

BARODA TOWNSHIP OPEN BURNING ORDINANCE

Ordinance No. 35

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SECTION 1 AUTHORITY

Michigan Compiled Laws, Act 246 Of 1945 Section 41.181

SECTION 2 PURPOSES

This ordinance is intended to promote the public health. And to safeguard the comfort and living conditions for the residents of the Township of Baroda by regulating the air pollution and fire hazards of outdoor burning.

SECTION 3 APPLICABILITY

This ordinance applies to all open burning within the Township of Baroda, outside of the Baroda Village limits. Baroda Village has an ordinance (Sec. 14-23 thru sec. 14-28) pertaining to the Village limits only.

3.1 This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking, grilling appliances or campfires.

3.2 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.

3.3 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.

3.4 The Baroda Township Fire Chief, giving due consideration to public health and safety, may temporarily suspend provisions of this ordinance for the welfare of the public and the Township of Baroda.

SECTION 4: DEFINITIONS

4.1 "Approved container" means a container constructed of metal or masonry with a metal covering device with openings no larger than $\frac{3}{4}$ inch.

4.2 "Campfire" means a small outdoor fire intended for recreation, cooking or ceremonies, but not intended for the disposal of waste wood or refuse. The fire must not exceed six feet in diameter.

4.3 "Construction and demolition waste" means building waste materials, included but not limited to waste shingles, insulation, lumber, treated wood, painted wood wiring, plastics, foam, packaging and rubble that results from construction, remodeling, repair and demolition operations on a house, commercial or industrial building or other structure.

4.4 “Fire Chief” means the Chief of the Baroda Township Fire Department. In the Chiefs absence it falls back to the Fire Departments “Chain of Command”.

4.5 “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 or similar container.

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

SECTION 5: OPEN BURNING OF TREES, LOGS, BRUSH, STUMPS, LEAVES, GRASS CLIPPINGS, WEEDS, CROP STUBBLE AND REFUSE

5.1 All open burning in Baroda Township requires a burning permit. The following EXCEPTIONS apply:

- a. A burning permit is NOT required for a campfire.
- b. A burning permit is NOT required when the open burning is contained within an approved container.

5.2 The following materials are PROHIBITED from burning:

- a. Construction and demolition waste.
- b. Hazardous substances including but not limited to batteries, household chemicals, pesticides, used oil, gasoline, paints, varnishes and solvents.
- c. Furniture and appliances.
- d. Household trash that contains plastic, rubber, foam, chemically treated wood, textiles, electronics, chemicals or hazardous materials.

5.3 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 or airfields.

5.4 Except for campfires, open burning shall only be started during daylight hours (between sunrise and sunset).

5.5 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. This

person shall have readily available for use such fire extinguishing equipment as may be necessary.

5.6 No materials may be burned upon any street, curb, gutter, sidewalk or on the ice of any lake, pond, stream or body of water.

SECTION 6: BURNING PERMITS

6.1 No person shall start or maintain any open burning covered under this ordinance without a burning permit issued by the Baroda Township Fire Chief, or in his absence the next Fireman in the Baroda Township chain of command. There will be no charge for burning permits.

6.2 When weather conditions, air quality actions, or burning bans warrant, the Fire Chief may temporarily suspend previously burning permits or new permits for open burning.

6.3 A burning permit issued under this section shall require compliance with ALL applicable provisions of this ordinance and any additional special restrictions deemed necessary by the Baroda Fire Chief to protect public health and safety.

6.4 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 7 ENFORCEMENT AND PENALTIES

7.1 The Baroda Fire Chief, or in his absence it falls back to the Fire Departments chain of command, shall be authorized to enforce the provisions of this ordinance assisted by the Baroda-Lake Township Police Department if needed.

7.2 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 responsible for a municipal civil infraction as defined by Michigan Statue which shall be punishable by civil fine determined in accordance with the following schedule:

| | |
|---|-----------------|
| 1 st . Offense within a 3-year period* | Written Warning |
| 2 nd Offense within a 3-year period* | \$ 100.00 |
| 3 rd Offense within a 3-year period* | \$ 200.00 |
| 4 th Offense within a 3-year period* | \$ 300.00 |

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

SECTION 8 SEVERABILITY

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

SECTION 9 ADOPTION

This Ordinance shall be effective thirty days after its publication in the Herald Palladium, a newspaper of general circulation in Baroda Township.