

**ORDINANCE #221
HOWARD CHARTER 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 Charter Township, Cass County, Michigan, by regulating outdoor burning.

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

SECTION I TITLE

This ordinance shall be known and cited as the “Howard Charter Township Safe Burning Ordinance”

SECTION II PURPOSE AND INTENT

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

SECTION III APPLICABILITY

This ordinance applies to all outdoor burning within Howard Charter 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. Only dry, untreated, natural wood materials are allowed to be burned for the purpose of generating heat.
- C. This ordinance does not apply to small recreational campfires no larger than 30 inches (30”) in diameter. Must be attended by a competent person at least 18 years old at all times. Only clean paper, clean cardboard, dry leaves, brush, natural untreated wood materials, and untreated lumber are allowed to be burned in recreational campfires.

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; NO BURNING during the hours of Trick or Treat in Howard Charter Township, or when 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, natural untreated wood materials, 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 an 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 Charter 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, firm, association, partnership, corporation or governmental entity that violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	<u>Minimum Fine</u>	<u>Maximum Fine</u>
1 st Offense within 5-year period*	\$150.00	\$500.00
2 nd Offense within 5-year period*	250.00	500.00
3 rd Offense within 5-year period*	325.00	500.00
4 th or more offense within 5-year period*	500.00	500.00

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

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Howard Charter Township has incurred in connection with the municipal civil infraction. 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 or for the authorization to remove all violations and place all costs incurred with bringing the property into compliance. Each day that a violation exists shall constitute a separate offense.

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.

Upon roll call vote:

the following voted aye: Kasprzak, Wozniak, Daly, Johnson, Gordon, Hurlbutt

the following voted nay: _____

the following members were absent: Rudlaff

Adopted this 15th day of October, 2019

Published: October 18, 2019.

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

CHARTER TOWNSHIP OF HOWARD

Sheri Wozniak, Clerk
1345 Barron Lake Road
Niles, MI 49120
(616) 684-0072

Date

CERTIFICATE

The undersigned, as the duly elected and acting Clerk of the Township, hereby certifies that Ordinance #221 was duly adopted by the Township Board at a Regular Meeting of said Board, at which a quorum was present, held on October 15, 2019 , and this Ordinance shall take effect 30 days after publication following approval of the Howard Charter Township Board of Trustees.

Sheri Wozniak, Township, Clerk

Date

Amended 12/21/21