

## **GAINES CHARTER TOWNSHIP BURNING ORDINANCE**

### **TOWNSHIP ORDINANCE NO. 93-DC-01-ZL**

**AN ORDINANCE to protect the health, safety, and welfare of the people of the Charter Township of Gaines by regulating the burning and use of fires and to provide penalties for the violation of any of the provisions of this Ordinance.**

**Open burning is regulated under the Air Pollution Act (Act 348 of Public Acts of 1965), the Forest Fire Act (Act 329, 1969), the Solid Waste Management Act (Act 641, 1978, Act 267, 1990) and the General Township Act MCI 41.181 ET SEQ.**

#### **SECTION 1 DEFINITIONS**

**A. Burning Permit: A permission to burn, issued verbally or by written permit by the appropriate fire department chief or his designated personnel.**

**B. Fire Department: One of two Township Fire Departments which respond to different areas of the Township:**

**The Cutlerville Fire Department services the area west of Kalamazoo Avenue between 60th Street and 76th Street, and west of Eastern Avenue between 60th Street and 108th Street.**

**The Dutton Fire Department services the area east of Kalamazoo Avenue between 60th Street and 108th Street as well as the area between 76th Street and 108th Street east of Eastern Avenue.**

**C. Flammable Waste Material: Any waste or discarded substance that will burn or smolder, including but not limited to refuse, debris, waste forest material, brush, stumps, logs, rubbish, fallen timber, grass stubble, leaves, fallow land, slag, crops, garbage or crop residue.**

**D. Open Burning: Open flame or smoldering fire, emitting smoke. Smoke and/or offensive odor.**

**E. Person: An individual, corporation, partnership, association, municipality or other public body or legal entity, or any officer, employee or agent of the foregoing.**

#### **SECTION 2 PROHIBITED BURNING**

**A. There will be absolutely no burning of flammable waste material permitted in Sections 5, 6, 7, 8 and 18 of the Charter Township of Gaines during the months of September, October or November. This area is identified as north from 76th Street to 60th Street and west of Kalamazoo Avenue to Division. This also includes the mile bordered by 84th Street, Eastern Avenue, 76th Street, and Division Avenue.**

**B. There will be no burning permitted in the remainder of the Township without first receiving a burning permit from the appropriate fire chief, at no cost, in accordance with Section 4.**

**C. In no event whatsoever, shall any person burn any garbage, plastic, Styrofoam, or any other synthetic material or any other hazardous materials, nor shall any rubber based material such as, but not limited to, rubber tires, be burned in the Township regardless of the method used of burning.**

**D. No burning of leaves or grass clippings at any time.**

### **SECTION 3 PERMITTED BURNING**

**Burning under the following conditions is permitted anywhere in the Township without a permit:**

**A. The burning of wood, charcoal, coke or any other acceptable conventional fuel for the preparation of food in any form, in an approved container or utensil will be permitted when done in accordance with accepted safety standards.**

**B. The use of approved gaseous or liquid fired salamanders commonly employed in conjunction with building construction operations will be permitted when done in accordance with accepted safety standards.**

**C. Roofers, plumbers, tanners or others mechanics pursuing a business requiring the use of fire, or for the purpose of boiling tar, pitch or oil used in the course of an appropriate business will be permitted when done in accordance with accepted safety standards.**

### **SECTION 4 BURNING PERMITTED WITH BURNING PERMIT ONLY**

**A. The burning of flammable waste material is prohibited during the months of September, October and November in Sections 5,6,7,8 and 18 of the Township. Burning is permitted other times of the year in those sections and at all times in the remainder of the Township only with a burning permit issued at the discretion of the appropriate Fire Chief. No burning shall occur prior to the issuance of the required permit. the issuance of such permit will be determined by the proximity of the fire to any structure, weather conditions, the duration of the fire, and other factors that the Fire Departments deem necessary. All such burning shall be done under the constant supervision of a person 18 years or older.**

**B. A burning permit will also be required for any type of fire associated with any recreational activity including, but not limited to, open campfires, unless such fires are built in a metal, stone or masonry container.**

### **SECTION 5 EXCEPTIONS**

**The following exceptions from the rules of this Ordinance prohibiting open burning:**

**A. County parks in which fires are permitted by the rules governing said Parks, and,**

**B. Fires authorized for the training of firefighters or other controlled burnings approved by the appropriate Fire Chief.**

#### **SECTION 6 PENALTIES**

**A. Any person convicted of a violation of any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be imprisoned in the County Jail for not more than ninety (90) days, or both, such fine and imprisonment being within the discretion of the Court, together with costs of prosecution.**

**B. In the event that a Fire Chief is called out on a burning Ordinance violation, all expenses incurred by the response call shall be paid by the owner or owners of such divided lands, lots or parcels for such expense. Charges will be assessed at no less than One Hundred Twenty-Five Dollars (\$125), and Twenty-five Dollars (\$25), per hour, per firefighter.**

#### **SECTION 7 ENFORCEMENT**

**The Fire Chiefs, Township Supervisor, or their designated agents of the Township of Gaines, or the officers of Kent County Sheriff's Department or authorized law enforcement officer may cause a complaint to be made for the violations for the provisions of this Ordinance.**

#### **SECTION 8 CONFLICT WITH OTHER ORDINANCES**

**In the event of a conflict between any provisions of this Ordinance with those of any other ordinance of the Charter Township of Gaines, the provisions hereof shall be controlling, and any such conflicting provisions of any other ordinance of the Township of Gaines are hereby repealed.**

#### **SECTION 9 EFFECTIVE DATE**

**This Ordinance shall take effect thirty (30) days after publication.**

***This Ordinance was adopted by the Gaines Charter Township Board December 21, 1993***