

## **Chapter 503 – Open Burning**

### **Section 503.1 – Intent**

To regulate open burning in the Township subject to a permit being issued by the Lenox Township Fire Department.

### **Section 503.2 – Enabling Authority**

This Ordinance is adopted pursuant to and in accordance with 1945 PA 246 (MCL 41.181 et seq.), as amended, and Parts 55 and 115 of the Natural Resources and Environmental Protection Act, 1994 PA 451 (MCL 324.5501-324.5542 and 324.11522).

### **Section 503.3 – Prohibition of Open Burning**

Except for campfires and fires used for outdoor cooking and other recreational purposes or ceremonial occasions, fires purposely set for the actual instruction and training of public and industrial firefighting personnel, and as may be allowed pursuant to this Ordinance and a permit issued by the Lenox Township Fire Department, open burning of any type is hereby expressly prohibited within the boundaries of the Township of Lenox. For purposes of this Section, the term "open burning" means a fire from which the products of combustion are emitted directly into the open air without passing through a stack chimney.

### **Section 503.4 – Applicable Areas**

The regulatory provisions of this Ordinance apply to all areas within the Township of Lenox except those areas in which open burning is expressly prohibited or restricted under local, state, or federal law. Open burning of trees, logs, brush, stumps, and wooden fruit or vegetable storage bins constructed from untreated lumber is prohibited within 1,400 feet of the boundaries of an incorporated city or village or within Sections 27, 28, 33 or 34 of the Township of Lenox.

### **Section 503.5 – Regulation of Permitted Open Burning**

- A. Except for campfires and fires used for outdoor cooking and other recreational purposes or ceremonial occasions permitted open burning shall:

1. Occur only between the hours of sunrise and one (1) hour before sunset, unless an additional amount of time is specifically approved by the Fire Department and stated on the open burning permit with any conditions required by the Fire Department.
2. Not to be located within fifty (50) feet of any structure, combustible material, woodlot or property line.
3. Not include burning of building demolition or excess construction materials.
4. Not include burning of household waste that contains plastic, rubber, foam, chemically treated wood, textiles, electronics, chemicals, or hazardous materials.
5. Not occur on any land and/or premises more than six (6) times per year.
6. Not occupy a space larger than two (2) feet high and three (3) feet square.
7. Not allow the use of flammable liquids to start the fire, nor shall flammable liquids be burned in any permitted fire.
8. Have a visible means of controlling and/or extinguishing the fire, which means shall be a water hose connected to a working private well or public water supply that is extended to the site of the open burning, or another means that has been specifically approved by the Fire Department and stated on the open burning permit.
9. Occur on residential or agricultural property.

B. All permittees shall be fully responsible for containing such open burning and shall assume all civil and/or criminal liabilities which may result from failure to do so.

C. Section 503.5(A), shall not apply to open burning of trees and brush that have been cut down on the property of an active farm operation for purposes of clearing land on which farm operations will be undertaken, provided that such open burning shall also comply with the following additional requirements:

1. The open burning shall not be permitted within two hundred and fifty (250) feet of any State or county roadway.
2. The means of controlling and/or extinguishing such a fire shall include the placement of a front-end loader or other similar form of heavy earth moving equipment at the location of the fire.

3. Prior to commencing any such open burning, the property owner shall call the Lenox Township Fire Department on its general business line (not 911) to inform the Department of the time the open burning will occur, to avoid the unnecessary dispatch, use, and diversion of emergency equipment and personnel to the site of the open burning.

