

**CITY OF GRANT  
ORDINANCE NO. 37-2**

**REVISED ORDINANCE REGULATING OPEN FIRES AND BURNING WITHIN THE CITY  
LIMITS OF THE CITY OF GRANT**

**THE CITY OF GRANT ORDAINS:**

**Ordinance No. 37-1: “Burning Ordinance” is hereby repealed.**

**Ordinance No: 37-2: “Burning Ordinance” is hereby established as follows:**

Section 1: PURPOSE

**1.0 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 City of Grant, Newaygo County, State of Michigan, by regulating the air pollution and fire hazards of open burning and outdoor burning.

Section 2: APPLICABILITY

**2.0 Applicability.**

This ordinance applies to all outdoor burning and open burning within the City of Grant.

- 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

**3.0 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

**4.0 Definitions.**

- 4.1** “*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.
- 4.2** “*Outdoor burning*” means open burning or burning in an outdoor wood-fired boiler or patio wood burning unit.
- 4.3** “*City*” means the City of Grant (hereinafter “*City*”).
- 4.4** “*City Manager*” means the City Manager or his or her designee.

**4.5** “*Garbage*” means any putrescible animal or vegetable waste resulting from handling, preparation, cooking, and consumption of food.

**4.6** “*Refuse*” means any trash, including, but not limited to, paper, cartons, boxes, plastic, exclusions, furniture, bedding, metals, tin, glass, and discarded building and household decorative materials.

**4.7** “*Stack or Chimney*” means a flue, conduit, or duct designed to direct an effluent into ambient air.

**4.8** “*Yard Waste*” means regular wastes produced from landscaping, gardening activities, trimming, pruning, mowing, and the maintenance of grounds.

**4.9** “*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.

**4.10** “*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.

## Section 5: GENERAL PROHIBITION ON OUTDOOR BURNING AND OPEN BURNING

### **5.0 General prohibition on outdoor burning and open burning.**

Open burning and outdoor burning are prohibited in the City of Grant, Newaygo County, State of Michigan unless the burning is specifically permitted by this ordinance.

## Section 6: RECREATIONAL FIRES

### **6.0 Recreational fires**

Recreational fires on private property are permitted so long as they meet all requirements of this ordinance in Section 7, from 7.2.1-7.3.9, and are confined to an enclosure with suitable stack or chimney.

## Section 7: OPEN BURNING OF REFUSE

### **7.0 Open burning of refuse**

**7.1** Open burning of refuse from a commercial or industrial establishment is prohibited.

**7.2** Open burning of refuse is allowed if all of the following conditions are met:

**7.2.1** The burning does not create a nuisance, including but not limited that no materials shall be burned that create a foul or offensive odor or that cause smoke emissions that are reasonably offensive to occupants of surrounding property.

**7.2.2** The burning is conducted in an area not to exceed 5ft by 5ft.

**7.2.3** Fires are under the charge or supervision of a competent person of at least 18 years of age and must be in attendance of the fire until extinguished and ashes are cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for total control of the fire.

**7.2.4** Only clean wood products or commercially produced fuel products are burned.

**7.2.5** Atmospheric conditions are favorable.

**7.2.6** Burning shall be conducted only on the property on which the materials were generated.

**7.2.7** Burning under this section shall only be conducted at a location at least 200 feet from the nearest building which is not on the same property.

**7.2.8** The fire does not endanger other buildings or structures.

**7.2.9** The fire shall be only between the hours of 11 a.m. and 11 p.m.

**7.2.10** No burning may be conducted on days when the Department of Environmental Quality, Department of Natural Resources, or Governor of Michigan has issued a ban applicable to the area.

**7.3** Open burning of the following materials is prohibited.

**7.3.1** Construction and demolition waste.

**7.3.2** Hazardous substances including but not limited to batteries, household chemicals, pesticides, used oil, gasoline, paints, varnishes, and solvents.

**7.3.3** Furniture and appliances.

**7.3.4** Tires.

**7.3.5** Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.

**7.3.6** Newspaper.

**7.3.7** Corrugated cardboard, container board, office paper.

**7.3.8** Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

**7.3.9** Grass clippings and leaves.

## Section 8: BURNING PERMITS

### **8.0 Burning permits**

**8.1** No person shall start or maintain any outdoor burning or open burning covered under this section without a burning permit issued by the City Manager of Grant or his or her designee.

**8.2** Any person responsible for burning brush, clean wood, or other vegetative debris, shall obtain a burning permit before starting a fire.

**8.3** The permit issued will be valid for two weeks from date of issuance for a fee of \$20.00.

**8.4** When weather conditions warrant, the City of Grant/Ashland Township Fire Department, Grant Police Department, or City Manager or his/her designee may temporarily suspend issuing burning permits and may temporarily suspend previously issued burning permits for open burning.

**8.5** Burning permits are not valid on days when the Department of Environmental Quality, Department of Natural Resources, or Governor of Michigan has issued a ban applicable to the area.

**8.6** 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 public safety.

**8.7** 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 9: LIABILITY

### **9.0 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 10: RIGHT OF ENTRY AND INSPECTION

**10.0 Right of entry and inspection**

The Grant/Ashland Fire Department, Grant Police Department, and the City Manager or his/her designee may inspect any property for the purpose of ascertaining compliance with provisions of the ordinance.

Section 11: ENFORCEMENT AND PENALTIES

**11.0 Enforcement and Penalties**

**11.1** The Grant/Ashland Fire Department, Grant Police Department, and the City Manager or his/her designee are authorized to enforce the provisions of this ordinance.

**11.2** Any person, firm, association, partnership, corporation, or governmental entity 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 which shall be punishable by civil fine determined in accordance with the following schedule:

	<u>Minimum Fine</u>	<u>Maximum Fine</u>
1 <sup>st</sup> Offense within 2-year period	\$50.00	\$500.00
2 <sup>nd</sup> Offense within 2-year period	\$100.00	\$500.00
3 <sup>rd</sup> Offense within 2-year period	\$200.00	\$500.00
4 <sup>th</sup> or More Offense within 2-year period	\$500.00	\$500.00

**11.3** The violator shall pay costs which may include all expenses, direct and indirect, which the City of Grant has incurred in connection with the municipal infraction. In no case, however, shall costs of less than \$50.00 no more than \$500.00 be ordered. In addition, the City of Grant shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this ordinance. Each day that the violation of this ordinance exists shall constitute a separate violation of this ordinance.

Section 12: EXCEPTIONS AND SPECIAL CIRCUMSTANCES

**12.0 Exceptions and special circumstances**

**12.1** Open fires are allowed, under the authority of the City Manager or his/her designee, in the performance of an official duty by public employees for one or more of the following reasons or purposes:

**12.1.1** For the prevention of a fire hazard which cannot be abated by other means.

**12.1.2** For the instruction of public fire fighters or industrial commercial employees under proper supervision of a qualified instructor.

**12.1.3** For the controlled disposal of refuse, debris, and yard waste as collected by or on behalf of the City at land owned or operated by the City.

Section 13: EFFECTIVE DATE

**13.0 Effective date**

This ordinance shall take effect upon publication as provided by the Grant City Charter.

Commissioner Gesler moved the adoption of the foregoing ordinance, which was seconded by Commissioner Pickard, and thereupon adopted by the City of Grant at a regular meeting, held this 27<sup>th</sup> day of August 2007.

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Terry A. Fett, Mayor

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Sherry Powell, Grant City Clerk