

ORDINANCE NO. 206-95  
AN ORDINANCE OF THE VILLAGE OF BANCROFT, MICHIGAN  
ADOPTING AN ORDINANCE TO BE KNOWN AS:

OPEN BURNING

THE VILLAGE OF BANCROFT ORDAINS:

Section 1. Purpose.

An ordinance to regulate open burning as herein defined; to define the rules for burning; to define permit required burning; to provide for exception therefrom; to provide information for alternative measures; and to provide penalties for violations thereof.

Section 2. Definitions.

- a. OPEN BURNING. Is the burning of unwanted material, such as paper, trees, brush, leaves, grasses, and other debris, where smoke and other emission are released directly into the air.
- b. RUBBISH. Combustible and non-combustible waste, including paper, cardboard, metal containers, yard clippings (to include brush, grass, leaves, and trees), wood, glass, crockery, demolished building materials or any other material that may be a detriment to the public health and safety.
- c. SOLID WASTE. For the purpose of this ordinance means garbage, rubbish, liquid waste, commercial waste and any other waste, liquid or solid that is regulated by state statute.

Section 3 DISPOSITION OF OPEN BURNING ON PRIVATE PROPERTY:

Whereas the open burning of unwanted materials, rubbish and solid waste creates a nuisance of smoke and odor which can be injurious to human life or property or which unreasonably interferes with the enjoyment of life and property, the Village Counsel of Bancroft has deemed it necessary to regulate open burning within the Village limits of Bancroft.

Section 4 RULES FOR OPEN BURNING:

- a. Burning of any solid waste as defined in Section 2c is prohibited. Solid waste examples are household garbage, oil, paint, plastic, and tires
- b. Leaf burning shall be permitted on Monday, Wednesday, and Saturday.
- c. All open burning (including leaf burning) can only be conducted between the hours of eight (8) a.m. and eight (8) p.m.; with the exception of recreational burning. All open burning must be supervised by a person of "mature years and discretion", and such person must be in attendance at all times
- d. No open burning shall be done within fifteen (15) feet of any structure, or three (3) feet from any one property line. No burning shall be done on any sidewalk, roadway, and right of way or on any other village property.
- e. No open burning shall be done when wind or weather conditions may create a nuisance of danger to any person or property.

Section 5 PERMIT REQUIRED BURNING:

Open burning of brush, trees, or logs not defined in Section 7b as being recreational or for food preparation, shall require a permit from the local fire department, and such permit must be requested forty-eight (48) hours prior to the burning.

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Section 6           Alternative Measures.

- a.   Mulching of leaves, and grass clippings into smaller pieces with a lawn mower to be used as a fertilizer as they decompose.
- b.   Creating a compost pile. Composting leaves and grass clippings produces valuable soil fertilizer through the natural process of decomposition.
- c.   Bagging of leaves and grass clippings in specially made bags for pick up by the contracted trash hauler. These bags are available from the Village Office.
- d.   Solid waste and rubbish can be disposed of by residents using the services of the Villages' contracted waste hauler or by engaging in a private hauler to remove any solid waste or rubbish.

Section 7           EXCEPTIONS.

- a.   Burning of buildings for the purpose of demolition is prohibited, except as provided for by the Michigan State Fire Marshal Division where such burning is done for the purpose of Fire Department training.
- b.   Burning of logs, charcoal, and other similar materials is permitted when properly contained in a campfire, outdoor fire-place or in a commercially manufactured metal grill, and when such burning is for the purpose of food preparation or recreation.
- c.   The burning of beekeeping equipment and / or by products is permitted as long as such disposal is for the purpose of disease control.
- d.   Nothing in this ordinance shall be construed as prohibiting the burning of wood and logs in a properly installed fire-place or other wood burning device, which is equipped with a chimney, and which is intended for the heating of a dwelling.

Section 8           Violation as a misdemeanor; penalty; separate offenses.

- a.   Anyone initiating an open fire resulting in a call to the fire department will pay all costs and charges in-curred by the Village.
- b.   A person who violates this ordinance is guilty of a misdemeanor. A person convicted under this ordinance or any rules promulgated by this ordinance may be punished by a fine of not more than \$100.00 and costs of prosecution and in default of payment of fine and costs, imprisonment for not more than thirty (30) days. If the violation is of a continuing nature, each day upon which a violation occurs shall be considered a separate offense.

Section 9           Severability.

This Ordinance and several sections and subsections hereof are hereby declared severable. If any part or clause hereof is adjudged invalid, the balance of this ordinance shall not be affected thereby.

Section 10          Conflicting ordinances repealed:

All ordinances previously adopted and inconsistent with the provisions of this ordinance are hereby repealed in their entirety.

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Section 11      Effective Date.

This ordinance shall take effect twenty (20) days after its passage, as set forth hereafter.

Date of adoption: September 13, 1995

Date of Publication: September 22, 1995

Effective Date: October 10, 1995

BURN PERMITS CAN BE OBTAINED BY APPLYING ONLINE AT <http://www.shiawasseeetownship.org/burnpermits> or  
CALLING THE SHIAWASSEE TOWNSHIP FIRE DEPARTMENT