

ST. CLAIR TOWNSHIP
1539 S. Bartlett Rd. St. Clair, MI 48079
Phone (810) 329-9042 Fax (810) 329-1198
www.twp.stclair.mi.us

Ordinance No. 181

Outdoor and Open Burning Ordinance for the Township of St. Clair, Michigan

SECTION 1: PURPOSE

This ordinance 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 St. Clair Township by regulating the air pollution and fire hazards of open burning and outdoor burning.

SECTION 2: APPLICABILITY

This ordinance applies to all outdoor burning and open burning within the Township of St. Clair except the following:

- 2.1. This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- 2.2. 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.
- 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

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 4: 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

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operations on a house, commercial or industrial building, or other structure.

- 4.4. "Fire Chief" means the Chief of the St. Clair Fire Authority or other person designated by the Fire Chief.
- 4.5. "Municipality" means a county, township, city, or village.
- 4.6. "Outdoor burning" means open burning or burning in an outdoor wood-fired boiler or patio wood burning unit.
- 4.7. "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.
- 4.8. "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.
- 4.9. "Patio wood-burning unit" means a chimenea, 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 OUTDOOR BURNING AND OPEN BURNING

Open burning and outdoor burning are prohibited in St. Clair Township unless the burning is specifically permitted by this ordinance.

SECTION 6: OPEN BURNING OF REFUSE

- 6.1. Open burning of refuse from a commercial or industrial establishment is prohibited.
- 6.2. Open burning of refuse from and at any residential dwelling, single or multiple family, is prohibited.
- 6.3. Open burning of the following materials is prohibited.
 - 6.3.1. Construction and demolition waste.
 - 6.3.2. Hazardous substances including but not limited to batteries, household chemicals, pesticides, used oil, gasoline, paints, varnishes, and solvents.
 - 6.3.3. Furniture and appliances.
 - 6.3.4. Tires.
 - 6.3.5. Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.

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- 6.3.6.** 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.

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

- 7.1** Open burning of trees, logs, brush, stumps, leaves, and grass clippings is allowed only in accordance with all of the following provisions:
- 7.1.2** Except for campfires, a permit issued in accordance with Section 8.
- 7.2.3.** Outdoor campfires and small bonfires for cooking, ceremonies, or recreation are allowed.
- 7.2.4.** Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age and 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.
- 7.2.5.** No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or water body.

SECTION 8: BURNING PERMITS

- 8.1.** No person shall start or maintain any outdoor burning or open burning covered under this section without a burning permit issued by the St. Clair Township.
- 8.2.** 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. All permits will run from January 1st until January 1st the following year. All permits must be signed and turned into the St. Clair Township by the permit holder.
- 8.5.** When weather conditions warrant, the Township may temporarily suspend issuing burning permits and may temporarily suspend previously issued burning permits for open burning. Permit holders will be notified by email and/or information will be posted on Township website.
- 8.6.** 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.

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- 8.7.** 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 9: 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 10: RIGHT OF ENTRY AND INSPECTION

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

SECTION 11: ENFORCEMENT AND PENALTIES

- 11.1** The Fire Chief and designated municipal officials are authorized to enforce the provisions of this ordinance.
- 11.2** All violations of this Ordinance shall be civil infractions, and upon conviction thereof, shall be punishable by a fine of Four Hundred (\$400.00) Dollars.
- 11.2.1** No Exemption From Compliance. The imposition of any sentence shall not exempt an offender from compliance with the provisions of this Ordinance.
- 11.2.2** Other Appropriate Relief. The foregoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.
- 11.2.3** Each Day A Separate Offense. A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.
- 11.2.4** Rights and Remedies are Cumulative. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

SECTION 12: REPEAL

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

SECTION 13: EFFECTIVE DATE

This Ordinance shall become effective upon publication after adoption.

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SECTION 14: INSPECTION OF ORDINANCE

A copy of this Ordinance may be inspected or purchased at the Township Hall, 1539 South Bartlett Road, St. Clair, Michigan 48079, during regular posted office hours.

JOYCE A. SKONIECZNY, CLERK

I hereby certify that the foregoing constitutes a true and complete copy of Ordinance Number 181, duly adopted by the Township Board of the Township of St. Clair, St. Clair County, Michigan, at a regular meeting held on the 7th day of March, 2011, at which all members were present, 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, being Act 267, Public Acts of Michigan, 1976, and that minutes of said meeting were kept and have been or will be made available as required by said Act.

I further certify that Member Clerk Skonieczny moved adoption of said Ordinance and that Member Treasurer Miskus supported said Motion.

I further certify that the all Members voted for adoption of said Ordinance:, and that No Members voted against adoption of said Ordinance.

JOYCE A. SKONIECZNY, CLERK
Township of St. Clair

Published:3/16/2011
Effective date upon publication