

Township of Vassar
Fire Pit Ordinance
Ordinance No. 2020-02

An ordinance pursuant to Public Act 246 of 1946, MCL 41.181, et seq, to protect the health, safety, and welfare by providing for the regulation of open burning, fire pits, bonfires and campfires which may threaten life and property; to provide for the issuance of permits for such fires; and to prohibit the burning of certain materials.

THE TOWNSHIP OF VASSAR ORDAINS:

ARTICLE I

TITLE

Section 1.01. This section shall be known and may be cited as the Vassar Township Fire Pit Ordinance (the "Ordinance").

ARTICLE II

DEFINITIONS

Section 2.01. "Open Burn" shall mean the intentional combustion of materials such as wood, paper, trees, brush, leaves, grass, and other debris occurring outdoors and in such a fashion as to allow smoke and/or other emissions to be released directly into the air. An Open Burn does not include combustion in which smoke or other emissions pass through a chimney, stack or similar structure. This definition of an Open Burn is inclusive of Bonfires but excludes Campfires as defined in Section 2.03 of the Ordinance.

Section 2.02. "Bonfire" shall mean an open burning activity conducted as part of a celebration or event and outside of an approved, permanently erected, fire ring or pit.

Section 2.03. "Campfire" shall mean an open-air fire constructed at a campsite which is used for cooking and/or as a focal point of a social activity. Campfires must be contained within a fire pit or fire ring specifically designed to prevent the spread of fire.

Section 2.04. "Issuing Entity" shall mean either: (1) the City of Vassar Fire Chief or his or her designee, or (2) the Village of Millington Fire Chief or his or her designee.

Section 2.05. "Unattended" shall mean an Open Burn, Bonfire and/or Campfire which is not directly monitored by a responsible adult.

ARTICLE III

REGULATION OF OPEN BURNS

Section 3.01. A permit is required to conduct all Open Burns with the exception of cooking fires contained within a barbecue pit, fireplace, grill, or other similar receptacle specifically designed for cooking food over an open flame. Permits may be issued by an Issuing Entity at such times and such places as each Issuing Entity may designate. Applications for such permits can be obtained during normal business hours at Vassar Township Hall or at such other times and/or places designated by either Issuing Entity. The appropriate Issuing Entity for seeking a Permit under this Ordinance shall correspond to the same fire department that services the resident's property.

Section 3.02. Applications for permits will be granted, denied, or granted with restrictions as determined by the Issuing Entity. Applications for an Open Burn will be denied if it is determined that the requested Open Burn may endanger persons or property. Permits shall be issued for a specific period of time as determined by the official issuing the permit. Permits may be revoked for noncompliance with this Ordinance.

Section 3.03. No organization shall burn a Bonfire without first obtaining a permit. Bonfire permits must be obtained one week prior to the date of the proposed Bonfire in order to allow adequate time for inspection of the burn location. Bonfire permits shall only be issued in connection with celebration of a particular holiday or civic event. Applications for Bonfire permits shall designate the type of fuel to be burned. Bonfires must be extinguished—not left smoldering—by 2:00 a.m.

Section 3.04. Campfires shall not be considered an Open Burn and shall not require a permit if they comply with all of the following conditions: (1) the Campfire's flames are not greater than thirty-six (36) inches high, (2) the Campfire does not create a public nuisance, and (3) the Campfire is contained within a fire pit or fire ring specifically designed to prevent the spread of fire. If Unattended, Campfires must be extinguished—not left smoldering—by 2:00 a.m.

Section 3.05. Residential outdoor burning pits shall be allowed upon application, inspection and issuance of a permit by the appropriate Issuing Entity. These shall be issued for a thirty-six (36) month period and must be renewed by the resident. Residential outdoor burning pits shall be no more than seventy-two (72) inches wide and have a depth of not less than eight (8) inches. Residential outdoor burning pits shall have a barrier or ring constructed of a material such as stone, brick, rock, earth or other suitable flame-resistant material in order to provide protection from wind and to contain the contents of the pit. Permits may be revoked by either Issuing Entity in the event of misuse or noncompliance with this Ordinance.

Section 3.06. The issuance of a permit under this Ordinance shall not excuse residents and attendees from compliance with all other applicable Vassar Township Ordinances including, but not limited to, the Vassar Township Noise Ordinance.

Section 3.07. All Open Burns must be completely extinguished—not left smoldering—if Unattended.

Section 3.08. At no time is the burning of household rubbish, tires, or building materials permitted.

ARTICLE IV

ENFORCEMENT

Section 4.01. Any person, entity, or corporation who violates any of the provisions of this Ordinance is responsible for a municipal civil infraction, subject to payments of a civil fine of not less than Fifty and 00/100 (\$50.00) Dollars, plus costs and other sanctions, for each infraction. Repeat offenses under this Ordinance shall be subject to increased fines as provided for in the Vassar Township Civil Infraction Ordinance.

Section 4.02. The holder of a valid Permit issued under this Ordinance shall not be responsible for a "fire run fee" as established by the Vassar Township Fire Protection Ordinance if, and only if, each of the following conditions are satisfied: (1) the permit holder is and was in compliance with all provisions of Article III of this Ordinance, (2) the Open Burn was, at all times, under control, and (3) emergency services personnel dispatched to the permit holder's property were not required to expend any resources controlling or extinguishing the permit holder's Open Burn.

ARTICLE V

SEVERABILITY

Section 5.01. In the event any one or more sections, provisions, phrases, or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases, or words of this Ordinance.

ARTICLE VI

ENACTMENT AND EFFECTIVE DATE

Section 6.01. This Ordinance was adopted by the Vassar Township Board at a meeting duly held on the 14th day of January, 2019 and was published in the Tuscola County Advertiser on the 22nd day of January, 2019. This ordinance became effective thirty (30) days after said date of publication.



Deborah Pounds, Clerk



Bruce Foether, Supervisor

