

F-403.1. General: No person shall cause, allow or maintain any open burning or burning of any matter, or materials of any kind or nature, and no person in charge of or in possession of any premises upon which such burning occurs, or any premises immediately adjacent to any public place upon which such burning occurs shall fail to extinguish the fire if they have knowledge of such fire and it is within their capability to extinguish such fire. **The following open fires shall be permitted:**

- (a) Barbecues, except barbecues located upon balconies or other open areas attached to multiple dwelling units or otherwise within 10 feet of any multiple dwelling unit, ceiling, roof, extension or protrusion from a multiple dwelling unit.
- (b) Controlled fires for training fire fighters.
- (c) Personal use of smoking materials in compliance with Public Act 368 of 1978 as amended, and Public Acts 296 and 315 of 1988 as amended.
- (d) Use of incendiary devices for lighting authorized fires.
- (e) Burning of charcoal when used for the exclusive preparation of food for human consumption.
- (f) Construction site fires for the warmth of workers in accordance with the provisions of Section F-403.4.

F-403.2 is amended to read as follows:

F-403.2. Open Burning Definition: Open burning shall, for the purposes of this section as stated elsewhere in this code, shall mean the burning of any materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. For the purpose of this definition, a chamber shall be regarded as enclosed, when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

Section F-403.4 shall be amended to read as follows:

*Section F-403.4 **Permit Required:***

No person shall cause, allow or maintain open burning without a permit obtained from the Code Official subject to regulations promulgated by the Code Official. Permit fees shall be established by resolution of the Township Board. This section shall not apply to outdoor fireplaces and other similar products.

Section F-403.4.3. Hazardous Conditions: The Code Official shall prohibit open burning that is offensive of objectionable due to smoke or odor emissions or when atmospheric conditions or local circumstances makes fires hazardous. The Code Official shall order the extinguishment, by the permit holder or the fire department of any open burning that creates or adds to an objectionable or offensive situation or a hazardous situation.

Section F-403.5 shall be amended to read as follows:

Section F-403.5. Location:

PERMIT REQUIRED

(a) Location of any open burning shall not be less than one hundred (100) feet from any residential structure and not less than fifty (50) feet from any non-residential structure and provisions shall be made to prevent the fire from spreading to within fifty (50) feet of any structure. Size of the fire shall be limited to 4'x4'4'. Fire extinguishing agent, i.e. fire extinguisher or hose must be present.

NO PERMIT REQUIRED / SUBJECT TO F-403.4.3 ABOVE

(b) Out door fireplaces and similar products shall be U.L. listed, and located not less than twenty (20) feet from the owner's residence and any unattached garage and/or accessory structures and not less than fifty (50) feet from any adjoining residence.

F-403.8.2. Permits.

Section F-403.8.2 shall be amended as follows:

Section F-403.8.2 Permits:

All permits shall be requested by and issued to the owner of the land upon which the open burning is to be kindled. Any open burning permit to be issued shall first have a site inspection by the Code Official to determine that all the requirements have been addressed. A permit may be rescinded by the Code Official at his/her discretion.

Repealer.

All ordinances inconsistent with the provisions of this ordinance to the extent of such inconsistencies are hereby repealed.

Severability.

This ordinance and the various parts, sections, sub-sections, provisions, sentences and clauses are hereby declared to be severable. If any part, section, sub-section, provision, sentence or clause is judged unconstitutional or invalid by a Court of competent jurisdiction, it is hereby declared that the remainder of this ordinance shall not be affected thereby.