

ARTICLE III. BURNING

Sec. 18-61. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved burning device means a properly installed and maintained incinerator displaying an American Gas Association or similar rating organization seal of approval stating that the device met such organization's requirements for smokeless-odorless operation or is approved by the fire chief or his designee at the date of manufacture. The absence of a seal of approval shall be prima facie evidence that such incinerator is not an approved burning device.

Waste flammable material means any waste or discarded substance that will burn, including but not limited to refuse, debris, waste forest material, brush, stumps, logs, rubbish, fallen timber, grass, stubble, leaves, fallow land, crops, garbage or crop residue.

(Comp. Ords. 1988, § 101.002)

Sec. 18-62. Permitted and prohibited burning.

- (a) Burning of waste flammable material in an approved burning device is permitted without a permit.
- (b) No person may burn any waste flammable material in any manner, other than in an approved burning device, without first having obtained a permit from the township fire chief or his designee.
- (c) This article shall not apply to the burning of fuels such as charcoal or gas in grills or other similar devices solely for the preparation of food or recreation.
- (d) It shall be lawful with a permit to burn leaves, branches not exceeding four inches in diameter, "yard clippings," provided further that the following conditions are met:
 - (1) Such burning is not done on a public street or a public parkway.
 - (2) Said leaves and/or yard clippings shall emanate from the property on which it is burned.
 - (3) The burning must occur not less than 100 feet from the nearest public street or highway, at least 100 feet from all buildings, and at least 200 feet from the nearest dwelling owned or occupied by any person other than the owner of the premises on which such burning shall occur.
 - (4) No burning shall take place between the hours of one hour before sunset and one hour after sunrise.
 - (5) No burning shall take place when weather conditions are such that burning is, in the opinion of the township fire chief or his designee, likely to create a hazard.
 - (6) Burning shall be conducted in such a manner that it will not be detrimental to the health, safety or welfare of other persons or property.
 - (7) All burning must be done under the continuous supervision of an adult who shall be present at the fire site.

(8) Some type of equipment capable of extinguishing the fire must be conveniently available whenever burning is taking place.

(e) The township fire chief or his designee is hereby authorized to issue municipal civil infraction citations and notices for any violation of this article.

(Comp. Ords. 1988, § 101.003)

Sec. 18-63. Burning permit rules.

(a) Residents must call the fire department at 361-2895 Monday through Friday between 7:30 a.m. and 4:30 p.m. to request a burning permit.

(b) At the discretion of the fire chief, a verbal permit will be issued providing the conditions of this article are met. On the day the resident wishes to do the actual burning, before lighting the fire, they must call 361-2895 to get final permission to burn and to let the fire department know who is burning on any given day. Calls will be received from 7:00 a.m. to 6:00 p.m., seven days a week.

(c) The verbal permit will be good for seven days.

(d) No more than six permits may be issued per address per year.

(e) Recreational fires are allowed without a permit if the following conditions are met:

(1) Built on a dirt surface with all combustible materials or growth cleared at least five feet from the fire pit;

(2) The fire shall be built from cut timber no longer than 30 inches, and no larger than four inches in diameter;

(3) The fire must be at least 50 feet from any structure;

(4) No papers, yard waste, garbage, or building materials are to be burned;

(5) Fire must be extinguished by midnight;

(6) Fire must be clean burning;

(7) Fire must be attended by an adult at all times;

(8) Fire must be extinguished with water when done, or at midnight.

(9) Fire must not exceed four feet in diameter.

(10) The burning material shall be stacked no higher than two feet from the ground.

(Comp. Ords. 1988, § 101.000(addendum))

Sec. 18-64. Authority of fire chief; burning permits.

(a) *Generally.* This article shall be enforced and administered by the township fire chief or his designee. On verbal or written application and on receipt of fee established by the township board, if any, the fire chief or his designee may issue a permit to burn according to the rules approved by the township board.

(b) *Findings.* When necessary, the fire chief shall make written findings concerning his determination which shall include the following:

(1) The need for and/or availability of fire department personnel to guard against the spread of fire.

(2) The duration of the permit. In no case, shall a permit be granted for more than seven days.

(3) The degree of air pollution on the day of burning and the effect of burning on air pollution.

(4) Any other factor likely to adversely affect the public health, safety and general welfare of persons and property in the township.

(Comp. Ords. 1988, § 101.004)

Sec. 18-65. Violation of article a municipal civil infraction.

Any person who violates or refuses to comply with any provision of this article shall be responsible for a municipal civil infraction.

(Comp. Ords. 1988, § 101.005; Ord. No. 688, 6-5-2000)

Secs. 18-66--18-90. Reserved.