

TOWNSHIP OF OLIVE
County of Ottawa, State of Michigan
Olive Township Ordinance No. 2017-02
Adopted: November 16, 2017
Effective: December 24, 2017

FIRE ORDINANCE

AN ORDINANCE TO REGULATE OPEN BURNING AND RELATED MATTERS IN OLIVE TOWNSHIP; TO PROVIDE FOR PENALTIES FOR ORDINANCE VIOLATIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

Section 1 Open Burning Prohibited; Exceptions.

No person shall cause or allow open burning to occur upon any premises owned or occupied by such person or under such person's control, except the following.

- 1) Burning of charcoal or other fuel in ovens, braziers, stoves, grills, or other similar devices for cooking purposes, when done in accordance with accepted safety standards, is allowed.
- 2) The use of salamanders in connection with building and construction operations, when done in accordance with accepted safety standards, is allowed.
- 3) Roofers, tinnerns, plumbers, or other mechanics using open fires in the regular course of their trade, when done in accordance with accepted safety standards, is allowed.
- 4) Open burning for which a written or electronic permit has been issued by the Fire Chief is allowed, if done in accordance with the conditions of the permit and in compliance with this Ordinance and any applicable statutes, ordinances, rules, or regulations. The burning of grass clippings or leaves is not allowed under any circumstances. A permit issued by the Fire Chief shall be valid only for the designated time period. A permit issued pursuant to this section shall not eliminate the requirement of the prior approval of one or more specific dates for open burning as required by Section 3 9) of this Ordinance. A permit issued pursuant to this section shall not relieve the permittee from complying with all other applicable statutes, ordinances, rules, and regulations, including, but not limited to, the regulations of the Michigan Department of Natural Resources.
- 5) Open burning for Fire Department or civil defense purposes shall be allowed under the following conditions:

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- a) The area is adequately protected by Fire Department personnel;
 - b) The fire will not exceed the time designated for the particular purpose of the fire; and
 - c) The fire will not create a health hazard by polluting the ambient air.
- 6) Open burning within a 55 gallon metal waste barrel or like container between one hour after sunrise and one hour before sunset is allowed without a permit provided the requirements of Section 3 of this Ordinance are satisfied (excluding those requirements which require a permit to be issued).

Section 2 Open Burning; Allowed Areas; Time.

- 1) Open burning is prohibited on property used for agricultural purposes, except open burning conducted per Section 1 4) of this Ordinance between November 1 to May 31, inclusive, pursuant to a permit issued by the Fire Chief; or except as allowed by Section 1 1), Section 1 2), Section 1 3), Section 1 5), and Section 1 6) during any time of year.
- 2) Open burning is prohibited on property used for residential purposes, except open burning conducted per Section 1 4) of this Ordinance between November 1 to May 31, inclusive, pursuant to a permit issued by the Fire Chief; or except as permitted by Section 1 1), Section 1 2), Section 1 3), Section 1 5), and Section 1 6) during any time of year.
- 3) Open burning is prohibited on property used for commercial or industrial purposes, except as permitted by Section 1 1), Section 1 2) and Section 1 3) of this Ordinance, or by the Fire Chief based upon a consideration of the standards in Section 1 5).
- 4) Notwithstanding any other provisions of this Ordinance, open burning may be allowed for special events, or when there has been building, structure, or crop damage on property used for agricultural or residential purposes as a result of an accident or by reason of wind, rain, hail, lightning, tornado, or other similar cause or act of God. Open burning under this subsection may only be done pursuant to a permit issued by the Fire Chief and subject to the following requirements.
 - a) For purposes of this section, "special event" means an event of limited duration sponsored by, under the direction of, and participated in by the members of a nonprofit organization, association, or group, such as scouting groups, church groups, civic booster groups, or educational groups, where the event is organized in connection with, or to celebrate, recognize, or

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memorialize, a day or event or occurrence of special significance to the organization, association, or group.

- b) Open burning in connection with this subsection shall comply with all requirements of this Ordinance.
 - c) Open burning in connection with a special event shall be confined to a specified, approved area and shall be in the form of a campfire or bonfire.
 - d) Open burning in connection with a special event shall be for symbolic, celebratory, or recreational purposes, to provide a focal point for the special event, or for purposes of food preparation. The open burning shall not be for the purpose of disposing of refuse, garbage, or other waste materials of any kind.
 - e) Fire extinguishing equipment shall be readily available at the site of any open burning in connection with this subsection.
- 5) Open burning which would otherwise be prohibited by this Ordinance between June 1 and October 31, inclusive, may be allowed by the Fire Chief, subject to the following requirements.
- a) The applicant for an open burning permit shall be required to post with the Township \$500.00 in cash or in a cashier's check. This money shall be applied to any liability the applicant incurs under the Emergency Response Services Charge Back Ordinance, as amended or restated. If the applicant incurs no such liability, the \$500.00 shall be refunded after the open burning in question has been completed.
 - b) The applicant shall be required to comply with all other requirements of this Ordinance.

Section 3 Open Burning; General Regulations.

The following regulations shall apply to all open burning allowed by this Ordinance.

- 1) Open burning shall be supervised and kept under control by an adult person over the age of 18 years who shall be present at the site of the fire at all times and until the fire is completely extinguished without smoldering.
- 2) Fire extinguishing equipment shall be readily available at the site of any residential open burning.

- 3) Open burning shall not be allowed in any street, sidewalk, or bicycle path.
- 4) Open burning shall not be allowed in ditches or drainage courses, except for the burning of natural vegetation growing therein.
- 5) No open burning of any animal material or any other garbage prohibited by state law shall be allowed.
- 6) No burning shall take place when conditions are such that burning is likely to create a hazard. The Fire Chief may withhold or withdraw approval for open burning anytime those conditions occur.
- 7) Burning shall be conducted in such a manner that it will not be detrimental to the health, safety, or welfare of other persons or property.
- 8) Materials to be burned must be dry and readily combustible to limit the emission of contaminants into the ambient air.
- 9) No open burning shall be allowed without the prior approval of the Fire Chief for the specific date or dates, which may not exceed three days absent unusual circumstances found by the Fire Chief. The Fire Chief may impose reasonable conditions on the prior approval for open burning, including, but not limited to, limitations on the size, duration, time of day, location, and manner of burning. The requirement of prior approval of the Fire Chief for a specific date or dates shall be in addition to the requirement of a permit for open burning pursuant to Section 1 4) of this Ordinance.
- 10) Open burning shall not be allowed within 50 feet of any building or overhead wires, or any other location prohibited by the Fire Chief based upon a consideration of all relevant factors.

Section 4 Duties of Fire Chief, Assistant Chief.

In the absence of the Fire Chief, the Assistant Fire Chief or another designee of the Fire Chief shall act in the Fire Chief's place as required by this Ordinance.

Section 5 Penalties.

Any person who violates any provision of this Ordinance; or who fails to comply with the Ordinance; or who violates or fails to comply with any order lawfully made pursuant to this Ordinance; or who builds any fire in violation of any detailed statement or specification or plan submitted per this Ordinance, or any certificate or permit issued per this Ordinance, or any condition placed upon any permit issued per this Ordinance, shall be guilty of a misdemeanor for each and every act of non-

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compliance. Punishment shall be by a fine of not more than \$500.00 or by imprisonment in the Ottawa County Jail not to exceed 90 days, or by both such fine and imprisonment.

The imposition of a penalty for any violation of this Ordinance shall not excuse the violation or allow it to continue. Persons subject to this Ordinance shall be required to correct or remedy any violations or defects for which they are responsible within a reasonable time; and when not otherwise specified, each day that a violation of this Ordinance continues shall constitute a new violation of this Ordinance.


Any person who engages in conduct which requires an emergency response under the Emergency Response Services Charge Back Ordinance, as amended, shall be subject to such liability according to such terms as are provided in that ordinance.

Section 6 Effective Date.

This Ordinance shall take immediate effect on the 24th day of December, 2017, which is at least 30 days after its publication in a newspaper of general circulation.

A copy of this Ordinance may be purchased or inspected Monday through Friday from 8:00 a.m. to 4:00 p.m. at the Township Hall, 6480 – 136th Avenue, Holland, Michigan 49424, or on the Olive Township website: www.olivetownship.com

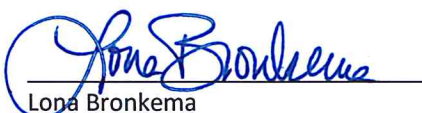
The foregoing Fire Ordinance was adopted at a regular meeting of the Olive Township Board held on the 16th day of November, 2017.



Lona Bronkema
Olive Township Clerk

CERTIFICATE

I, Lona Bronkema, the Clerk for the Township of Olive, Ottawa County, Michigan, certify that the foregoing Olive Township Fire Ordinance was adopted at a regular meeting of the Township Board held on November 16, 2017. The following members of the Township Board were present at that meeting: Bronkema, A. Nienhuis, M. Nienhuis, Vander Zwaag, and Wolters. The Ordinance was adopted by the Township Board with members of the Board Bronkema, A. Nienhuis, M. Nienhuis, Vander Zwaag, and Wolters voting in favor, and no members of the Board voting in opposition. The Ordinance or a summary of its contents was published in the *Holland Sentinel* on November 23, 2017.



Lona Bronkema
Olive Township Clerk