

Charter Township of Kalamazoo
Kalamazoo County, Michigan

Outdoor Burning Ordinance
Ordinance No. 597

Adopted:

Effective: June ____ 2018

An Ordinance to regulate and define outdoor fires; to prohibit certain outdoor fires; and to provide for sanctions for violation of this Ordinance.

THE CHARTER TOWNSHIP OF KALAMAZOO, KALAMAZOO COUNTY, MICHIGAN ORDAINS:

Section I
Purpose

The purpose of this Ordinance is to protect the health and safety of the people and property within Kalamazoo Charter Township from fire hazards caused by recreational and cooking fires; and to prohibit all other types of outdoor burning.

Section II
Definitions

1. Chief: Shall mean the Fire Chief of the Kalamazoo Charter Township Fire Department or his/her designee.
2. Cooking Fire: The noncommercial, residential burning of materials, other than rubbish, brush and leaves, not exceeding 3' in diameter and 2' in height in which the fuel burned is contained in an outdoor fireplace, a barbecue grill, or a barbecue pit for the purpose of preparing food.
3. Recreational Fires: The noncommercial burning of materials, other than rubbish, brush and leaves, for pleasure, religious, ceremonial, cooking, or similar purposes in which the fuel burned is contained in a fire pit or commercial outdoor fire place with an area that does not exceed 3' in diameter.
4. Prohibited Fires: Burning in burn barrels, the burning of leaves, limbs, garbage, trash, paper, refuse and burn piles and any fire not specifically authorized by this Ordinance.

Section III
Permits

1. Permits shall not be required for cooking and recreational fires.

2. Any burning conducted on public property shall be prohibited.
3. The Chief shall have the authority to prohibit any or all recreational fires when atmospheric conditions or local circumstances make such fires hazardous.

Section IV **Regulations**

1. Recreational fires shall be established and conducted in full compliance with the terms of this ordinance.
2. Prohibited fires shall not be permitted in the Township.

Section V **General provisions**

1. Recreational fires are permitted on parcels with single and two-family dwellings only. Recreational fires are prohibited on properties containing more than a two-family dwelling. This prohibition includes properties containing apartment buildings, commercial or agricultural buildings.
2. Recreational fires shall not be located within 25' of a structure or combustible material unless contained in a container approved as safe for such purpose by the Chief.
3. No materials shall be burned that create a foul or offensive odor or that may cause smoke emissions that are reasonably offensive to occupants of surrounding property.
4. The Chief shall be authorized to require any fire to be immediately discontinued if the fire is determined to constitute a hazardous condition, to create a foul or offensive odor, or to cause smoke emissions that are reasonably offensive to occupants of surrounding property.
5. Recreational and cooking fires shall be constantly attended by a competent person until such fire is extinguished. A person shall have a garden hose connected to a reliable water supply readily available for use.

Section VI **Sanctions**

Any person, firm, association, partnership, corporation, or governmental entity who violates any of the provisions of this Ordinance or fails to comply with a duly authorized Order issued pursuant to this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable in accordance with the following schedule:

Minimum

Maximum

	Fine	Fine
1 st offense within 3-year period	\$75.00	\$500.00
2 nd offense within 3-year period	\$150.00	\$500.00
3 rd offense within 3-year period	\$325.00	\$500.00
4 th or more offense within 3-year period	\$500.00	\$500.000

- Determined on the date of commission of the offense(s).

Additionally the violator shall pay costs which may include all expenses, direct and indirect, which the Charter Township of Kalamazoo has incurred in connection with the municipal civil infraction. In now case, however, shall costs of less than \$10.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation of this Ordinance exists shall constitute a separate violation.

Section VII
Severability

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, paragraph, section or subsection is declared void or inoperable for any reason, it shall not affect any other part or portion thereof.

Section VIII
Savings Clause

Existing cases on any provision of an ordinance which is repealed by this Ordinance are retained.

Section IX
Effective Date and Repeal

This Ordinance shall take effect thirty days after the date of publication of a summary thereof, after adoption. Conflicting Ordinances and Ordinance provisions and specifically Ordinance No. 515 (codified at 186.00 et seq of the Code of Ordinances) is hereby repealed.

Charter Township of Kalamazoo
Mark E. Miller, Clerk