

ORDINANCE #215

Outdoor and Refuse Burning Ordinance for the Village of Springport

THE VILLAGE OF SPRINGPORT ORDAINS:

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 **Village of Springport** due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning.

SECTION 2: APPLICABILITY

2.00 Applicability. This ordinance applies to all outdoor burning and refuse burning within the Village of Springport.

2.1. This ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.

2.2. This ordinance does not apply to burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation unless the material being burned includes refuse as defined in Section 4 of this ordinance.

2.3. This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline, kerosene or other fuels in a device intended for heating, construction or maintenance activities.

SECTION 3: SEVERABILITY

3.00 Severability. Should any portion of this ordinance be declared unconstitutional it will not affect the ordinance as a whole.

SECTION 4: DEFINITIONS

4.00 Definitions.

4.1. "Campfire" means a small (no larger than 4' x 4' x 4') outdoor fire intended for recreation or cooking 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 resins or glues as in plywood or other composite wood products.

4.3. "Confidential papers" means printed material containing personal identification or financial information that the owner wishes to destroy.

4.4. "Fire Chief" means the Chief of the **Townships of Springport-Clarence** or other person authorized by the Fire Chief.

4.5. "Outdoor Burning" means open burning.

4.6. "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.

4.7. "Refuse" means any waste material except clean wood.

SECTION 5: GENERAL PROHIBITION ON OPEN BURNING, OUTDOOR BURNING AND REFUSE BURNING

5.00 General prohibition on outdoor burning and refuse burning. Open burning, outdoor burning and refuse burning are prohibited in the Village of Springport unless the burning is specifically permitted by this ordinance.

SECTION 6.00: Materials that may not be burned.

6.10 Unless a specific written approval has been obtained from the Department of Natural Resources, the following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device.

6.11. Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.

6.12. Waste oil or other oily wastes except used oil burned in a heating device for energy recovery

6.13. Asphalt and products containing asphalt.

6.14. Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

6.15. Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.

6.16. Rubber including tires and synthetic rubber-like products.

6.17. Newspaper, corrugated cardboard, container board, office paper and other materials that should be recycled.

SECTION 7: OPEN BURNING OF LEAVES, BRUSH, CLEAN WOOD AND OTHER VEGETATIVE DEBRIS

7.00 Burning leaves, weeds and other vegetative debris..

7.1. All allowed open burning shall be conducted in a safe nuisance free manner, when wind and weather conditions are such as to minimize adverse effects and not create a health hazard or a visibility hazard on roadways. Open burning shall be conducted in conformance with all local and state fire protection regulations.

7.2. Except for barbecue, gas and charcoal grills, no open burning shall be undertaken during periods when either the Fire Chief has issued a burning ban applicable to the area.

7.3. Outdoor campfires and small bonfires for cooking, ceremonies or recreation are allowed provided that the fire is confined by a control

device or structure such as a barrel, fire ring, or fire pit. Bonfires are allowed only if approved by and in accordance with provisions established by the Fire Chief.

7.4 Open burning under this section shall only be conducted at a location at least 75 feet from the nearest building which is not on the same property.

7.5. Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.

7.6. No materials may be burned upon, or within 30', of any street, curb, gutter or sidewalk

7.7. Except for barbecue, gas and charcoal grills, no burning shall be undertaken within 30 feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief.

SECTION 8: BURN BARRELS

A burn barrel may be used in the Village of Springport only in accordance with the following provisions:

8.1. The burn barrel shall not be used to burn any of the prohibited materials listed in Section 6 of this ordinance and may only be used in accordance with the provisions of Section 7 (or subsections of Section 7 deemed appropriate) of this ordinance.

8.2. The burn barrel shall be located at least 50 feet from the nearest building that is not on the same property as the burn barrel.

8.3. The burn barrel shall have vent holes above the ash line for combustion air and shall be covered with a heavy wire screen.

8.4. The burn barrel shall not serve a commercial enterprise.

8.5. The owner of the burn barrel shall obtain an annual permit from the Fire Chief in accordance with Section 12 of this ordinance.

SECTION 9: EXEMPTION FOR BURNING CERTAIN PAPERS

9.00 Exemption for burning certain papers.

9.1. Notwithstanding Subsection 6.17 of this ordinance, paper and cardboard products may be used as a starter fuel for a fire that is allowed under this ordinance

9.2. Small quantities of confidential papers from a residence may be burned if necessary to prevent the theft of financial records, identification or other confidential information.

9.3. Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.

9.4. A fire set for burning of a small quantity of confidential papers shall be subject to and comply with Subsections 7.1-7.3, and 7.6, and of this ordinance.

**SECTION 10:
SECTION 10: BURNING PERMITS**

10.00 Burning Permits.

102.1. No person shall start or maintain any open burning without a burning permit issued by the **Fire Chief**.

10.2. An outdoor campfire does not require a permit provided that the fire complies with all other applicable provisions of this ordinance.

10.3. Any person responsible for burning leaves, brush, clean wood or other vegetative debris under Section 7 of this ordinance shall obtain a one-time burning permit before starting the fire.

10.4. When weather conditions warrant, the Fire Chief may declare a burning moratorium on all open burning and temporarily suspend previously issued burning permits for open burning.

10.5. 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.

10.6. Any violation of the conditions of a burning permit shall be deemed a violation of this ordinance. Any violation of this ordinance or the burning permit shall void the permit.

SECTION 11: LIABILITY

11.00 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 12: RIGHT OF ENTRY AND INSPECTION

12.00 Right of entry and inspection. The Fire Chief or any authorized officer, agent, employee or representative of the Village of Springport Volunteer Fire Department may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

SECTION 13: ENFORCEMENT AND PENALTIES

13.00 Enforcement and penalties.

13.1. The Fire Chief and Springport Township Police are authorized to enforce the provisions of this ordinance.

13.2. The penalty for violation of any portion of this ordinance shall be a forfeiture of not less than seventy-five dollars (\$75) or more than two hundred fifty dollars (\$250) plus the cost of prosecution. Penalties are doubled for second and subsequent offenses.

IT IS FURTHER ORDAINED that any person who violates this Ordinance shall be responsible for a municipal civil infraction. Civil sanctions under this section may include, without limitation, fines, damages, expenses and costs as authorized by Public Act 236 of 1961, as amended, subject to the following provisions:

1. Sanctions for a violation of a civil infraction shall be a civil fine in the amount of not more than \$500, plus other costs, damages, expenses and other sanctions for each infraction.

2. A municipal civil infraction may be commenced upon the issuance of a municipal civil infractions citation directing the alleged violator to appear in court.
3. Failure to answer a citation to appear in court for a municipal civil infraction is a misdemeanor violation punishable by a fine of not more than \$500, plus other costs, or by imprisonment for a term not to exceed 90 days, or both fine and imprisonment.
4. Failure to comply with an order, judgment or default in payment of a civil fine, costs, damages or expenses so ordered may result in enforcement actions, including, but not limited to, imprisonment, collections, placement of liens or other remedies as permitted in Chapter 87 of PA 236 of 1961, as amended.
5. A municipal civil infraction is not a crime under this ordinance, and is not a lesser included offense of a criminal offense or an ordinance violation that is not a civil infraction.

Declaration of Nuisance

A violation of any provision of this Ordinance is determined to be detrimental to the health, safety and general welfare of the residents, property owners and other persons within the village and is hereby declared to be a nuisance per se. Any violation of this ordinance shall constitute a basis for injunctive relief against the violator to restrain and prohibit the violator from continuing the violation, in addition to any other relief or penalty provided by this ordinance or allowed by law.

Section 6. That the Clerk is hereby ordered and directed to cause this ordinance to be published and posted as required.

Section 7. That this ordinance shall take effect and be in full force and effect immediately from and after the date of its final passage and adoption.

Adopted the ____th day of _____ 2013.

Effective the ____th day of _____, 2013

Village Clerk, Marcianna Pochyla

Village President, Gordon Webb

Village Manager, Rosalee Terpening