

ARTICLE IV. BURNING*

*State law references: Open burning of leaves and grass clippings, MCL 324.11522.

Sec. 16-76. Purpose.

This article is adopted in the interest of public safety, and is designed to promote the general peace, health, safety and welfare of the residents of the township.

(Code 1992, § 7-51; Ord. No. 159, § 1, 2-15-1995)

Sec. 16-77. Scope.

The provisions outlined herein are and shall be applied to the use of all properties.

(Code 1992, § 7-52; Ord. No. 159, § 1, 2-15-1995)

Sec. 16-78. Allowable burning.

- (a) *Without notice.* Open burning shall be allowed without prior notification to the code official or an authorized representative for: recreational fires (i.e., outdoor cooking, campfires), highway safety flares, smudge pots, outdoor barbecues and similar domestic or occupational needs.
- (b) *Containers.* Such burning is allowable only when contained within a metal, brick or similar fireproof receptacle specifically designed for containing fire.
- (c) *Fire training.* Fires purposely set for actual instruction and training of industrial and residential firefighting personnel in accordance with NFPA 1401 shall be allowed.

(Code 1992, § 7-53; Ord. No. 159, § 1, 2-15-1995)

Sec. 16-79. Permit.

- (a) *Required.* Open burning shall be allowed after obtaining permission or proper authorization from the code official or authorized representative by contacting the Milford Fire and Police Dispatch Center by phone or in person during normal business hours.
- (b) *Changes.* The International Fire Code is amended and changed as follows: permits to burn need not be in writing.
- (c) *Authorization.* Such permit to be in accordance with section 51503 of Public Act No. 451 of 1994 (MCL 324.51503)
- (d) *Revocation.* A permit may be revoked if conditions warrant or if permit fire is deemed a hazard, health or otherwise, by the code official or authorized representative.

(Code 1992, § 7-54; Ord. No. 159, § 1, 2-15-1995)

Sec. 16-80. Burning allowed by permit.

- (a) *Natural materials.* Open burning by permit shall be allowed for natural materials such as leaves, grass or brush only while a person 18 years or over is in constant attendance while such fire is burning.
- (b) *Domestic fires.* Open burning shall be allowed on occupied residential property for the purpose of property maintenance.
- (c) *Size of fires.* Fires must be of a manageable size so as to allow the attendant/permit holder complete control.
- (d) *Hours of burning.* Hours of burning shall be during daylight hours only.
- (e) *Location of burning.* Location of burning shall be allowed on the real property of the permit holder, excluding rights-of-way and as limited by section 16-82(3).
- (f) *Other requirements.* Permittee must:
 - (1) Take precaution to prevent escape.
 - (2) Have sufficient manpower and tools to control the fire.

(Code 1992, § 7-55)

Sec. 16-81. Special permit required.

The following fire types shall be allowed by permission of the code official or authorized representative and shall require a preliminary inspection of the fire site:

- (1) *Bonfires.* A bonfire shall only be allowed under conditions outlined by the International Fire Code, most current edition.
- (2) *Specific occupancies.* Burning at school and church properties or convalescent or nursing homes or group homes for the aged or mentally or physically challenged, for any reason, recreational or other, shall be allowed only after being inspected and approved as outlined in Rule 201 of the Mich. Admin. Code (MAC R 336.1201) on air pollution control.
- (3) *Clearing of land.* Open burning by special permit shall be allowed for purposes of clearing land of trees, brush and stumps for development of land prior to beginning construction of buildings; as well as for agricultural purposes, or for land or wildlife management practices, so long as such burning is in compliance with Rule 310 of the Mich. Admin. Code (MAC R 336.1310) on air pollution control.
- (4) *Fireworks.* As outlined in chapter XXXIX of Public Act No. 328 of 1931 (MCL 750.243a et seq.) of the International Fire Code.

(Code 1992, § 7-56; Ord. No. 159, § 1, 2-15-1995)

Sec. 16-82. Open burning prohibited.

The acts enumerated in this section are expressly prohibited, within the boundaries of

the township, by any person. The code official or authorized representative will order the extinguishment, by the responsible person or the fire department, at the expense of the responsible person, of any building described in this section.

- (1) *Hours of darkness.* There shall be no burning allowed during hours of darkness; and all permit-required, legal fires herein described shall be extinguished prior to hours of darkness.
- (2) *Flammable liquids for ignition.* It is forbidden without question to use a flammable accelerant to ignite any fire.
- (3) *Location.* Burning shall not be permitted:
 - a. Within 15 feet of any lot line.
 - b. Within 50 feet of any structure, tree, shrubs or other flammable material.
 - c. Upon any public roadway or public right-of-way.
- (4) *Public nuisance.* Open burning, which is offensive or objectionable due to smoke or odor emissions; which creates a nuisance or hazard to the health or safety of persons or property, shall be prohibited.
- (5) *Structures.* The burning of any structure for the purpose of disposal of that structure is prohibited, except under the provisions in section 16-78(b).
- (6) *Materials of construction.* There will be no burning of construction waste or scrap, discarded building components or structural members of any kind, under any circumstances, except under the provisions in section 16-78(b).
- (7) *Construction sites.* No person shall burn, cause to be burned or incinerate any material, item or thing whatsoever, including, but not limited to, branches, stumps and building materials, on any construction site, building site, landscaping site or land clearing site, except under the provisions in section 16-81(3). Combustible rubbish or trash shall be removed daily, and shall not be disposed of by burning. The entire premises and the area adjoining and around the construction site shall be maintained and be kept in a safe and sanitary condition and be free of the accumulation of combustible rubbish, trash, litter and debris and excess construction materials.
- (8) *Hazardous materials.* There will be no burning of rubber, tar, bituminous materials, asphalt, petroleum-based products such as tar paper or shingles, or other products manufactured from petroleum hydrocarbons, or any highly flammable, toxic or explosive materials.
- (9) *Production of foul odor.* No person shall burn garbage, animal carcasses or excrement, refuse, trash, rubbish or like material giving off foul odors, at any time.

(Code 1992, § 7-57; Ord. No. 159, § 1, 2-15-1995)

Sec. 16-83. Costs or damages.

- (a) *Responsibility.* Any person who shall set, start or fuel an open fire without permission, as required by this article, shall pay to the township a service charge for costs and

damages incurred. These charges are those incurred by reason of calling out the township fire department or any other fire department. The township clerk will submit a bill to and may sue in any court of competent jurisdiction for its service charges as civil damages and may recover such costs and expenses incurred by the township and the township fire department from any person who sets such a fire for the total cost of the fire run for personnel, equipment and administrative fees, per the current township fee schedule, which may be adopted by resolution of the township board.

- (b) *Costs or damages specified.* Costs or damages include reimbursement for wages, including overtime and fringe benefits, for township employees involved in any enforcement of this article; expenses associated with equipment for normal wear and tear, damages, lost or destroyed; expenses associated with claims as a result of injury sustained by employees or injuries and damages for which the township is held responsible occurring to third persons or property, including, but not limited to, all costs of defense.

(Code 1992, § 7-58; Ord. No. 159, § 1, 2-15-1995)

Sec. 16-84. Enforcement.

It shall be the duty of the code official, or authorized representative, to enforce the provisions of this article.

(Code 1992, § 7-59; Ord. No. 159, § 1, 2-15-1995)

DIVISION 15. SCHEDULE OF REGULATIONS

Sec. 32-539. Table A, lot size, building height and yard setback requirements.

TABLE A

TABLE INSET:

Zoning District	Lot Size Requirements				Maximum Height of Building		Minimum Yard Setback ^o Per Lot in Feet			Minimum Floor Area Per Dwelling Unit ^l (sq. ft.)	Maximum Lot Coverage (in percent)
	Area	Width (in feet)			In Stories	In Feet	Front	Each Side	Rear		
	t	Min. ^t	Avg. ^t	Min. ^t							
R-1-R, Rural residential b-r-u	3 acres	2 acres	200	165 ^s	2	35	35 ^f	20 ^{e-f}	50 ^f	1,000	15
R-1-S, Suburban residential ^f -u	1 1/2 acres	1 acres	150	125 ^q	2	35	35	15 ^e	50	1,000	10