

BYRON TOWNSHIP, MI, CODE OF ORDINANCES

ARTICLE III. - OPEN BURNING

FOOTNOTE(S): ⁽²¹⁾ **State Law reference**— Open burning of leaves and grass clippings, MCL 324.11522.

Sec. 18-50. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial and industrial purposes means any fire within the curtilage of a business or industry where the material being burned has been placed in a debris burner or approved incinerator constructed in such a manner as to filter out all solid residue emitted into the atmosphere and situated in such a location so as to not endanger any building.

Domestic purposes means any fire within the curtilage of a dwelling where the material being burned has been properly placed in a debris burner constructed of metal or masonry with a metal covering device with openings no larger than one-half of an inch, or a campfire, bonfire or fire for outdoor cooking.

Flammable material means any substance that will burn, including but not limited to refuse, debris, yard waste or forest waste material, brush, stumps, logs, rubbish, fallen timber, grass, stubble, leaves, fallow land, slash, crops or crop residue.

Open burning means any fire not contained in an approved debris burner constructed of metal or masonry with a metal covering device with openings no larger than one-half of an inch or an approved incinerator. (Comp. Ords. 2000, § 195.001; Ord. No. 306, § 1, 6-26-1995)

Sec. 18-51. - Burning limitations; exceptions.

(a) No person shall cause, allow, or maintain any open burning or domestic burning of any waste material or rubbish or any yard waste outside of, or in any, barrel, can, pit, or similar container or enclosure in any R-U, R-D, MFR, business or industrial zone other than in a incinerator permitted by the township building inspector, the DNR and/or any other regulatory agency having authority over construction and use of said commercial incinerators.

(b) In all other zones within the township, the burning permitted in subsection (a) of this section is allowed, provided a 200-foot buffer is maintained between the burn location and any other dwelling. The following exceptions apply:

- (1) Barbecues or other outdoor cooking.
 - (2) Bonfires.
 - (3) Controlled burn for training firefighters.
 - (4) Personal use of legal smoking materials.
 - (5) Use of igniters to light authorized fires.
- (Comp. Ords. 2000, § 195.002; Ord. No. 306, § 2, 6-26-1995)

Sec. 18-52. - Burning permitted.

Open burning and domestic burning of substance and quantities approved by this article shall be allowed within the R-A, R-R, R-S, B-1, B-2, B-3, and D-1 zones within the township as long as the location of said allowed burning exceeds 200 feet from any other dwelling and meets all other article requirements. (Comp. Ords. 2000, § 195.003; Ord. No. 306, § 3, 6-26-1995)

Sec. 18-53. - Prohibited substances.

Under no circumstances shall permission be given to any person to burn tires and other rubber products, petroleum based materials, paints, thinners, asphalt shingles, styrofoam, insulations or any other toxic or offensive materials. The burning of garbage and other offensive organic material is also prohibited. (Comp. Ords. 2000, § 195.004; Ord. No. 306, § 4, 6-26-1995)

Sec. 18-54. - Burning sanction on public rights-of-way, alleys, etc.

No person shall kindle or maintain any bonfire, other open burn or rubbish fire or any authorized fire on or in any public street, right-of-way, alley, road or other public ground. (Comp. Ords. 2000, § 195.005; Ord. No. 306, § 5, 6-26-1995)

Sec. 18-55. - Permit required.

Only domestic burning, in a barrel, or other suitable container covered by one-half-inch mesh screen or less, and burning less than one cubic yard of an authorized combustible material in a permitted R-A, R-R, R-S, B-1, B-2, B-3 and D-1 zone shall be allowed without a burning permit from the fire chief or his designated representative prior to the burn. All other fires require a permit. Consistent with state law, commercial and industrial properties shall not be allowed to burn except in approved incinerator devices. (Comp. Ords. 2000, § 195.006; Ord. No. 306, § 6, 6-26-1995)

Sec. 18-56. - Revocation of permit.

The fire chief or his designated representative may revoke any written or verbal permit issued at any time atmospheric conditions, fire danger levels or other local circumstances make such fires hazardous, environmentally inappropriate, or which are or could be offensive or objectionable due to smoke or odor emissions. (Comp. Ords. 2000, § 195.007; Ord. No. 306, § 7, 6-26-1995)

Sec. 18-57. - Penalty.

A violation of this article is a municipal civil infraction, for which the fine shall be not less than \$100.00 nor more than \$500.00 for the first offense, and not less than \$250.00 nor more than \$1,000.00 for subsequent offenses, in the discretion of the court, in addition to all other costs, damages, and expenses incurred by the township enforcing the article. For purposes of this section, the term "subsequent offense" means a violation of this article committed with respect to a separate incident by the same person within 12 months of a previous violation of the article for which said person admitted responsibility or was adjudicated to be responsible. Each day that such a violation occurs shall constitute a separate offense. In addition to the municipal civil infractions/penalties provided herein, the township may institute civil proceedings for injunctive relief necessary to enforce this article. (Comp. Ords. 2000, § 195.008; Ord. No. 306, § 8, 6-26-1995; Ord. No. 434, § 1, 1-10-2005)