

TOWNSHIP OF BRADY  
COUNTY OF KALAMAZOO, STATE OF MICHIGAN  
BRADY TOWNSHIP ORDINANCE NO. 126

ADOPTED: AUGUST 6, 2013

EFFECTIVE: SEPTEMBER 14, 2013

OUTDOOR BURNING ORDINANCE

An ordinance to promote and protect the public health, safety, and general welfare of persons and property by regulating outdoor burning within the Township and providing sanctions for violations of these regulations; and to repeal Ordinance No. 38 (Trash and Leaf Burning Ordinance) adopted September 6, 1983.

THE TOWNSHIP OF BRADY  
KALAMAZOO COUNTY, MICHIGAN

ORDAINS:

SECTION 1

TITLE

This ordinance may be referred to and cited as the Brady Township Outdoor Burning Ordinance, or the Burning Ordinance.

SECTION 2

PURPOSE

The purpose of this ordinance is to protect people and public and private property against health and safety hazards caused by outdoor burning by prohibiting the burning of certain types of refuse and regulating the location and method of outdoor burning of other materials within Brady Township.

SECTION 3

DEFINITIONS

- A. The indicated definitions for the following words and terms shall apply in the interpretation and enforcement of this ordinance, unless otherwise specifically stated:
1. "campfire" and "bonfire" means an outdoor fire intended for recreation or cooking.

2. "construction/demolition waste" means waste materials from a construction or demolition project, including but not limited to waste shingles, insulation, lumber, waste wood, electrical wiring, plastics, non-paper packaging, and general rubble that results from construction, remodeling, repair, or demolition operations on a residential, commercial or industrial building/structure, or other structure.
  3. "noxious refuse" means any material that contains plastic, rubber, foam, waste wood, textiles, electronics, chemicals, or hazardous materials, including household waste containing such materials, and any material that is not readily combustible; but is not included to mean common household paper products.
  4. "open burning" means any outdoor burning on the ground or otherwise not in a fully contained device or structure.
  5. "outdoor burning" means the burning of any material outside of a fully enclosed building; and includes open burning on the ground, in a burn barrel, or in any other device or structure where the products of combustion are emitted directly into the ambient air without passing through an approved emission stack or chimney.
  6. "refuse" means any waste material except vegetative waste.
  7. "vegetative waste" means leaves, grass clippings, brush, and similar types of natural yard waste materials.
  8. "waste wood" means wood which has been painted, varnished or coated with a similar material; wood containing resins or glues, such as plywood or other composite wood products; and wood that has been pressure treated with a preservative.
- B. Any word or term not specifically defined in preceding Section 3.A. or elsewhere in this ordinance shall be considered to be defined in accordance with the customary or common meaning most applicable to the context of its usage in this ordinance and most consistent with the purpose of the ordinance as stated in Section 2.

#### **SECTION 4**

#### **GENERAL PROHIBITION ON OUTDOOR BURNING OF NOXIOUS REFUSE, CONSTRUCTION/DEMOLITION WASTE, WASTE WOOD, AND FURNITURE**

The outdoor burning of any of the following is completely prohibited at all times and in all places in the Township:

1. noxious refuse.
2. **construction/demolition waste.**

3. waste wood.
4. furniture.

Note: this provision is intended to implement and expand by local ordinance the statewide ban on the open burning of various waste materials pursuant to *MCL 324.11522(3)*.

## SECTION 5

### REGULATION OF OUTDOOR BURNING OF VEGETATIVE WASTE AND OTHER PERMISSIBLE REFUSE MATERIALS

- A. Except as otherwise provided in Section 5.B., all outdoor burning (including campfires and bonfires and the burning of vegetative waste), shall comply with all the following regulations:
1. The burning shall not involve any material the burning of which is completely prohibited by Section 4 of this ordinance.
  2. The burning shall not take place on or within 5 feet of the travelled portion of any public or private road surface.
  3. The burning shall not take place within 10 feet of any boundary line of adjoining property under different ownership, without the prior written approval of the owner of such adjoining property.
  4. The burning shall not take place within 15 feet of any building or any potentially combustible structure.
  5. The burning shall not take place on or within 100 feet of any watercourse, including any public drain.
  6. Ash or other byproduct from any burning activity shall not be:
    - a. disposed-of on any watercourse, including any public drain;
    - b. placed in any watercourse, including any public drain;
    - c. placed on land within 100 feet of any watercourse, including any public drain, or otherwise allowed within sufficient proximity to any watercourse, including any public drain, likely to allow leaching of ash or other burning byproduct into a watercourse, including any public drain.
  7. Any outdoor burning that is an open burning shall be attended by a competent person of 14 years of age or older.
  8. The burning shall not be initiated or allowed to continue, even if otherwise in compliance with the regulations in subsections 1-7 above, if by reason of

smoke, odor, heat, flame, fly ash, spark, or other detrimental condition the burning activity will create or does create an unreasonable disturbance to vehicles on any public or private roadway, or to the reasonable enjoyment of any public or private property.

- B. The regulations in Section 5.A. do not apply to the following, except as specified herein:
1. Outdoor burning with an outdoor grilling structure or device, where the burning does not involve any prohibited material under Section 4, and the burning complies with subsection 5.A.8. above.
  2. Outdoor burning with an elevated portable patio woodburning device, where the burning does not involve any prohibited material under Section 4, and the burning complies with subsection 5.A.8. above.
  3. Outdoor burning that involves a campfire within 100 feet of a watercourse or a public drain leading to a watercourse, where the fire is completely contained within a fire pit or other device such that no embers, ash, or other fire residue comes into contact with the water, whether by direct contact or indirect leaching, the burning does not involve any material prohibited under Section 4, and the burning complies with subsection 5.A.8.
  4. The seasonal burning of weeds, brush, or crop stubble on agricultural lands, and the burning complies with Section 5.A.8.
  5. A prescribed burn authorized by the Michigan Department of Natural Resources or another state or federal agency in accordance with all applicable laws.
  6. A live-burn exercise undertaken by or under the authority and direction of the South Kalamazoo County Fire Authority.

## **SECTION 6**

### **VIOLATIONS AND ENFORCEMENT**

- A. This ordinance shall be enforced by the Ordinance Enforcement Officer(s) of Brady Township, and by such other person or persons as the Township Board may designate.
- B. Any outdoor burning in violation of this ordinance may be extinguished or ordered to be extinguished by any person authorized to enforce this ordinance pursuant to Section 6.A. above, and by the Chief of the South Kalamazoo County Fire Authority and his Officers.
- C. Any person or entity who violates, disobeys, neglects or refuses to comply with any provision of this ordinance, or any order issued under the

ordinance, or who causes, allows, or consents to any of same, shall be responsible for a violation of this ordinance.

- D. Any person or entity responsible for a violation of this ordinance, whether as an occupant, owner (by deed or land contract), lessee, licensee, agent, contractor, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.
- E. Any violation of this ordinance is hereby declared a public nuisance, and shall constitute a basis for such judgment, writ or order necessary to compel compliance with the ordinance and/or to restrain and prohibit continuation of any violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law.
- F. A violation of this ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
--- 1st offense	\$ 150.00	---
--- 2nd offense	\$ 300.00	---
--- 3rd or subsequent offense	\$ 500.00	---

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the municipal civil infraction.

## SECTION 7

### EFFECTIVE DATE; REPEAL OF PRIOR ORDINANCE

This ordinance shall become effective 30 days after publication. Brady Township Ordinance No. 38 adopted September 6, 1983 (Trash and Leaf Burning Ordinance) is hereby repealed in its entirety.

Tracy Locey, Clerk  
Brady Township