

**Ordinance #169 Amendments to
Open Burning Ordinance for the Village of Elsie.
Ordinance: Chapter 6: ARTICLE III**

SECTION 6.51: PURPOSE

- 51.1** This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, safety and welfare of the citizens of the Village of Elsie, Michigan by regulating the air pollution and fire hazards of open burning and outdoor burning.

SECTION 6.52: APPLICABILITY

- 52.1** This ordinance applies to all Outdoor Burning and Open Burning within the Village of Elsie, Michigan.
- 52.2** This ordinance does not apply to grilling or cooking food using charcoal, clean wood, propane or natural gas in cooking or grilling appliances.
- 52.3** This ordinance 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.
- 52.4** 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 6.53: SEVERABILITY

- 53.1** 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.

SECTION 6.54: DEFINITIONS

- 54.1** “Campfire” means a small outdoor fire intended for recreation or cooking but not including a fire intended for disposal of waste, wood or refuse.
- 54.2** “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.
- 54.3** “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.
- 54.4** “Municipality” means a county, township, city, or village.
- 54.5** “Outdoor Burning” means open burning or burning in an outdoor wood-fired boiler or patio wood burning unit.
- 54.6** “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.
- 54.7** “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.

- 54.8** “Patio wood-burning unit” means a chimney, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.
- 54.9** “Refuse” means any waste material, garbage, animal carcasses, trash or household materials.

SECTION 6:55: GENERAL PROHIBITION ON OUTDOOR BURNING AND OPEN BURNING.

- 55.1** Except as provided in this Ordinance, Open Burning and Outdoor Burning are prohibited in the Village of Elsie.

SECTION 6:56: OPEN BURNING OF REFUSE

- 56.1** Open burning of refuse, leaves, grass clippings, or other vegetative matter are prohibited.

SECTION 6:57: OPEN BURNING

- 57.1** Burning is not allowed in the Village of Elsie with the exception of contained recreational fires, outdoor barbeques and similar or occupational needs. Burning is allowed when contained within a metal, brick or similar fireproof receptacle specifically designed for containing a fire. ALL FIRES must be out by midnight. There is to be no burning from midnight to 6:00 am. No burning of leaves, building materials, tires and petroleum products. Fires must be supervised by an adult at all times. There are to be no fires if wind speed exceeds 10mph.
- 57.2** Cooking/campfires are permitted for everyone. Cooking/campfires must not be larger than 4 feet in diameter and 3 feet in height. Any burning shall occur at least 25 feet from any structure and property line and shall be at the rear of the property, away from any roadway or sidewalk, unless in an above ground commercially manufactured fire receptacle not modified from its original purpose, or in a masonry fireplace made for outdoor burning.
- 57.3** 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 Village of Elsie.
- 57.4** All allowed Open Burning shall not create a visibility hazard on roadways, railroads or airfields. Open Burning shall be conducted in conformance with all local and state fire protection regulations.
- 57.5** Open Burning shall be conducted only on the property on which the materials were generated or naturally deposited.
- 57.6** Outdoor Campfires for cooking, ceremonies, or recreation are allowed. Said fires may be around a home or place of residence, within the curtilage of said dwelling where the material to be burned has been properly placed in a debris burner constructed of metal or masonry. Said burners shall not be larger than 3 feet square or 3 feet in diameter and located not less than 25 feet away from any building or less than 25 feet from any adjoining property line. Said Campfires must be supervised at all times by an adult. No permits shall be required for such fires. Except as provided in this Ordinance, leaf burning is specifically prohibited.

- 57.7** 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. One adult must be in attendance of each fire (i.e. three fires = three attendees). The adults in attendance must be free from the effects of alcohol and/or illegally used controlled substances and/or over the counter medicines and/or prescribed medications that may impair proper judgment.
- 57.8** No materials may be burned upon any street, curb, gutter, sidewalk, or active railroad right of way.
- 57.9** The Fire Chief or designee shall have the authority to implement a temporary burning ban due to environmental conditions including but not limited to high winds or extreme dry conditions. The fire department shall make a reasonable attempt to inform the public of the ban using available resources. If a temporary burning ban is imposed, the Fire Chief or designee shall have the authority to implement alternate open burning times. The alternate burning times shall be comparable in length to the temporary burning ban.
- 57.10** Only the Village of Elsie DPW, with permission of the Fire Chief, may be allowed additional open burning times if a storm or storms result in large amounts of downed trees, branches and/or leaves. Such additional open burns shall also comply with the applicable requirements of this Ordinance.

PASSED, ORDAINED, AND ORDERED PUBLISHED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ELSIE AT A REGULAR MEETING HELD THE EIGHTH (8) DAY OF AUGUST, A.D., 2017.

The above Ordinance was moved by Councilperson Carroll and supported by Councilperson Freeman.

Yeas: Ondrusek, Freeman, Ornelas, Carie, Frink, Carroll, and Hyland.

Nays: None

Absent: None

THE ORDINANCE WAS DECLARED ADOPTED.

EFFECTIVE DATE:

This ordinance will become effective on August 29th, 2017. (Effective date must be not less than 20 days after adoption and after publication as required by law.)

I hereby certify that the foregoing ordinance was adopted by the Village of Elsie at a meeting held on Tuesday, August 8, 2017, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, Public Act 267 of 1976, as amended, and was published as required by law.

Ann Trierweiler, Village of Elsie Clerk