

35.0300

**OPEN BURNING ORDINANCE
TOWNSHIP OF GRAND HAVEN, MICHIGAN
ord. no. 200 eff. June 1, 1994**

An Ordinance to regulate open burning, to provide for the abatement of violations as nuisances, and to provide penalties for its violation.

THE TOWNSHIP OF GRAND HAVEN, OTTAWA COUNTY, MICHIGAN,
ORDAINS:

35.0301

Sec. 1 DEFINITIONS

1. As used in this Ordinance the following terms are defined as follows:
2. Garbage or other combustible refuse or waste material means all substances of any kind being discharged, abandoned, and/or placed for disposal by their owners and includes by way of description, but not by way of limitation, commercial and household solid waste, leaves, brush, tree trimmings, and grass.
3. Salvage Operation means any activity engaged in with the intent to recover materials for use or sale as a result of the activity.
4. Fire Chief refers to the duly appointed and acting Fire Chief of the Grand Haven Charter Township Fire and Rescue Department, or a duly authorized employee of the Department.
5. Outdoor Wood Boiler (OWB) means any equipment or device which is installed or established outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space. (ord. 433 eff. Nov. 13, 2006)
6. Urban area means that portion of the Township so designated in the map attached as Exhibit A.
7. Rural area means that portion of the Township so designated in the map attached as Exhibit A.
8. Designated burning period means the months of January, February, March or September during each year when a person may burn one time per year in the urban area.
9. Lot and lot line means a lot and lot line, respectively, as defined in the Grand Haven Charter Township Zoning Ordinance, as amended.

35.0300

(ord. no. 432 eff. Nov. 17, 2006)

35.0302

Sec. 2 REGULATION OF OPEN BURNING

1. No person shall cause or permit any open burning of garbage or other combustible refuse or waste material unless such an open burning is otherwise permitted by a provision of this Ordinance.
2. No person shall cause or permit the burning of leaves at any time of the year.
3. No person shall conduct a Salvage Operation by open burning.
4. No person shall cause or permit burning for the clearing of land, in either the urban area or the rural area, unless permitted by State law for agricultural purposes on an agriculturally zoned lot. (ord. no. 432 eff. Nov. 17, 2006)
5. No person shall cause or permit burning on “Ozone Action!” days, as determined by the appropriate governmental agency which has jurisdiction. The Fire Chief shall be responsible for notifying all public and private campgrounds within the Township whenever an “Ozone Action!” day is declared.
(amend. by ord. no. 471 eff. March 2, 2010)
6. Open burning may be done pursuant to a permit issued as follows:
 - A. Application for burning permits shall be on forms provided by the Fire Chief.
 - B. All permits allowing open burning must be obtained during normal business hours, or Saturday between 8:00 a.m. and 12:00 noon, at the Grand Haven Charter Township Fire/Rescue Building.
 - C. All permits allowing open burning shall be limited to a maximum three (3) consecutive days, unless otherwise limited by this Ordinance.
 - D. All permits allowing open burning shall limit burning to between 7:00 a.m. and 7:00 p.m., unless a time extension is specifically authorized by the Fire Chief.
 - E. A permit allowing open burning may be cancelled by the Fire Chief when, under the sole and unfettered discretion of the Fire

35.0300

Chief, it is determined that weather conditions create unsafe conditions for open burning.

- F. All open burning permitted pursuant to this Ordinance shall have an adequate fire line and be maintained by a sufficient force of personnel to control the fire. No open burning shall be left unattended.
- G. The Fire Chief shall not issue a permit unless the following conditions are applicable:
 - 1) The permit is for the burning of trees, brush, or diseased plant waste material from an agricultural operation on an agriculturally zoned lot, as permitted by state law; or, (ord. no. 432 eff. Nov. 17, 2006)
 - 2) Reserved for future use. (ord. no. 432 eff. Nov. 17, 2006)
 - 3) The permit is for the burning of trees, brush or limbs on a residential property (e.g., no permit shall be issued for the burning of leaves or similar yard waste material). However, no permit may be issued under this subsection between October 1st and November 30th. (ord. no. 432 eff. Nov. 17, 2006)
 - 4) No hazardous or smoke nuisance condition will be created by such burning;
 - 5) The open burning is of material other than household, commercial, agricultural, or industrial garbage or refuse;
 - 6) The open burning is of permitted material that has not been collected and transported from one location or lot to another lot; the permit is only issued for the burning of materials located on a specific parcel of property;
 - 7) Within the rural area, the property owner has not exceeded the limitation of two burn permits per lot per year pursuant to the limits of subsection 3, above; and, (ord. no. 432 eff. Nov. 17, 2006)
 - 8) Within the urban area, the property owner has not exceeded the limitation of one burn permit per lot per year during one

of the months of the designated burning period (i.e., January, February, March or September) pursuant to the limitations of subsection 3, above.
(ord. no. 432 eff. Nov. 17, 2006)

- H. In issuing any permit for open burning the Fire Chief may impose reasonable conditions to:
 - 1) Prevent the creation of smoke nuisances.
 - 2) Protect the property and the health, safety, and comfort of persons from the effects of open burning.

- I. No permit shall be required for the following:
 - 1) Open fires set for recreational purposes including camp fires, provided that no smoke nuisance is created, and provided that the fire set is no more than three (3) feet by three (3) feet and contained within an enclosed pit or a fire retaining ring.
 - 2) Recognized trade devices may be used for heating by construction workers provided no smoke nuisance is created.
 - 3) An open fire may be used for cooking food, provided no smoke or other nuisance is created.
 - 4) Fires may be set under the direction and control of the Grand Haven Charter Township Fire and Rescue Department provided the sole purpose of the fire is for fire fighting training.

- J. The Fire Chief may issue a permit for open burning, when, under the sole and unfettered discretion of the Fire Chief, it is determined, after consultation with the Township Superintendent, that extenuating circumstances exist that would create an undue hardship on a residential property owner if a permit for open burning were not issued. An example of extenuating circumstances might be a large amount of trees or limbs downed by a major storm event that must be immediately cleared and the resident has already been issued the burning permits allowed under subsection G (7).

K. Notwithstanding anything in this Ordinance to the contrary, in the urban area, all burning shall be banned except for recreation fires, subject to all other applicable restrictions in this Ordinance; and except for one burn per year per residential lot during a designated burning period, if permitted by the Fire Chief; and except for burning on agriculturally zoned lots, but only if allowed by State law for agricultural purposes.

(ord. no. 432 eff. Nov. 17, 2006)

7. No person shall cause, or permit burning, and shall not ignite, discharge, or use Consumer Fireworks on any day the State, through the Department of Natural Resources or any successor agency, has determined that an "Extreme Fire Danger" exists, including the day preceding, the day of, or the day after, a Holiday.

(ord. no. 516 eff. July 7, 2013)

35.0302A Sec. 2A PROHIBITION OF OUTDOOR WOOD BOILERS

1. No Outdoor Wood Boiler (OWB) may be erected and installed in the urban area of the Township.
2. No Outdoor Wood Boiler (OWB) may be erected and installed in the rural area of the Township, unless the OWB is located on a lot that is 10 acres or greater in size and is located a minimum of 150 feet from any lot line.
3. The prohibition against OWBs in the Township is based upon the findings and evidence described in the August 2005 report by the Attorney General of New York State and the Environmental Protection Bureau, "Smoke Gets in Your Lungs: Outdoor Wood Boilers in New York State," and in the March 2005 publication of the Wisconsin Division of Public Health, Bureau of Environmental and Occupational Health, "Guidance for Health Professionals - Outdoor Wood Boilers (Wood Stoves)". Both documents are on file with the Township at the Township Hall.
4. The detrimental health effects, nuisance effects, and other negative effects of OWBs, which the Township intends to eliminate by prohibiting OWBs, include but are not limited to the following.
 - A. OWBs emit greater quantities of fine particulate matter than oil and gas furnaces.
 - B. The short chimneys on OWBs fail to disperse the smoke, resulting in greater pollution at lower heights and causing health problems.

- C. OWBs create smoldering conditions which produce excess smoke.
 - D. Exposure to various components of wood smoke and the contaminants found in wood smoke has been associated with human health impacts. OWB smoke may include fine particulate matter, polycyclic aromatic hydrocarbons, carbon monoxide, benzene, chlorinated dioxins, and other chemicals which have detrimental human health effects.
5. The prohibition against OWBs contained in subsection 1. or 2. shall not apply to an OWB erected and installed in the Township prior to April 25, 2006, but only if all of the following criteria are met.
- A. The property owner must notify the Township by telephone directly to the Township Superintendent either personally or by voicemail, email or letter within 30 days of the effective date of the Ordinance that OWB was installed on the property prior to April 25, 2006. *(If the Township suspects that an OWB is in place on a parcel and had been constructed prior to April 25, 2006, Township staff will take reasonable efforts to notify the property owner of this Ordinance's requirements.)*
 - B. The OWB must pass, or already have passed, any required State of Michigan inspections.
 - C. The OWB must be located in the rear yard or side yard of any lot on which it is located ("rear yard," and "side yard" shall be defined as they are defined in the Grand Haven Charter Township Zoning Ordinance, as amended).
 - D. The OWB's chimney must be higher than the highest portion of any dwelling unit within 150 feet of the OWB, excluding the dwelling unit serviced by the OWB ("dwelling unit" shall be defined as in the Grand Haven Charter Township Zoning Ordinance, as amended). If the chimney is not higher than the requirement contained in this subsection, the Township shall allow the property owner a reasonable period of time to bring the chimney into compliance.
6. All OWBs shall be limited to use only natural untreated wood products or corn pellets as fuel. Further, the following fuels are strictly prohibited:
- A. Processed wood products and other non-wood products not permitted by the OWB manufacturer;

of suitable age and discretion; or

2. By mailing the notice by certified mail to such owner or occupant at his/her last known address; or
3. If the owner or occupant is unknown by posting the notice in some conspicuous place on the premises for five (5) days.

35.0305

Sec. 5 VIOLATION

Any person, firm, or corporation which violates the provisions of this Ordinance shall be responsible for a municipal civil infraction. The sanction for a violation of this Ordinance shall be a civil fine of not less than \$50.00, plus costs and other sanctions. Increased civil fines may be imposed for repeated violations of this Ordinance by a person, firm, or corporation. A "repeat violation" of this Ordinance is a second or subsequent violation of this Ordinance committed by a person, firm, or corporation within six (6) months of a prior violation of this Ordinance, and for which the person, firm, or corporation admits responsibility or is determined to be responsible. The sanction for a violation of this Ordinance which is a first repeat violation shall be a civil fine of not less than \$250.00, plus costs and other sanctions. The sanction for a violation of this Ordinance which is a second or subsequent repeat violation shall be a civil fine of not less than \$500.00, plus costs and other sanctions. The Township Supervisor, Township Superintendent (Township Manager), the Township Fire Chief (or a duly appointed and acting subordinate), an authorized Township official, the Township Building Inspector, the Township Zoning Administrator, any law enforcement officer of the Ottawa County Sheriff's Department or of the Michigan State Police, and the Township Attorney are authorized to issue municipal civil infraction citations for violations of this Ordinance.

In addition to the sanctions provided herein, any condition caused or permitted to exist which is determined to violate any provision of this Ordinance shall be considered a separate violation for each day that the condition continues to exist. Any condition which constitutes a violation of this Ordinance shall be considered a nuisance per se and action may be taken by Grand Haven Charter Township to abate the nuisance.

In addition to the sanctions for violation of this Ordinance, the Grand Haven Charter Township Fire and Rescue Department responds to any fire not authorized pursuant to this Ordinance, the person responsible for such fire may be charged a fee for the costs incurred by the Township to respond to the fire, as may be established from time to time by the Township Board, if the fire was not started accidentally.

(amend. ord. no. 490 eff. Dec. 15, 2010)

35.0300

35.0306

Sec. 6 REPEAL

All ordinances or parts thereof in conflict with this ordinance are hereby repealed to the extent of any such conflict.

35.0307

Sec. 7 SEVERABILITY

Each portion of this Ordinance shall be deemed to be severable. Should any article, section, subsection, paragraph, subparagraph, sentence, or clause hereof be declared by a court of competent jurisdiction to be unconstitutional, invalid, or be rejected by referendum or similar process, such holding shall not effect the validity of this Ordinance as a whole or any part hereof, other than that part so declared to be unconstitutional, invalid, or rejected.

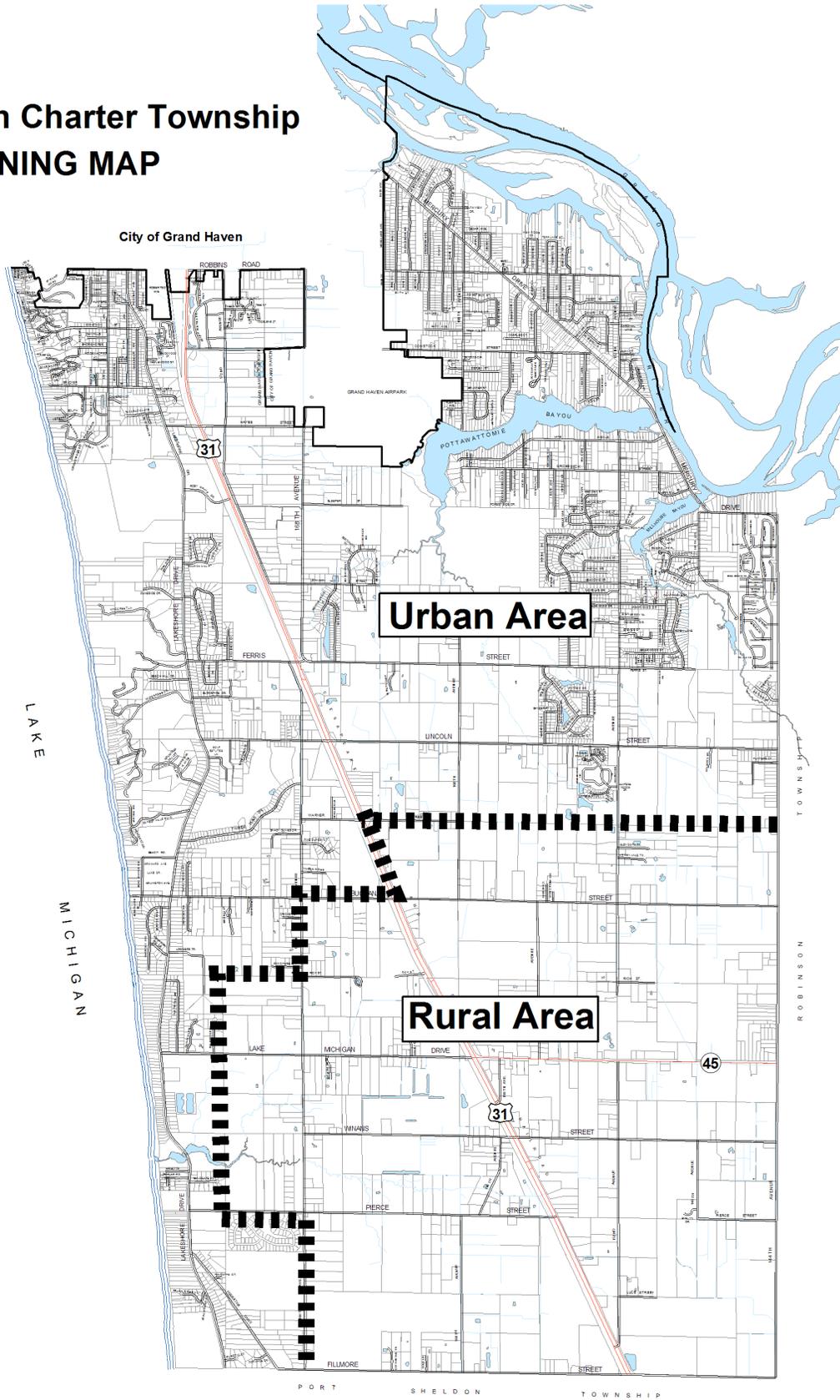
35.0308

Sec. 8 EFFECTIVE DATE

This Ordinance will take effect on June 1, 1994 after its publication in the manner provided by law.

(ord. no. 200 eff. June 1, 1994, amend. by ord. no. 206 eff. immediately, amend. by ord. no. 218 eff. May 14, 1995; amend. by ord. no. 220 eff. June 11, 1995; amend. by ord. no. 267 eff. July 26, 1997; amend by ord. no. 432 eff. November 17, 2006; amend by ord. no. 433 eff. November 13, 2006)

Grand Haven Charter Township BURNING MAP



Sources:
Grand Haven Township Community Development Dept.
Ottawa County GIS - 2006
Revision Date: September 29, 2006

Note: Data is subject to change. GHT does not guarantee the accuracy of this map.



GRAND HAVEN CHARTER TOWNSHIP
OTTAWA COUNTY, MICHIGAN

0 1,375 2,750 5,500
Feet

1 inch equals 5,000 feet



Coordinate System: State Plane 1083 - MI South