

ORDINANCE #402
OUTDOOR BURNING ORDINANCE

Adopted: 04/11/23
Effective: 04/19/23

An ordinance to establish a system to promote for the citizens of the Charter Township of Bangor the public health, safety, and welfare due to the air pollution and hazards of outdoor burning.

THE CHARTER TOWNSHIP OF BANGOR, BAY COUNTY, MICHIGAN, HEREBY ORDAINS:

SECTION 1
DEFINITIONS

“Ability to extinguish” means having a source to be able to extinguish an outdoor fire. i.e., garden hose, bucket of water, fire extinguisher, etc.

“Building materials” means materials including but not limited to waste shingles, insulation, lumber (treated or otherwise), containing paint on or in an item, wire, plastics, packing, and any other items that comes from construction, remodeling, repair, and demolition operations of a building or structure.

“Burn ban” means restriction of legal outdoor burning as usually set forth by the Governor of the State of Michigan and issued by the Michigan Department of Natural Resources for the reason of dryer than usual conditions causing possible wildfire conditions to increase. Burn bans exclude recreational fires.

“Clean seasoned wood” means natural wood which has not been painted, varnished, coated with a similar material. It shall not be pressure treated with preservatives, nor contain resins, or glues used in the production of the wood product, nor a composite of such. Wood also shall not have leaves or needles on it and shall be of low moisture content.

“Enforcement authority” means the Charter Township of Bangor Supervisor or his designee as specified in Charter Township of Bangor Ordinance #392 shall have the authorization to enforce and/or issue citations for infractions of this ordinance as specified in forementioned Ordinance.

“Open burning” means the burning of unwanted trees, brush, bushes, and branches where the products of combustion are emitted directly into the ambient air without passing through a stack, chimney, or screen.

“Outdoor burning” means burning of materials outside of a residential or commercial structure while the fire is contained in a wood furnace, chiminea, patio warmer, or other portable device that uses products of combustion to operate (i.e., gas, propane, wood, fuel oil).

“Recreational (camp) fire” means a small outdoor fire intended for recreation or cooking but not including the burning for disposal of building products and/or yard waste materials.

SECTION II APPLICABILITY

This ordinance applies to all burning within the Charter Township of Bangor.

- A. This ordinance does not apply to grilling or cooking using charcoal, wood, propane, or natural gas in cooking or grilling appliances.
- B. This ordinance does not apply to burning in a stove, furnace, fireplace, or other heating device within a structure used for human or animal habitation
- C. This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline, kerosene, or fuel oil in a device intended for heating, construction, or maintenance activities.
- D. This ordinance shall abide by the state fire codes along with EAGLE, DNR, and other Township ordinances.

SECTION III 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 III GENERAL PROHIBITION OF OPEN BURNING

Open burning is prohibited in the Charter Township of Bangor unless specifically permitted by this ordinance.

SECTION IV OPEN BURNING OF REFUSE

Open burning of refuse is prohibited.

SECTION V OPEN BURNING OF LOGS AND BRANCHES

- A. Open burning of leaves and grass clippings is strictly prohibited.
- B. Open burning of logs and branches is allowed only in accordance with all the following provisions.

1. Except recreational campfires a “Burning Permit” will be issued in accordance with Section 10 of this ordinance and must be obtained prior to open burning under this Section.
2. Open burning of permitted materials as specified in this ordinance must be conducted at least 1,400 feet from an incorporated city, or village limit.
3. Except for a barbecue, gas, and charcoal grills, no open burning shall be undertaken during periods when the Governor of the State of Michigan has issued a burning ban applicable to the area.
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, fire, or visibility hazard on nearby roadways, or railroad. Open burning shall be conducted in conformance with all local, and state Fire Department protection regulations.
5. Campfires for cooking, ceremonies, or recreation are allowed.
6. The location for open burning from any structure shall be no less than fifty feet with provisions to prevent the fire from spreading.

Exceptions: when the outdoor burning fire is going to be three feet or less in diameter, and 3 feet in height, the distance shall be no less than twenty-five feet from any structure. When outdoor burning fire is to be in any contained manufactured screened “fire pit” i.e., chiminea the minimum required distance from any structure shall be no less than 15 feet.

7. Open burning shall only be conducted between the hours of 8:00 A.M. and 10:00 P.M.
8. All burning shall be constantly supervised by a competent person of at least 18 years of age until the fire is extinguished and is cold. There shall be an available ability to extinguish large enough to totally control the fire.
9. No materials may be burned upon any street, curb, gutter, sidewalk, or frozen body of water.

SECTION 8 OUTDOOR WOOD FURNACE

An outdoor wood furnace has a separate ordinance and is not addressed under this burning ordinance.

SECTION 9 PATIO WOOD BURNING UNITS

A patio wood-burning unit may be installed and used in the Charter Township of Bangor in accordance with all the following provisions.

- A. The patio wood-burning unit shall not be used to burn refuse.
- B. The patio wood-burning unit shall only have dry clean wood in it when used.

- C. The patio wood-burning unit shall not cause a nuisance with neighbors.
- D. The patio wood-burning unit shall not be used in less than 15 feet from any structure.

**SECTION 10
BURNING PERMITS**

- A. No person shall start or maintain any open burning covered under this ordinance without a burning permit issued by the Bangor Township Fire Department.
- B. A recreational fire does not require a permit provided that the fire complies with all other applicable provisions of this ordinance and is no larger than 3 feet in diameter and height.
- C. When weather conditions warrant, the Fire Chief may temporarily suspend issuing burning permits and may temporarily suspend previously issued burning permits for open burning.
- D. 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 public health and safety.
- E. Any violation of the conditions of a burning permit shall be deemed a violation of this ordinance and thus void the permit for the remainder of the year and may be subject to fines.

**SECTION 11
LIABILITY**

A person utilizing and maintaining outdoor fire or open burning shall be liable for costs and damages caused by the fire.

**SECTION 12
RIGHT OF ENTRY AND INSPECTION**

The Fire Chief, or any authorized officer, agent, employee, or representative of the Bangor Township Fire Department who presents credentials may enter and inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

**SECTION 13
ENFORCEMENT AND PENALTIES**

- A. The Charter Township of Bangor Supervisor or any designee with written order by the Supervisor are authorized under Charter Township of Bangor Ordinance #392 to enforce the provisions of this ordinance. When open burning creates or adds to a hazardous situation, or a required permit for open burning has not been obtained, the Fire Department official is authorized to order the extinguishment of the open burning operation.

- B. Any person, firm, association, partnership, corporation, or governmental entity who violates any of the provisions of the ordinance or fails to comply with the 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 Municipal Citation Fee Schedule as provided by the Charter Township of Bangor.

- C. The violator shall pay costs which may include all expenses, direct and indirect, which the Charter Township of Bangor has incurred in connection with the municipal infraction. In no case, however, shall costs be of less than \$75.00, nor more than \$1000.00 be ordered. 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 14
INSTITUTION, OBSERVANCE, AND ENFORCEMENT OF THIS ORDINANCE**

This ordinance shall become effective immediately after the last required and approved publication of the following adoption.

The above ordinance was adopted at a regular meeting of the Charter Township of Bangor on the 11th day of April, 2023 and shall be published in the Pinconning Journal on the 19th day of April, 2023.

ROLL CALL VOTE

AYES: Taylor, LaPlant, Koch, Bublitz, Yaworski, Rowley
NAYES: None
ABSENT: Wardynski

ORDINACE DECLARED ADOPTED