.

(b) Open burning of trees, logs, brush and stumps is allowed only in accordance with all of the following provisions:

(1) Except for recreational campfires, a permit issued in accordance with Section 16-85 of this ordinance must be obtained prior to open burning under this section when the ground is not snow covered.

(2) Open burning of trees, logs, brush, and stumps must be conducted at least fourteen hundred (1,400’) feet from an incorporated city or village limit.

(3) 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.

(4) Open burning shall be conducted in conformance with all local and state fire protection regulations.

(5) Open burning shall be conducted only on the property on which the materials were generated.

(6) Open burning under this section shall only be conducted at a location at least seventy-five (75’) from the nearest building which is not on the same property.

(7) 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.

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

(9) Except for barbecue, gas, and charcoal grills, no burning shall be undertaken within twenty-five (25') feet or other appropriate distance from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief.

Sec. 16-82. Outdoor wood furnaces.

Outdoor wood furnaces are banned within the Township.

Sec. 16-83. Patio wood burning units.

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

- (a) The patio wood-burning unit shall not be used to burn refuse.
- (b) The patio wood-burning unit shall burn only clean wood.
- (c) The patio wood-burning unit shall be located at least fifty (50') feet from the nearest structure which is not on the same property as the patio wood burning unit.
- (d) The patio wood-burning unit shall not cause a nuisance to neighbors.

Sec. 16-84. Fire suppression training.

Notwithstanding sections 18-79 and 18-80 of this ordinance, structures and other materials may be burned for fire prevention training only in accordance with all of the following provisions.

- (a) 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.

(b) 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. If it is a commercial building, all asbestos must be removed by a licensed abatement contractor.

(c) A notification of the demolition must be submitted to the Michigan Department of Environmental Quality, Air Quality Division at least ten (10) business days prior to burning a standing structure.

(d) 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.

Sec. 16-85. Burn permits.

(a) No person shall start or maintain any open burning covered under this section without a burning permit issued by the Milford Township Building Department. Burning permits shall be issued and valid for six (6) months at a time.

(b) Any person responsible for burning brush, clean wood or other vegetative debris under Sec. 16-81 of this ordinance shall obtain a burning permit before starting the fire. Burning permit fees may be established by the Board of Trustees for the Charter Township of Milford, and may be amended from time to time. If a fee has been established, it shall be paid prior to issuance of any burning permit.

(c) A recreational fire does not require a permit provided that the fire complies with all other applicable provisions of this ordinance. Any person lawfully burning a recreational fire without a permit must still contact the Milford Police Department on the day the burn is conducted in order to obtain weather clearance for the burn.

(d) When weather conditions warrant, the Milford Police Department, as instructed by the Milford Fire Department, may temporarily suspend the issuance of burning permits and may temporarily suspend previously issued burning permits for open burning.

(e) The holder of any burning permit shall be required to contact the Milford Police Department on the day the burn is conducted in order to obtain weather clearance for the burn.

(f) 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.

(g) 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.

Sec. 16-86. 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.

Sec. 16-87. Right of entry and inspection.

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

Sec. 16-88. Enforcement and penalties.

(a) The Building Official, Code Enforcement Officer and Milford Police Department are authorized to enforce the provisions of this ordinance.

(b) A violation of this ordinance shall be a municipal civil infraction.

Section 2. Repealer.

This Ordinance hereby repeals any ordinances in conflict herewith.

Section 3. Savings Clause.

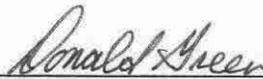
That nothing in this Ordinance hereby adopted be construed to affect any just or legal right or remedy of any character nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 4. Severability.

The various parts, Sections and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, Section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

Section 5. Adoption.

This Ordinance is hereby declared to have been adopted by the Charter Township of Milford Township Board at a meeting thereof duly called and held on the 20th day of July, 2016, and ordered to be given effect upon publication as mandated by Charter and statute.



Donald Green, Township Supervisor



Holly Brandt, CMC, Township Clerk

CERTIFICATION OF CLERK

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Charter Township of Milford Township Board on July 20, 2016, which was a regular meeting. I further certify that at said meeting there were present the following Board members: Donald Green, Supervisor; Holly Brandt, Clerk; Cynthia Dagenhardt, Treasurer; Trustees Randal Busick, William Mazzara, Dale Wiltse, Brien Worrell.

I further certify that the adoption of said Ordinance was moved by Trustee wiltse and supported by Treasurer Dagenhardt.

I further certify that the following Board members voted for the adoption of said Ordinance and that the following Board members voted against the adoption of said Ordinance: Wiltse, Dagenhardt, Busick, Green, Brandt, Worrell, Mazzara.

I further certify that zero (0) Board member(s) abstained from voting.

I hereby certify that said Ordinance has been recorded in the Ordinance Book in said Township and that such recording has been authorized by the signature of the Township Supervisor and Township Clerk.



Holly Brandt, CMC, Township Clerk