



RESOLUTION #211101

TYRONE TOWNSHIP OPEN BURNING ORDINANCE NO. 44C

SECTION 1: PURPOSE

1.0 Purpose. This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of Tyrone Township by regulating the air pollution and fire hazards of open burning and outdoor burning.

SECTION 2: APPLICABILITY

2.00 Applicability. This ordinance applies to all outdoor burning and open burning within Tyrone Township.

- 2.1.** This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- 2.2.** This ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.
- 2.3.** This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

SECTION 3: SEVERABILITY

3.00 Severability. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

SECTION 4: DEFINITIONS

4.00 Definitions.

- 4.1.** "Recreational fire" means a small outdoor fire such as a campfire or bonfire intended for pleasure, religious, ceremonial, cooking, warmth or similar purposes, or but not including a fire intended for disposal of waste wood or refuse.
- 4.2.** "Clean wood" means natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.
- 4.3.** "Construction and demolition waste" means building waste materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, remodeling,

repair, and demolition operations on a house, commercial or industrial building, or other structure.

- 4.4. "Fire Chief" means the Chief of the City of Fenton Fire Department or Fenton Township Fire Department or the Chief of any other fire department that Tyrone Township may contract with in the future or other person designated by a Fire Chief.
- 4.5. "Municipality" means a county, township, city, or village.
- 4.6. "Outdoor burning" means open burning, recreational fires, or patio wood burning unit.
- 4.7. "Open burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney. This includes burning in a burn barrel.
- 4.8. "Patio wood-burning unit" means a chimnea, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.
- 4.9. "Refuse" means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.

SECTION 5: GENERAL PROHIBITION ON OUTDOOR BURNING AND OPEN BURNING

- 5.00 **General prohibition on outdoor burning and open burning.** Open burning and outdoor burning are prohibited in Tyrone Township unless the burning is specifically permitted by this ordinance.

SECTION 6: OPEN BURNING OF REFUSE

6.00 Open burning of refuse.

- 6.1. Open burning of refuse from a commercial or industrial establishment is prohibited unless confined in an incinerator approved by permit from the Livingston County Building Department, in conformance with the applicable building code as may be amended from time to time. Burning shall be allowed during daylight hours only. No incinerator shall be located within the side or rear yard setback.
- 6.2. Open burning of refuse from and at a one or two-family dwelling is allowed if all of the following conditions are met:
 - 6.2.1. The burning does not create a nuisance. **No materials shall be burned that create a foul, offensive odor, or cause smoke emissions that are reasonably offensive to occupants of surrounding property.**
 - 6.2.2. The burning is conducted in a container constructed of metal or masonry that has a metal covering or spark arrestor device that does not have an opening larger than $\frac{3}{4}$ inch. Burner barrels must be located in a clear area

and shall not be located less than 50 feet from any building or less than 10 feet from the adjoining property line.

6.2.3. Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.

6.2.4. The material being burned is not prohibited under subsection 6.3.

6.3. Open burning of the following materials is prohibited.

6.3.1. Construction and demolition waste.

6.3.2. Hazardous substances including but not limited to batteries, household chemicals, pesticides, used oil, gasoline, paints, varnishes, and solvents.

6.3.3. Furniture and appliances.

6.3.4. Tires.

6.3.5. Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.

6.3.6. Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

6.3.7. Garbage, trash, rubbish, animal carcasses, or other materials that create a foul or offensive odor.

SECTION 7: OPEN BURNING OF TREES, LOGS, BRUSH, STUMPS, LEAVES, AND GRASS CLIPPINGS

7.0 Open Burning of trees, logs, brush, stumps, leaves, and grass clippings.

7.1. Open burning of trees, logs, brush, stumps, leaves, and grass clippings is allowed only in accordance with all of the following provisions:

7.1.1. Open burning of trees, logs, brush, and stumps must be conducted at least 1,400 feet from an incorporated city or village limit.

7.1.2. Open burning of leaves and grass clippings may be conducted from April 1st through May 31st and September 15th through November 30th in certain zoning districts. **Open burning of leaves and grass clippings is prohibited in the R-2, LK-1, and MHP Zoning Districts. Open burning of leaves and grass clippings is allowed in the R-1, PUD, FR and RE Zoning Districts on parcels of 3 ACRES OR MORE (Please see attached Zoning Map).**

- 7.1.3. Except for barbecue, gas, and charcoal grills, no open burning shall be undertaken during periods when the Governor of Michigan has issued a burning ban applicable to the area.
- 7.1.4. All allowed open burning shall be conducted in a safe, nuisance-free manner, when wind and weather conditions minimize adverse effects and do not create a health hazard or a visibility hazard on roadways, railroads or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations. **Open burning is prohibited when sustained winds are greater than 9 miles per hour.**
- 7.1.5. Open burning shall be conducted only on the property on which the materials were generated and must be limited to one burn pile that is no greater than a 10 feet X 10 feet area.
- 7.1.6. Outdoor recreational fires are allowed provided they do not cause a nuisance. The fuel area of the fire must be 3 feet or less in diameter and 2 feet or less in height and must be at least 25 feet from any structure.
- 7.1.7. Open burning under this section shall only be conducted at a location at least 100 feet *from* the nearest building which is not on the same property and 50 feet from the nearest structure on the property and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure.
- 7.1.8. Except for recreational fires, open burning shall only be conducted during daylight hours.
- 7.1.9. Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
- 7.1.10. No materials may be burned upon any street, curb, gutter, sidewalk, or on the ice of a lake, pond, stream, or water body. No open burning is permitted within 25 feet of a body of water or wetland unless it is in a metal container that prevents run off or contamination into the lake.
- 7.1.11. Except for barbecue, gas, and charcoal grills, no burning shall be undertaken within 25 feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief.
- 7.1.12. No open burning may be conducted on days when the Department of Environmental Quality has declared an "air quality action day" applicable to Tyrone Township.
- 7.1.13. When weather conditions warrant, the Fire Chief or the State of Michigan may temporarily suspend open burning whether a burn permit is issued or not. Because weather conditions significantly vary locally, it is the responsibility of the property owner to assure burning can be done safely.

SECTION 8: AGRICULTURAL BURNING

8.00 Agricultural burning. Open burning of weeds, brush, and crop stubble on agricultural lands shall comply with Section 7 of this Ordinance except for 7.1.2.

SECTION 9: PATIO WOOD-BURNING UNITS

9.00 Patio wood-burning units. A patio wood-burning unit may be installed and used in Tyrone Township only in accordance with all of the following provisions:

- 9.1.** The patio wood-burning unit shall not be used to burn refuse.
- 9.2.** The patio wood-burning unit shall burn only clean wood.
- 9.3.** The patio wood-burning unit shall be located at least 25 feet from the nearest structure which is not on the same property as the patio wood-burning unit.
- 9.4.** The patio wood-burning unit shall not cause a nuisance to neighbors.
- 9.5.** A patio wood-burning unit shall not be used on a balcony of any structure.

SECTION 10: LIABILITY

10.00 Liability. A person utilizing or maintaining an outdoor fire shall be responsible for controlling the fire set, for all fire suppression costs, and any other liability resulting from personal or property damage caused by the fire including costs by Tyrone Township from the intervention of the fire department or any other public safety unit.

SECTION 11: RIGHT OF ENTRY AND INSPECTION

11.00 Right of entry and inspection. The Fire Chief or any authorized officer, agent, employee or representative of Tyrone Township who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

SECTION 12: ENFORCEMENT AND PENALTIES

12.00 Enforcement and penalties.

- 12.1.** The Tyrone Township Ordinance Enforcement Officer, elected officials, or any other official designated by the Township Board are authorized to enforce the provisions of this ordinance.
- 12.2.** In the event that the fire department is called to a site, the person, firm, association, partnership, corporation, or governmental entity who has violated any of the provisions of this ordinance, or fails to control a fire, shall be deemed to be responsible for the cost of the fire run at the current board approved amount outlined in Fire Recovery Ordinance # 24.

12.3. Any person, firm, association, partnership, corporation, or governmental entity who violates any of the provisions of this ordinance, fails to pay a fire run fee leveled under 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 by a municipal civil fine determined in accordance with the following schedule or as amended by a Township Board Resolution from time to time:

Municipal Civil Infraction	Fine
1 st Offense within 3-year period*	\$100.00
2 nd Offense within 3-year period*	\$300.00
3 rd or More Offense within 3-year period*	\$500.00

12.4 The violator shall pay costs which may include all expenses, direct and indirect, which Tyrone Township has incurred in connection with the municipal infraction. Tyrone 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 of this Ordinance.

12.5 In the event that any costs or civil infraction fines are not paid, Tyrone Township reserves the right to pursue collection through all legal means including court action and/or placing a lien on the property.

SECTION 13: EFFECTIVE DATE

13.00 This Ordinance shall take effect December 1, 2021 following its publication after adoption in accordance with state statutes. All provisions of ordinances in conflict herewith are hereby repealed.

RESOLVED BY: Trustee Schulze

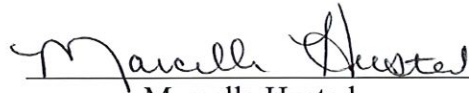
SUPPORTED BY: Trustee Ferguson

VOTE: Ferguson, yes; Eden, yes; Husted, yes; Cunningham, yes, Tucker yes; Schulze, yes; Walker, absent.

Adoption Date: November 2, 2021
 Publication Date: November 14, 2021
 Effective Date: December 1, 2021

CERTIFICATION OF THE CLERK

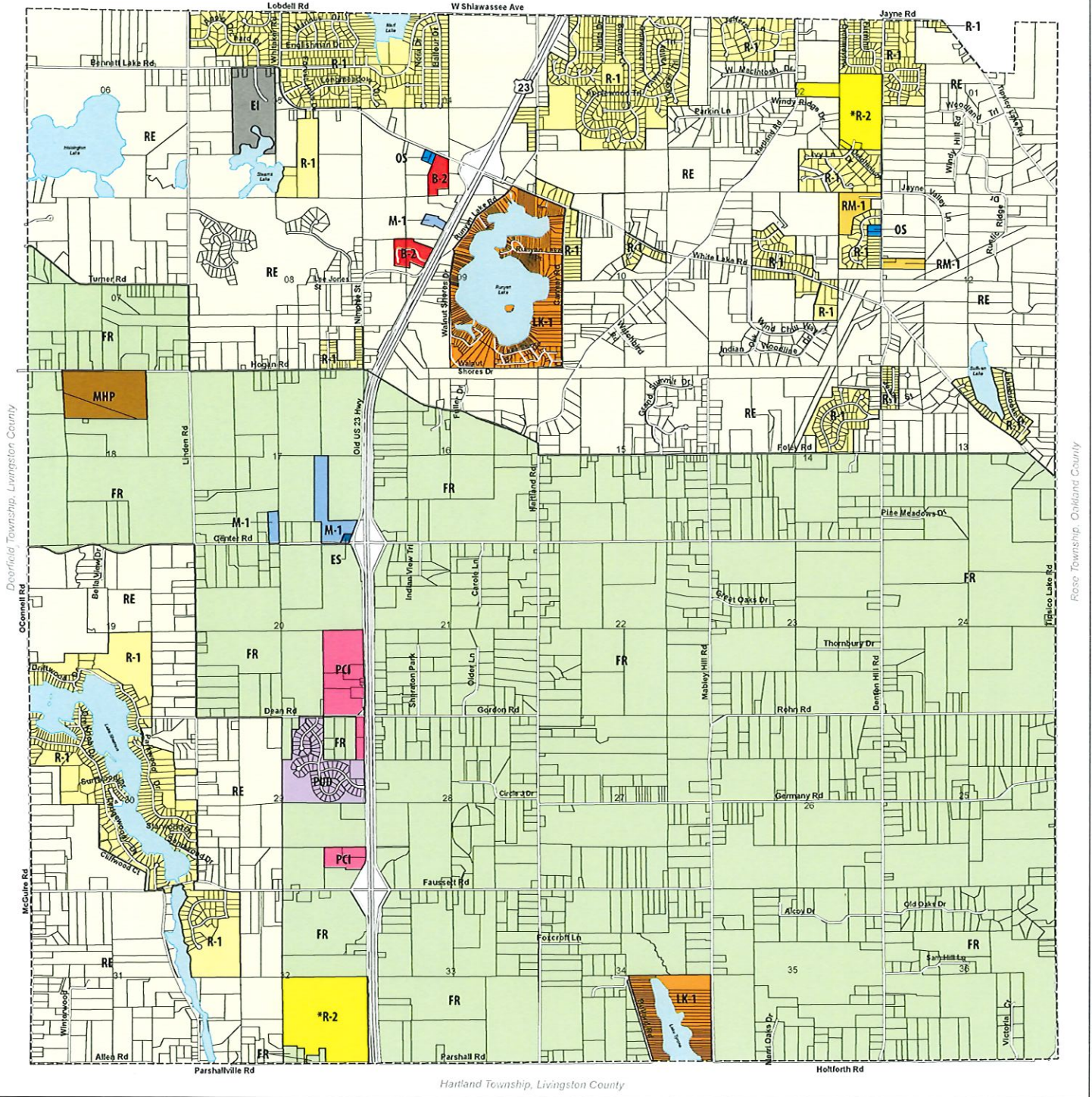
The undersigned, being the duly qualified and acting Clerk of Tyrone Township, Livingston County, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of a resolution adopted by the Township Board at a regular meeting, held on November 2, 2021, at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records in my office, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended) and (4) minutes of such meeting were kept and will be or have been made available as required thereby.


Marcella Husted
Tyrone Township Clerk

REVISIONS:

- 2009 JUNE – Adopted.
- 2016 AUGUST – Added Subsection 10.9. (Resolution #160801).
- 2017 DECEMBER - Revised 7.1.5., 10.5. wind speed stipulations; Revised 7.1.3. extended date, defined burning in zoning districts (Resolution #171201).
- 2021 NOVEMBER – Removed the burn permit requirement. (Resolution #211101).





July 20, 2017

Zoning Map

Tyrone Township, Livingston County, Michigan

Zoning District

- FR Farming Residential
- RE Rural Estate
- R-1 Single Family Residential
- R-2 Single Family Residential
- RM-1 Multiple Family Residential
- LK-1 Lake Front Residential
- MHP Manufactured Home Park
- B-1 Local Business
- B-2 Community Business
- OS Office Service
- ES Expressway Service
- M-1 Light Manufacturing
- M-2 Heavy Industrial
- ROM Research-Office-Manufacturing
- EI Extractive Industry
- PUD Planned Unit Development
- PCS Planned Commercial Services
- PCI Planned Commercial Industrial
- PIRO Planned Industrial Research and Office
- Township Boundary
- * Consent Judgment

NOTE

This map represents generalized zoning district boundaries. Exact zoning district boundaries should be confirmed by parcel descriptions and detailed maps that accompany rezoning ordinances and that are maintained as separate by Tyrone Township

CERTIFICATION

I, MARCELLA HUSTED, CLERK OF THE TOWNSHIP OF TYRONE, LIVINGSTON COUNTY, DO HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE MAP ADOPTED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF TYRONE ON OCTOBER 21, 2003, AS WELL AS THOSE AMENDMENTS MADE AS OF REVISION DATE.

REVISION DATES

Revision Date	Revision Description
October 17, 2003	May 5, 2014
April 7, 2009	
December 3, 2013	
January 6, 2015	

FEET 0 1,000 2,000

MARCELLA HUSTED, CLERK, TYRONE TOWNSHIP

Date: _____



Base Map Source: Tyrone Township, Livingston County, 2014