

Adopted February 5, 2019

SECTION 18 –OPEN FIRES AND TRASH BURNING

State law reference-Arson and burning, MCL 750.71 et seq.:open burning of leaves and grass. MCL 324.11522: prevention and suppression of forest fires. MCL 324.51501 et seq.

- A. Open burning, outdoor burning, and refuse burning are prohibited unless specifically permitted therein. Materials that may not be burned:
- 1) Construction and demolition waste.
 - 2) Hazardous substances, included, but not limited to, batteries, household chemicals, pesticides, used oil, gasoline, paints, varnishes, and solvents.
 - 3) Furniture and appliances.
 - 4) Rubber, including tires, and synthetic rubber-like products.
 - 5) Any plastic materials, including, but not limited to, nylon, PVC, ABS, polystyrene, or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 - 6) Newspaper.
 - 7) Corrugated cardboard, container board, office paper.
 - 8) Treated or painted wood, including, but not limited to, plywood, composite wood products, or other wood products that are painted, varnished, or treated with preservatives.
 - 9) Asphalt and products containing asphalt.
 - 10) Rubbish or garbage, including, but not limited to, food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris, or other household or business waste.
 - 11) Tree, logs (other than as permitted below), brush, stumps, leaves, and grass clippings.
- B. The following open fires shall be permitted within the Village limits:
- 1) Charcoal cookers, braziers, hibachis, grills, gas-fired stoves, patio warmers, chimeneas, outdoor fireplaces, or fire pits, provided that:
 - a. Such fires are intended solely for recreational or food preparation purposes, but not intended for disposal of waste or refuse, including construction waste.
 - b. Such devices are located at least 10 feet from the nearest structure.
 - c. Such devices shall not exceed 48 inches in height or diameter.
 - d. No petroleum (gasoline, kerosene, or other flammable products with low flash points) is used to ignite such fires.
 - e. A water source is available within 10 feet to extinguish such fires after use.
 - f. The fires within such devices are gas-lit or consist only of charcoal or clean wood, defined as:
 - i. natural wood which is not painted, varnished or coated with a similar material;

- ii. wood that has not been pressure-treated with preservatives
 - iii. wood that does not contain resins or glues as in plywood or other composite wood product, with the exception of a small amount of paper product used for the initial igniting of the fire
- 2) Campfires and other outdoor fires used by educational, religious, charitable, or governmental agencies for recreational purposes or ceremonial occasions provided that no noxious odors or smoke are generated.
- 3) Any open fire must be attended and supervised by a competent person of at least 18 years of age until fire is extinguished and ash is cold.
- 4) Any burning bans issued by the Michigan Department of Natural Resources apply to and preclude any open fires.
- 5) If the use of any of the devices identified above creates a nuisance or other objectionable situation, prompting an official complaint filed with the Benzie County Sheriff, the Almira Township Fire Department, and/or the Village Zoning Administrator, the fire may be subject to immediate extinguishment.
- 6) Any person who disobeys, neglects, or refuses to comply with any provision of this ordinance, or who causes, allows, or consents to any of the same, shall be deemed to be responsible for the violation of this ordinance. The property owner shall bear responsibility for compliance with this ordinance and shall be responsible for any fines issued due to non-compliance. A violation of this ordinance is deemed to be a nuisance per se.
 - a) A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$100, nor more than \$500, in the discretion of the Court. The forgoing sanctions shall be in addition to the rights of the Village to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Village incurs in connection with the municipal civil infraction.
 - b) Each day during which any violation continues shall be deemed a separate offense.
 - c) In addition, the Village may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.
 - d) This ordinance shall be administered and enforced by the Zoning Administrator of the Village of Lake Ann or by other such person(s) as designated by the Village Council from time to time.