

ORDINANCE NO. 41

**ORDINANCE TO REGULATE OPEN BURNING
AND ESTABLISH FIRE SAFETY REGULATIONS**

*Williamstown Township
Ingham County, Michigan*

Adopted by the Township Board on October 1, 2002

Amended on August 5, 2003

Amended on June 7, 2011

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**Williamstown Township
Ingham County, Michigan**

**ORDINANCE TO REGULATE OPEN BURNING
AND ESTABLISH FIRE SAFETY REGULATIONS**

Ordinance No. 41

An Ordinance to establish fire safety regulations, to adopt a comprehensive fire code by reference, to identify conditions under which certain types of open burning may be permitted, to establish requirements and procedures for permits to allow certain kinds of open burning under specific conditions, and to prescribe penalties for violation of the provisions of this Ordinance.

THE WILLIAMSTOWN TOWNSHIP BOARD, INGHAM COUNTY, MICHIGAN, ORDAINS:

**Article I
TITLE**

This Ordinance is hereby designated as the “Williamstown Township Ordinance to Regulate Open Burning and Establish Fire Safety Regulations,” and may be referred to as the “Township Fire Ordinance.”

**Article II
PURPOSE**

Section 2.01 - Legislative Determination

In the interest of protecting the public health, safety, and welfare, the Board of Trustees of Williamstown Township finds that the adoption of a fire code prescribing fire safety regulations is necessary to minimize hazard to life and property from fire or explosion. This Ordinance is adopted pursuant to Michigan Public Act 246 of 1945, as amended (the Township Ordinances Act), and Michigan Public Act 33 of 1951, as amended (the Police and Fire Protection Act).

Section 2.02 - Scope of Application

It shall be unlawful for a person to undertake open burning of any kind or engage in any activity related to fire except in accordance with the provisions of this Ordinance and the Fire Code adopted by reference, pursuant to Article III.

Section 2.03 - Other Applicable Laws

The requirements of this Ordinance shall be in addition to other applicable federal, state, and local laws, ordinances and regulations, including Section 4 of Michigan Public Act 329 of 1969, as amended, being Section 320.24 of the Michigan Compiled Laws, which provides for the prevention and suppression of forest fires. Burning activities covered by this Ordinance are also subject to air quality standards and permit requirements enforced by the Michigan Department of Environmental Quality (MDEQ) and other governmental agencies, where applicable.

Article III

ADOPTION OF FIRE CODE

Williamstown Township hereby adopts by reference the International Fire Code, except as herein modified, and as updated from time-to-time by the International Code Council. Copies of the International Fire Code, together with amendments thereto, will be kept on file for public use at the offices of the Township Clerk. Copies will be made available for public distribution at a charge at the office of the Township Clerk.

Article IV

DEFINITIONS

Whenever used in this Ordinance or in the Fire Code adopted by reference, the following words and phrases shall have the meaning ascribed to them:

Administrator: The Township Supervisor of Williamstown Township, Ingham County, Michigan.

Barbecue: A grill, pit, chimney, outdoor fireplace, or similar metal or masonry container, within which a fire is set under controlled conditions for preparing food and/or generating warmth.

Bonfire: Any outdoor fire that is larger than a campfire. Bonfires are often created for ceremonial purposes.

Campfire: An outdoor fire which is created for pleasure, religious, ceremonial, cooking, warmth or similar purposes; which burns materials other than rubbish, grass, and leaves; where the fuel being burned is not contained in an incinerator, outdoor fireplace, barbecue grill or barbecue pit; and, where the total fuel area is three (3) feet or less in diameter and two (2) feet or less in height (height measured from ground level). (Campfires are subject to the requirements in Section 5.01, Table 1, Note 2.)

Construction Debris: Waste material generated during the construction or demolition of a building or structure or during salvage operations.

Executive Body: The Board of Trustees of Williamstown Township, Ingham County, Michigan.

Fire Chief: The chief officer of the Northeast Ingham Emergency Service Authority (NIESA) Fire Department, which is responsible for providing fire protection services to Williamstown Township.

Household Trash: As used in this Ordinance, household trash is combustible waste material (such as waste paper, cardboard, rags, cartons, etc.) produced in or around a residence.

Open Burning: The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber (for example, burning yard waste). For the purposes of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

Outdoor Wood Furnace. The modern outdoor residential wood-burning hot water furnace is a freestanding unit situated outside the envelope of the structure to be heated. The unit consists of a closed combustion chamber surrounded by a water tank and is vented through a stack. A wood burning fire is contained and controlled in the combustion chamber or firebox of the furnace. During the combustion process, heat is transferred through the walls of the chamber into the water. The hot water from the furnace tank can then be circulated through radiators or air-handling heat exchangers to transfer heat into the residence.

Person: An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

Rubbish: Combustible and noncombustible waste materials, including but not limited to garbage, waste paper, residue from the burning of coal, wood, coke, or other combustible material, paper, rags, cartons, tin cans, metals, mineral matter, glass crockery, dust, discarded refrigerators, and heating, cooking or incinerator-type appliances.

Silviculture: The care and cultivation of forest trees.

State: The State of Michigan.

Subdivision: A development consisting of subdivided lots on which houses or other structures may be constructed. As used in this Ordinance, “subdivision” includes developments or lots created under the Land Division Act (Public Act 288 of 1967, as amended) or the Condominium Act (Public Act 59 of 1978, as amended).

Township: Williamstown Township, Ingham County, Michigan.

Weekend: Saturday and Sunday.

Zoning Ordinance: The Ordinance adopted by the Township Board of Trustees pursuant to the Michigan Zoning Enabling Act of 2006, as amended, which divides all of the land in the Township into Zoning Districts, and which contains regulations to guide development of land in each District.

Article V BURNING REGULATIONS

Section 5.01 - General Requirements

- a. Table of Regulations.** No person shall at any time undertake or allow to continue any open burning or other fire-related activity except in full accordance with the regulations in the attached Table 1.
- b. Intent.** Burning is generally most limited in the parts of the Township where the greatest amount of residential development has occurred or is expected to occur. In these areas burning is most apt to offend or affect the health of residents, or endanger residents and property.
- c. Petition to Permit or Ban Burning in a Subdivision.** Residents of a subdivision may seek to obtain a ban on types of burning that are otherwise permitted in the subdivision by

obtaining the signatures of residents of the affected subdivision on a petition proposing such a ban. If burning is banned, residents of a subdivision may seek to obtain permission to allow burning in the subdivision by obtaining the signatures of residents of the affected subdivision on a petition proposing to allow burning, provided that the desired types of burning are permitted in Table 1. Any such petition should satisfy the following requirements:

- (i) The petition should specify the types of burning covered by the petition, and should not propose a type of burning that is otherwise prohibited throughout the Township.
- (ii) The petition should specify the area of the Township covered by the petition. The area covered by a petition should be limited to the boundaries of a single subdivision, except where a subdivision has been developed in phases, all phases should be represented on a single petition. (For example, Pebblebrook Estates, Pebblebrook No. 2, 3, 4 and 5, and Pebblebrook Place would be represented on one petition.) Where lots created by land division are enveloped on two (2) or more sides by a subdivision, or where such lots adjoin and are commonly considered part of a subdivision, then such lots should be included and counted in the petition for the surrounding subdivision.
- (iii) The petition should be consistent with general policies of the Township regarding format and content of petitions.
- (iv) The petition should be submitted to the Township Board. The petition shall be considered advisory and non-binding upon the Township Board. Upon receipt of a petition, the Township Board shall proceed with any further investigation it deems necessary to determine if the action sought would be appropriate and reasonable. Action to change the burning status of an area shall be by majority vote of the Township Board.
- (v) Burning that is permitted by the Township Board pursuant to Section 5.01 shall comply with all applicable conditions specified in this Ordinance.

Section 5.02 - Burn Permits

- a. **Burn Permit Required.** A burn permit shall be obtained from the Williamstown Township Hall prior to kindling a fire for any of the following purposes:
 - Open burning, unless specifically excepted.
 - Burning yard debris other than grass and leaves (i.e., brush, limbs, and dead plant growth).
 - Silviculture, range, wildlife or wildflower management practices.
 - Prevention or control of disease or pests.
- b. **Permit Not Required.** The burning exceptions listed in Section 5.09 shall not require permits (exceptions in Section 5.09 include: campfires, burning in a grill, on a camp stove, or in a fireplace, stove, or furnace; subject to the conditions in Section 5.09 and restrictions in Table 1).
- c. **Consent of Landowner.** The application for a burning permit shall be submitted by or have the written consent of the owner of the land upon which the fire is to be kindled.
- d. **Permit Application and Contents.** The permit application shall provide the name, address, driver's license number, and telephone number of the applicant and property owner (if not

the applicant), the location where the fire is to be set, the material that is to be burned, and the proposed date and time of the fire. The permit shall be kept readily available at the site of the burning for inspection by any fire or police official who visits the site.

- e. **Application and Renewal Procedures.** The initial application for a burn permit shall be submitted in person at the Williamstown Township Hall. The burn permit shall remain valid for up to four (4) consecutive days. Following the initial period of validity, a burn permit may be reactivated by the applicant by phone for additional periods of up to four (4) days by calling the Township during regular business hours. Reactivation of the burn permit shall be required each time an applicant wishes to burn.

If an applicant has been cited for a violation of this Ordinance, the initial reactivation of the permit following the violation must be done in person. However, a permit may not be reactivated, and an applicant may not obtain a new permit, within six (6) months after a violation (unless the Fire Chief has recommended a longer waiting period). The length of the waiting period related to a violation may be appealed to the Township Board. The imposition of a permit waiting period shall not affect or limit the penalties that may be imposed pursuant to Section 6.01.

- f. **Permit Conditions.** When granting a permit, the Township may establish additional conditions under which the burning may occur. For example, the permit may specify the specific materials that may be burned and the date(s) and time(s) that the burning may occur.

Section 5.03 - Conditions Under which Burning Is Always Prohibited

Regardless whether a burn permit has been issued or required, burning is prohibited in the following instances:

- a. **Restrictions Due to Local Conditions.** Burning is prohibited where, due to atmospheric or wind conditions or other local circumstances, the fire may be hazardous or may create offensive smoke or odor emissions.
- b. **Flammable, Toxic or Explosive Materials.** Highly flammable, toxic or explosive materials shall not be burned in any area of the Township. The person engaged in the burning possesses the burden of proof that the materials being burned do not violate these restrictions.
- c. **Foul Odors.** No person at any time shall burn garbage, animal carcasses, rubbish, trash, animal waste, or any other materials that would give off foul odors.
- d. **Accelerants.** Use of accelerants, such as gas or another petroleum product, is prohibited.
- e. **Bonfires.** Bonfires require Township administrative review and approval. Bonfires shall not be permitted on parcels that are less than one (1) acre in area. The applicant shall specify a source of water and other means that will be used to control the fire.
- f. **Buildings.** No person at any time shall intentionally burn a principal or accessory building located in the Township.

- g. **Household Trash.** Open burning of solid waste is prohibited. This prohibition includes burning of household waste in a burn barrel.
- h. **Importing Burn Materials.** No materials of kind may be brought into the Township to burn.
- i. **Building Materials.** Building materials shall not be burned in Williamstown Township.

Section 5.04 - Daily Starting and Ending Times

Fires may not be started prior to sunrise. Campfires shall be extinguished completely by midnight each night. All other fires shall be extinguished by 9:00 p.m. each night. Notwithstanding the starting and ending times specified in this Section, burning shall always adhere to the time limits specified in any permit that has been issued.

Section 5.05 - Separation of Fires from Buildings and Structures

Unless otherwise noted herein, burning that is permitted by Table 1 shall comply with the following setbacks, unless a greater separation is required by the Fire Chief or his/her designee to prevent a fire that may become hazardous or may create offensive smoke or odor emissions:

- a. Campfires: minimum setback of twenty-five (25) feet from any building, structure, or property line.
- b. Burning yard debris, controlled burn for silviculture, range management and wildflower propagation: minimum setback of twenty-five (25) feet from any building or structure, fifty (50) feet from any property line.

Notwithstanding the above setbacks, burning of any type shall be setback a sufficient distance to prevent unintended spread of fire to nearby trees, underbrush, and other potentially flammable vegetation.

Section 5.06 - Incinerators for Commercial and Industrial Fires

A commercial or industrial fire is any fire, located in or on premises that are used for commercial or industrial purposes, where the fire is used to burn only the combustible materials that are generated by the business on the premises. Any burning on a commercial or industrial property shall be confined within a fireproof incinerator that complies with the requirements of the International Fire Code and Michigan Building Code, which shall be subject to inspection by the Township Building Official.

Section 5.07 - Domestic Fires

A domestic fire is any fire around the home or on the site surrounding the home. No person shall set or cause to be set, burn or cause to be burned, any paper, trash, rubbish or other material on domestic premises.

Section 5.08 - Monitoring the Fire

Open burning, campfires, and other fires shall be constantly attended by the permit applicant or by a competent person of not less than eighteen (18) years of age designated by the permit applicant (unless a

higher age is specified on the permit), until the fire is extinguished. A minimum of one portable fire extinguisher, complying with an A-4 rating, at minimum, or other approved on-site fire-extinguishing equipment having sufficient capacity to extinguish the fire, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate use.

Section 5.09 - Exceptions

The prohibitions against burning set forth herein, and the requirement for obtaining a permit pursuant to Section 5.02, shall not apply to the following:

- a. The burning of wood, charcoal, or other approved fuel, in a conventional grill or camp stove for the preparation of food.
- b. The burning of wood, coal, or gas in a fireplace, stove, or furnace which is constructed and/or installed in a building or structure in compliance with all applicable manufacturer's instructions and all federal, state, and local ordinances, laws and regulations.
- c. The burning of campfires, provided any such fire complies with the requirements in Table 1, note 2.
- d. Use of road flares or smudgepots and similar devices having open flames that are used for public safety or agriculture.

Although a permit is not required, residents anticipating a campfire are encouraged to notify the Township of the date and time of such burning.

Section 5.10 - Disposal of Ash and Burning on a Road

No ash or waste from burning shall be deposited within fifteen (15) feet of the shoulder of any public road or highway in the Township. No burning shall occur within the right-of-way of a road or highway.

Section 5.11 – Outdoor Wood Furnaces

An outdoor wood furnace may be installed and used in Williamstown Township only in accordance with the following provisions:

- a. **Stack Height.** The outdoor wood furnace shall have a permanently attached stack with a minimum stack height of fifteen (15) feet above the ground. The stack shall have a spark arrestor.
- b. **Acceptable Fuels.** Fuel burned in an outdoor wood furnace shall be only clean wood, wood pellets made from clean wood, or other listed fuels specifically permitted by the manufacturer's instructions, such as fuel oil, natural gas or propane backup.
- c. **Prohibited Burn Items.** The following items are strictly prohibited from being burnt in an outdoor wood furnace:
 - i. Any material not listed in subsection b.

- ii. Wood that has been painted, varnished, or coated with similar material and/or has been pressure treated with preservatives and contains resins or glues as in plywood or other composite wood products.
 - iii. Rubbish or garbage, including but not limited to food wastes, food packaging, and food wraps.
 - iv. Any plastic materials, including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 - v. Rubber, including tires or other synthetic rubber-like products.
 - vi. Newspaper, cardboard, or any paper with ink or dye products.
 - vii. Any other items not specifically allowed by the manufacturer or this provision.
- d. **Permit.** The owner of the outdoor wood furnace shall obtain a building permit and other permits from the Township prior to construction.
- e. **Regulations.** Outdoor wood furnaces installed on or after the effective date of this section of the ordinance shall comply with the following provisions:
- i. The outdoor wood furnace shall be permitted only in the following zoning districts: R-1, RR, RE, AG-SF and AG-C.
 - ii. The outdoor wood furnace shall be permitted in the rear yard only.
 - iii. The outdoor wood furnace shall be constructed, established, installed, operated and maintained in conformance with the manufacturer's instructions and the requirements of this ordinance. In the event of a conflict, the requirements of this ordinance shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.
 - iv. The outdoor wood furnace shall be laboratory tested and listed to appropriate safety standards, such as UL, CAN/CSA, ANSI or other applicable safety standards.
 - v. The outdoor wood furnace shall be located at least seventy-five (75) feet from the nearest property line and two hundred (200) feet from the nearest adjacent residence.
 - vi. The outdoor wood furnace shall be located on the property in compliance with manufacturer's recommendation and or testing and listing requirements for clearance to combustible materials.
 - vii. At the time of construction outdoor wood furnaces shall be held to 0.32 lb./mmBTU heat output or current U. S. Environmental Protection Agency (EPA) standards, whichever are higher. All new furnaces/stoves installed in the Township shall display the EPA certification label on the back of the furnace/stove.
 - viii. Ash generated by an outdoor wood furnace shall be disposed of on the furnace owner's property or at another site that knowingly accepts the ash.
 - ix. Outdoor wood furnaces shall not be used between June 1 and August 31.

Article VI

PENALTIES, SEVERABILITY, REPEAL, EFFECTIVE DATE

Section 6.01 - Penalties

Any person who violates any of the provisions of this Ordinance, or who fails to comply with any of its terms, or who violates or fails to comply with any order made thereunder, or who fails to comply with any permit or certificate issued thereunder, shall be guilty of a misdemeanor, punishable by a fine of not more than \$500.00, or imprisonment for not more than ninety (90) days, or both. The imposition of a penalty for a violation shall not excuse the violation or be considered a permit to allow the violation to continue. Each day that a prohibited condition is maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited condition(s) or the obtaining of injunctive or other civil relief.

Section 6.02 - Additional Remedies

Any violation of this Ordinance shall constitute a nuisance per se, and the Township Board of Trustees, its agents or attorneys, may take action in any court of competent jurisdiction to cause the abatement of such nuisance, and may seek redress for any expenses incurred by the Township in extinguishing a fire resulting from violation of this Ordinance. These remedies are in addition to those set forth in Section 6.01.

Section 6.03 - Severability

This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable; and if they or any part of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Section 6.04 - Repeal

Township Ordinance No. 27, the Township Fire Ordinance, is hereby repealed when this Ordinance takes effect. All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 6.05 - Effective Date

This Ordinance shall take effect thirty (30) days after publication subsequent to final adoption.

Section 5.01 - General Requirements

Table 1 - Burning Regulations

Burning, where permitted by this table, shall be subject to all other applicable conditions of this ordinance, including requirements for obtaining and/or reactivating a burn permit.

Zoning District	R-1	R-1-S	RR	RE	AG-SF	RM-1	AG-C	MHP, OS-1, B-1, B-2, I-1⁵	PD
Leaf and Grass Burning	X	X	X	X	X	X	X	X	X
Burning Yard Debris Other than Leaves and Grass (i.e., brush, limbs, dead plant growth)	OK See note 3	OK See note 3	OK See note 3	OK	OK	X	OK	X	OK See note 3
Burning Household Trash	X	X	X	X	X	X	X	X	X
Burning Construction Waste	X	X	X	X	X	X	X	X	X
Campfires	OK See note 1	OK See note 1	OK See note 1	OK See note 1	OK See note 1	X	OK See note 1	X	OK See note 1
Barbecues, Fireplaces and Similar Facilities	OK See note 2	OK See note 2	OK See note 2	OK See note 2	OK See note 2	OK See note 2	OK See note 2	OK See note 2	OK See note 2
Controlled Burn for Silviculture, Range and Wildlife Management, Wildflower Propagation, burning associated with a bonafide agricultural operation	X	X	X	OK	OK	X	OK	X	OK See note 4

See Legend on Next Page

Legend

X = Activity Is Not Permitted in Zoning District **OK** = Activity Is Permitted in Zoning District

Section 5.01 - General Requirements

Table 1 - Burning Regulations

Table Notes

1. The total fuel area of campfires shall not exceed three (3) feet in diameter and two (2) feet in height (measured from ground level). Campfires shall be contained within a six (6) inch depression in the ground and ringed with stones, bricks, concrete or concrete block. All such fires shall be extinguished completely no later than midnight. Per Section 5.09c, a permit is not required for a campfire. Excluding Pebblebrook, campfires are permitted in subdivision and condominium common areas (no other burning is permitted in common areas). The following additional campfire restrictions apply in Pebblebrook Estates, Pebblebrook No. 2, 3, 4 and 5, and Pebblebrook Place:
 - a. No burning shall take place when winds are over ten (10) mph.
 - b. An initial burn permit shall be required after Township inspection.
 - c. In-ground fire rings and fire pits are not permitted. Approved devices to contain a campfire shall not exceed thirty-six (36) inches in diameter and shall have a spark arrester.

2. The use of barbecues, outdoor fireplace grills, and similar facilities to burn wood, charcoal, or gas is permitted in all districts for the purposes of preparing food and/or generating warmth; except, however, chimneys and open metal containers are not permitted in Pebblebrook Estates, Pebblebrook No. 2, 3, 4 and 5, and Pebblebrook Place.

3. Burning of yard debris (excluding leaves and grass) is allowed by permit only as follows:

- a. In the R-1, R-1-S, and PD districts, and in the subdivisions and condominium developments in the RR district, burning is permitted in accordance with the following schedule, provided that maximum size of burn piles shall be six (6) feet in diameter and six (6) feet in height:

Month	Days on Which Burning Is Permitted
January, February, March, June, November, December	1 st Full Weekend(Sat, Sun), 3 rd Tuesday, 3 rd Wednesday
April, May, September, October	1 st & last Full Weekend(Sat, Sun); 3 rd Tuesday, 3 rd Wednesday
July, August	Burning of yard debris is prohibited

- b. In the RE, AG-SF, AG-C, and outside of subdivisions and condominiums in the RR district: burning is permitted throughout the year. The maximum size of burn piles shall be six (6) feet in diameter and six (6) feet in height.

- c. In Pebblebrook Estates, Pebblebrook No. 2, 3, 4 and 5, and Pebblebrook Place: burning of yard debris is prohibited at all times.
- 4. Burning for wildflower propagation in common open space areas of a Planned Development (PD) may be allowed by permit, where called for on the approved PD plans or PD Agreement.
- 5. Incinerators for commercial or industrial use are permitted in the B-1, B-2 and I-1 districts only, subject to the requirements in Section 5.06.

McKENNA ASSOCIATES
December 18, 2012
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