

**NAPOLEON TOWNSHIP OUTDOOR  
BURNING ORDINANCE,  
ORDINANCE NUMBER 68**

**PURPOSE**

The purpose of this Ordinance is to promote public health and safety by prohibiting certain kinds of burning, by describing permitted and prohibited burning, by regulating and controlling permitted burning within the Township of Napoleon and by providing penalties for violation hereof

It shall be unlawful for any person to burn or cause to be burned within the Township of Napoleon unless done in accordance with the provisions hereof

**DEFINITIONS**

The term person herein refers to individuals, partnerships, firms, businesses, corporations, organizations, schools, churches and institutions.

Terms not specifically defined shall have the common definition.

**ARTICLE I  
PERMITTED BURNING**

**BURNING PERMIT REQUIRED:**

Burning brush on private land for the purpose of clearing lands,  
Seasonal burning of leaves,  
Burning of trees, brush and stumps at land clearing operations on road right-of-ways.  
Fires purposely set to agricultural lands for disease and pest control and other accepted agricultural and wildlife management practices, and  
Fires for ceremonial occasions.

Burning permits are to be issued without charge.

**BURNING PERMIT NOT REQUIRED:**

The burning of paper products, leaves and brush in an approved metal or masonry container, and

Campfires and cooking fires.

**ARTICLE II  
PROHIBITED BURNING**

**ALL BURNING NOT PERMITTED IS PROHIBITED.**

**BURNING OF THE FOLLOWING MATERIALS IS EXPLICITLY PROHIBITED**

Garbage or other organic refuse from single or multi-family dwellings,  
Materials from building demolition, scrap, or excess building material,  
Leaves, brush, logs, or other permitted material not generated on site, or that is being  
    hailed in from other areas whether commercial or private,  
Automobiles or parts thereof,  
Highly flammable, toxic or explosive materials,  
Rubber products,  
Plastic products,  
Lawn clippings, and  
All burning at office, commercial, and industrial sites.

**SMOKE AND ODORS AND SPARKS PROHIBITED**

It shall be a nuisance and unlawful for any person to burn or allow to be burned any material *of* any kind exuding smoke which may endanger the safety or health *of* the public, or which causes noxious odors, or when such fire emits sparks or burning embers *upon* adjacent or nearby premises.

**ARTICLE III  
CONDITIONS APPLICABLE TO PERMITTED BURNING**

**LOCATION OF BURNING**

No burning is permitted within 15 feet from any building, and nearer than fifteen (15) feet to any property line.

**HOURS OF BURNING**

No burning shall be done on any day except between the hours *of* 8 AM and sunset or 8 PM, whichever occurs first except that camp fires and fires used for outdoor cooking or recreational or ceremonial occasions are permitted until 11 PM. Fires must be put out and not left smoldering.

## **HAZARDOUS CIRCUMSTANCES**

The Fire Chief or his designee may prohibit any and all open fires when circumstances make such fires hazardous or when prohibited by the Michigan DNR.

## **WIND CONDITIONS**

No burning shall be done at any time and place when wind conditions may create a nuisance to anyone or the property of anyone in the vicinity or be a danger to the property of any person in the vicinity thereof.

## **ATTENDANT**

No such burning shall be done unless under the charge or constant supervision of a person of mature years and discretion. No burning of any kind shall be left unattended. No such burning shall be done where its maximum size is not controllable by one adult.

## **BURNING ON PUBLIC LAND**

No person shall kindle or maintain any type of fire or authorize any type of fire to be kindled or maintained on or in any public street, alley or road.

## **BURNING ON THE PROPERTY OF ANOTHER PERSON**

It shall be unlawful for any person to kindle or maintain any type of fire upon the property of another person without first having received written permission from the owner of the property on which said material is to be burned.

## **CAMPFIRE AND COOKING FIRE SIZE**

Campfires and cooking fires are to be limited to six feet in diameter and must be in a pit.

## **APPROVED METAL OR MASONRY CONTAINER**

The container must be vented with holes no greater than 1/2 inch in diameter to provide free air flow and have a suitable metal cover and be so constructed as to prevent the dispersal of sparks and burning material to neighboring or adjacent structures or property or premises. The burner cover or stack shall not have any perforations or openings larger than one-half, (1/2) inch in diameter. Container must be at least 15 feet from any structure or property line and cannot be left smoldering.

## **ARTICLE IV OBTAINING A BURNING PERMIT**

Burning Permits may be obtained by calling the Napoleon Township Fire Dept. at 536-8664 between 8 AM and 4PM Monday through Friday at least the day before burning. The owner of the property must call and identify himself and describe the burning to be done, the time and date of burning and the address.

## **ARTICLE V ENFORCEMENT**

### **AUTHORITY TO ENFORCE**

Either the Napoleon Township Fire or the Napoleon Township Police Department and/or any employee who is duly sworn in by the Township Clerk may enforce this ordinance.

### **PENAL TIES**

Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor and be fined a penalty of not less than Fifty Dollars, (\$50.00) and not more than Five Hundred, (\$500.00) Dollars or sentenced in the Jackson County Jail for a period of not more than ninety (90) days or both such fine and imprisonment in the discretion of the court. The Township may also bill its actual cost for fire runs resulting from violation of this ordinance. Actual cost for each such fire run shall be the per hour costs of paid on-call-fighters on the run plus the prior year's actual, (if available) or budgeted Fire Department cost as stated in the General Operating Fund less total paid on-call-firefighters run wages divided by the number of runs for the year. If unpaid, the billing shall become a lien of the property.

### **VALIDITY OF THE ORDINANCE**

Should any part hereof be declared by any court of competent jurisdiction *to* be invalid or unenforceable, the same shall *not* affect the validity or enforceability of the balance of this burning ordinance, which shall remain in force and in effect.

### **CONFLICT WITH OTHER ORDINANCES**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

### **EFFECTIVE DATE**

This Ordinance will take effect 30 days from date of publication.

**Approved:**

**Date:** July 8, 2003