

Outdoor Burning Ordinance for the Township of Ash, Michigan.

ORDINANCE NUMBER: 2025-04-16

SECTION 1: PURPOSE

1.00 Purpose.

This ordinance is intended to promote public health, safety, and welfare and to safeguard the health, comfort, living conditions, safety, and welfare of the citizens of the Township of Ash due to the air pollution and fire hazards of outdoor burning.

SECTION 2: APPLICABILITY

2.00 Applicability.

This ordinance applies to all outdoor burning within the Township of Ash.

- 2.1** This ordinance does not apply to grilling or cooking using charcoal, wood, propane, or natural gas in cooking or grilling appliances.
- 2.2** This ordinance does not apply to burning in a stove, furnace, fireplace, or other heating device within a building used for human or animal habitation.
- 2.3** This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction, or maintenance activities.

SECTION 3: SEVERABILITY

3.00 Severability.

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as whole or any part thereof, other than so declared to be invalid.

SECTION 4: DEFINITIONS

4.00 Definitions.

- 4.1** "Campfire" means a small outdoor fire intended for recreation or cooking but not including a fire intended for disposal of waste wood or refuse.
- 4.2** "Clean wood" means natural wood which has not been painted, varnished, or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.
- 4.3** "Construction and demolition waste" means building waste materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on a house, commercial or industrial building, or other structure.
- 4.4** "Fire Chief" means the Chief of the Ash Township Fire Department or other person designated by the Fire Chief.
- 4.5** "Municipality" means a county, township, city, or village.

- 4.6** "Open burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney. This includes burning in a burn barrel.
- 4.7** "Outdoor burning" means open burning or burning in an outdoor wood furnace or patio wood burning unit.
- 4.8** "Outdoor wood furnace" also known as an outdoor wood-fired boiler, outdoor wood-burning appliance, or hydronic heater, means a fuel-burning device that is designed to burn clean wood or other approved solid fuels and is not located within a building intended for habitation by humans or domestic animals; and heats building space and/or water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.
- 4.9** "Patio wood-burning unit" means a chiminea, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.
- 4.10** "Refuse" means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.

SECTION 5: GENERAL PROHIBITION ON OPEN BURNING

5.00 General prohibition on open burning.

Open burning is prohibited in the Township of Ash unless the burning is specifically permitted by this ordinance.

SECTION 6: OPEN BURNING OF REFUSE

6.00 Open burning of refuse.

- 6.1** Open burning of any of the following items is prohibited:
- 6.1.1** Construction and demolition waste, including shingles or roofing material.
 - 6.1.2** Hazardous substances including but not limited to batteries, household chemicals, pesticides, used oil, gasoline, paints, varnishes, and solvents.
 - 6.1.3** Furniture and appliances.
 - 6.1.4** Tires, rubber, or other synthetic rubber like products.
 - 6.1.5** Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, Styrofoam, and synthetic fabrics, plastic films, and plastic containers.
 - 6.1.6** Newspaper and paper products
 - 6.1.7** Corrugated cardboard, container board, shipping containers
 - 6.1.8** 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.
 - 6.1.9** Cars, trucks, car or truck parts
 - 6.1.10** Garbage
 - 6.1.11** Household waste
 - 6.1.12** Food waste

SECTION 7: OPEN BURNING OF TREES, LOGS, BRUSH, STUMPS, LEAVES, AND GRASS CLIPPINGS

7.00 Burning trees, logs, brush, stumps, leaves, and grass clippings.

- 7.1** Open burning of leaves and grass clippings is prohibited.
- 7.2** Open burning of trees, logs, brush, and stumps is allowed only in accordance with all of the following provisions:
 - 7.2.1** Except for campfires, a permit issued in accordance with Section 12 of this ordinance must be obtained prior to open burning under this Section when the ground is not snow-covered.
 - 7.2.2** Open burning of trees, logs, brush, and stumps must be conducted at least 1,400 feet from an incorporated city or village limit.
 - 7.2.3** Except for barbecue, gas, and charcoal grills, no open burning shall be undertaken during periods when the Governor of Michigan has issued a burning ban applicable to the area.
 - 7.2.4** All allowed open burning shall be conducted in a safe, nuisance-free manner, when wind and weather conditions minimize adverse effects and do not create a health hazard or a visibility hazard on roadways, railroads, or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.
 - 7.2.5** Campfires and small bonfires for cooking, ceremonies, or recreation are allowed if the campfire is not located in a residential zoned district.
 - 7.2.6** Open burning under this section shall only be conducted at a location at least 100 feet from the nearest building which is not on the same property for small campfires and 250 feet from the nearest building which is not on the same property for all other fires.
 - 7.2.7** Except for campfires, open burning shall only be conducted between the hours of 10:00 AM and 8:00 PM during the months of January through May and September through December.
 - 7.2.8** Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
 - 7.2.9** No materials may be burned upon any street, curb, gutter, or sidewalk or on the ice of a lake, pond, stream, or water body.
 - 7.2.10** Except for barbecue, gas, and charcoal grills, no burning shall be undertaken within 25 feet from any combustible material, combustible wall or partition, exterior window opening, building or property exit access or exit unless authorized by the Fire Chief.

SECTION 8: AGRICULTURAL BURNING

8.00 Agricultural burning.

Open burning of weeds, brush, and crop stubble on agricultural zoned lands is allowed if conducted in accordance with all other applicable provisions of this ordinance.

SECTION 9: OUTDOOR WOOD FURNACES

9.00 Outdoor wood furnaces.

An outdoor wood furnace may be installed and used in the Township of Ash only in accordance with the following provisions:

- 9.1** The outdoor wood furnace shall have a permanently attached stack with a minimum stack height of 15 feet above the ground that also extends at least two feet above the highest peak of any residence not served by the outdoor wood furnace located less than 200 feet from the outdoor wood furnace.
- 9.2** Fuel burned in the outdoor wood furnace shall be only clean wood, wood pellets made from clean wood, or other listed fuels specifically permitted by the manufacturer's instructions such as fuel oil, natural gas, or propane backup.
- 9.3** The following items are strictly prohibited in outdoor wood furnaces:
 - 9.3.1** Any material not listed in 9.2.
 - 9.3.2** Wood that has been painted, varnished, or coated with similar material and/or has been pressure treated with preservatives and contains resins or glues as in plywood or other composite wood products.
 - 9.3.3** Rubbish or garbage, including but not limited to food wastes, food packaging, food wraps.
 - 9.3.4** Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic films, and plastic containers.
 - 9.3.5** Rubber including tires or other synthetic rubber-like products.
 - 9.3.6** Newspaper, cardboard, or any paper with ink or dye products.
 - 9.3.7** Any other items not specifically allowed by the manufacturer or this provision.
- 9.4** Outdoor wood furnaces shall comply with state statutes and must comply with the following provisions:
 - 9.4.1** The outdoor wood furnace shall be installed and used only in an area zoned agricultural.
 - 9.4.2** The outdoor wood furnace shall be constructed, established, installed, operated and maintained in conformance with the manufacturer's instructions and the requirements of this ordinance. In the event of a conflict, the requirements of this ordinance shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.
 - 9.4.3** The outdoor wood furnace shall be laboratory tested and listed to appropriate safety standards such as UL, CAN/CSA, ANSI, or other applicable safety standards.
 - 9.4.4** The outdoor wood furnace shall be located at least 200 feet from the nearest property line.
 - 9.4.5** The outdoor wood furnace shall be located on the property in compliance with manufacturer's recommendations and or testing and listing requirements for clearance to combustible materials.

SECTION 10: PATIO WOOD-BURNING UNITS

10.00 Patio wood-burning units.

A patio wood-burning unit may be installed and used in the Township of Ash only in accordance with all of the following provisions:

- 10.1** The patio wood-burning unit shall not be used to burn refuse including any item listed in section 6.
- 10.2** The patio wood-burning unit shall burn only clean wood.
- 10.3** The patio wood-burning unit shall be located at least 100 feet from the nearest structure which is not on the same property as the patio wood burning unit.
- 10.4** The patio wood-burning unit shall not cause a nuisance to neighbors.

SECTION 11: FIRE SUPPRESSION TRAINING

11.00 Fire suppression training.

Notwithstanding sections 5 and 6 of this ordinance, structures and other materials may be burned for fire prevention training only in accordance with all of the following provisions.

- 11.1** The burn must be exclusively for fire prevention training. The burning shall not be used as a means to dispose of waste material including tires and other hazardous materials.
- 11.2** All asbestos must be removed prior to conducting the fire suppression training. If the structure is a residential dwelling, the owner may remove the asbestos or have it removed by a licensed abatement contractor. If it is a commercial building, all asbestos must be removed by a licensed abatement contractor.
- 11.3** A notification of the demolition must be submitted to the Michigan Department of Environmental Quality, Air Quality Division at least 10 business days prior to burning a standing structure. The notification must be submitted using Form EQP 5661 "Notification of Intent to Renovate/Demolish."
- 11.4** All ash and demolished materials must be disposed of in an approved landfill or at an alternate location approved by the Michigan Department of Environmental Quality.
- 11.5** Asphalt shingles and asphalt or plastic siding shall be removed prior to the practice burn unless the Fire Chief determines that they are necessary for the fire practice.
- 11.6** At least seven days before a planned practice burn, residents within 2,000 feet of the site of the proposed burn shall be notified.
- 11.7** All fire suppression training should conform to the guidelines established by the National Fire Protection Association (NFPA) Standard on Live Fire Training Evolutions (NFPA 1403).

SECTION 12: BURNING PERMITS

12.00 Burning Permits.

- 12.1** No person shall start or maintain any open burning covered under this section without first obtaining a burning permit issued by the Ash Township Fire Department.
- 12.2** Any person responsible for burning leaves, brush, clean wood, or other vegetative debris under Section 7 of this ordinance shall obtain a one-time burning permit before starting the fire. The fee for each one-time burning permit shall be \$30.00.

- 12.3** A campfire does not require a permit provided that the fire complies with all other applicable provisions of this ordinance.
- 12.4** When weather conditions warrant, the Fire Chief may temporarily suspend issuing burning permits and may temporarily suspend previously issued burning permits for open burning.
- 12.5** A burning permit issued under this section shall require compliance with all applicable provisions of this ordinance and any additional special restrictions deemed necessary to protect public health and safety.
- 12.6** Any violation of the conditions of a burning permit shall be deemed a violation of this ordinance.

Any violation of this ordinance or the burning permit shall void the permit.

SECTION 13: LIABILITY

13.00 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 14: RIGHT OF ENTRY AND INSPECTION

14.00 Right of entry and inspection.

The Fire Chief or any authorized officer, agent, employee or representative of the Township of Ash who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

SECTION 15: ENFORCEMENT AND PENALTIES

15.00 Enforcement and penalties.

- 15.1** The Ash Township Fire Chief, Michigan State Police, and Monroe County Sheriff Department are authorized to enforce the provisions of this ordinance.
- 15.2** Any person, owner, firm, association, partnership, corporation, or governmental entity who violates any of the provisions of this ordinance or fails to comply with a duly authorized Order issued pursuant to this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by civil fine determined in accordance with the following schedule:

	<u>Minimum Fine</u>	<u>Maximum Fine</u>
1st Offense within 3-year period*	\$75.00	\$500.00
2nd Offense within 3-year period*	\$150.00	\$500.00
3rd Offense within 3-year period*	\$325.00	\$500.00
4th or More Offense within 3-year period*	\$500.00	\$500.00

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

**The Fire Chief has the authority to issue a written warning in response to a first offense. The warning may include mitigation measures that could be taken to minimize the effects of the outdoor burning or require that the offender cease and desist the activity.

15.3 The violator of this ordinance shall pay costs which may include all expenses, direct and indirect, which the Township of Ash and responding fire department have incurred in connection with the municipal infraction. In no case, however, shall costs of less than \$100.00 nor more than \$500.00 be ordered. 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. Each day that a violation of this Ordinance exists shall constitute a separate violation of this Ordinance.

Section 16: EFFECTIVE DATE AND PUBLICATION

16.00 Effective Date and Publication.

The provisions of this Ordinance are hereby to be immediately necessary for the preservation of the public peace, health, safety, and welfare, and are hereby ordered to take effect seven days after the publication of a "Notice of Adoption," as required by law.

This Ordinance was approved and adopted by the Township Board of Ash Township, Monroe County, Michigan on April 15, 2025, and publication after first reading as required by Act 359 of the Michigan Public Acts of 1947, as amended. This Ordinance shall be effective immediately upon publication of a "Notice of Adoption," in a newspaper having general circulation in the Township.

Michele Geiermann, Clerk
Robin Carmack, Supervisor

I further certify that the foregoing was published in the Monroe News, a newspaper of general circulation in the Township of Ash on the 1st day of May, 2025.

Michele Geiermann
Ash Township Clerk