

**ERIE TOWNSHIP OUTDOOR BURNING ORDINANCE**

An ordinance enacted pursuant to the authority granted in Act No. 246 of the Public Acts of 1945, as amended, to regulate the setting of fires and to provide penalties for the violation thereof, and to provide a method for the collection of costs and expenses of the Township caused by the setting of fires; and to generally provide for the public health, safety and general welfare of the persons and property of Erie Township; and to appeal all other ordinances or parts of ordinances in conflict hereof.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF ERIE, COUNTY OF MONROE, STATE OF MICHIGAN, ORDAINS:

SECTION 1. SHORT TITLE

This Ordinance shall be known and referred to as the "Erie Township Outdoor Burning Ordinance."

SECTION 2. OUTDOOR BURNING

No person, partnership, firm, association, or corporation shall kindle, start, or maintain any outdoor fire of any combustible materials, or authorize any such outdoor fire to be kindled, started or maintained, on or in any public or private street, alley or road, or any other public or private grounds or premises without first obtaining a Burning Permit from the Township of Erie.

SECTION 3. HOURS TO BURN

No person, partnership, firm, association, or corporation shall kindle, start, or maintain any outdoor fire of any combustible materials, or authorize any such outdoor fire to be kindled, started or maintained, except during daylight, between sunrise and sunset unless otherwise provided for herein.

SECTION 4. OBTAINING PERMIT

Any person, partnership, firm, association, or corporation wishing to set or start a fire must obtain a permit which states the name and address of the applicant, the location of the land and the premises where such fire is to be set, and the time contemplated for setting such fire. Said permit to be in accordance with Public Act 329 of 1969, as amended, MCLA 320.21. Said permit may be obtained from the Fire Chief of Erie Township or for the district in which the fire is to occur, or a duly authorized representative of the chief of the fire district where the fire is to occur; at the fire department of the same district or the Erie Township Hall, unless a permit is not required as stated herein.

## SECTION 5. PERMITTED MATERIALS

No person shall kindle, start, or maintain any outdoor fire of any combustible materials within the limits of the Township of Erie at any time, except small amounts of debris from a building, brush, leaves, limbs, tree branches, other tree parts, natural and unfinished or untreated wood, and any other yard waste so long as it is not "green" (has sufficiently dried as to not create a nuisance smell) unless a special permit is obtained or otherwise provided for in this Ordinance.

## SECTION 6. SPECIAL PERMITS

6.1 The Township Board of the Township of Erie may grant permission to authorized persons for the burning of trash, rubbish, or similar waste material in open supervised burning areas.

6.2 A permit may be issued for a bonfire or camp type fire to be burned after sunset so long as the material to be burned is natural brush, limbs, or trees or unfinished and untreated wood and that quantity does not exceed one cubic yards.

## SECTION 7. SUPERVISION

Any fire or fires, whether or not requiring a permit, shall be attended until completely extinguished by a competent person of the age of sixteen (16) years or older who shall possess the necessary means or materials to control or extinguish such fire, unless the same is wholly contained within approved incinerator or container as herein described.

## SECTION 8. PROHIBITED ACTIVITY

No person shall burn garbage, animal carcasses, refuse, trash, rubbish or like material giving off foul odors at any time. This Section applies to domestic, commercial, and industrial fires.

## SECTION 9. PERMITTED LOCATIONS

No open fires shall be located within fifteen (15) feet from any adjoining property line or twenty-five (25) feet from any building unless otherwise provided for in this Ordinance or a special permit is issued by the district fire chief from the district where the fire is to be located.

## SECTION 10. PERMITS FOR COMMERCIAL AND INDUSTRIAL PROPERTY

No person shall set, or cause to be set, burn, or cause to be burned, any paper, trash, rubbish, leaves, cut grass, or weeds unless confined within a fireproof container constructed of metal or masonry with an approved spark arrester or openings no larger three-quarters (3/4) of an inch in any commercial or industrial zoning district. No fire shall be set or kindled except during daylight hours, between sunrise and sunset. Burners of the metal drum, or portable type, shall not be located within fifteen (15) feet of any building or within five (5) feet of the adjoining property line.

Masonry or heavy metal constructed burners or incinerators shall be constructed to withstand the heat of 1200°F and shall be located a distance of more than three (3) feet away from a combustible building or a property line. Masonry or heavy metal burners or incinerators shall be constructed with or attached to a suitable stack, the top of the stack to be at least three (3) feet above the eave line of an adjoining building if such building is less than fifteen (15) feet from the stack. All stacks are to be properly capped with an approved spark arrester.

#### SECTION 11. HIGHLY HAZARDOUS MATERIALS PROHIBITED

No highly flammable, toxic, or explosive substance or material shall be burned within the Township of Erie. The burden of proof that any material burned within the Township does not violate the foregoing shall be upon the person, firm, corporation engaged in the burning operation.

#### SECTION 12. DOMESTIC FIRES

No permit shall be required for domestic fires. A “domestic fire” is any fire of materials as herein approved for burning from in and around the home, within the curtilage of the dwelling, where the material to be burned has been properly placed in a debris burner constructed of metal or masonry with an approved spark arrester with openings no larger than three-quarters (3/4) of an inch. Burners of the metal drum or portable types shall not be located within fifteen (15) feet of any building or within five (5) feet from the adjoining property line.

#### SECTION 13. ENFORCEMENT

The provisions of this Ordinance shall be administered and enforced by the Erie Township Police Department and all police officers of Erie Township, both Erie Township District Fire Chiefs or their authorized representative or any or all Erie Township appointed Enforcement Officers. The Erie Township police officers, fire chiefs or their designees and the enforcement officers may direct that any unlawful outdoor fire extinguished, and if the outdoor fire is not extinguished, or no one is present to extinguish said fire, the outdoor fire may be extinguished by a member of the Erie Township Fire Department or any Erie Township police officer or enforcement officer.

#### SECTION 14. PENALTIES

Any person, firm, corporation, partnership or other organization or entity, or anyone acting on behalf of said person, firm, corporation, partnership or any other organization or entity who shall violate or fail to comply with any provision of this Ordinance, or any restrictions set forth on any burning permit issued, shall be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 or by imprisonment for not more than ninety (90) days, or both. Each day a violation continues shall be deemed a separate offense.

A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan Law.

Any person, partnership, firm, association, or corporation who shall set or start, or cause to be set or started, an open fire without a permit as required by this Ordinance which necessitates calling one or both of the Erie Township Fire Departments, or any other fire department may be subject to civil damages for the costs and expenses associated with the response by the Erie Township Fire Department or any other fire department.

SECTION 15. RIGHT OF ENTRY

This Ordinance shall give any Erie Township Enforcement Agent the right to enter any property of a fire or proposed fire for the purpose of inspection, extinguishment, or other corrective safety action and the enforcement of this Ordinance.

SECTION 16. PRIOR AND INCONSISTENT ORDINANCE REPEALED

All Ordinances, or parts of Ordinances, in conflict with this Ordinance are to the extent of such conflict, repealed.

SECTION 17. SEVERABILITY

This Ordinance and the various parts, sentences, paragraphs, sections, subsections, phrases and clauses thereof are hereby declared severable and if any of them are adjudged unconstitutional or invalid, it is hereby directed that the remainder of the Ordinance shall not be affected.

SECTION 18. EFFECTIVE DATE

This Ordinance shall become effective on the 31<sup>st</sup> day after it, or a summary of it, is published in a newspaper of general circulation in the Township of Erie.

THE TOWNSHIP BOARD OF THE  
TOWNSHIP OF ERIE, COUNTY OF  
MONROE, STATE OF MICHIGAN:

By: Gayle A. Burlen  
Gayle A. Burlen,  
Erie Township Clerk

AUTHENTICATED:

By: Daniel J. Bonkoski  
Daniel J. Bonkoski,  
Erie Township Supervisor

I, Gayle A. Burlen, do hereby certify that I am the duly elected and acting clerk of the Township of Erie, and I do hereby certify that this Ordinance was adopted by the Township Board of the Township of Erie, Monroe County, Michigan, at a regular meeting of the Township Board held at the Erie Township Hall, Erie, Michigan, on the 11th day of September, 2001.

The vote on said Ordinance, 5 members being present and 0 members absent, was as follows:

Member's Last Name

Voting in Favor:

Bonkoski

LaPlante

Burlen

Baum

Gordy

Voting Against:

0

Abstained:

0

Absent:

0

I, Gayle A. Burlen, do hereby certify that this Ordinance or a summary thereof, was published on the 26 day of September, 2001, in the \_\_\_\_\_, Monroe County, Michigan, a newspaper of general circulation in the Township of Erie, within thirty (30) days after adoption of the Ordinance.

Dated: Sept. 26, 2001

Gayle A Burlen  
Gayle A. Burlen,  
Erie Township Clerk

ATTEST:

Daniel J. Bonkoski  
Daniel J. Bonkoski,  
Erie Township Supervisor

ADOPTED: 9-11-01  
PUBLISHED: 9-26-01  
EFFECTIVE: 10-27-01

**ERIE TOWNSHIP ORDINANCE NO. 107-A**

**AMENDMENT TO ERIE TOWNSHIP OUTDOOR BURNING ORDINANCE**

An ordinance enacted pursuant to the authority granted in Act No. 246 of the Public Acts of 1945, as amended, to amend Erie Township Ordinance No. 107, commonly known as "Erie Township Outdoor Burning Ordinance"; to add Section 2(a) "Ozone Action Days", to prohibit outdoor burning on ozone action days, as determined by the Erie Township Fire Chiefs and/or their designees; to amend Section 10, "Permits for Commercial and Industrial Property", to prohibit the burning of materials which emit noxious odors and/or noxious smoke; to amend Section 12, "Domestic Fires", to prohibit the burning of materials which emit noxious odors and/or noxious smoke; and to generally provide for the public health, safety and general welfare of the persons and property of Erie Township; and to repeal all ordinances or parts of ordinances in conflict hereof.

**THE TOWNSHIP BOARD OF THE TOWNSHIP OF ERIE, COUNTY OF MONROE, STATE OF MICHIGAN, ORDAINS:**

**SECTION 1. Addition of Section 2(a) to Erie Township Ordinance No. 107.**

Section 2(a) of Erie Township Ordinance No. 107 is hereby added, such that the new Section 2(a) shall read as follows:

**SECTION 2(a) Ozone Action Days.**

All outdoor burning, including, but not limited to, open burning and/or burning in incinerators, fireproof containers, metal drums or similar type containers shall be prohibited on ozone action days, as determined and posted by the Erie Township Fire Chiefs and/or their designees.

**SECTION 2. Amendment to Section 10 of Erie Township Ordinance No. 107.**

Section 10 of Erie Township Ordinance No. 107 is hereby deleted and replaced with a new Section 10, such that the new Section 10 shall hereinafter read as follows:

**SECTION 10. Permits for Commercial and Industrial Property.**

No person shall set, or cause to be set, burn, or cause to be burned, any paper, trash, rubbish, leaves, cut grass, or weeds unless confined within a fireproof container constructed of metal or masonry with an approved spark arrester or opening no larger three-quarters (3/4) of an inch in any commercial or industrial zoning district. No fire shall be set or kindled except during daylight hours, between sunrise and sunset. Burners of the metal drum, or portable type, shall not be located within fifteen (15) feet of any building, or within five (5) feet of the adjoining property line.

Masonry or heavy metal constructed burners or incinerators shall be constructed to withstand the heat of 1200°F and shall be located a distance of more than three (3) feet away from a combustible building or a property line. Masonry or heavy metal burners or incinerators shall be constructed with or attached to a suitable stack, the top of the stack to be at least three (3) feet above the eave line of an adjoining building if such building is less than fifteen (15) feet from the stack. All stacks are to be properly capped with an approved spark arrester.

Notwithstanding anything herein to the contrary, except as provided for in Section 6.1, no material of any kind or nature whatsoever which when burned emits noxious odors and/or noxious smoke, including, but not limited to, rubber products, plastic products, trash, rubbish or similar waste material may be burned in fireproof containers, metal drums or similar containers.

**SECTION 3. Amendment to Section 12 of Erie Township Ordinance No. 107.**

Section 12 of Erie Township Ordinance No. 107 is hereby deleted and replaced with a new Section 12, such that the new Section 12 shall hereinafter read as follows:

**SECTION 12. Domestic Fires.**

No permit shall be required for domestic fires. A "domestic fire" is any fire of materials as herein approved for burning from in and around the home, within the curtilage of the dwelling, where the material to be burned has been properly placed in a debris burner constructed of metal or masonry with an approved spark arrester with openings no larger than three-quarters (3/4) of an inch. Burners of the metal drum or portable types shall not be located within fifteen (15) feet of any building or within five (5) feet from the adjoining property line.

Notwithstanding anything herein to the contrary, except as provided for in Section 6.1, no material of any kind or nature whatsoever which when burned emits noxious odors and/or noxious smoke, including, but not limited to rubber products, plastic products, trash, rubbish, or similar waste material may be burned in fireproof containers, metal drums or similar containers.



**SECTION 4. Prior and Inconsistent Ordinances Repealed.**

All ordinances or parts of ordinances in conflict with this Ordinance are to the extent of such conflict repealed.

**SECTION 5. Severability.**

This Ordinance and the various parts, sentences, paragraphs, sections, subsections, phrases, or clauses thereof, are hereby declared severable, and if any of them are adjudged unconstitutional or invalid, it is hereby directed that the remainder of the Ordinance shall not be affected.

**SECTION 6. Effective Date.**

This Ordinance shall become effective on the thirty-first day after it, or a summary of it, has been published in a newspaper of general circulation in the Township of Erie, County of Monroe, State of Michigan.

THE TOWNSHIP BOARD OF THE  
TOWNSHIP OF ERIE, COUNTY OF  
MONROE, STATE OF MICHIGAN:

By: Gayle A. Burlen  
Gayle A. Burlen,  
Erie Township Clerk

AUTHENTICATED:

By: Daniel J. Bonkoski  
Daniel J. Bonkoski,  
Erie Township Supervisor

I, Gayle A. Burlen, do hereby certify that I am the duly elected and acting clerk of the Township of Erie, and I do hereby certify that this Amendment to the Erie Township Outdoor Burning Ordinance was adopted by the Township Board of the Township of Erie, Monroe County, Michigan, at a regular meeting of the Township Board held at the Erie Township Hall, Erie, Michigan, on the 9<sup>th</sup> day of November, 2004.

The vote on said Zoning Ordinance Amendment, 5 members being present and 5 members absent, was as follows:

Member's Last Name

Voting in Favor:	<u>Bonkoski</u>	<u>Gandy</u>
	<u>Burlen</u>	<u>La Plante</u>
	<u>Baum</u>	
Voting Against:	<u>0</u>	
Abstained:	<u>0</u>	
Absent:	<u>0</u>	

Dated: 11-9-04

Gayle A. Burlen  
Gayle A. Burlen,  
Erie Township Clerk

ATTEST:

Daniel J. Bonkoski  
Daniel J. Bonkoski,  
Erie Township Supervisor

I, Gayle A. Burlen, do hereby certify that I am the duly elected and acting clerk of the Township of Erie, and I do hereby certify that this Amendment to the Erie Township Outdoor Burning Ordinance was adopted by the Township Board of the Township of Erie, Monroe County, Michigan, at a regular meeting of the Township Board held at the Erie Township Hall, Erie, Michigan, on the 8th day of February, 2005.

The vote on said Zoning Ordinance Amendment, 5 members being present and 0 members absent, was as follows:

Member's Last Name

Voting in Favor:

Mikels

Gordy

Whipple

Cousino

Baum

Voting Against:

0

Abstained:

0

Absent:

0

Dated: February 8, 2005

Amy L. Whipple  
Amy L. Whipple  
Erie Township Clerk

ATTEST:

Paul W. Mikels

Paul W. Mikels  
Erie Township Supervisor

I, Gayle A. Burlen, do hereby certify that this Erie Township Outdoor Burning Ordinance Amendment, or a summary thereof, was published on the 18th day of February, 2005, in the Monroe Evening News, Monroe County, Michigan, a newspaper of general circulation in the Township of Erie, within 30 days after adoption of the ordinance.

Dated: \_\_\_\_\_

Gayle A. Burlen  
Gayle A. Burlen,  
Erie Township Clerk

ATTEST:

Daniel J. Bonkoski  
Daniel J. Bonkoski,  
Erie Township Supervisor

ADOPTED: 11-9-2004  
2-8-2005  
PUBLISHED: 2-18-2005  
EFFECTIVE: 3-21-2005

I, Gayle A. Burlen, do hereby certify that this Erie Township Outdoor Burning Ordinance Amendment, or a summary thereof, was published on the \_\_\_\_\_ day of \_\_\_\_\_, 2004, in the \_\_\_\_\_, Monroe County, Michigan, a newspaper of general circulation in the Township of Erie, within 30 days after adoption of the ordinance.

Dated: \_\_\_\_\_

Gayle A. Burlen  
Gayle A. Burlen,  
Erie Township Clerk

ATTEST:

Daniel J. Bonkoski  
Daniel J. Bonkoski,  
Erie Township Supervisor

ADOPTED: 11-9-2004 +  
2-8-2005  
PUBLISHED: 2-18-05  
EFFECTIVE: 3-21-05

ERIE TOWNSHIP ORDINANCE NO. 107- B

AMENDMENT TO ERIE TOWNSHIP OUTDOOR BURNING ORDINANCE  
ORDINANCE NO. 107

An Ordinance enacted pursuant to Act 246 of the Public Acts of 1945, as amended, and Act 33 of the Public Acts of 1951, as amended, to amend Erie Township Ordinance No. 107, as may have been amended, known as the Erie Township Outdoor Burning Ordinance; to modify the procedures and requirements in obtaining a burning permit; to generally provide for the public health, safety and welfare of the persons and property of Erie Township; and to repeal all ordinances and regulations or parts of ordinances and regulations in conflict hereof.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF ERIE, COUNTY OF MONROE, STATE OF MICHIGAN, ORDAINS:

Section 1 - Amendment to Section 4 of Ordinance No. 107

Ordinance No. 107 of Erie Township, Monroe County, Michigan is hereby amended such that Section 4 is deleted and a new Section 4 is added, to read as follows:

...SECTION 4. OBTAINING A PERMIT

Any person, partnership, firm, association, or corporation wishing to set or start a fire must obtain a permit which states the name and address of the applicant, the location of the land and premises where such fire is to be set, the time contemplated for setting such fire, and any other information reasonably required by the Township of Erie. Said permit may be obtained from the Fire Chief of Erie Township or for the district in which the fire is to occur, or a duly authorized representative of the chief of the fire district where the fire is to occur, at the fire department of the same district or the Erie Township Hall, unless a permit is not required as state herein. The applicant for the permit shall comply with this Ordinance, any rules and regulations adopted pursuant to this Ordinance, and any other ordinance, law, rule or regulation relating to outdoor burning.

Section 2 - Prior and Inconsistent Ordinances Repealed

All ordinances or parts of ordinances in conflict with this Ordinance are to the extent of such conflict, repealed.

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Section 3 - Severability

This Ordinance and the various sentences, paragraphs, sections, subsections, phrases and clauses thereof, are hereby declared severable, and if any of them are adjudged unconstitutional and invalid, it is hereby directed that the remainder of the Ordinance shall not be affected.

Section 4 - Effective Date

The Ordinance shall become effective on the 31st day after it, or a summary of it, has been published in a newspaper of general circulation in the Township of Erie.

THE TOWNSHIP BOARD OF THE  
TOWNSHIP OF ERIE, COUNTY  
OF MONROE, STATE OF MICHIGAN:

By: Jolene Upchurch  
Jolene Upchurch,  
Erie Township Clerk

AUTHENTICATED:

By: William D. Frey  
William D. Frey,  
Erie Township Supervisor

I, Jolene Upchurch, do hereby certify that I am the duly elected and acting Clerk of the Township of Erie, and I do hereby certify in this Ordinance that this Ordinance was adopted by the Township Board of the Township of Erie, Monroe County, Michigan, in the regular meeting of the Township Board held at the Erie Township Hall, Erie Township, Michigan, on the 13th day of April, 2010.

The vote on said Ordinance, 5 members being present and 0 members absent, was as follows:

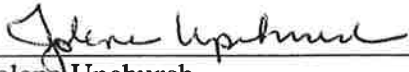
Member's Last Name

Voting in Favor:	<u>Frey</u>	<u>Cousino</u>
	<u>Baum</u>	<u>Upchurch</u>
	<u>Grodi</u>	
Voting Against:	<u>0</u>	<u></u>
Abstained:	<u>0</u>	<u></u>
Absent:	<u>0</u>	<u></u>

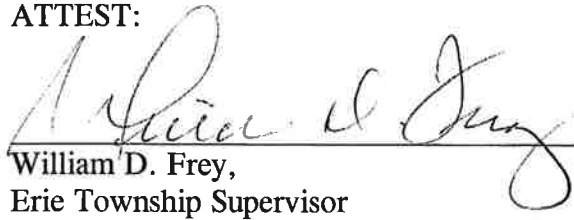


I, Jolene Upchurch, the Township Clerk of the Township of Erie, do hereby certify that this Ordinance or a summary of it, was published on the 26th day of April, 2010 in a newspaper of general circulation in the Township of Erie, within fifteen (15) days after adoption of the Ordinance.

Dated: 04-14-2010

  
\_\_\_\_\_  
Jolene Upchurch,  
Erie Township Clerk

ATTEST:

  
\_\_\_\_\_  
William D. Frey,  
Erie Township Supervisor

ADOPTED: April 13, 2010

PUBLISHED: April 26, 2010

EFFECTIVE: May 26, 2010

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