

BENNINGTON TOWNSHIP
BURNING ORDINANCE
Ordinance Number 03-02-01
Amended 10-20-2006
Amended 7-6-2009

An Ordinance to protect the health, safety and general welfare of the persons and property within Bennington Township, Shiawassee 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 therewith.

THE TOWNSHIP OF BENNINGTON, SHIAWASSEE COUNTY, MICHIGAN ORDAINS:

SECTION 1: TITLE

This ordinance shall be known and cited as the Bennington Township Burning Ordinance.

SECTION 2: PURPOSE AND INTENT

The purpose of this ordinance is to protect the people and property within Bennington Township against health, safety, environmental and fire hazards caused by the burning near road, 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 materials. To encourage alternative methods of disposing of natural and biodegradable materials.

SECTION 3: GENERAL PROHIBITIONS

All out-of-doors burning of any material shall be prohibited, except as provided for in this ordinance. It is prohibited to burn any material at any time if it is deemed a nuisance by the Fire Chief or Ordinance Officer.

SECTION 4: PROVISIONS FOR CONTAINED BURNING

All out-of-doors contained burning, not requiring a permit, shall be:

1. Conducted within a fireproof masonry or metal burner containing a spark arrester that has no larger than a 3/4" spacing.
2. Started only after sunrise.
3. Extinguished and emitting no smoke after 9:00 P.M.
4. At least fifteen feet (15') from the edge of any road.
5. At least ten feet (10') from any structure including but not limited to fencing, woodpiles, shed, out buildings and utility poles.
6. At least ten feet (10') from any public or private property lines.

7. Prohibited if determined by the Fire Chief that conditions are such that burning would be hazardous to health, safety, and general welfare of persons or property in community.
8. Ash or waste from any fire shall not be deposited in the roadway ditches within the public streets and highways within the township.

SECTION 5: PROVISIONS FOR OPEN ON THE GROUND BURNING

All open burning, defined as out-of-doors burning on the ground, shall be:

1. Approved only with a permit.
2. Attended by a competent adult at all times.
3. In small, manageable piles.
4. Only consisting of paper, cardboard, dry leaves, brush and other natural material.
5. Only during daylight hours.
6. At least fifteen feet (15') from the edge of any road.
7. At least fifteen feet (15') from any structure including but not limited to fencing, woodpiles, shed, out buildings and utility poles.
8. At least ten feet (10') from any public or private property lines.
9. Prohibited if determined by the Fire Chief that conditions are such that burning would be hazardous to health, safety, and general welfare of persons or property in the community.
10. Ash or waste from any fire shall not be deposited in roadside ditches adjoining or within the public streets and highways within the township.

SECTION 6: PROVISIONS FOR CLEARING LOTS &/OR AGRICULTURAL OPEN ON THE GROUND BURNING

All open burning, defined as out-of-doors burning on the ground for the purpose of clearing lots, ditches and/or for agricultural use shall be:

1. Approved only with a permit.
2. Attended by a competent adult at all times.
3. Only consisting of natural vegetation.
4. Only during daylight hours.
5. At least fifteen feet (15') from any structure including but not limited to fencing, woodpiles, shed, out buildings.

6. At least five feet (5') from any public or private property lines.
7. Prohibited if determined by the Fire Chief that conditions are such that burning would be hazardous to health, safety, and general welfare of persons or property in the community.
8. Ash or waste from any fire shall not be deposited in the roadside ditches adjoining or within the public streets and highways within the township.

SECTION 7: FIRE PITS, CAMPFIRES AND PATIO FIREPLACES

All fire pits, patio fireplaces and campfires, not requiring a permit, shall be:

1. No smaller than 18 inches in diameter and no more than 48 inches in diameter.
2. Consist of an eight inch (8") minimum depression in the ground ringed with stone, brick, concrete or concrete blocks, or steel rings.
3. Have a minimum area of thirty-six inches (36") cleared of all materials outside of the fire ring.
4. Use only seasoned firewood and not extending outside the fire pit or campfire.
5. Supervised by a competent adult at all times and extinguished upon completion of the event or activity.
6. Allowed year round.
7. Prohibited if determined by the Fire Chief that conditions are such that burning would be hazardous to health, safety, and general welfare of persons or property in the community.

SECTION 8: RECREATIONAL BONFIRES

All recreational bonfires shall be:

1. Approved only with a permit.
2. Attended by a competent adult at all times.
3. Allowed year round.
4. In one (1) manageable pile.
5. Only consisting of paper, cardboard, dry leaves, brush and other natural material.
6. Started only after sunrise.
7. Extinguished and emitting no smoke after event completion.

8. At least twenty-five feet (25') from the edge of any road.
9. At least twenty-five feet (25') from any structure including but not limited to fencing, woodpiles, shed, out buildings and utility poles.
10. At least twenty-five feet (25') from any public or private property lines.
11. Prohibited if determined by the Fire Chief that conditions are such that burning would be hazardous to health, safety, and general welfare of persons or property in the community.
12. Ash or waste from any fire shall not be deposited in the roadside ditches adjoining or within the public streets and highways within the township.

SECTION 9: FIREWORKS

All requests for fireworks and displays of fireworks shall be subject to MCL 750.243b, MCL 29.1 b-c and all revisions thereto.

SECTION 10: PERMITS

All required permits issued by the Fire Department shall be:

1. For a maximum of four (4) days per fire.
2. Contain name, address and phone number of person requesting permit, location of fire and material burned.

SECTION 11: ENFORCEMENT AND PENALTIES

The enforcement of this ordinance and regulations established by the Fire Chief 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 required by this ordinance or fails to comply with the rules as defined and set forth in this ordinance, shall be deemed guilty of a civil infraction and could be subject to a fine or penalty of not less than \$100.00 or more than \$1,000.00 as determined by the Fire Chief or the Ordinance Enforcement Officer. Bennington Township may sue in any court of competent jurisdiction for civil damages and injunctive relief and may recover such costs and expenses incurred by them from any person, partnership, firm, association or corporation who sets such a fire.

SECTION 12: EFFECTIVE DATE

This ordinance shall take effect on the 2nd day of September 2009.

SECTION 13: REPEALER

All ordinances, or parts of ordinances in conflict with any of the provisions of this ordinance, are hereby repealed.

I hereby certify that the forgoing is a true copy of an ordinance which was duly adopted by the

Township Board of Bennington Township, Shiawassee County, Michigan, on the 6th day of July 2009; and that the meeting was held in compliance with notice provisions and all other requirements of Act 267 of the Public Acts of 1976, as amended.

Donna Ash
Bennington Township Clerk

I do further certify that the foregoing Ordinance was published on the 9th day of February, 2003 in the Shiawassee Independent; and that the following Board Members voted thereon as follows for adoption:

	<u>Yes</u>	<u>No</u>
Phillip Kline	X	
Donna Ash	X	
Nancy Zdunic	X	
Leonard Ash	X	
Gerald Sayles	X	

I do further certify that the foregoing Ordinance Amendment was published on the 15th day of October, 2006 in the Shiawassee Independent; and the following Board Members voted thereon as follows for adoption:

	<u>Yes</u>	<u>No</u>
Leonard Ash	X	
Donna Ash	X	
Nancy Zdunic	X	
Raymond Wirth	X	
Gerald Sayles	Not Present	

I do further certify that the foregoing Ordinance Amendment was published on the 2nd day of August, 2009 in the Shiawassee Independent; and that the following Board Members voted thereon as follows for adoption:

	<u>Yes</u>	<u>No</u>
Leonard Ash	X	
Donna Ash	X	
Cindy Garber	X	
Nancy Zdunic	X	
Jim Forsythe	Not Present	

IN WITNESS WHEREOF, I have hereunto affixed my official signature the 2nd day of September, A.D., 2009.

Donna Ash
Bennington Township Clerk