

ORDINANCE NO. 188

AN ORDINANCE REGULATING OPEN FIRES AND BURNING WITHIN THE VILLAGE LIMITS OF THE VILLAGE OF OTISVILLE; AND PROVIDING FOR PENALTIES FOR VIOLATIONS THEREOF.

The Village of Otisville ordains:

Section 1: Purpose

1.1 **Purpose:** This ordinance is to preserve and protect public health, safety and general welfare of the residents of the Village of Otisville by prohibiting certain burning within the Village limits.

Section 2: Definitions

- 2.1 **Ashes/Soot:** By products and residue from fire
- 2.2 **Forest Township Fire Approval:** Approval shall mean written approval from the Fire Chief, or Assistant Chief, or designee.
- 2.3 **Garbage:** Shall mean any putrescible animal or vegetable waste resulting from handling, preparation, cooking or consumption of food.
- 2.4 **Refuse:** Shall mean any combustible trash, including but not limited to, paper, cartons, boxes, plastics, furniture, bedding and non-combustible trash including but not limited to, metals tin cans and glass.
- 2.5 **Yard Waste:** Shall mean regular wastes produced from landscaping and garden activities,

Section 3: Burning Prohibited

- 3.1 **General Prohibition:** It will be unlawful for any person or persons to burn, or cause to burn, assist in burning, permit, or continue to permit continuance of the burning of any combustible material, *outside of an enclosed structure*, within the village limits of the Village of Otisville, except as herein prescribed.

- 3.2 **Opening Burning:** No open burning other than recreational fires referred to in 4.2, shall be allowed unless a burning permit is issued from the Village Office. The permit **MUST** be signed by the Fire Chief or his designee. If allowed, all burning shall be carried out in accordance with the Forest Township Fire Department instructions and any other applicable rules that may apply.
- 3.3 **Refuse:** It shall be unlawful to burn any refuse, outside any building, at any time in the Village of Otisville.
- 3.4 **Garbage:** It shall be unlawful to burn garbage, outside any building, in the Village of Otisville.
- 3.5 **Yard Waste:** No person shall cause or permit open burning of yard waste, including leaves, grass clippings, vegetable or other garden debris, shrubbery or brush or tree clippings or similar materials, to occur upon privately owned premises or public place.
- 3.6 **Papers:** It shall be unlawful to burn paper, paper products or other materials which may be blown about by the wind or pollute the air anywhere in the Village of Otisville, unless burned in a stove, fireplace, furnace or incinerator sufficiently constructed to prohibit the escape of ignited particles.
- 3.7 **Windblown Refuse:** It shall be unlawful to deposit or leave any refuse or material in such a place or condition that it would be blown by the wind so as to be scattered; and it shall be unlawful to permit the escape of soot, ashes or other solid materials or refuse so as to be windblown or scattered.
- 3.8 **Streets, Alleys, Highways, Curbs, and Sidewalks:** No material of any kind shall be burned or attempted to be burned in any street, alley, highway, or between any curb and the sidewalk, or on any street right-of-way adjacent thereto, within the Village of Otisville.

#### **Section 4: Burning Uses Permitted**

- 4.1 **Cooking Fires.** Fires are permitted for the cooking and smoking of food, provided that such fires are confined to a barbecue grill, barbecue pit, smokehouse or other enclosure.
- 4.2 **Recreational Fires:** Recreational fires on private property, are permitted and do not need a Forest Township Fire Department approval when in a pit or pile which does not exceed three (3) foot in diameter provided the following conditions are met:
- A. Fires are attended until extinguished and ashes are cold.
  - B. Only clean wood products, or commercially produced fuel products are burnt, which have not been chemically treated with preservatives.
  - C. The fire does not endanger other buildings or structures.
  - D. Atmospheric conditions are favorable.
- 4.3 **Bonfires:** Public or private bonfires in which the material exceeds three (3) feet in diameter require a Village permit and are subject to prior approval of the Forest Township Fire Department. Such approval may be granted at the sole discretion of the Fire Department based upon:
- A. The proximity of the proposed fire to dwellings, trees, and other structures.
  - B. Facilities available for fire management.
  - C. Atmospheric conditions
  - D. Type of material to be burnt
  - E. Time of day (must be daylight hours)
  - F. Any other considerations judged by the Fire Department which are required to ensuring safe burning.
- 4.4 **Contractor Generated Fires:** Fires for heating outdoor building sites are permitted provided such fires are confined to, so called, "salamander" heaters or similar devices. Outdoor fires are permitted when necessary to peruse a business or trade requiring the use of fire, including by the way of example, but not necessarily by way of limitation, the heating, boiling of tar, pitch, or oil or other substances

when used by roofers, and other tradesmen.

- 4.5 **Commercial Incinerators:** Commercial and industrial type incinerators used for burning of combustible solid waste material (non-garbage) are permitted provided that the emission of smoke and fumes do not irritate, annoy or constitute a nuisance to others living in the neighborhood. They shall be provided with approved spark arresters or other effective means for arresting sparks and flying particles.

Furthermore, the operation of such incinerator shall meet all emissions limits as set forth by state and federal regulations. State of Michigan permits are required before and during the operations of such incinerators.

#### **Section 5: Exceptions and Special Circumstances**

- 5.1 **Open fires:** Open fires are permitted in the performance of an official duty by public offices for fires necessary for one or more of the following reasons or purposes:

- A. For the prevention of fire hazard which cannot be abated by other means.
- B. For the instruction of public fire fighters, industrial or commercial employees under proper supervision of a qualified instructor.
- C. For the protection of public health

- 5.2 **Special Circumstances:** On the discretion of the Village Superintendent of Public Works, with concurrence of the Forest Township Fire Department, that a condition exists where circumstances lack any other reasonable means of disposing of items which constitute a nuisance, and not addressed here within, then the Village and the Forest Township may issue a permit to burn.

#### **Section 6: Remedies and Liability for Cost Recovery**

- 6.1 **Costs:** All costs incurred by the Village of Otisville for the enforcement of this Ordinance will be the responsibility of the party in violation.
- 6.2 **Civil Remedies:** The Village of Otisville may pursue any other

remedy, or may institute any appropriate action for proceedings in a court with competent jurisdiction or before any administrative agency to collect costs for liability imposed for violation of the Ordinance.

**Section 7: Criminal Penalties.**

The Village of Otisville may commence and pursue criminal proceedings against responsible parties as defined herein to the extent permitted by law. The penalty for violation of the Ordinance shall upon conviction be a fine of \$100.00 or imprisonment for up to 30 days, or both such fine and imprisonment. Each separate violation of the Ordinance shall be considered a separate violation.

**Section 8: Severability**

If any section, sentence, clause, or phrase of the Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

**Section 9: Conflicting Ordinances and Amendments Superseded**

9.1 All other ordinances, amendments, or provisions thereof, which may be inconsistent or in conflict with this Ordinance are hereby repealed.

**Section 10: Approval**

This ordinance was approved by a vote of the Village Council, a Quorum being present of the \_\_\_\_\_th day of \_\_\_\_\_ 200\_ and ordered published in three public places in the Village within (10) days after its adoption.

**Section 11: Posting of Ordinance.**

This ordinance shall take effect and be in full force and effect on \_\_\_\_\_th day of \_\_\_\_\_, 200\_

Tom Bess  
Tom Bess, Village President

Effective Date

Andrea M. Barden  
Andrea Barden, Village Clerk  
Posting of Ordinance



# VILLAGE OF OTISVILLE

300 East St., P.O. Box 6  
Otisville, Michigan 48463-0006  
Office (810) 631-4680 Fax (810) 631-4796

## BURNING PERMIT FOR A BONFIRE

(greater than 3' diameter fire base)  
or under 5.1 or 5.2 of the Burning Ordinance No. 188

Under the provisions of Ordinance No. 188, Village of Otisville:

Permission is hereby granted to \_\_\_\_\_ of  
(Name of Applicant)  
\_\_\_\_\_ to burn brush only for  
(Address)  
\_\_\_\_\_ consecutive days beginning at \_\_\_\_\_ AM/PM on \_\_\_\_/\_\_\_\_/\_\_\_\_ on the following  
(Time) (Date)  
\_\_\_\_\_ on the following  
(Location)  
\_\_\_\_\_ Size of fire pile: \_\_\_\_\_ ft. x \_\_\_\_\_ ft.  
(Owner of Location if Other Than Permittee)  
\_\_\_\_\_  
(Person Starting and Attending the Fire if Other Than the Permittee)

Type of material to be burned: \_\_\_\_\_  
Proximity to closet building: \_\_\_\_\_ ft.  
Facilities for fire management: \_\_\_\_\_  
Ground conditions: wet/dry \_\_\_\_\_ plowed ground / grassy surface/other \_\_\_\_\_  
Wind speed: \_\_\_\_\_ MPH  
Special Conditions for Permission to Burn: \_\_\_\_\_

No fire shall be set after expiration of this permit, and no fire shall be set at a time when high wind is blowing. An adequate fire line shall be made around the area to be burned and a force of persons, sufficient to control the fire shall be on hand at the time of burning. Permittee shall be responsible for all damages to property which may result from burning done under this permit.

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Issued by:

\_\_\_\_\_  
Authorized Village Official

\_\_\_\_\_  
Fire Chief or Designee

Copies to: Applicant, Forest Twp. Fire Dept., Village of Otisville