

WATERLOO TOWNSHIP

OUTDOOR AND OPEN BURNING ORDINANCE

Ordinance #09-12-15-2
Adopted: December 15, 2009
Effective: 30 days

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SECTION 1: PURPOSE

1.00 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 the Township of Waterloo by regulating the air pollution and fire hazards of open burning and outdoor burning.

SECTION 2: APPLICABILITY

2.00 Applicability.

This ordinance applies to all outdoor burning and open burning within the Township of Waterloo.

- 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.
- 2.4. This ordinance does not prohibit the open burning of leaves, trees, logs, brush, stumps, or grass clippings. However, a burn permit is required as outlined in section 8.
- 2.5 This ordinance does not apply to publicly owned lands.

SECTION 3: SEVERABILITY

3.00 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

4.00 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 commercial 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, 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.
- 4.4. "Fire Chief" means the Chief of the Fire Emergency Authority or other person designated by the Fire Chief.
- 4.5. "Fire Emergency Authority" means a fire emergency unit currently under contract with the Township having jurisdiction over the property.
- 4.6. "Municipality" means a county, township, city, or village.
- 4.7. "Outdoor burning" means open burning or burning in an outdoor wood-fired boiler or patio wood burning unit.
- 4.8. "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.
- 4.9. "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.
- 4.10. "Patio wood-burning unit" means a chimney, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.

- 4.11. "Refuse" means any waste material except trees, logs, brush, stumps, leaves, grass clippings, cardboard, and small amounts of paper.
- 4.12. "Site Plan" - Site Plan as defined in the Waterloo Township Zoning Ordinance, with the following additional requirement:
 - a. The Site Plan must indicate the location of all buildings on parcels adjacent to the parcel containing the wood burner and located within 300 feet of the final location of the wood burner.

SECTION 5: OPEN BURNING OF REFUSE

5.00 Open burning of refuse.

Open burning of refuse is prohibited.

SECTION 6: OUTDOOR WOOD-FIRED BOILERS

6.00 Outdoor wood-fired boilers.

An outdoor wood-fired boiler may be installed and used in the Township of Waterloo only in accordance with all of the following provisions:

- 6.1. The outdoor wood-fired boiler shall be installed and used only in an area zoned for agricultural use.
- 6.2. The outdoor wood-fired boiler shall not be used to burn refuse.
- 6.3. The outdoor wood-fired boiler shall be located in such a way as to satisfy the following requirements:
 - a. be at least 50 feet from any property line or right of way.
 - b. be at least 50 feet from any building on the parcel in which the boiler is placed.
 - c. be at least 300 feet from the nearest building which is not on the same property as the outdoor wood-fired boiler.
 - d. shall not be located in front of the principle structure on the property.
- 6.4. The outdoor wood-fired boiler shall have a chimney that extends at least 15 feet above the ground surface or meet the manufacturer's recommendation.
- 6.5. The owner of the outdoor wood-fired boiler shall obtain a permit from the township and submit a site plan. Review and approval of the permit application shall be performed by the Waterloo Township Zoning Administrator.

SECTION 7: PATIO WOOD-BURNING UNITS

7.00 Patio wood-burning units.

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

- 7.1. The patio wood-burning unit shall not be used to burn refuse.
- 7.2. The patio wood-burning unit shall burn only clean wood.
- 7.3. The patio wood-burning unit shall be located at least 25 feet from the nearest structure which is not on the same property as the patio wood-burning unit.

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 Fire Authority.
- 8.2. Any person responsible for burning leaves, brush, clean wood or other vegetative debris shall obtain a one-time burning permit before starting the fire.
- 8.3. An outdoor campfire does not require a permit provided that the fire complies with all other applicable provisions of this ordinance.
- 8.4. When weather conditions warrant, the Fire Chief may temporarily suspend issuing burning permits and may temporarily suspend previously issued burning permits for open burning.
- 8.5. 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.

SECTION 9: LIABILITY

9.00 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

10.00 Right of entry and inspection.

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

SECTION 11: ENFORCEMENT AND PENALTIES

11.00 Enforcement and penalties.

11.1. The Fire Chief or any authorized officer, agent, employee or representative of the Township of Waterloo who presents credentials are authorized to enforce the provisions of this ordinance.

11.2. 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 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:

	<u>Minimum Fine</u>	<u>Maximum Fine</u>
1 st Offense within 3-year period*	\$75.00	\$500.00
2 nd Offense within 3-year period*	\$150.00	\$500.00
3 rd Offense within 3-year period*	\$325.00	\$500.00
4 th or More Offense within 3-year period*	\$500.00	\$500.00

11.3. The violator shall pay costs which may include all expenses, direct and indirect, which the Township of Waterloo has incurred in connection with the municipal infraction. In no case, however, shall costs of less than \$10.00 nor more than \$500.00 be ordered. In addition, 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 Ordinance. Each day that a violation of this Ordinance exists shall constitute a separate violation of this Ordinance.

Waterloo Township does adopt this ordinance as the Township Outdoor and Open Burning Ordinance.

Adopted this 15th day of December, 2009 by Waterloo Township Board.

Those Voting Yes: Sadler, Waiz, Richardson, Kitley, Lance

Those Voting No: None

Signed: 