

**VILLAGE OF FARWELL
CLARE COUNTY, MI
TRASH AND LEAF BURNING ORDINANCE
ORDINANCE NO. 2008-1**

An Ordinance to protect the health, safety, and general welfare of the persons and property within the Village of Farwell, Clare County, State of Michigan, by regulating the burning of leaves, trash, and other materials within the Village: to provide penalties for the violation thereof: and to repeal all ordinances or parts of ordinances in conflict herewith.

**The Village of Farwell, County of Clare,
State of Michigan Hereby Ordains:**

Section 1. Title:

This ordinance shall be known as the Farwell Village Trash and Leaf Burning Ordinance.

Section 2. Purpose:

The purpose of the ordinance shall be to protect the people and properties within Farwell Village against health, safety, environmental hazards, and fire dangers cause by the burning of leaves, trash, and other material in Farwell and to promote the health and general welfare by regulating methods of the burning of trash, leaves, and material within the Village.

Section 3.

The burning of trash, leaves, and other material within The Village of Farwell is unlawful and subject to the following requirements, except that burning may be allowed as specifically provided herein:

- a. There shall be no burning of any building materials, dimensional lumber that has been processed for construction purposes or that has been treated with creosote, wolminized, and pressure treated, or otherwise painted or stained. Asphalt or fiberglass roofing material, tires, grass, leaves, trash, garbage, or other household refuse may not be burned. (This includes burning in fire pits).
- b. Burn barrels, incinerators, or other similar devices for the burning of trash or waster material are not allowed for use in the Village of Farwell.
- c. Accumulations of leaves shall not be burned and must be left in piles at curb side for pickup.
- d. Highly flammable, toxic, or explosive material shall not be burned in any area within the Village of Farwell.
- e. Brush piles may be burned during the course of the year upon receiving permission pursuant to this ordinance, in advance, when weather conditions permit and also from December 1 of any year until prior to or on March 1 of any year, with such burning being done subject to the following specific requirements.

- i. A permit for the burning must be obtained, in advance, from the Farwell Zoning Administrator and Surrey Township Fire Chief or such representative of the Surrey Township Fire Department as may be designated by the Fire Chief.
 - ii. The Surrey Township Fire Chief or the designated representative shall refuse burning permits at any time or in any case when there exists a reasonable danger to persons or property by reason of drought, high winds, location of the requested permit, or the existence of other circumstances which may create a risk or danger in regards to controlling a fire.
 - iii. Such permits shall be used for the burning of brush only and shall be issued to a specific person and a specific location. Permits shall be issued for the purposed of clearing undeveloped areas of lots of acreage, consistent with this ordinance.
 - iv. The permit shall specifically require that no brush be burned within 100 feet of an occupied dwelling and no brush shall be burned within 50 feet of a public right-of-way.
 - v. Such permit shall specifically require that any burning which takes place pursuant to the permit shall be attended by a competent person of the age of 16 years or older and that the person receiving the permit shall be responsible for seeing that the fire is completely extinguished prior to leaving the location where the brush was burned.
- f. Specifically excepted for this ordinance shall be the burning of wood in wood stoves or fire places within a residence. The burning of charcoal, wood, or gas within a grill, patio fire place, or fire pit specifically designed and used for barbecues or campfires.

Section 4. Fire Pits:

- a. Approved fire pits will consist of the following: an 8 to 10 inch depression in the ground ringed with any of the following: stone, brick, concrete, or concrete blocks, or steel ring. There must be a minimum area of 12 inches cleared of all burnable materials outside of the fire ring.
- b. Fire Pit Dimensions: Fire pits shall be no smaller than 18 inches in diameter, and no more than 48 inches in diameter.
- c. Fire Wood: Fire wood shall be no longer than 24 inches in length. Any wood over 8 inches in diameter should be split at least once.
- d. Distance from Structure: Fire pits shall be constructed at least 25 feet away from any structure, property line, or right of way.
- e. General Guide Lines: Fire must be attended at all times and shall be kept to a manageable size. A manageable size is a fire that can be controlled with a water hose or pails of water. A hose shall be attached to a faucet or two five (5) gallon pails of water shall be readily available at the site of the fire.

Section 5. Sanctions for Violations:

Any person or other entity that violates any of the provisions of this ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of no more than \$500, plus costs which may include all direct or indirect expenses to which the township has been put in connection with the violation. In no case, however, shall costs of less than \$150 be

ordered. A violator of this ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this ordinance continues to exist constitutes a separate violation.

Section 6. Repeal.

Any ordinances or parts of ordinances, in anyway contravening in conflict with any or the provisions of the ordinance are hereby expressly repealed.

Section 7. Effective Date.

This ordinance shall take effect on February 4, 2008.

Farwell Village Clerk