

**ORDINANCE NO. 2005-01**

**STATE OF MICHIGAN, COUNTY OF EATON**  
**TOWNSHIP OF HAMLIN**  
**BURNING ORDINANCE**

An Ordinance to protect the health, safety and general welfare of the persons and property within Hamlin Township, Eaton County, Michigan, by regulating the burning of leaves, trash and any other combustible materials within the township; to provide penalties for the violation thereof and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF HAMLIN, EATON COUNTY, MICHIGAN ORDAINS:

SECTION 1: TITLE

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

SECTION 2: PURPOSE AND INTENT

The purpose of this ordinance is to protect the people and property within Hamlin Township against health, safety, environmental and fire hazards caused by the burning of combustible materials 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 any materials, and to encourage alternative methods of disposing of natural and biodegradable materials including recyclable materials.

SECTION 3: GENERAL PROHIBITIONS

The burning of any materials wherein products of combustion are emitted directly into the open air without passing through a stack or chimney from an enclosed chamber is prohibited, except as provided for in this Ordinance. For the purposes of this Ordinance, a “chamber” shall be defined as “enclosed” when, during the time combustion occurs, only apertures, ducts, stacks, flues, or chimneys necessary to provide combustion air and to permit the escape of exhaust gas are open.

SECTION 4: PROVISIONS FOR CONTAINED BURNING

Fires conducted completely within a contained area do not require a permit, provided that such fires:

1. Be conducted within a fireproof masonry or metal burner containing an approved spark arrester that has openings no larger than a ¾" spacing.
2. Burn only paper, cardboard, dry leaves, brush and clean untreated lumber.

3. Be conducted only after sunrise.
4. Be extinguished and emit no smoke after sunset.
5. Be at least fifteen feet (15') from the edge of any road.
6. Be at least twenty feet (20') from any structure, including but not limited to fencing, woodpiles, sheds, outbuildings and utility poles.
7. Be at least one thousand feet (1,000') of any school unless burning is conducted after 4:00 p.m. on days when school is in session.
8. Be at least twenty feet (20') from any public or private property lines.
9. Be prohibited if the Fire Chief determines that conditions are such that burning would be hazardous to health, safety, and general welfare of persons or property in the community.
10. Be conducted such that ash or waste from any fire container are not deposited in the storm drains adjoining or within the public roads and highways within the township.

#### SECTION 5: PROVISIONS FOR OPEN BURNING ON THE GROUND

All open burning on the ground for any purpose shall be:

1. Conducted only after issuance of an approved permit;
2. Attended and controlled at all times by a competent person at least 18 years of age and be in an area where the fire cannot spread to other areas not intended to be burned;
3. In manageable piles and amounts;
4. Prohibited during times designated by resolution of the Township Board or by order of the Fire Chief, and extinguished if conditions make burning hazardous.
5. Used to burn only paper, cardboard, dry leaves, trees, brush and/or clean untreated lumber;
6. Conducted only after sunrise;
7. Extinguished and emit no smoke after sunset unless approved for agricultural purposes including the clearing or disposal of trees and brush as approved by the fire chief or the fire chief's designated representative.
8. At least fifteen feet (15') from the edge of any road;

9. At least twenty feet (20') from any structure, including but not limited to fencing, woodpiles, sheds, outbuildings and utility poles;
10. At least one thousand feet (1,000') from any school unless burning is conducted after 4:00 p.m. on days when school is in session.
11. At least fifteen feet (15') from any public or private property lines;

## SECTION 6: FIRE PITS, CAMPFIRES AND PATIO FIREPLACES

Fires conducted completely within fire pits, patio fireplaces and campfires do not require a permit, provided that such fires:

1. Shall be smaller than 36 inches in diameter;
2. Consist of an 8-inch minimum depression in the ground ringed with stone, brick, concrete or concrete blocks, or steel truck rims with the tire removed.
3. Have a minimum distance of 36 inches cleared of all burnable materials outside of the fire ring.
4. Such fires use only seasoned firewood and clean untreated lumber and do not extend outside the fire pit or campfire.
5. Are supervised at all times and extinguished upon completion of the event or activity.
6. Are allowed year round unless a fire ban is issued by Fire Chief, Township Board, or State of Michigan due to weather conditions.

## SECTION 7: GENERAL REQUIREMENTS

Any fire permitted by this Ordinance shall be constantly attended until the fire is extinguished. The person attending the fire shall be at least 18 years of age and shall be physically and mentally capable of controlling and extinguishing the fire. On site fire extinguishing equipment, such as a functioning fire extinguisher, dirt, sand, water barrel, garden hose and/or water truck, sufficient to quickly extinguish the fire shall be available at all times for immediate utilization while such fire is burning. Notwithstanding the issuance of a permit, such fires shall be prohibited if conditions are such that burning would be hazardous to health, safety, and the general welfare of persons or property in the community and the Fire Chief has made such a determination, and/or a fire ban has been declared by the State of Michigan or the Township Board.

## SECTION 8: FIREWORKS

All requests for fireworks and displays of fireworks shall be subject to Michigan State Police Fire Marshal Bulletin #12 and all revisions thereto.

#### SECTION 9: PERMITS

All required permits under this Ordinance shall be issued by the Fire Department and shall be:

1. For a maximum of three (3) days (72 hours) per fire;
2. Retained by the Fire Department for a period of no less than one (1) year;
3. Contain name, address and telephone number of person requesting permit, location of fire, material to be burned, and purpose for the fire.

#### SECTION 10: ENFORCEMENT AND PENALTIES

The enforcement of this ordinance shall be performed by such person or persons as the Township Board shall designate by resolution. Any person, partnership, firm, association or corporation who shall set or start a fire as defined by this ordinance and fails to comply with the rules as established 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 more than \$500.00, and/or by imprisonment in the Eaton County Jail not exceeding ninety (90) days. Furthermore, Hamlin Township may sue in any court of competent jurisdiction for civil damages and injunctive relief and may recover such costs and expenses incurred by the Township from any person, partnership, firm, association or corporation who sets such a fire.

#### SECTION 11: EFFECTIVE DATE

This ordinance shall take effect thirty (30) days after publication following its adoption.

#### SECTION 12: PUBLICATION

This ordinance is ordered to be published in the manner prescribed by law.

#### SECTION 13: ADOPTION AND CERTIFICATION

This ordinance is hereby declared to be adopted by the Township Board of the Township of Hamlin, Eaton County, Michigan, at their regular meeting held on November 8, 2005. This repeals Ordinance No. 1-88, Hamlin Township Burning Ordinance and any other ordinances, or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.