

HAZELTON TOWNSHIP, MICHIGAN

OPEN BURNING ORDINANCE

Ordinance No. 2021

AN ORDINANCE to protect the health safety and welfare of the people of the Hazelton Township by regulating the burning and use of fires and to provide - penalties for the violation of any of the provisions of this Ordinance.

Open burning is regulated under the Air Pollution Act (Act 348 of the Public Acts of 1965), the Forest Fire Act (Act 329, 1969), the Solid Waste Management Act (Act 641, 1978, Act 267, 1990) and the General Township Act MCL 41.181.

SECTION 1 DEFINITIONS

- Burning Permit: A Permission to burn, issued by written permit by the appropriate fire department chief or designated personnel.
- Fire Department: Hazelton Township Fire Department, which respond to all areas of the Township and Village of New Lothrop.
- Flammable waste material: Any waste or discarded substance that will burn or smolder, including but not limited to refuse, debris, waste forest material, brush, stumps, logs, rubbish, fallen timber, grass, stubble, leaves, fallow land, slag crops, garbage or crop residue.
- Open Burning: Open flame or smoldering fire, emitting smoke and/or offensive odor.
- Person: An individual, corporation, partnership, association, municipality or other public body or legal entity, or any officer, employee or agent of the foregoing.

SECTION 2 PROHIBITED BURNING

- Unless otherwise permitted in this Ordinance, there will be no burning permitted in the Township without first receiving a burning permit from the Fire Chief or designated personnel.
- In no event whatsoever, shall any person burn any garbage, plastic, Styrofoam, or any other synthetic material or other hazardous materials, nor shall any rubber or rubber-based material such as, but not limited to, rubber tires, be burned in the Township regardless of the method used of burning.

C. Air quality and solid waste regulations prohibit open burning of construction and demolition waste. Chemically treated lumber, as well as synthetic and painted building materials, contain high concentrations of hazardous compounds that produce toxic emissions when burned.

- Structures that are to be demolished by burning are subject to State and Federal regulations. Michigan air regulations only allow buildings to be burned for fire department fire suppression training.

SECTION 3 PERMITTED BURNING

Burning under the following conditions is permitted anywhere in the township without a permit.

- “Domestic Fires”, which are fires around a home or place of residence, within the said parcel boundaries, where the material to be burned has been placed in a debris burner constructed of metal or masonry with an approved spark arrester and openings no larger than ¾ inch. Burners of the metal drum or portably type shall not be located less than twenty-five (25) feet from any building or less than five (5) feet from any property line.
- “Campfires” or “Barbecue Fires”, which are located within the immediate vicinity of a camp or place of residence and shall not be located less than twenty-five (25) feet from any building or less than five (5) feet from any property line. Campfires or Barbecue Fires shall not exceed thirty-six (36) inches in diameter, and flame height shall not exceed twenty-four (24) inches.
- “Building and Construction Fires,” which are fires employed in conjunction with building and construction operations utilizing approved gaseous or liquid-fired salamanders commonly employed for such fires, when used in accordance with accepted safety standards.
- “Roofer, Tinner, and Plumber Fires,” which are fires employed by roofers, tanners, plumbers or other mechanics pursuing a business requiring the use of fire for the purpose of boiling tar, pitch, or oil used in the regular course of an appropriate business or trade, while being used in a safe and sanitary manner and conforming to all applicable codes.
- “Fire Department and Civil Defense Fires,” which is specifically permitted for fire department and civil defense purposes after a written determination by the fire official, or his/her designee that:
 - The area is adequately protected by firefighters or fire department trainees,
 - The fire will be of short duration, and
 - The atmosphere is relatively free of pollutants.
- “Emergency Fires,” which are deemed necessary in times of disaster or emergency pursuant to the fire official or his/her designee’s emergency order.

SECTION 4. PERMIT PROCEDURE.

- Permits can be obtained by calling the Hazelton Township Fire Department The fire official has absolute discretion on granting permits.
- A permit may be revoked at any time.
- When weather conditions warrant, the fire official or designee may temporarily suspend issuing burning permits and may temporarily suspend previously issued burning permits.
- The Fire Chief or any authorized officer, agent, employee or representative of the Township of Hazelton who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

SECTION 5 EXCEPTIONS

The following are exceptions from the rules of this ordinance prohibiting open burning:

- County parks in which fires are permitted by the rules governing said parks, and,

- Fires authorized for the training of firefighters or other controlled burnings approved by the appropriate fire chief.

SECTION 6 PENALTIES

- Any person convicted of a violation of any provision of this Ordinance shall be guilty of a civil infraction and upon conviction shall be fined not more than One Hundred Dollars (\$100.00). When there is a violation, the Township Treasurer shall prepare an invoice for the civil fine and send to the responsible party for payment. The fine must be paid within thirty (30) days of mailing of the invoice. If the responsible party is in default of payment of the civil fine sixty (60) days after mailing of the original invoice, the Township is authorized to proceed in any court of competent jurisdiction for the purpose of collecting any monies remaining unpaid and shall have any and all other remedies provided by law for collection of said charges and any other appropriate remedy to compel compliance with this Ordinance, including, but not limited to, obtaining an injunction or restraining order. The Township shall be entitled to its costs which may include costs and attorney's fees.
- In the event that the Fire Department or Fire Chief is called out on a burning ordinance violation, all expenses incurred by the response call shall be paid by the owner or owners of such divided lands. The Township shall have a lien upon such subdivided lands, lots or parcels for such expense. Charges will be assessed at no less than \$500 as per The Hazelton Township Cost Recovery Ordinance.
- In addition, the 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 day that a violation of this Ordinance exists shall constitute a separate violation of this Ordinance.

SECTION 7 ENFORCEMENT

The Fire Chief or designated personnel of the Fire Department or the officers of the Shiawassee County Sheriff's Department or any authorized law enforcement officer may cause complaint to be made for the violation of the provisions of this Ordinance. Nothing in this subsection or any other part of this Ordinance shall be construed to limit any other civil liability on the part of an offending person under the statutes or common law of the State of Michigan.

SECTION 8 CONFLICT WITH OTHER ORDINANCE

In the event of conflict between any provisions of this Ordinance with those of any other Ordinance of Hazelton Township, the provisions hereof shall be controlling, and any such conflicting provisions of any other Hazelton Township Ordinance are hereby repealed. Any Ordinance of the Village of New Lothrop will supersede this Ordinance.

SECTION 9 EFFECTIVE DATE

This Ordinance shall take effect 30 days following publication of this Ordinance.

HAZELTON TOWNSHIP

TOWNSHIP BOARD

NOTICE OF ORDINANCE ADOPTION:

OPEN BURNING ORDINANCE

On November 8, 2021, Hazelton Township (the "Township") adopted Ordinance No. ____, Open Burning Ordinance (the "Ordinance"). The following is a summary of the Ordinance. A true copy of the Ordinance is available at the Township Hall, 7505 Orchard Street, New Lothrop, MI, 48460.

SECTION 1 DEFINITIONS

This section provides definitions as applied in the Ordinance.

SECTION 2 PROHIBITED BURNING

This section provides that unless otherwise permitted in this Ordinance, there will be no burning permitted in the Township without first receiving a burning permit from the Fire Chief or designated personnel.

SECTION 3 PERMITTED BURNING

This section provides Burning under the certain conditions is permitted anywhere in the township without a permit.

SECTION 4 PERMIT PROCEDURE

This section provides general procedures for approving burning permits.

SECTION 5 EXCEPTIONS

This section provides exceptions from the rules of this ordinance prohibiting open burning

SECTION 6 PENALTIES

This section provides for violations of the ordinance including penalties.

SECTION 7 ENFORCEMENT

This section provides for enforcement of the ordinance.

SECTION 8 CONFLICT WITH OTHER ORDINANCE

This section provides that in the event of conflict between any provisions of this Ordinance with those of any other Ordinance of Hazelton Township, the provisions hereof shall be controlling, and any such conflicting provisions of any other Hazelton Township Ordinance are hereby repealed. Any Ordinance of the Village of New Lothrop will supersede this Ordinance.

SECTION 9 EFFECTIVE DATE

This section provides that this Ordinance shall take effect thirty (30) days following its publication after adoption.