

**TOWNSHIP OF EAGLE**  
**CLINTON COUNTY, MICHIGAN**  
**ORDINANCE NUMBER 1-05**

**Burning Ordinance**

An ordinance to protect the health, safety and general welfare of the persons and property within Eagle Township, Clinton County, Michigan, by regulating the burning of leaves, trash and any other combustible materials within the township; to provide penalties for the violation thereof and to repeal all ordinances or parts of ordinances in conflict therewith.

EAGLE TOWNSHIP ORDAINS:

**Section 1: Title**

This ordinance shall be known and cited as the "Eagle Township Burning Ordinance".

**Section 2: Purpose and Intent**

The purpose of this ordinance is to protect the people and property within Eagle Township against health, safety, environmental and fire hazards caused by the burning near roads, streets, places, building and structures, both public and private. To promote the health, safety and general welfare of the community by regulating methods of burning of materials. To encourage alternative methods of disposing of natural and biodegradable materials.

**Section 3: General Prohibitions**

All out-of-doors burning of any material shall be prohibited, except as provided for in this ordinance.

Grills and barbeques: A permit is not required for open burning within an outside grill or barbeque for the expressly limited purpose of food preparation. Grills and barbeques are not permitted on apartment or other multiple family housing balconies.

Construction and Demolition Waste: Construction and demolition (C & D) waste is waste building material, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on houses, commercial or industrial buildings, and other structures. C & D waste may be generated at many sources including households, commercial establishments, and industrial facilities. The open burning of any C & D waste is prohibited, even if the burning is to be conducted on the person's own property. A person may NOT take C & D waste to another location (such as a household) to be burned.

**Section 4: Provisions for Contained Burning**

All out-of-doors contained burning, not required a permit shall be:

1. Conducted within a fireproof masonry or metal burner containing an approved spark arrester that has no larger than a ¼" spacing.
2. Only consisting of paper, cardboard, dry leaves, brush and clean untreated lumber.
3. Started only after sunrise.
4. Extinguished and emitting no smoke after dusk.
5. At least fifteen feet (15') from the edge of any road.
6. At least ten feet (10') from any structure including but not limited to fencing, woodpiles, shed, out buildings and utility poles.
7. At least five feet (5') from any public or private property lines.
8. Prohibited if determined by the Fire Chief (or his/her designee) that conditions are such that burning would be hazardous to health, safety, and general welfare of persons or property in the community.
9. Ash or waste from any fire shall not be deposited in within the public streets and highways within the township.

**Section 5: Provisions for Open on the Ground Burning; All Clearing Lots &/Or Agricultural Open on the Ground Burning; and Recreational Bon Fires**

All our-of-doors contained burning shall be:

1. Approved only with a permit.
2. Attended by a competent person at all times.
3. In small, manageable piles.
4. Only consisting of paper, cardboard, dry leaves, brush and clean untreated lumber.
5. Started only after sunrise.
6. Extinguished and emitting no smoke after dusk.
7. At least fifteen feet (15') from the edge of any road.
8. At least twenty-five feet (25') from any structure including but not limited to fencing, woodpiles, shed, out buildings and utility poles.
9. At least ten feet (10') from any public or private property lines.

**Section 6: Fire Pits and Campfires**

All fire pits and campfires shall be:

1. Approved only with a permit.
2. Be no smaller than 18 inches in diameter and no more than 48 inches in diameter.
3. Consist of an 8-inch minimum depression in the ground ringed with stone, brick, concrete or concrete blocks, or steel truck rims with the tire removed.
4. Have a minimum area of thirty-six inches (36") cleared of all burnable materials outside of the fire ring.
5. Use only seasoned firewood and not extending outside the fire pit or campfire.
6. Be supervised at all times and extinguished upon completion of the event or activity.
7. Allowed year round.

## **Section 7: General Provisions**

Any burning generally permitted under this Ordinance shall be prohibited if the Fire Chief (or his/her designee) determines that conditions are such that burning would be hazardous to health, safety, and general welfare of persons or property in the community.

Ash or waste from any fire shall not be deposited within the public streets and highways with the township.

## **Section 8: Nuisance**

No burning shall be permitted at any time or in any location which would be a nuisance, hazard, or annoyance to adjoining persons or property by reason of heat, flame, fly-ash, sparks, smoke, or odor. The determination of the person or persons designated to enforce this Ordinance as set out in Section 10 shall be conclusive as to whether or not any burning violates this provision.

## **Section 9: Permits**

All required permits issued by the Fire Department shall be:

1. For a maximum of one (1) day per fire.
2. Retained by the Fire Department for a period of no less than six (6) months.
3. Permits shall contain:
  - a. Name, address and phone number of persons requesting permit;
  - b. Location of fire;
  - c. Time contemplated for setting the fire;
  - d. Material burned;
  - e. Any other information the Township shall deem necessary.

## **Section 10: Enforcement**

The enforcement of this ordinance, and regulations established by the Township Board, shall be performed by the Fire Chief and any other person or persons as the Township Board shall designate by resolution.

## **Section 11: Penalties**

Any person, partnership, fire, association or corporation who shall set or start a fire as required by this ordinance or fails to comply with the rules as defined and set forth in this ordinance, shall be deemed guilty of a misdemeanour and shall, upon conviction thereof, be subject to a fine or penalty of not less than \$50.00 (fifty) or more than \$500.00 (five hundred), or by imprisonment in the Clinton County Jail not exceeding ninety (90) days, or both such fine and imprisonment. And Eagle Township may sue in any court of competent jurisdiction for civil damages and injunctive relief and may recover such costs and expenses incurred by them from any person, partnership, firm, association or corporation who sets such a fire.

**Section 12: Severability**

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

**Section 13: Repeal**

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

**Section 14: Effective Date**

This ordinance shall take effect thirty (30) days after publication following its adoption.

**Section 15: Publication**

This ordinance is ordered to be given publication in the manner prescribed by law.

**Section 16: Adoption and Certification**

This ordinance is hereby declared to be adopted by the Township Board of the Township of Eagle, Clinton County, Michigan, at a regular meeting held on April 20, 2005. All ordinances, or parts of ordinances, in conflict with any of the provisions of this ordinance, are hereby repealed.

Moved by Morris and supported by Colby that the foregoing ordinance be adopted.

A vote on the foregoing ordinance was as follows:

Aye: Therrian, Simmons, Colby, Schafer, Morris

Nay: None

Wendy K. Simmons, Clerk  
Wendy K. Simmons, Clerk

**CERTIFICATION**

I, Wendy K. Simmons, Clerk of the Township of Eagle, do hereby certify that the foregoing is a true and accurate copy of the Burning Ordinance 1-05 adopted by the Township of Eagle on the 20<sup>th</sup> day of April, 2005.

Wendy K. Simmons, Clerk  
Wendy K. Simmons, Clerk