STATE OF MICHIGAN
COUNTY OF WASHTENAW
TOWNSHIP OF SALEM

ORDINANCE NO. 2000-05-09-01

AN ORDINANCE TO REGULATE OPEN BURNING WITHIN SALEM TOWNSHIP.

THE TOWNSHIP OF SALEM ORDAINS:

Section 1 of Ordinance

Article I Intent

The Township Board has determined that open burning can have detrimental environmental effects, can create health hazards, and can significantly diminish the value of properties within a community. It is the intent of this ordinance to regulate and restrict open burning, and thus to promote the public health, safety and welfare of the Township.

Article II Definitions

For purposes of this ordinance, the following definitions shall apply:

1) *Approved container* shall mean a container having a maximum capacity of fifty-five (55) gallons, manufactured with solid construction for combustible materials, having vent holes approximately one-half inch in diameter on the sides, and having a fine mesh cover.

2) *Open burning, open fire, or outdoor fire* shall mean the setting on fire, igniting, kindling, or combustion of any natural or man-made material, item, or thing out of doors. (See exceptions set out in Article IV.)

Article III Permit Required

Except as provided in Article IV below, no person shall kindle or maintain any open fire, or authorize such fire to be kindled or maintained, on any private land or on any public street, road, drive, alley or other public grounds within the Township limits without having first obtained a permit for such fire as provided in this ordinance.

Article IV Exceptions to Permit Requirements

The following open burning shall be allowed without permit, as specified:

1) Highway safety flares, smudge pots, conventional heating appliances for construction materials and personnel, and for similar occupational needs.

2) The burning and/or use of: candles, lanterns, lamps, insect repellent torches, fireplaces, cigarettes, cigars, pipes, charcoal cookers, braziers, hibachis, barbecue grills, or any flammable liquid or liquefied gas fire stoves or similar devices maintained and used solely for the preparation of food on the premises of the owner or occupant.

3) Controlled fires caused and maintained for training of fire fighters by the Salem Township Fire Department.

4) Fires in an approved container where the material burned is light residential waste paper and cardboard products with a minimum amount of twigs.

5) Subject to wind and other atmospheric conditions being conducive for burning without creating a danger and/or nuisance, a bonfire or campfire shall be allowed if such fire does not burn longer than five (5) hours. Fuel for a bonfire or campfire shall consist only of seasoned dry firewood.

Article V Open Burning Authorized With Permit

Open burning for recognized agriculture, silviculture, and range and wildlife management practices, prevention or control of disease or pests, and burning of yard wastes such as leaves and twigs, shall be permitted upon issuance of a permit, subject to the following:

1) Application for a permit for open burning shall be made by and issued to the owner or person in control of land upon which the burning is to occur. The application shall be in a form approved by resolution of the Township Board.

2) Upon completion of the application for a permit, the permit shall be issued, subject to the requirements and limitations in this Ordinance. The applicant shall sign the permit after receiving a copy of this ordinance and shall retain a copy of the permit for his or her use.

3) The permit shall be subject to the requirements, limitations, or mandates of any other governmental entity or official having jurisdiction (e.g., the Michigan Department of Natural Resources).

4) Before starting any open fire allowed under the permit, the Permittee shall contact the Township offices to determine whether a prohibition against open burning is in effect pursuant to Article VII below.

Article VI Open Burning Regulations

The following regulations shall apply to open burning which has been authorized by permit:

1) No open burning shall be allowed in or on any public road right-of-way or sidewalk.

2) No open burning shall be allowed less than fifty (50) feet from any structure, and provisions shall be made to prevent the fire from spreading to within fifty (50) feet from any structure.

3) Any open fire shall be constantly attended by a competent person until the fire is extinguished. Such person shall have a water hose connected to a reliable water supply or have other fire extinguishing equipment readily available for use.

Article VII Prohibition on Open Burning

1) The Township Supervisor or the fire official, or their designees, may, based upon the exercise of reasonable discretion, prohibit open burning otherwise authorized under this article, if such burning would be offensive or objectionable due to smoke, odor, or particle emissions, or when wind or other atmospheric conditions or local circumstances make such fires a potential hazard or nuisance, or when such burning would be in violation of law or regulation administered by the Michigan Department of Natural Resources. Prohibition under this subsection may be determined prior to the ignition of a fire or following ignition by order of extinguishment.

2) The following items shall not be burned in an open, outdoor fire under any circumstances: household solid waste, tires, petroleum products, putrescible waste, hazardous waste, construction or demolition waste, garbage or municipal solid waste, treated wood, furniture, carpet, electrical wire, appliances, animal carcasses or any other item thought by the federal state or local government to be a public nuisance or hazard.

Article VIII Responsibility for Consequences of Open Burning

The authority to conduct outdoor burning under this ordinance does not exempt or excuse any person responsible from the consequences, damages, or injuries resulting from the burning and does not exempt or excuse anyone from complying with all other applicable laws or ordinances, regulations, and orders of governmental entities having jurisdiction, even though the burning is otherwise conducted in compliance with this ordinance.

Article IX Penalties

Any person, firm, or corporation, or anyone acting on behalf of said person, firm, or corporation, who should violate the provisions of this ordinance, or who fails to comply with the provisions or conditions adopted in this ordinance, shall be responsible for a municipal civil infraction, and upon a determination of responsibility shall be fined for a first offense violation in an amount of $75.00, plus costs and other sanctions, and for each repeat offense, in an amount of $150.00, plus costs and other sanctions.

In addition to ordering the defendant determined to be responsible for the municipal civil infraction to pay a civil fine, costs, damages, and expenses, the judge or magistrate shall be authorized to issue any judgment, writ, or order necessary to enforce or enjoin violation of this ordinance.

Each act of violation, and on each day upon which any such violation shall occur, shall constitute a separate offense. In addition to any remedies provided for in this ordinance, any equitable or other remedies available may be sought. The judge or magistrate shall be authorized to impose costs, damages, and expenses as provided by law.

Section 2 of Ordinance

Should any section, subdivision, clause or phrase of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so invalidated.

Section 3 of Ordinance

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 4 of Ordinance

The provisions of this Ordinance are hereby ordered to take effect thirty (30) days after publication in the manner prescribed by law.

CERTIFICATION

It is hereby certified that the foregoing ordinance was adopted by the Township Board of the Township of Salem, Washtenaw County, Michigan, at a meeting of the Board duly called held on 9th day of May, 2000.

SALEM TOWNSHIP
BURN PERMIT

Applicant:_____

Address: _____

Phone No.: _____

Alternate Phone Number (if available):_____

I have received and read a copy of the Salem Township Burn Ordinance and understand the provisions of the Ordinance. I recognize that I must call the Township offices to determine if there are any outdoor burning prohibitions in effect at the time I propose to burn. I understand that I am responsible for the fire and any consequences resulting from the fire authorized under this permit. I further understand that this permit may be revoked if any fire set under this permit are deemed a nuisance by the Township.

This permit is effective for one year from

Validation Stamp Required

Signed:_____
(Applicant)

A copy of this permit will be held in the Township office for one year from the date of issuance.

☐ I have read and understand the ordinance requirements

NOT VALID UNTIL PROCESSED BY SALEM TOWNSHIP