

ORDINANCE NO. 25.14

AN ORDINANCE OF THE CHARTER TOWNSHIP OF LANSING, INGHAM COUNTY, MICHIGAN, PROVIDING THAT THE CODE OF ORDINANCES, CHARTER TOWNSHIP OF LANSING, MICHIGAN, BE AMENDED BY ADDING CHAPTER 37 ("OPEN BURNING, OUTDOOR BURNING AND RECREATIONAL BURNING") TO TITLE III ("MISCELLANEOUS SAFETY REGULATIONS") TO: DEFINE THE INTENT OF THE ORDINANCE; DEFINE CERTAIN TERMS USED IN THIS ORDINANCE; PROHIBIT AND/OR REGULATE CERTAIN TYPES OF OPEN BURNING, OUTDOOR BURNING, RECREATIONAL BURNING AND PRESCRIBED BURNS; PROHIBIT OUTDOOR WOOD-FIRED BOILERS; PROVIDE FOR AND PRESCRIBE REQUIREMENTS RELATED TO BURNING PERMITS; ASSIGN LIABILITY RELATED TO BURNING; AND TO DESIGNATE VIOLATIONS OF THIS CHAPTER AND BURNING PERMITS AS MUNICIPAL CIVIL INFRACTIONS; REPEAL ORDINANCES AND PORTIONS OF ORDINANCES INCONSISTENT WITH THIS ORDINANCE; AND PROVIDE AN EFFECTIVE DATE HEREOF.

THE TOWNSHIP BOARD OF TRUSTEES FOR THE CHARTER TOWNSHIP OF LANSING HEREBY ORDAINS:

1. Chapter 37 ("Open Burning, Outdoor Burning and Recreational Burning") of Title III ("Miscellaneous Safety Regulations") is hereby added to the Code of Ordinances as follows:

CHAPTER 37. Open Burning, Outdoor Burning and Recreational Burning.

Section 37-1. Intent.

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 Charter Township of Lansing by regulating the air pollution and fire hazards related to open burning, outdoor burning, recreational burning, and prescribed burns.

Section 37-2. Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Clean wood" means natural wood in a dry state which has not been painted, varnished, or coated with any chemical substance, has not been pressure treated with preservatives, and does not contain resins, glues, or similar substances such as those that are found in plywood and/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, coated 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 Fire Chief of the Charter Township of Lansing and other individuals as designated by the Fire Chief.

“*Nuisance*” means that no materials shall be burned in a manner that (A) creates a safety hazard to persons or property, (B) creates a foul or offensive odor, and/or (C) causes smoke emissions that are reasonably offensive to occupants of surrounding premises or property.

“*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 chimney. This includes burning in a burn barrel.

“*Outdoor burning*” means open burning or burning in an outdoor wood-fired boiler or patio wood burning unit.

“*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.

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

“*Pit*” means an area on or below ground level not to exceed three feet in diameter, lined with a fire proof material or metal ring and approved by the Fire Chief or his/her designee.

“*Prescribed burn*” means the burning, in compliance with a prescription and to meet planned fire or land management objectives, of a continuous cover of fuels. A “prescription” means a written plan establishing the criteria necessary for starting, controlling, and extinguishing a burn.

“*Recreational burning*” means kindling or maintaining a recreational fire.

“*Recreational fire*” means a small outdoor fire intended for recreation or cooking, but not including a fire intended for disposal of waste wood or refuse. A recreational fire shall have a maximum total fuel area of 3 feet in diameter and a maximum height of 2 feet.

“*Refuse*” means any waste material except trees, logs, brush, stumps, leaves, grass clippings, other vegetative matter, and materials similar to the aforementioned.

Section 37-3. Applicability; General prohibition on Open Burning, Outdoor Burning, and Recreational Burning.

(A) Open burning, outdoor burning, and recreational burning are prohibited in the Charter Township of Lansing, except as otherwise expressly permitted by this ordinance.

(B) The ordinance applies to all open burning, outdoor burning and recreational burning within the Charter Township of Lansing, except that:

(1) This ordinance does not apply to the grilling or cooking of food using charcoal, wood, propane, or natural gas in cooking devices or grilling appliances.

(2) This ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device that is located entirely within a building that is used for human or animal habitation.

(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 37-4. Open Burning and Outdoor Burning of Refuse; Recreational Burning.

(A) The open burning and/or outdoor burning of refuse, brush, stumps, leaves, grass clippings, vegetation, and/or materials similar to the aforementioned is prohibited.

(B) Recreational burning is prohibited in burning barrels.

(C) Recreational burning at a one- or two-family dwelling is allowed if all of the following conditions are met:

(1) The recreational burning does not create a nuisance.

(2) The recreational burning is contained within a patio wood-burning unit or device that has been inspected by the Charter Township of Lansing Fire Department. Such units include, but are not limited to, outdoor fireplaces, barbecue grilles or pits, and chimineas. This provision is not applicable to cooking fires.

(3) The burning container is situated on the ground or a non-combustible surface.

(4) The material being burned is clean wood and is not a material prohibited under section 37-4 (D).

(5) The recreational burning shall not take place within 25 feet of any structure, unless in an approved patio wood-burning unit, which unit shall not be located within 15 feet of any structure.

(6) The burning area must be located at least 5 feet from any property line.

(7) A permit authorizing the recreational burning has been issued pursuant to section 37-7.

(D) Open burning, outdoor burning and recreational burning of the following materials is prohibited:

- (1) Construction and demolition waste.
- (2) Hazardous substances including, but not limited to, batteries, household chemicals, pesticides, used oil, gasoline, paints, varnishes, solvents, and substances similar to the aforementioned.
- (3) Furniture and appliances.
- (4) Tires.
- (5) Any plastic materials including, but not limited to, nylon, PVC, ABS, polysterene, or urethane foam, and synthetic fabrics, plastic films, plastic containers and materials similar to the aforementioned.
- (6) Paper products including, but not limited to, newspaper, cardboard, container board, and materials similar to the aforementioned.
- (7) Treated or painted wood including, but not limited to, plywood, composite wood products, or other wood products that are painted, varnished, coated, or treated with preservatives, and materials similar to the aforementioned.
- (8) Brush, stumps, leaves, grass clippings, other vegetation, and materials similar to the aforementioned.

Section 37-5. Prescribed Burns.

Prescribed burns and other fires set for forest, prairie, and wildlife habitat management are allowed only if conducted in accordance with Part 515 of the Natural Resources and Environmental Protection Act, MCL 324.51501, et seq., and if a permit authorizing the prescribed burn has been issued pursuant to section 37-7.

Section 37-6. Outdoor wood-fired boilers.

No person shall install, use or maintain an outdoor wood-fired boiler within the Charter Township of Lansing.

Section 37-7. Burning permits.

(A) No person shall engage in, start, or maintain any, prescribed burn, recreational burning, or recreational fire as described in this ordinance without first obtaining a burning permit issued

by the Fire Chief. The fee for burning permits shall be established by resolution of the Lansing Township Board of Trustees.

(B) When weather conditions warrant, the Fire Chief or his/her designee may temporarily suspend the issuance of permits and may further temporarily suspend previously-issued burning permits.

(C) 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 the public health, safety and welfare.

(D) Any violations of the conditions of a burning permit shall be deemed a violation of this ordinance. Any violation of the provisions of this ordinance or a burning permit may void the permit.

(E) Burning permits are valid from 7:00 a.m. to 12:00 midnight.

(F) Fires must be attended at all times and extinguishing equipment must be nearby.

(G) Permits are good for twelve months from date of issue.

Section 37-8. Liability.

A person engaging in open burning, outdoor burning, recreational burning or a prescribed burn shall be responsible for all fire suppression costs and any other liability that results from damage caused by a fire.

Section 37-9. Right of entry and inspection.

The Fire Chief or any authorized officer, agent, employee or representative of the Charter Township of Lansing who presents credentials shall be permitted to inspect an area where open burning, outdoor burning, or recreational burning is taking place or will take place pursuant to a burning permit for the purpose of ascertaining compliance with the provisions of a permit and/or this ordinance.

Section 37-10. Enforcement and penalties; municipal civil infractions.

(A) The Fire Chief or his/her designee, Police Officers and Code Compliance Officers are authorized to enforce the provisions of this ordinance.

(B) A person who violates any provision of this ordinance and/or a burning permit is responsible for a municipal civil infraction, and shall be subject to a civil fine as established from time to time by resolution of the Lansing Township Board of Trustees.

(C) Nothing in this section shall be construed to limit the remedies available to the Township in the event of a violation by a person of this ordinance and/or a burning permit. Each act of violation, and each day upon which a violation exists or continues, shall constitute a separate offense.

2. Severability. If a court of competent jurisdiction declares any provision of this Ordinance, or a statutory provision referred to or adopted by reference herein, to be unenforceable, in whole or in part, such declaration shall only affect the provision held to be unenforceable and shall not affect any other part or provision. Provided, however, that if a court of competent jurisdiction declares a penalty provision to exceed the authority of the Township, the penalty shall be construed as the maximum penalty that is determined by the court to be within the authority of the Township to impose.

3. Repeal. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed; provided that any violation charged before the effective date of this Ordinance under an ordinance provision repealed by this Ordinance shall continue under the ordinance provision then in effect.

4. Effective Date. This Ordinance shall take effect 7 days after publication

John Daher, Supervisor
Charter Township of Lansing

I, Susan L. Aten, Clerk of Charter Township of Lansing, hereby certify that the foregoing is a true copy of the original of Ordinance No. ____, enacted by the Charter Township of Lansing Board of Trustees at a regular meeting on _____, 2010.

Susan L. Aten, Clerk
Charter Township of Lansing