

LYON TOWNSHIP
ROSCOMMON COUNTY, MICHIGAN

ORDINANCE NO. 52

ADOPTED: October 15, 2003

EFFECTIVE: January 1, 2004

BURNING ORDINANCE

An Ordinance to secure the public health, safety and welfare of the residents and property owners of Lyon Township, Roscommon County, Michigan and prescribe the sanctions for violation of the Ordinance.

PURPOSE AND INTENT

To regulate the type of fires, kind of materials and locations allowed for burning within the boundaries of Lyon Township. In general, only **confined recreational campfires** are allowed. Recreational campfires do not require a permit of any kind.

The Township provides for the issuance of a burning permit, for other than a campfire, in certain circumstances that meet specific criteria for approval. The application for a burning permit must be in writing and done enough ahead of time to allow for evaluation up to and including Lyon Township Board approval. An application form is available at the Township Office.

TOWNSHIP OF LYON
ROSCOMMON COUNTY, MICHIGAN

ORDAINS:

SECTION 1

TITLE

This ordinance shall be known and cited as Lyon Township Burning Ordinance.

SECTION 2

The following terms used in this ordinance are defined as follows:

Recreational Campfire: A small outdoor fire generally used as the focal point of a social gathering. Not a bonfire.

Confined Burning: An outdoor fire contained within a fire pit or fire ring made of metal, stone, masonry, brick or other non-combustible material designed to restrict the size and spread ability of the fire. The confined area should be limited to approximately the area associated with a 6 foot diameter circle (28 sq. ft.).

SECTION 3

REGULATIONS

1. A *confined recreational campfire* (see *Definitions Section*), is allowed anytime of day **without the need for a permit** from either Lyon Township or the DNR:
 - a. Burning materials can be firewood, small pieces of dimensional lumber, twigs or small branches. The campfire is not to be used as a means to do away with natural yard debris (leaves, grass, pine needles, brush, etc.). *
 - b. The campfire must be a safe distance from any structure or combustible material and attended at all times by a responsible person.
 - c. Items to extinguish the campfire must be on site i.e. fire extinguisher, garden hose, bucket of water, etc.
 - d. Campfires can be built **only on private property**; not in Township parks or on public properties of any kind i.e. road-ends, roads, alleys, sidewalks, recreational paths/trails, state land, etc.

* Lyon Township offers several alternative ways of disposing of yard debris. Please inquire at the township office 989- 821-9694.

2. Other than a confined recreational campfire, no burning of any kind is allowed unless a Special Burn Permit is issued by Lyon Township. A Special Burn Permit may be granted in certain circumstances when particular criteria are met. A Special Burn Permit must be applied for in writing and submitted enough ahead of time to allow for evaluation up to and including Board approval. An application form is available at the Township Office.

Special Burn Permits are designed to handle situations such as:

- a. Fire Department controlled training burns
- b. Lyon Township controlled burns
- c. Commercial controlled burns
- d. Lot clearings
- e. Rural property environment

The general intent of the Special Burn Permit provides for the burning of only natural material such as: tree limbs, tree stumps, leaves, pine needles, grass, brush, etc. In special circumstances, other material may be given consideration.

3. Lyon Township reserves the right to order the immediate extinguishment and cleanup of prohibited fires.

SECTION 4

VIOLATIONS AND PENALTIES

Any person who violates any of the provisions of this ordinance shall be deemed to be responsible for a Municipal Civil Infraction as defined by Michigan statute, punishable by a civil fine determined in accordance with the schedule:

	<u>Minimum Fine</u>
1 st offense within a 3-year period*	\$50.00
2 nd offense within a 3-year period*	\$125.00
3 rd offense within a 3-year period*	\$250.00
4 th or subsequent offense in a 3-year period*	\$400.00

*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Lyon Township has been put in connection with the Municipal Civil Infraction.

In addition, any violation of this ordinance is hereby declared to be a public nuisance per se which may be abated in Circuit Court in lieu of or in addition to other civil infractions.

Each day that a violation exists shall constitute a separate offense for enforcement purposes.

SECTION 5

SEVERABILITY

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any other portion of this ordinance.

SECTION 6

REPEAL

Lyon Township Burning Ordinance No. 40, adopted 09-10-97, and all ordinances or parts of ordinances in conflict with this ordinance is hereby repealed.

SECTION 7

EFFECTIVE DATE

This ordinance shall take effect 30-days after publication as required by law.

LYON TOWNSHIP

SPECIAL BURN PERMIT

Lyon Township Burning Ordinance No. 52, effective January 1, 2004, requires a Special Burn Permit for any and all burning activities, other than a recreational campfire, within the boundaries of Lyon Township. The Ordinance provides for the issuance of a Special Burn Permit to cover situations such as:

- a.) Fire Department controlled burns *
- b.) Lyon Township controlled burns
- c.) Commercial controlled burns
- d.) Lot clearings
- e.) Rural property environments
- f.) Other burning activities as deemed appropriate by Lyon Township

* Fire Dept. burns must also abide by all NFPA guidelines.

Approval may be granted by a township ordinance officer or require the vote of the Twp. Board.

A Special Burn Permit provides for the open burning of yard debris (grass clippings, pine needles, leaves, brush, tree limbs, stumps) and the contained burning of solid household waste. However, under no circumstances will a permit be issued to burn: Animal carcasses, auto parts, construction and demolition waste, furniture, garbage, plastic, rubber, shingles, structures of any kind, tar paper or tires.

Unless otherwise stipulated in the permit, burning is allowed on private property only and cannot take place on public properties such as: Township parks, roads, road right-of-ways, road ends, alleys, sidewalks, paths/trails or state land.

All burning activities allowed for by a Special Burn Permit must also adhere to the following criteria:

- a) There is no statewide burning ban coinciding with the approved burn date(s).
- b) A DNR burning permit is obtained by calling (989) 275-8512 on the date(s) of the burn activity.
- c) The burn activity is attended at all times by a responsible person.
- d) The fire is a safe distance from any structure or combustible material.
- e) Items to extinguish the fire must be on site. i.e. fire extinguisher, garden hose, water bucket, etc.
- f) The fire does not create a smoke or odor nuisance.

NOTE: APPLICATION IS ON THE REVERSE SIDE OF THIS SHEET

LYON TOWNSHIP

SPECIAL BURN PERMIT APPLICATION

This permit must be available upon request on site during the burning period.

Applicant name, _____

Address, _____

City, State, Zip Code, _____

Telephone # _____ Business#, _____

Burn Location _____

Burn Date(s) _____

Purpose of Burn _____

Material to be burned, _____

Applicant Signature _____ Date: _____

THIS SECTION FOR LYON TOWNSHIP STAFF ONLY

Permit Granted by (Ordinance Officer or Board) _____

Date Granted, _____

Signature, _____

Lyon Township reserves the right to order the immediate extinguishment and clean-up of all fires

Copy to: Lyon Township Fire Department