

As adopted 10/18/2010

STATE OF MICHIGAN  
COUNTY OF WASHTENAW  
ANN ARBOR CHARTER TOWNSHIP

OUTDOOR AND OPEN BURNING

ORDINANCE NO. 6- 2010

**AMENDMENT TO ANN ARBOR CHARTER TOWNSHIP CODE SECTION 30-1**

WHEREAS the Charter Township of Ann Arbor desires to promote the public health, safety and welfare of its citizens by regulating the air pollution and fire hazards of open burning and outdoor burning; and

WHEREAS the Township desires to amend Ordinance No. 6-2006, Ordinance for Adoption of International Fire Code and NFPA Life Safety Code, Ann Arbor Charter Township Code Section 30-1 consistent with this ordinance and repeal all other ordinances or parts of ordinances conflicting with this ordinance;

THEREFORE, the Charter Township of Ann Arbor does ordain as follows:

**Sec. 1. Definitions.**

“Campfire” means a small outdoor fire intended for recreation or cooking, but not including a fire intended for disposal of waste wood or refuse.

“Clean wood” means natural wood that has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glue as in plywood or other composite wood products.

“Fire Chief” means the Chief of the Township Fire Department or other person trained in the criteria and standards pertaining to this Ordinance and applicable State laws and regulations and designated by the Fire Chief.

“Open burning” means kindling or maintaining a fire when 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” means open burning or burning in an outdoor wood-fired boiler or patio wood burning unit.

“Outdoor wood-fired boiler” means a wood-fired boiler, stove or furnace that is not located within a building intended for habitation by humans or domestic animals.

“Patio wood-burning unit” means a chimney, patio warmer, or other portable wood-burning device used for outdoor recreation or heating.

“Prescribed Burn” means the burning, in compliance with a prescription and to meet planned fire or land management objectives, of a continuous cover of fuels. A “prescription” means a written plan establishing the criteria necessary for starting, controlling, and extinguishing a burn.

“Refuse” means any waste material except trees, logs, brush, stumps, crop stubble, leaves, grass clippings, and other vegetative matter.

**Sec. 2. Applicability.**

This ordinance applies to all outdoor burning and open burning within the Township, except:

- (a) grilling or cooking food using charcoal, wood, propane, or natural gas in cooking or grilling appliances,
- (b) 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, or
- (c) the use of propane, acetylene, natural gas, gasoline, or kerosene in a device intended for heating, construction or maintenance activities.

**Sec.3. General prohibition on outdoor burning and open burning.**

Open burning and outdoor burning are prohibited unless the burning is expressly permitted by this ordinance. By way of example and not by way of limitation, the open burning of refuse and the installation or use of an outdoor wood-fired boiler are prohibited.

**Sec. 4. Open burning of trees, logs, brush, stumps, crop stubble, leaves, and grass clippings.**

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

- (a) Except for campfires, a permit issued in accordance with sec. 8 of this ordinance must be obtained prior to open burning. In determining whether to issue a permit, the Fire Chief shall consider the standards set forth in paragraph (d) below and may impose restrictions intended to assure compliance with those standards.
- (b) Open burning of trees, logs, brush, and stumps must be conducted in accordance with all State laws and regulations governing open burning and with all State and local fire protection regulations.
- (c) No open burning shall be undertaken during periods when the Governor or the Michigan Department of Natural Resources and Environment has issued a burning ban applicable to the area.

(d) In general, 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 disturbance to neighboring uses, or a visibility hazard on roadways, railroads, or airfields. Specific conditions and standards for issuance of a burn permit shall include consideration of the following: (i) size of the fire and composition of materials to be burned, (ii) the extent of snow cover in the area of the burn, (iii) the location of the proposed burn in relation to other combustible materials, roads, uses, structures, businesses and residences that may be affected by the burn, (iv) smoke expected to be generated by the burn, (v) wind, weather and other conditions that may affect control of the burn and potential hazards to persons, property, uses, structures, residences and businesses, (vi) the experience and general capability of the person or persons who will set, control and supervise the burn, (vii) the plan for continuous monitoring of the burn until the fire is extinguished and cold, (viii) the availability of water sources and other means for controlling the burns, (ix) proposed time of day and expected length of time of the burn, and (x) other factors that may affect the general health, safety and welfare of the Township and its residents.

(e) No open burning may be conducted on days when the Department of Environmental Quality has declared an “air quality action day” applicable to Washtenaw County.

(f) No material may be brought into the Township from another jurisdiction for purposes of open burning.

#### **Sec. 5. Prescribed burns.**

Prescribed burns are allowed only if conducted in accordance with Part 515 of the Natural Resources and Environmental Protection Act, MCL 324.51501 et seq., and a permit has been issued under sec. 8.

#### **Sec. 6. Patio wood-burning units.**

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

- (a) The unit is not used to burn refuse.
- (b) The unit burns only clean wood.
- (c) The unit is located at least 50 feet from the nearest structure that is not on the same property as the unit.
- (d) The unit is located at least 10 feet from any combustible material, combustible wall, partition, or overhang.

(e) The unit does not cause a nuisance or unreasonable disturbance to neighbors.

**Sec. 7. Fire suppression training.**

All fire suppression training shall conform to the guidelines established by the National Fire Protection Association (NFPA) Standard on Live Fire Training Evolutions (NFPA 1403).

**Sec. 8. Burn permits.**

(a) No person shall start or maintain any outdoor burning or open burning covered under this ordinance without a burn permit issued by the Fire Chief and payment of any permit fee required by the Township.

(b) The application for a burn permit must be made in writing on a form established and approved by the Fire Chief. The application must be signed by (i) the owner and any lessee of the land upon which the burn will be conducted, and (ii) the person who will be supervising the burn who must be at least eighteen (18) years of age and capable of properly controlling and monitoring the proposed burn. The Fire Chief shall impose conditions on the burn permit consistent with the standards set forth in this ordinance and applicable State laws and regulations. The property owner, lessee and applicant shall each be responsible for compliance with the conditions of the permit and this ordinance.

(c) When weather or other conditions warrant, the Fire Chief may temporarily suspend issuing burn permits and may temporarily suspend previously issued burn permits upon notice to the permit holder.

(d) Any violation of the conditions of a burn permit shall be deemed a violation of this ordinance. Any violation of this ordinance shall void the permit, and shall subject the owner, lessee and applicant to charges for services described in Ann Arbor Township Code Section 30-63 and shall constitute a violation subject to Section 1-7 of the Code.

**Sec. 9. Liability.**

A person starting, using, or maintaining an open burning or outdoor burning with or without a permit shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire as set forth in Section 30-63 of the Code. Any person violating this ordinance shall be subject to Code Section 1-7.

**Sec. 10. Right of entry and inspection.**

The Fire Chief and any authorized officer, agent, employee, or representative of the Township who presents credentials showing such authority shall have the right to enter upon and inspect any property for the purpose of ascertaining compliance with this ordinance.

**Sec. 11. Enforcement and penalties.**

(a) The Fire Chief and the Township Ordinance Enforcement Officers are authorized to enforce the provisions of this ordinance.

(b) Any person, 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 responsible for a municipal civil infraction pursuant to Section 1-7 of the Code, applicable fines established by resolution of the Township Board, and charges for services set forth in Section 30-63 of the Code.

**Sec. 12. Severability.**

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

Moved: Randolph Perry

Second: Della DiPietro

AYES: Richard Dieterle, Randolph Perry, Michael Moran, Della DiPietro, Claudia Sedmak, Rena Basch

NAYS: NONE

ABSENT: John Allison

ORDINANCE DECLARED ADOPTED THIS 18th DAY OF OCTOBER, 2010.

---

Michael C. Moran, Ann Arbor Charter Township Supervisor

---

Rena Basch, Ann Arbor Charter Township Clerk

1<sup>st</sup> reading: September 20, 2010

2<sup>nd</sup> reading: October 18, 2010

Published & effective: November 4, 2010