

GERRISH TOWNSHIP
BURNING ORDINANCE
ORDINANCE NO. XXII

An Ordinance to prohibit the burning of materials, other than for domestic purposes and to provide penalties for violations.

The Township of Gerrish, Roscommon County, ordains:

Section 1. Purpose:

The purpose of this Ordinance is to protect the people and properties within Gerrish Township against health, safety, environmental hazards, and fire dangers caused by the burning of leaves, trash and other materials.

Section 2. Unlawful Acts:

The burning of flammable materials not within an approved container for domestic purposes. Further, it is unlawful to burn any articles or items of material such as building materials, tires and/or such items which when burned give off noxious odors and dense smoke. Further, there shall be no burning of yard waste such as lawn trimmings, sticks, or leaves at any time with or without a Burning Permit from the Department of Natural Resources whether in an approved container or not.

Section 3. Definitions:

- A. "Domestic purposes": means any fire within the used area or yard around a dwelling, whether or not it is fenced, where the material being burned has been properly placed in a debris burner constructed of metal or masonry with metal covering device with openings no larger than $\frac{3}{4}$ of an inch.
- B. "Flammable materials": means any paper or paper product refuse that has been generated from within the home.

Section 4. Lawful acts:

- A. Clearing, cleaning and burning of brush from a lot is allowable if there is a covering of snow on the ground. If the area/lot being cleared is equal to or greater than five (5) acres and the burning can be accomplished without being a nuisance and/or causing a health and/or environmental hazard to neighboring properties and/or owners, then the covering of snow on the ground is not required providing the appropriate DNR burning permit has been obtained. ALL fires must be attended.
- B. Attended campfires within a regulated Michigan State Park, State Campground, or Gerrish Township Park.

- C. Attended campfires on private property contained within fire pits, metal barbecues and/or campfire equipment.
- D. Burning of flammable materials for domestic purposes in an approved container.

Section 5. Penalty

- A. Any person who violates any provision of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50.00, plus applicable costs and other sanctions for each violation as authorized by Section 21 of Act No. 359 of the Public Acts of 1947, as amended, and the Gerrish Township Municipal Ordinance Violations Bureau Ordinance.
- B. Repeat offenses under this Ordinance shall be subject to increased fines as provided by this Section. As used in this Section, 'repeat offense' means a second (or any subsequent) violation of the same requirement or provision of this Ordinance within any three (3) year period for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under this Ordinance shall be as follows:
 - 1) The fine for any offense which is a first repeat offense shall be not less than \$125.00, plus costs.
 - 2) The fine for any offense which is a second repeat offense shall be not less than \$250.00, plus costs.
 - 3) The fine for any offense which is a third repeat, or any subsequent repeat offense, shall be not less than \$400.00 each, plus costs.
- C. Each day on which any violation of this Ordinance occurs or continues, constitutes a separate offense subject to separate sanctions.
- D. If the party causing the fire is convicted of a violation of the Burning Ordinance and/or law violation, the Township will charge the offender for the cost of the fire suppression.

Section 6. Declaration of Nuisance

Any violation of any provision of this Ordinance is hereby declared to be a nuisance.

Section 7. Effective Date

This Ordinance shall take effect on July 15, 2001.

Amended May 14, 2002

Amended July 13, 2004 – Effective upon Publication – July 18, 2004

Amended June 14, 2005