

**VALLEY TOWNSHIP  
ALLEGAN COUNTY, MICHIGAN**

**OUTDOOR AND OPEN BURNING ORDINANCE FOR THE TOWNSHIP OF VALLEY**

**Ordinance No. 245**

**ADOPTED: 8-9-11**

**SECTION 1: PURPOSE**

**1.00 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 Valley Township by regulating the air pollution and fire hazards of open burning and outdoor burning.

**SECTION 2: APPLICABILITY**

**2.00 Applicability.**

This ordinance applies to all outdoor burning and open burning within Valley Township.

- 2.1. This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- 2.2. 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.
- 2.3. 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.
- 2.4. Hours of burning are from dawn until dusk except for recreational campfires and bonfires.

**SECTION 3: DEFINITIONS**

**3.00 Definitions.**

- 3.1. "Campfire" means a small outdoor fire (no more than 3 feet in diameter by 3 feet high) intended for recreation or cooking but not including a fire intended for disposal of waste wood or refuse.
- 3.2. "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.
- 3.3. "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.
- 3.4. "Municipality" means a county, township, city, or village.
- 3.5. "Outdoor burning" means open burning or burning in an outdoor wood-fired boiler or patio wood burning unit.

- 3.6. "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.
- 3.7. "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.
- 3.8. "Patio wood-burning unit" means a chimenea, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.
- 3.9. "Refuse" means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.
- 3.10. "Bonfire" means any outdoor fire larger than 3 feet in diameter by 3 feet high intended for recreation but not including a fire intended for disposal of waste wood or refuse.

## **SECTION 4: GENERAL PROHIBITION ON OUTDOOR BURNING AND OPEN BURNING**

**4.00 General prohibition on outdoor burning and open burning.**  
Open burning and outdoor burning are prohibited in Valley Township unless the burning is specifically permitted by this ordinance.

## **SECTION 5: OPEN BURNING OF REFUSE**

### **5.00 Open Burning of Refuse**

- 5.1. Open burning of the following materials is prohibited.
  - 5.1.1. Construction and demolition waste.
  - 5.1.2. Hazardous substances including but not limited to batteries, household chemicals, pesticides, oil, gasoline, paints, varnishes, and solvents.
  - 5.1.3. Furniture and appliances.
  - 5.1.4. Tires.
  - 5.1.5. Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
  - 5.1.6. 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.

## **SECTION 6: OPEN BURNING OF TREES, LOGS, BRUSH, STUMPS, LEAVES, AND GRASS CLIPPINGS**

### **6.00 Burning trees, logs, brush, stumps, leaves, and grass clippings**

6.1 Open burning of grass clippings is prohibited.

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

- 6.2.1. Except for campfires, patio wood-burning units and outdoor wood fired boilers, a permit issued in accordance with Section 11 of this ordinance must be obtained prior to open burning under this section when the ground is not snow covered.
- 6.2.2. Open burning of trees, logs, brush, and stumps must be conducted at

- least 1,400 feet from an incorporated city or village limit.
- 6.2.3. Except for barbecue, gas, and charcoal grills, no open burning shall be undertaken during periods when the Governor of Michigan has issued a burning ban applicable to the area.
  - 6.2.4. 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.
  - 6.2.5. Open burning shall be conducted in conformance with all local and state fire protection regulations.
  - 6.2.6. Open burning shall be conducted only on the property on which the materials were generated.
  - 6.2.7. Outdoor campfires and small bonfires for cooking, ceremonies, or recreation are allowed provided they do not cause a nuisance.
  - 6.2.8. Open burning under this section shall only be conducted at a location at least 200 feet from the nearest building which is not on the same property.
  - 6.2.9. Open burning shall be constantly attended and supervised 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.
  - 6.2.10. No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or water body.
  - 6.2.11. No open burning may be conducted on days when the Michigan Department of Environmental Quality has declared an "air quality action day" applicable to Valley townsh ip .

## **SECTION 7: AGRICULTURAL BURNING**

### **7.00 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 8: PRESCRIBED BURNS**

### **8.00 Prescribed burning.**

- 8.1 "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.
- 8.2 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.

## **SECTION 9: OUTDOOR WOOD-FIRED BOILERS**

### **9.00 Outdoor Wood Fired Boilers**

**An outdoor wood-fired boiler may be installed and used in the township of Valley only in accordance with all of the following provisions:**

9. 1. The outdoor wood-fired boiler shall not be used to burn refuse.
9. 2. The outdoor wood-fired boiler shall be located at least three hundred feet from the nearest building which is not on the same property as the outdoor wood-fired boiler.
9. 3. The outdoor wood-fired boiler shall have a chimney that extends at least fifteen feet above the ground surface. If there are any residences within three hundred feet, the chimney shall also extend at least as high above the ground surface as the height of the roofs of all such residences. A lesser height may be approved on a case-by-case basis if necessary to comply with manufacturer's recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors.
9. 4. No burn permit shall be required for an outdoor wood fired boiler if it has been installed to meet state, county and manufacture regulations.

## **SECTION 10: PATIO WOOD-BURNING UNITS**

### **10.00 Patio wood-burning units.**

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

10. 1. The patio wood-burning unit shall not be used to burn refuse.
10. 2. The patio wood-burning unit shall burn only clean wood.
10. 3. The patio wood-burning unit shall be located at least twenty-five feet from the nearest structure which is not on the same property as the patio wood-burning unit.
10. 4. The patio wood-burning unit shall not cause a nuisance to neighbors.

## **SECTION 11: BURNING PERMITS**

### **11.00 Burning Permits**

11. 1. No person shall start or maintain any outdoor burning or open burning covered under this section without a burning permit issued by the Allegan County Central Dispatch.
11. 2. Any person responsible for burning leaves, brush, clean wood or other vegetative debris under Section 6 of this ordinance shall obtain a burning permit before starting the fire.
11. 3. An outdoor campfire, a patio wood-burning unit or an outdoor wood burning boiler does not require a permit provided the fire and installation of the unit comply with all other applicable provisions of this ordinance.
11. 4. When weather conditions warrant, the Allegan County Central Dispatch may temporarily suspend issuing burning permits and may temporarily suspend previously issued burning permits for

open burning.

- 11. 5. A burn 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.
- 11. 6. 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

**SECTION 12: LIABILITY**

**12.00 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.

**SECTION 13: RIGHT OF ENTRY AND INSPECTION**

**13.00 Right of entry and inspection.**

An authorized officer of Valley Township who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

**SECTION 14: ENFORCEMENT AND PENALTIES**

**14.00 Enforcement and penalties.**

- 14.1 Code Enforcement and contracted fire officials are authorized to enforce the provisions of this ordinance.
- 14. 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 municipal civil infraction as defined by Michigan Statute which shall be punishable by civil fine determined in accordance with the following schedule:

	<u>Minimum Fine</u>	<u>Maximum Fine</u>
1 <sup>st</sup> Offense within 3-year period*	\$ 75.00	\$500.00
2 <sup>nd</sup> Offense within 3-year period*	\$150.00	\$500.00
3 <sup>rd</sup> Offense within 3-year period*	\$325.00	\$500.00
4 <sup>th</sup> Offense within 3-year period*	\$500.00	\$500.00

\*Determined on the basis of the date of commission of the offense(s)

- 14. 3. The violator shall pay costs which may include all expenses, direct and indirect, which the township of Valley has incurred in connection with the municipal infraction. In addition, the township of Valley 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 15: SEVERABILITY**

15.00 Should any provision or section of this ordinance be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions or sections, and the remaining portions of the ordinance shall be enforceable unless the court determines that the sections held to be unconstitutional or invalid require the invalidation of the balance of the ordinance.

**SECTION 16: EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES**

16.00 This ordinance shall take effect thirty days following proper publication of notice of its adoption. All ordinances or parts of ordinances in conflict herewith are hereby repealed.