

VERNON TOWNSHIP
Shiawassee County, Michigan
Burning Ordinance
Ordinance No. 2023-02

An ordinance to protect the health, safety, and welfare of the people of Vernon Township, Shiawassee County, Michigan, by regulating the burning of leaves, trash, and any other combustible materials within the community; to provide penalties for the violation thereof and to repeal all ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF VERNON, SHIAWASSEE COUNTY, MICHIGAN, ORDAINS:

SECTION 1: TITLE.

This ordinance shall be known and cited as the “Vernon Township Burning Ordinance.

SECTION 2: PURPOSE AND INTENT.

The purpose of this ordinance is to protect the people and property within the Township against health, safety, environmental, and fire hazards caused by the burning near roads, streets, places, buildings, and structures, both public and private. To promote the health, safety, and general welfare of the community by regulating methods of burning of materials. To encourage alternative methods of disposing of natural and biodegradable materials.

SECTION 3: GENERAL PROHIBITIONS.

All out-of-doors burning of any material shall be prohibited, except as provided for in this ordinance.

Construction and Demolition Waste: Construction and demolition (C & D) waste is waste building material, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on houses, commercial or industrial buildings, and other structures. C & D waste may be generated at many sources including households, commercial establishments, and industrial facilities. The open burning of any C & D waste is prohibited, even if the burning is to be conducted on the person’s own property. A person may NOT take C & D waste to another location (such as a household) to be burned.

SECTION 4: PROVISIONS FOR CONTAINED BURNING.

All out-of-doors contained burning shall be:

1. Conducted within a fireproof masonry or metal burner containing an approved spark arrester that has no larger than a ¾” spacing.
2. Only consisting of paper, cardboard, dry leaves, brush, and clean untreated lumber.
3. Started only after sunrise.

4. Extinguished and emitting no smoke after dusk.
5. At least fifteen feet (15') from the edge of any road.
6. At least fifteen feet (15') from any structure including but not limited to fencing, woodpiles, shed, out buildings, and utility poles.
7. At least five feet (5') from any public or private property lines.
8. Prohibited if determined by the Fire Chief (or his/her designee) that conditions are such that burning would be hazardous to health, safety, and general welfare of persons or property in the community.
9. Ash or waste from any fire shall not be deposited within the public streets and highways within the Township.
10. Grills and barbeques: Open burning within an outside grill or barbeque for the expressly limited purpose of food preparation. Grills and barbeques are not permitted on apartment or other multiple family housing balconies.

SECTION 5: PROVISIONS FOR OPEN ON THE GROUND BURNING; ALL CLARING LOTS AND/OR AGRICULTURAL OPEN ON THE GROUND BURNING.

All out-of-doors contained burning shall be:

Attended by a competent person at all times.

1. In small, manageable piles.
2. Only consisting of paper, cardboard, dry leaves, brush, and clean untreated lumber.
3. Started only after sunrise.
4. Extinguished and emitting no smoke after dusk.
5. At least fifteen feet (15') from the edge of any road.
6. At least twenty-five (25') from any structure including but not limited to fencing, woodpiles, shed, outbuildings, and utility poles.
7. At least ten feet (10') from any public or private property lines.

SECTION 6: FIRE PITS, CAMPFIRES, AND RECREATIONAL BON FIRES.

All fire pits and campfires shall be:

1. Be no smaller than 18 inches in diameter and no more than 48 inches in diameter.
2. Consist of an 8-inch minimum depression in the ground ringed with stone, brick, concrete, concrete blocks, or steel truck rims with the tire removed.
3. Have a minimum area of thirty-six inches (36") cleared of all burnable materials outside of the fire ring.
4. Use only seasoned firewood and not extending outside the fire pit or campfire.
5. Be supervised at all times and extinguished upon completion of the event or activity.
6. Allowed year round.

SECTION 7: GENERAL PROVISIONS.

Any burning generally permitted under this Ordinance shall be prohibited if the Fire Chief (or his/her designee) determines that conditions are such that burning would be hazardous to health safety, and general welfare of persons or property in the Township.

Ash or waste from any fire shall not be deposited within the public streets and highways within the Township.

SECTION 8: NUISANCE.

No burning shall be permitted at any time or in any location that would be a nuisance, hazard, or annoyance to adjoining persons or property by reason of heat, flame, fly ash, sparks, smoke, or odor. The determination of the person or persons designated to enforce this Ordinance as set out in Section 10 shall be conclusive as to whether or not any burning violates this provision.

SECTION 9: PERMITS.

No burning shall be permitted at any time or in any location of Vernon Township which does not comply with this ordinance. Vernon Township Fire Department will be the permitting authority and should be contacted prior to any burning within the Township.

SECTION 10: ENFORCEMENT.

The enforcement of this ordinance, and regulations established by the Township Board, shall be performed by the Fire Chief and any other person or persons as the Township Board shall designate by resolution.

SECTION 11: PENALTIES.

Any person, partnership, fire, association, or corporation who shall set or start a fire as required by this ordinance or fails to comply with the rules as defined and set forth in this ordinance, shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be subject to a fine or penalty of not less than \$50.00 (fifty) or more than \$500.00 (five hundred), or by imprisonment in the Shiawassee County Jail not exceeding ninety (90) days, or both such fine and imprisonment.

And Vernon Township may sue in any court of competent jurisdiction for civil damages and injunctive relief and may recover such costs and expenses incurred by them from any person, partnership, firm, association, or corporation who sets such a fire. All funds received from the collection of fees as established by this ordinance shall be deposited in the fire department.

SECTION 12: SEVERABILITY.

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section, or provision is declared void or unenforceable for any reason by any court of

competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

SECTION 13: REPEAL.

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

SECTION 14: EFFECTIVE DATE.

This Ordinance shall take effect thirty (30) days after publication as required by law.

The above ordinance was offered for enactment by Janeen Temple and was supported by Bert DeClerg at a regular meeting of the Vernon Township Board held at the Vernon Township Hall, on the 13th day of November 2023, at 7:15 p.m., the vote being as follows:

YEAS:

NAYS:

ABSENT/ABSTAIN:

ORDINANCE DECLARED ADOPTED.

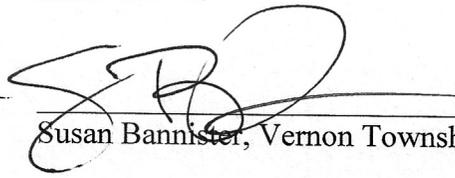
Bert DeClerg
Bert DeClerg, Vernon Township Supervisor

AFFIDAVIT OF POSTING AND PUBLICATION

I hereby certify that:

1. The above is a true copy of an Ordinance introduced for adoption by the Vernon Township Board at a duly scheduled and noticed meeting of that Township Board held on November 13, 2023, pursuant to the required statutory procedures.
2. The complete text of the proposed Ordinance was posted at the Township Clerk's office on October 12, 2023, and filed with the Shiawassee County Clerk on November 16, 2023.
3. The attached Notice of Ordinance Adoption was duly published in the Independent newspaper, which circulates within Vernon Township, on November 18, 2023, not more than seven (7) days after the posting.

ATTESTED:



Susan Bannister, Vernon Township Clerk

VERNON TOWNSHIP NOTICE OF ADOPTION

PLEASE TAKE NOTICE An ordinance to protect the health, safety, and welfare of the people of Vernon Township, Shiawassee County, Michigan, by regulating the burning of leaves, trash, and any other combustible materials within the community; to provide penalties for the violation thereof and to repeal all ordinances or parts of ordinances in conflict was adopted at a regular meeting of the Vernon Township Board on November 13, 2023. A summary of the Ordinance is as follows: Section 1: Title; Section 2: Purpose and Intent; Section 3: General Prohibitions; Section 4: Provisions for Contained Burning; Section 5: Provisions for Open on the Ground Burning; Section 6: Fire Pits, Campfires, and Recreational Bon Fires; Section 7: General Provisions; Costs; Section 8: Nuisances; Section 9: Permits; Section 10: Enforcement; Section 11: Penalties; Section 12: Severability; Section 13: Repeal; and Section 14: Effective Date.

PLEASE TAKE FURTHER NOTICE THAT the full text of the ordinance, as adopted, is available for inspection at the Vernon Township Hall, 6801 Durand Rd, Durand Michigan 48429 or on their website at www.vernontownship.net.

VERNON TOWNSHIP
Susan Bannister, Clerk
(989) 288-4403