

ORDINANCE NO. _____

AN ORDINANCE to amend Sections 16-48 and 16-49 of the Code of Ordinances and to permit and regulate the open burning within the Township.

THE TOWNSHIP OF PARK, COUNTY OF OTTAWA AND STATE OF MICHIGAN, ORDAINS:

Section 1. Amendment to Section 16-48. Section 16-48 of the Code of Ordinances, Township of Park, Ottawa County, is hereby amended to read as follows:

Sec. 16-48. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

- (a) *Open burning* means a fire from which the products of combustion are emitted directly into the open air without first passing through a stack or chimney.
- (b) *Flammable material* means any substance that will burn, including, but not limited to, refuse, debris, waste, brush, stumps, logs, rubbish, fallen timber, grass, stubble, leaves, crops or crop residue.

Section 2. Addition of Section 16-49. Section 16-49 of the Code of Ordinances, Township of Park, Ottawa County, is hereby amended to read as follows:

Sec. 16-49. Regulation of open burning.

(a) *Regulation of burning.* No person shall engage in the open burning of any flammable material in a manner that violates the following restrictions and regulations.

- (1) No fire or burning of any flammable material shall be located on the improved portion of any street or roadway or on any sidewalk or bicycle path.
- (2) No burning of any flammable material without taking reasonable precautions, both before and at all times after lighting the fire, to prevent the fire from spreading.
- (3) An adequate source of water or other method as may be approved by the Park Township Fire Chief for extinguishing a fire shall be available at all times.
- (4) Burning shall be only allowed on calm days as determined by the Park Township Fire Department.

- (5) A fire must be attended at all times prior to it being fully extinguished.
- (6) The following items shall not be burned at any time:
 - a. Household waste, including but not limited to trash, garbage, plastic and paper;
 - b. Leaves, including pine cones and yard waste such as grass clippings and weeds;
 - c. Construction materials, including but not limited to 2 x 4s, plywood, other boards, carpet, plastic, roofing materials, drywall, paint or solvents and siding;
 - d. Structures for the purpose of demolition;
 - e. Commercial or industrial waste;
 - f. Any other material that would cause a public nuisance.

(b) *Permits.* Except as provided in Subsection (c) below, the open burning of any flammable material without first obtaining a permit from Park Township shall be prohibited; the forms and method of obtaining said permit shall be as provided by Park Township. All fires permitted under this section shall be started after 7:00 am and extinguished by 9:00 pm on any day. Permits may be rescinded by Park Township at any time for safety purposes, violation of permit conditions or for area or state wide bans on burning.

(c) *Exceptions.* Burning Permits shall not be required for the following fires:

- (1) Open fires of no larger than a three (3) foot diameter may be used for recreational purposes, such as campfires, provided no nuisance is created.
- (2) Bon fires for recreational purposes, when controlled by non profit or governmental agencies and as may be approved by the Park Township Fire Chief, provided no nuisance is created.
- (3) Salamanders or other recognized trade devices may be used for heating by construction workers, provided no nuisance is created.
- (4) Open fires may be used for cooking of food, provided no nuisance is created.
- (5) Fires may be set for the instruction of public firefighters if the purpose of the fire is for firefighting training

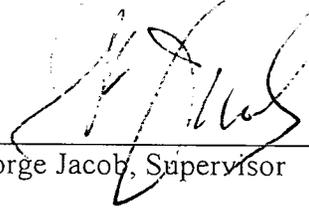
(d) *Violation.* Any person violating any of the provisions of this section shall be responsible for a municipal civil infraction.

Section 3. Severability. This Ordinance and the various parts, sections, sentences, phrases and clauses are declared to be severable. If any portion of this Ordinance is adjudged

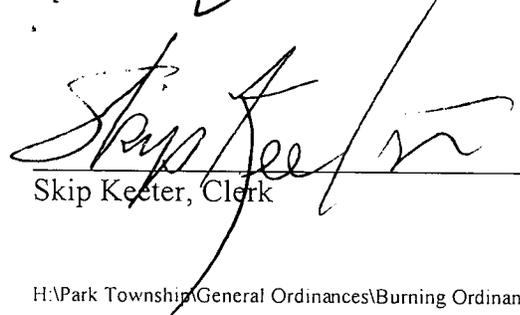
unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining provisions of this Ordinance.

Section 4. Repeal. All resolutions, ordinances or parts thereof in conflict with the provisions of this Ordinance are, to the extent of any such conflict, hereby repealed.

Section 5. Effective Date. This Ordinance was approved and adopted by the Township Board of Park Township, Ottawa County, Michigan, on October 13, 2011 and is ordered to take effect on November 26, 2011, said date being 30 days or more after publication in the *Holland Sentinel*, a newspaper having general circulation in the Township, pursuant to the provisions of Act 246 of the Public Acts of 1945, as amended.



George Jacob, Supervisor



Skip Keeter, Clerk

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