

Chapter 60
BURNING, OPEN

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[HISTORY: Adopted by the Township Board of the Township of Otsego 5-5-1969; amended in its entirety 6-10-2019 by Ord. No. 320. Subsequent amendments noted where applicable.]

§ 60-1. Purpose.

This chapter is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Township of Otsego by regulating the air pollution and fire hazards of outdoor burning.

§ 60-2. Applicability.

This chapter applies to all outdoor burning within the Township of Otsego.

- A. This chapter does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- B. This chapter does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.
- C. This chapter does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

§ 60-3. Definitions.

As used in this section, the following terms shall have the meanings indicated:

CAMPFIRE — A small outdoor fire intended for recreation or cooking but not including a fire intended for disposal of waste wood or refuse.

CLEAN WOOD — 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.

CONSTRUCTION AND DEMOLITION WASTE — 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.

FIRE CHIEF — The Chief of the Otsego Fire Department or other person designated by the Fire Chief.

MUNICIPALITY — A county, township, city, or village.

OPEN BURNING — 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.

OUTDOOR BURNING — Open burning or burning in an outdoor wood furnace or patio wood-burning unit.

REFUSE — Any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.

§ 60-4. General prohibition on open burning.

Open burning is prohibited in the Township of Otsego unless the burning is specifically permitted by this chapter.

§ 60-5. Open burning of refuse.

Open burning of refuse is prohibited.

§ 60-6. Open burning of trees, logs, brush, stumps, leaves, and grass clippings.

Open burning of trees, brush, leaves, grass clippings and stumps is allowed only in accordance with all of the following provisions:

- A. Open burning of trees, logs, brush, and stumps must be conducted at least 1,400 feet from an incorporated city or village limit.
- B. 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.
- C. 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.
- D. Open burning shall be conducted only on the property on which the materials were generated.
- E. Campfires and small bonfires for cooking, ceremonies, or recreation are allowed provided they do not cause a nuisance.

- F. Open burning shall be constantly attended and supervised by a competent person of at least 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.
- G. No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or waterbody.

§ 60-7. Agricultural burning.

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

§ 60-8. Severability.

Should any portion of this chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.

§ 60-9. Enforcement and penalties.

- A. The Fire Chief and the Township Supervisor are authorized to enforce the provisions of this chapter.
- B. Any person, firm, association, partnership, corporation, or governmental entity who or which shall neglect or refuse to comply with any of the provisions of this chapter 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:

Violation	Fine
1st offense within 3-year period*	\$50
2nd offense within 3-year period*	\$125
3rd offense within 3-year period*	\$250
4th or more offenses within 3-year period*	\$400

*Determined on the basis of the date of commission of the violation(s).

- C. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Otsego Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9 nor more than \$500 be ordered. Any violation of this chapter shall also be deemed a nuisance per se and 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 chapter. Each day that a violation of this chapter exists shall constitute a separate violation of this chapter.

§ 60-10. Repeal.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

§ 60-11. Effective date.

This chapter shall take effect July 27, 2019.