

VILLAGE OF EMPIRE
LEELANAU COUNTY, MICHIGAN
ORDINANCE #148 OF 2017
BURNING WITHIN VILLAGE

AN ORDINANCE TO REGULATE AND CONTROL THE BURNING OF GARBAGE/WASTE MATERIALS, RUBBISH/REFUSE, LEAVES, PAPER, COMBUSTIBLES AND OTHER DEBRIS WITHIN THE VILLAGE OF EMPIRE.

THE VILLAGE OF EMPIRE ORDAINS:

SECTION 1. DEFINITIONS: The following words and terms shall have the corresponding meanings for purposes of this Ordinance:

1. GARBAGE/WASTE MATERIALS. Animal or vegetable wastes which arise from the use, preparation or storage of food for human consumption not including wastes from industrial processes and manufacturing operations.
2. MICHIGAN STATE APPROVED DOMESTIC INCINERATOR. A debris burner constructed of metal or masonry with metal covering device with openings no larger than $\frac{3}{4}$ of an inch.
3. OPEN BURNING. Open burning means any outdoor fire wherein the products of combustion are emitted into the open air.
4. ATTENDANT. Any person who attends the fire. Attendant must be eighteen (18) or over and have permission of the owner.
5. OWNER. An owner is a person who has all or any part of the ownership interest of a building or real property.
6. RUBBISH/REFUSE. Non-putrescible material from residential, commercial and industrial property such as excelsior, plastic, wolmanized lumber, rubber, etc.

SECTION 2. BURNING OF WASTE MATERIAL: It shall be unlawful for any person, firm or corporation to burn or cause to be burned any waste materials, refuse, leaves, paper or other combustible debris within the Village of Empire unless done in accordance with the provisions of this ordinance.

SECTION 3. BURNING WITHIN BUILDINGS OR STRUCTURES: It shall be unlawful for any person, firm or corporation to burn or cause to be burned any waste materials, refuse, leaves, paper or other combustible debris inside a building or structure unless the same is done In a stove, fireplace, furnace or incinerator.

SECTION 4. BURNING OUTSIDE OF BUILDINGS: It shall be unlawful for any person, firm or corporation to burn or cause to be burned any waste materials, refuse, leaves, paper or other combustible debris outside of buildings or structures in the Village of Empire unless all of the following conditions prevail:

- A. FIRES ALLOWED: The burning of camp fires and the burning of brush piles for the purpose of clearing lots will be allowed when the atmospheric conditions are conducive to this activity . Authorization to burn brush piles for the purpose of clearing lots must be obtained from the Glen Lake Fire Chief or his designated representative, prior to burning. Burning paper, in a Michigan State approved domestic incinerator, will be allowed on Wednesdays and Saturdays between the hours of 7:00 a.m. and 7:00 p.m. only.
- B. LOCATION: No such burning shall be within twenty (20) feet of any existing building, structure, or property line or within the boundary lines of any public street or alley. All burning shall be done in rear yards only.
- C. TIME: No burning of brush piles for the purpose of clearing lots shall be done prior to 7:00 a.m. or after 7:00 p.m. on any day.
- D. ATTENDANT: No such burning shall be done unless under the constant supervision of a person eighteen (18) years or older.
- E. NUISANCE: No burning shall be done at any time or place of any material when such burning gives off foul or obnoxious odors or a dense smoke or wind conditions will create a nuisance to anyone or the property of anyone in the vicinity thereof.

SECTION 5. INCIDENTAL OPEN BURNING: This ordinance does not prohibit open burning of very short duration which is incidental to a lawful activity such as the burning of wood, charcoal or other accepted fuel for the preparing of food in an approved container while being used in a safe and sanitary manner.

SECTION 6. AUTHORITY TO EXTINGUISH: The Glen Lake Fire Chief or the authorized representative of the Fire Chief may extinguish open burning and enter onto public or private property for the purpose of extinguishing open burning which is conducted contrary to this ordinance or in an unsafe manner.

SECTION 7. ENFORCEMENT: The Zoning Administrator, a deputized member of the Leelanau County Sheriff's Department are hereby authorized Village officials to issue municipal civil infraction citations directing alleged violators of this ordinance to appear in court.

SECTION 8. VIOLATION/PENALTY: Any person, who violates any provision of this Ordinance shall be responsible for a municipal civil fraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Section 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than One Hundred Dollars (\$100.00) . Each day this Ordinance is violated shall be considered a separate new violation.

SECTION 9. SEVERABILITY: The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of the ordinance other than said part or portion thereof.

SECTION 10. EFFECTIVE DATE: This ordinance shall take effect on August 5, 2017. All ordinances or parts of ordinances in conflict with any provisions of this ordinance are hereby repealed.

This Ordinance shall become effective thirty (30) days after publication.

The forgoing Ordinance was adopted by the Village Council of the Village of Empire on the 27th day of June, 2017 and take effect on the 5th day of August, 2017

VILLAGE OF EMPIRE

Voting for: Frey, Davis, Bacon, Carpenter, Aylsworth, howes and Barr.

Voting against: None

By: Samuel U. Barr
Samuel U. Barr, Village President

By: Traci J. Cruz
Traci J. Cruz, Village Clerk

Date of Approval:

Date of Publication: