

PERMIT # _____ Expires on _____ Call 361-2895 prior to lighting the fire.



PLAINFIELD CHARTER TOWNSHIP
KENT COUNTY, MICHIGAN

BURNING ORDINANCE

**ORDINANCE #613
RESOLUTION #95-40**

**Adopted: August 07, 1995
Addendum 1: October 02, 1995**

An ordinance to amend Ordinance #271, known as the Plainfield Charter Township Burning Ordinance, to permit burning of "yard clipping" as that term is defined in MCLA 299.407, Section 7, (7) upon the issuance of a burning permit.

THE TOWNSHIP OF PLAINFIELD ORDAINS AS FOLLOWS:

101.001 Sec. 1. Short Title.

This Ordinance shall be known and cited as "Plainfield Charter Township Burning Ordinance."

(Amended: Ord. No. 314, 5-15-72; Ord. No. 446, 4-2-84)

101.002 Sec. 2. Definitions.

(a) *Approved burning device*: A properly installed and maintained incinerator displaying an American Gas Association or similar rating organization seal of approval stating that the device met such organization's requirements for smokeless-odorless operation or is approved by the Fire Chief or his designee at the date of manufacture. The absence of a seal of approval shall be prima facie evidence that such incinerator is not an approved burning device.

(b) *Waste flammable material*: Any waste or discarded substance that will burn, including but not limited to refuse, debris, waste forest material, brush, stumps, logs, rubbish, fallen timber, grass, stubble, leaves, fallow land, crops, garbage or crop residue.

(c) *Person*: Any individual, corporation, partnership, association, or any officer, employee, or agent of the foregoing.

101.003 Sec. 3. Permitted and prohibited burning.

(a) Burning of waste flammable material in an approved burning device is permitted without a permit.

- (b) No person may burn any waste flammable material in any manner, other than approved burning device, without first having obtained a permit from the Township Fire Chief or his designee.
- (c) This ordinance shall not apply to the burning of fuels such as wood, charcoal, or gas for the preparation of food or recreation.
- (d) **It shall be lawful with a permit to burn leaves, branches not exceeding four inches in diameter, "yard clippings," provided further that the following conditions are met:**
 - 1. **Such burning is not done on a public street or a public parkway.**
 - 2. **Said leaves and/or yard clippings shall emanate from the property on which it is burned.**
 - 3. **The burning must occur not less than 100 feet from the nearest public street or highway, at least 100 feet from all buildings, and at least 200 feet from the nearest dwelling owned or occupied by any person other than the owner of the premises on which such burning shall occur.**
 - 4. **No burning shall take place between the hours of one (1) hour before sunset and one (1) hour after sunrise.**
 - 5. **No burning shall take place when weather conditions are such that burning is, in the opinion of the Township Fire Chief or his designee, likely to create a hazard.**
 - 6. **Burning shall be conducted in such manner that it will not be detrimental to the health, safety or welfare of other persons or property.**
 - 7. **All burning must be done under the continuous supervision of an adult who shall be present at the fire site.**
 - 8. **Some type of equipment capable of extinguishing the fire must be conveniently available whenever burning is taking place.**
- (e) The Township Fire Chief or his designee is hereby authorized to issue appearance tickets for any violation of this section of the Ordinance.

101.004 Sec. 4. Authority of Fire Chief / Burning Permits

- (a) This ordinance shall be enforced and administered by the Township Fire Chief or his designee. On verbal or written application and on receipt of fee established by the Township Board, if any, the Fire Chief or his designee may issue a permit to burn according to the rules approved by the Township board.
- (b) *Findings.* When necessary the Fire Chief shall make written findings concerning his determination which shall include the following:

- (1) The need for and/or availability of fire department personnel to guard against the spread of fire.
- (2) The duration of the permit. In no case, shall a permit be granted for more than 7 days.
- (3) The degree of air pollution on the day of burning and the effect of burning on air pollution.
- (4) Any other factor likely to adversely affect the public health, safety and general welfare of persons and property in Plainfield Township.

101.005 Sec. 5. Penalty for violation.

Any person or entity who violates any of the provisions of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than \$500.00, plus costs, to which the township has been put in connection with the violation, or imprisonment of 90 days, or both, in the discretion of the Court. In no case, however, shall costs of less than \$9.00 or more than \$500.00 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

101.006 Sec. 6 Repeal and Severability.

Any Ordinance in conflict with this Ordinance is hereby repealed. Should any section, clause or provision of this Ordinance be held invalid in any court of competent jurisdiction, the same shall not effect the validity of this Ordinance as a whole or any part thereof other than the part so held to be invalid.

101.007 Sec. 7 Effective date.

This ordinance shall be effective 30 days after publication in the newspaper of general circulation in Kent County. This amendment shall be reported to the Department of Natural Resources within 30 days of adoption.

Addendum #1

BURNING PERMIT RULES FOR
RESIDENTS WHO MEET THE PROVISIONS OF THE ORDINANCE

1. Residents must call the Fire Department at 361-2895 Monday through Friday between 7:30 AM and 4:30 PM to request a burning permit.
2. At the discretion of the Fire Chief, a verbal permit will be issued providing the conditions of the ordinance are met. On the day the resident wishes to do the actual burning, **before lighting the fire**, they must call **361-2895** to get final permission to burn and to let the Fire Department know who is burning on any given day. Calls will be received from 7:00 AM to 6:00 PM, seven days a week.
3. The verbal permit will be good for 7 days.
4. No more than six permits may be issued per address per year.
5. Recreational Fires are allowed without a permit if the following conditions are met:
 - a. Built on a dirt surface with all combustible materials or growth cleared at least 5 feet from the fire pit;
 - b. The fire shall be built from cut timber no longer than 30 inches, and no larger than 4 inches in diameter;
 - c. The fire must be at least 10 feet from any structure;
 - d. No papers, yard waste, garbage, or building materials are to be burned;
 - e. Fire must be extinguished by midnight;
 - f. Fire must be clean burning;
 - g. Fire must be attended by an adult at all times;
 - h. Fire must be extinguished with water when done, or at midnight.

Adopted 10/02/95