

**FRANKENMUTH TOWNSHIP  
COUNTY OF SAGINAW, STATE OF MICHIGAN  
FRANKENMUTH TOWNSHIP ORDINANCE NO. 2011-01-17**

**ADOPTED: 01-17-2011  
EFFECTIVE: 06-18-2011**

**OUTDOOR AND OPEN BURNING ORDINANCE**

**AN ORDINANCE TO REGULATE THE OPEN BURNING OF FIRES AND OUTDOOR FIRES WITHIN THE TOWNSHIP OF FRANKENMUTH.**

**THE TOWNSHIP OF FRANKENMUTH HEREBY 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 **Township of Frankenmuth** by regulating the air pollution and fire hazards of open burning and outdoor burning.

**SECTION 2: APPLICABILITY**

**2.00 Applicability.**

This ordinance applies to all outdoor burning and open burning within the Township of Frankenmuth.

- 2.1.** This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- 2.2.** This ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.
- 2.3.** This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene 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 or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

**SECTION 4: DEFINITIONS**

**4.00 Definitions.**

- 4.1.** "Campfire" means a small outdoor fire intended for recreation or cooking but 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.** "Construction and demolition waste" means building waste materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on a house, commercial or industrial building, or other structure.
- 4.4.** "Fire Chief" means the Chief of the Frankenmuth Fire Department or other person designated by the Fire Chief.
- 4.5.** "Municipality" means a county, township, city, or village.

- 4.6. "Outdoor burning" means open burning or burning in an outdoor wood-fired boiler or patio wood burning unit.
- 4.7. "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. This includes burning in a burn barrel.
- 4.8. "Outdoor wood-fired boiler" means a wood-fired boiler, stove or furnace that is not located within a building intended for habitation by humans or domestic animals.
- 4.9. "Patio wood-burning unit" means a chimenea, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating. Such device shall be no greater than 48 inches in diameter and height.
- 4.10. "Refuse" means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.

**SECTION 5: GENERAL PROHIBITION ON OUTDOOR BURNING AND OPEN BURNING**

**5.00 General prohibition on outdoor burning and open burning.**

Open burning and outdoor burning are prohibited in the Township of Frankenmuth unless the burning is specifically permitted by this ordinance. Exceptions include prescribed burns by an authorized agency of the state or fire suppression training as approved by the Fire Chief.

**SECTION 6: OPEN BURNING OF REFUSE AND CONSTRUCTION AND DEMOLITION WASTE**

**6.00 Open burning of refuse.**

Open burning of refuse and/or construction and demolition waste is prohibited.

**SECTION 7: OPEN BURNING OF TREES, LOGS, BRUSH, STUMPS, LEAVES, AND GRASS CLIPPINGS**

- 7.1. Open burning of grass clippings is prohibited.
- 7.2. Open burning of trees, logs, clean wood, brush, stumps, and leaves is allowed only in accordance with all of the following provisions:
  - 7.2.1. Except for campfires, a permit issued in accordance with Section 12 of this ordinance must be obtained prior to open burning under this section.
  - 7.2.2. Open burning of trees, logs, clean wood, brush, and stumps must be conducted at least 500 feet from an incorporated city or village limit.
  - 7.2.3. Except for barbecue, gas, and charcoal grills, no open burning shall be undertaken during periods when the Governor of Michigan or the local fire chief has issued a burning ban applicable to the area.
  - 7.2.4. All allowed open burning shall be conducted in a safe, nuisance-free manner, when wind and weather conditions minimize adverse effects and do not create a health hazard or a visibility hazard on roadways, railroads or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.
  - 7.2.5. Outdoor campfires and small bonfires for cooking, ceremonies, or recreation are allowed provided they do not cause a nuisance.
  - 7.2.6. Open burning under this section shall only be conducted at a location at least 50 feet from the nearest building which is not on the same property.
  - 7.2.7. 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.
  - 7.2.8. No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or waterbody.
  - 7.2.9. Except for approved patio wood burning units, barbecue, gas, and charcoal grills, no burning shall be undertaken within 25 feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit.

**SECTION 8: AGRICULTURAL BURNING**

**8.00 Agricultural burning.**

Open burning of weeds, brush, and crop stubble on agricultural lands is allowed if conducted in accordance with other applicable provisions of this ordinance.

**SECTION 9: PRESCRIBED BURNS**

**9.00 Prescribed burning.**

**9.1.** "Prescribed Burn" means the burning, in compliance with a prescription and to meet planned fire or land management objectives, of a continuous cover of fuels. A "prescription" means a written plan establishing the criteria necessary for starting, controlling, and extinguishing a burn.

**9.2.** Fires set for forest, prairie, and wildlife habitat management are allowed only if conducted in accordance with Part 515 of the Natural Resources and Environmental Protection Act, MCL 324.51501 et seq.

**SECTION 10: OUTDOOR WOOD-FIRED BOILERS**

An outdoor wood-fired boiler may be installed and used in the Township of Frankenmuth only in accordance with all of the following provisions:

**10.1.** The outdoor wood-fired boiler shall be installed and used only in an area zoned for agricultural use.

***Outdoor wood burners are not permitted in R-PUD zoned areas.***

**10.2** A zoning permit is required before the installation of an outdoor wood burner.

**10.3** Outdoor wood burners are subject to all applicable electrical and mechanical permit and inspection requirements prior to use.

**10.4.** The outdoor wood-fired boiler shall not be used to burn refuse.

**10.5.** The outdoor wood-fired boiler shall be located at least 500 feet from the nearest residential building which is not on the same property as the outdoor wood-fired boiler.

**10.6.** The outdoor wood-fired boiler shall have a chimney that extends at least 15 feet above the ground surface. If there are any residences within 700 feet the chimney shall also extend at least as high above the ground surface as the height of the roofs of all such residences. The Fire Chief or building inspector may approve a lesser height on a case-by-case basis if necessary to comply with manufacturer's recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors whose residences or occupied dwellings are within 700 feet of the outdoor burner location.

**SECTION 11: FIRE SUPPRESSION TRAINING**

**11.00 Fire suppression training.**

Notwithstanding sections 5 and 6 of this ordinance, structures and other materials may be burned for fire prevention training only in accordance with all of the following provisions:

**11.1.** The burn must be exclusively for fire prevention training. The burning shall not be used as a means to dispose of waste material including tires and other hazardous materials.

**11.2.** Any standing structure that will be used in a fire suppression training shall be inspected by a licensed asbestos inspector. A notification of this inspection must be submitted to the Michigan Department of Natural Resources and Environment, Air Quality Division at least ten business days prior to burning a standing structure. The notification must be submitted using Form EQP 5661 "Notification of Intent to Renovate/Demolish" or replacement form.

**11.3.** All asbestos must be removed prior to conducting the fire suppression training. If the structure is a residential dwelling, the owner may remove the asbestos or have it removed by a licensed abatement contractor. If it is a commercial building, all asbestos shall be removed by a licensed abatement contractor.

**11.4.** All ash shall be disposed of in an approved landfill or at an alternate location approved by the Michigan Department of Natural Resources and Environment.

**SECTION 12: BURNING PERMITS**

**12.00 Burning permits.**

- 12.1. No person shall start or maintain any outdoor burning or open burning covered under this ordinance without a burning permit issued by the Fire Chief.
- 12.2. 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.
- 12.3. An outdoor campfire does not require a permit provided that the fire complies with all other applicable provisions of this ordinance.
- 12.4. When weather conditions warrant, the Fire Chief may temporarily suspend issuing burning permits and may temporarily suspend previously issued burning permits for open burning.
- 12.5. 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.
- 12.6. 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 13: LIABILITY**

**13.00 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 14: RIGHT OF ENTRY AND INSPECTION**

**14.00 Right of entry and inspection.**

As a condition to the issuance of a permit under this ordinance, the Fire Chief or any authorized officer, agent, employee or representative of the Township of Frankenmuth who presents credentials shall be authorized to inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

**SECTION 15: ENFORCEMENT AND PENALTIES**

**15.00 Enforcement and penalties.**

- 15.1. The Fire Chief, Township Code Enforcement Officer, and Township Supervisor are authorized to enforce the provisions of this ordinance.
- 15.2. Any person, firm, association, partnership, corporation, or governmental entity who violates any of the provisions of this ordinance or fails to comply with a duly authorized Order issued pursuant to this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by civil fine determined in accordance with the Frankenmuth Township Municipal and Civil Infractions Ordinance in effect at the time of the violation.  
Each day that a violation of this Ordinance exists shall constitute a separate violation of this Ordinance.

**SECTION 16: REPEAL**

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

**SECTION 17: EFFECTIVE DATE**

This Ordinance shall take effect 30 days following publication as required by law following adoption by the Township Board.

Timothy Hildner, Supervisor

Sandra K. Humpert, Clerk

**CERTIFICATION**

ADOPTED: January 17, 2011

YEAS: 5

NAYS: 0

STATE OF MICHIGAN) SS  
COUNTY OF SAGINAW)

I, the undersigned, Township Clerk for the Township of Frankenmuth, Saginaw County, Michigan, do hereby certify that Ordinance No. 2011-01-17, adopted by the Frankenmuth Township Board of Trustees of said Township on the Seventeenth day of January, 2011, was recorded in full in the Minutes of the Meeting of the Township Board of Trustees on said date, and was signed by the Clerk of Frankenmuth Township.

Dated: January 17, 2011

Sandra K. Humpert, Clerk

Date of Publication: May 18, 2011  
Newspaper: The Frankenmuth News