

Restated as amended through the 18<sup>th</sup> day of June, 2009.

## **FIRE ORDINANCE**

### **Section 1**      Open Burning Prohibited; Exceptions.

No person shall cause or permit open burning to occur upon any premises owned or occupied by such person or under such person's control, except the following:

- 1)      Burning of charcoal or other fuel in ovens, braziers, stoves, grills, or other similar devices for cooking purposes.
- 2)      The use of salamanders in connection with building and construction operations, when done in accordance with accepted safety standards.
- 3)      Roofers, tanners, plumbers, or other mechanics using open fire in the regular course of their trade, when done in accordance with accepted safety standards.
- 4)      Open burning for which a written permit has been issued by the fire chief, if done in accordance with the conditions of the permit and in compliance with this ordinance and any applicable statutes, ordinances, rules, or regulations. The burning of grass clippings and/or leaves is not permitted under any circumstances. A written permit issued by the fire chief shall be valid only for the calendar year in which it is issued. A written permit issued pursuant to this section shall not eliminate the requirement of the prior approval of a specific date(s) for open burning as required herein. A written permit issued pursuant to this section shall not relieve the permittee from complying with all other applicable statutes, ordinances, rules and regulations, including, but not limited to, the regulations of the Michigan Department of Natural Resources.
- 5)      Open burning for Fire Department and/or Civil Defense purposes shall be permitted under the following conditions:
  - a)      The area adequately protected by Fire Department personnel.
  - b)      The fire will be of short duration.
  - c)      The ambient air, at time of burning is relatively free of pollutants.
  - d)      The Fire Department Chief submits to the Director written authorization for such burning.

- 6) Open burning within a 55 gallon metal waste barrel between two (2) hours after sunrise and one (1) hour before sunset is permitted without a permit being issued provided the requirements of Sections 3, 4, 5, and 6 are met and complied with save those that require a permit to be issued.

Section 2 Open Burning; Permitted Areas, Time.

- 1) Open burning is prohibited on property used for agricultural purposes except open burning conducted from November 1<sup>st</sup> to May 31<sup>st</sup> pursuant to a permit issued by the fire chief.
- 2) Open burning is prohibited on property used for residential purposes except open burning conducted from November 1<sup>st</sup> to May 31<sup>st</sup> pursuant to a permit issued by the fire chief.
- 3) Open burning is prohibited on property used for commercial or industrial purposes except as permitted by Section 1 2) and 3).
- 4) Notwithstanding any other provisions hereof, open burning may be permitted for special events or when there has been damage caused to building(s), structure(s) or crop(s) as a result of an accident or by reason of wind, rain, hail, lightning, tornado, or other similar cause, or by an act of God, on property used for agricultural or residential purposes pursuant to a permit issued by the fire chief under the following conditions and subject to the following requirements:
  - a) For purposes of this section, “special event” means an event of limited duration sponsored by, under the direction of, and participated in by the members of a nonprofit organization, association, or group, such as scouting groups, church groups, civic booster groups, and educational groups, where the event is organized in connection with, or to celebrate, recognize or memorialize a day, event of occurrence of special significance to the organization, association or group.
  - b) Open burning in connection with this subsection shall comply with all requirements of this ordinance.
  - c) Open burning in connection with a special event shall be confined to a discrete area and shall be in the form of a campfire or bonfire.
  - d) Open burning in connection with a special event shall be for symbolic, celebratory or recreational purposes, to provide a focal point for the special event, or for purposes of food preparation, and shall not be for the purpose of disposing of refuse, garbage or other waste materials of any kind.
  - e) Fire extinguishing equipment shall be readily available at the site of any open burning in connection with this subsection, on property used for agricultural or

residential purposes.

- f) The fire chief may impose reasonable conditions on the required prior approval and may withhold or withdraw approval of a request for open burning in connection with this subsection if the open burning would be unsafe under the circumstances.

Section 3 Open Burning, General Regulations.

The following regulations shall apply to all open burning permitted by this Ordinance.

- 1) Open burning shall be supervised and kept under control by an adult person over the age of 18 years who shall be present at the site of the fire at all times and until the fire is completely extinguished without smoldering.
- 2) Fire extinguishing equipment shall be readily available at the site of any residential open burning.
- 3) Open burning shall not be permitted less than fifty (50) feet from any building or overhead wires.
- 4) Open burning shall not be permitted in any public street.
- 5) Open burning shall not be permitted in ditches or drainage courses other than the burning of natural vegetation growing therein.
- 6) No open burning of any garbage consisting of animal material shall be permitted.
- 7) No burning shall take place when weather conditions are such that burning is likely to create a hazard.
- 8) Burning shall be conducted in such manner that it will not be detrimental to the health, safety, or welfare of other persons or property.
- 9) Materials to be burned must be dry and readily combustible so that any emission of air contaminants complies with the requirements of the Ordinance.
- 10) No open burning shall be permitted without the prior written approval of the fire chief for a specific date(s). The fire chief's approval may be withheld or withdrawn if the open burning would be unsafe due to the particular circumstances of a request, including, but not limited to, unfavorable weather conditions. The fire chief may impose reasonable conditions on the prior approval, including, but not limited to, limitations on the size, duration, time of day, location, and manner of burning. The requirement of prior approval of the fire chief

for a specific date(s) and provided by this section shall be in addition to the requirement of a written permit.

- 11) All open fires shall be located at least 300 feet from any building used for dwelling purposes or for housing of animals located upon any parcel of property adjacent to the parcel of property on which the open fire is permitted.

Section 4 Maximum Density of air Contaminants.

No person shall cause or permit to be discharged into the atmosphere from any single source of emission on air contaminant of a density equal to or darker than No. 2 of the smoke chart except:

- 1) Smoke of a density equal to, but not darker than, No. 2 of the smoke chart may be emitted for not more than three (3) minutes in any thirty (30) minute period.
- 2) Smoke of a density equal to, but not darker than, No. 3 of the smoke chart may be emitted for not more than three (3) minutes in any sixty (60) minute period, but such emission shall not be permitted on more than three (3) occasions during any twenty-four (24) hour period.

Section 5 Devices for Grading Darkness of Smoke.

Darkness of visible emissions of smoke shall be graded by using the Ringleman Smoke Chart as published by the United States Bureau of Mines in "information circular 7718" or by means of devices which result in measurements.

Section 6 Point of Measuring Density of Smoke Plume.

The density of a smoke plume shall be measured at the point of its emission, except that, when the point of emission cannot be readily observed, it may be measured at an observable point on the plume nearest the point of emission.

Section 7 Duties of Fire Chief, Assistant Chief.

In the absence of the Township Fire Chief, the Assistant Fire Chief shall act in his place as required herein.

Section 8 Penalties.

Any person who shall violate any provision of this Ordinance or who shall fail to comply therewith, or who shall violate or fail to comply with any order made thereunder pursuant thereto, or who shall build any fire in violation of any detailed statement or specification or plan submitted thereunder or any certificate or permit, or any condition placed upon any permit issued thereunder within the time fixed

therein, shall be guilty of a misdemeanor for each and every violation of non-compliance. Punishment shall be by a fine of not more than \$500.00 or by imprisonment in the County Jail not to exceed ninety (90) days, or by both such fine and imprisonment.

The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are permitted to continue shall constitute a new violation of this Ordinance.

Any person who sets an open fire which necessitates calling the Olive Township Fire Department or any other fire department that provides fire protection within Olive Township shall pay to Olive Township all costs and charges incurred by said township by reason of calling the Olive Township Fire Department or any other fire department. Olive Township may sue in any court of competent jurisdiction for civil damages and may recover such costs and expenses incurred by it from any person, firm, partnership, association, or corporation who sets such an open fire.

Section 9      Validity.

- ( a )    If any section, clause, or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so declared invalid.
  
- (b)      This Ordinance shall not affect violations of any other Ordinance, code, or regulation of the Township of Olive.

Section 10    Effective Date.

This Ordinance shall take immediate effect on the 3<sup>rd</sup> day of August, 2009, which is at least thirty (30) days after publication.

A copy of the foregoing Ordinance may be purchased or inspected Monday through Friday from 8:00 am to 1:00 pm at 6480 - 136<sup>th</sup> Avenue, Holland, Michigan 49424.

The foregoing Fire Ordinance was adopted at a regular meeting of the Olive Township Board held on the 18<sup>th</sup> day of June, 2009.

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Lona Bronkema  
Olive Township Clerk