

VILLAGE OF OTTER LAKE  
BURNING ORDINANCE  
ORDINANCE NUMBER 30.1  
REPEALS ORDINANCE NO. 30

An ordinance to regulate open burning within the Village; to provide penalties for violation hereof; and to repeal prior ordinances.

THE VILLAGE OF OTTER LAKE ORDAINS:

Section 1. OPEN BURNING: Is defined as any fire wherein the products of combustion are emitted into the open air and are not directed through a screened stack or chimney at least three (3) feet in height.

Section 2. RECREATION FIRES: Are defined as any fire such as a campfire or cooking fire located at a single family or multi-family residence for the purpose of recreation and personal enjoyment.

Section 3. OPEN BURNING RESTRICTED. All open burning prohibited except as follows:

A. OPEN BURNING BY PERMIT

GRASS AND BRUSH FIRES REGULATED. No person shall kindle any grass, brush and/or yard waste without first securing a burning permit from the Village of Otter Lake Offices who shall issue such permit subject to any conditions for the protection of life and property imposed by fire regulations.

B. RECRATIONAL FIRES

All recreational fires shall be in a below ground fire pit with a minimum depth of four (4) inches and a maximum diameter of four (4) feet: or, in a portable (Weber type) device that is placed upon a non-combustible surface and secured. The fire may not extend more than four (4) feet above ground at any time. Burning materials must be contained within the fire pit enclosure at all times. All below ground fire pits shall be surrounded on the outside, above ground, by a non-combustible material such as concrete block, rock or metal.

Section 4. CONDITIONS OF BURNING

A. No person shall kindle, or cause to be kindled, or otherwise permit or allow any open fire in or upon any street, alley or public way or closer than fifty (50) feet from any building, structure, shed or garage.

B. No person shall kindle, or cause to be kindled, or otherwise permit or allow any open fire unless there are favorable conditions for burning with regard to wind direction and speed. No fire shall be started at a time when wind speed exceeds seven (7) miles per hour.

C. No person shall kindle, or cause to be kindled, or otherwise permit or allow any open fire when the wind will cause smoke, combustibles or other materials to be carried by the wind toward any building or other combustible or flammable material. Smoke from any fire shall not create a nuisance for neighboring property owners.

D. No person shall kindle, or cause to be kindled, or otherwise permit or allow any open burning of yard waste, including leaves, grass clippings, vegetable or garden debris, shrubbery or small bush or tree clippings, one (1) inch or less in diameter.

- E. No person shall kindle, or cause to be kindled, or otherwise permit or allow any open fire that contains any material that includes rubbish, cardboard, newsprint, garbage, recyclable items, trash, treated wood, engineered wood products (plywood, paneling, etc.) any material made of or coated with rubber, plastic, leather or petroleum based materials (foams, plastics, PVC, vinyl siding, etc.) and shall not contain any flammable or combustible liquids. The use of “burning barrels” to contain any burning of items is prohibited.
- F. No person shall kindle, or cause to be kindled, or otherwise permit or allow any open fire unless adequate fire suppression equipment is present to extinguish or control the fire at all times. Adequate fire suppression equipment shall consist of shovels, fire extinguishers, water hoses, or other like equipment sufficient to extinguish the fire if necessary.
- G. No person shall kindle, or cause to be kindled, or otherwise permit or allow any open fire unless attended at all times by at least one responsible person of age eighteen (18) years or older until the fire is completely extinguished.
- H. It shall be the duty of any renter or lessee at a multi-family dwelling to notify and obtain written permission from the property owner prior to initiating any fire.
- I. The property owner, renter or lessee, shall be held liable for any damage caused by any fire, including the cost of any citations.

Section 5. **BURNING MORATORIUMS** The Fire Chief or his designate may, when weather conditions warrant, declare a burning moratorium for a specified period of time, all open burning is prohibited.

Section 6. **OPEN BURNING BY GOVERNMENTAL UNITS** This ordinance shall not apply to open burning by the United States Government, the State of Michigan, Lapeer County, Genesee County, the Village of Otter Lake, or any agency or any agency or sub-unit of any of the foregoing provided that:

- A. The open burning is for a public purpose.
- B. The Fire Chief receives written notice prior to any burning being started. Such notice shall inform the Fire Chief of the location and time of such burning and the governmental unit doing the burning.
- C. The burning is restricted to trees, bushes, leaves, grass, weeds and other brush, whether cut or standing.

Section 7. **PENALTY** Any person violating this ordinance shall be deemed as a violator and be subjected to a fine not to exceed \$500.00 and/or imprisonment not to exceed 30 days. The Village of Otter Lake shall designate the Lapeer County Sheriff’s Department or any law enforcement officer to enforce this ordinance as stated above.

Section 8. **REPEALS** All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

Section 9. **SERVABLE** This ordinance and the various sections, sentences, and clauses thereof, are hereby declared to be servable. If any section, sentence, or clause is adjudged unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby.

Section 10. ADOPTION This ordinance adopted by the Otter Lake Village Council at a meeting duly called and held on the 1st day of March, 2010. This ordinance shall take effect 30 days after the date of publication.

David W. Dorr

David W. Dorr

Joan A. Skias

Joan A. Skias

#### **Conditions for Issuing a Burn Permit**

- 1) The property shall be a minimum two (2) acres in size.
- 2) The property shall be located a minimum of 1000 feet from any school building. A burn permit may be issued for a property located within this zone only if the burn occurs when the building is not occupied by students and staff and with the written consent of the school's principal.
- 3) A burn permit shall be issued only for the open burning of the following:
  - a) Controlled burning of standing grass or brush to improve the environmental quality and habitat of the burn area or to control invasive plant species.
  - b) Large size brush and tree trimmings (larger than one (1) inch in diameter). Brush shall be dried sufficiently to produce a minimal amount of smoke.
- 4) A burn permit for the open burning of any items and/or materials not listed in #3 above shall only be issued with written approval from the Fire Chief.