

ORDINANCE #221
HOWARD TOWNSHIP
CASS COUNTY, MICHIGAN
Safe Burning Ordinance

An ordinance intended to promote and safeguard the public health, safety and welfare of the persons and property within Howard Township, Cass County, Michigan, by regulating outdoor burning.

THE TOWNSHIP OF HOWARD, CASS COUNTY, MICHIGAN, ORDAINS:

SECTION I TITLE

This ordinance shall be known and cited as the "Howard Township Safe Burning Ordinance"

SECTION II PURPOSE AND INTENT

This ordinance intended to promote and safeguard the public health, safety and welfare of the persons and property within Howard Township, Cass County, Michigan, by regulating outdoor burning.

SECTION III APPLICABILITY

This ordinance applies to all outdoor burning within Howard Township, Cass County, Michigan.

- A. This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- B. This ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device for a building used for human or animal habitation.
- C. This ordinance does not apply to small recreational campfires no larger than 30 inches (30") in diameter.

SECTION IV PROVISIONS FOR OUTDOOR BURNING

Outdoor burning includes all open ground burning and contained burning for the purposes of this ordinance.

- A. Attended by a competent person at least 18 years old at all times.
- B. Allowed year around, except on holidays, during scheduled special events, or prohibited by the Fire Chief or Fire Officers due to conditions.
- C. No burning within 1000 feet (1000') of any school until after 5:00 p.m. during an active school year

- D. Started only after sunrise.
- E. In manageable piles.
- F. Only consisting of clean paper, clean cardboard, dry leaves, brush and clean untreated lumber.
- G. All outdoor burning shall be at least 15 feet (15') from any edge of road.
- H. All outdoor burning shall be at least 15 feet (15') from any property line.
- I. All outdoor burning shall be at least 15 feet (15') from any structure including, but not limited to, homes, garages, sheds, fencing, utility buildings, utility poles, utility lines, or woodpiles.
- J. Prohibited if determined by the Fire Chief or Fire Officers that conditions are such that burning would be hazardous to health, safety, and general welfare of persons in the community.
- K. No ash or waste from any fire shall be deposited in any public or private lake, pond, waterway system, street or highway within the township.
- L. No burning of refuse, household waste, commercial waste or garbage.
- M. All outdoor burning must be extinguished and emitting no smoke after 9:00 p.m. with the exception of a permitted recreational bonfire, which must be extinguished and emitting no smoke after completion of the event.

SECTION V BURNING PERMITS

- A. Non-commercial Outdoor burning requires a burn permit, which may be obtained from the Township Office or the Fire Department.
- B. Commercial outdoor burning requires a burn permit issued specifically through the fire department and requires inspection by fire personnel prior to issuance of burn permit.
- C. All permits shall be retained for a period of not less than six (6) months.
- D. Every permit must contain name, address of burn location, phone number of person requesting the permit, and type of burn.

SECTION VI LIABILITY

A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

SECTION VII RIGHT OF ENTRY AND INSPECTION

The Fire Chief or Fire Officers, agent, employee or representative of Howard Township as designated to enforce this ordinance may inspect any property burning or any

property with intentions of burning for the purpose of ascertaining compliance with the provisions of this ordinance.

SECTION VIII ORDINANCE VIOLATIONS

Any person who violates any provisions of the Code or standard hereby adopted or fail to comply or shall violate or fail to comply with any order made thereunder shall be deemed guilty of a municipal civil infraction as defined in Michigan Public Acts and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum	Maximum
1 st Offense within 3-year period*	\$ 75.00	\$ 500.00
2 nd Offense within 3-year period*	150.00	500.00
3 rd Offense within 3-year period*	325.00	500.00
4 th & Up Offense within 3-year period*	500.00	500.00

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the municipal civil infraction. In no case, however, shall the costs of less than \$9.00 be ordered.

Any violation of this Ordinance shall constitute a basis for injunction relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this Ordinance and enforce the provisions thereof.

All such persons shall be required to remedy such violations or defects within a reasonable time.

SECTION IX SEVERABILITY

Should any provision or part of the within ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this ordinance which shall remain in full force and effect.

SECTION X EFFECTIVE DATE

This ordinance shall take effect 30 days after publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This ordinance duly adopted on October 15, 2019 at a regular meeting of the Township of Howard will become effective November 17, 2019.