

**VILLAGE OF LAKEWOOD CLUB
COUNTY OF MUSKEGON
STATE OF MICHIGAN
OPEN BURNING ORINANCE**

Village Ordinance No. 46

**SHORT TITLE: AN ORDINANCE TO AMEND THE CODE OF ORDINANCES TO CONTROL AIR
POLLUTION OF THE VILLAGE OF LAKEWOOD CLUBS ZONING ORDINANCE.**

THE VILLAGE OF LAKEWOOD CLUB ORDAINS:

Section 1. PURPOSE:

The Village of Lakewood Club, has determined that open burning is detrimental to the environment, posing health hazards, and reducing property values. It is the intent of this article to regulate and restrict-open burning, and thus promotes the public health, safety, and welfare of the residents and property owners of the Village of Lakewood Club.

Section 2. DEFINITIONS:

As used in this subsection:

1. Open burning:
The igniting or combustion of any natural or man-made material or item out of doors.

2. Yard waste:
Brush, limbs, and tree cuttings only. For the purpose of this article leaves and grass clippings are not considered as "yard waste".

Section 3. PERMIT REQUIREMENTS

1. Open burning authorized by permit.

(a) For open burning as permitted under this section, you must visit the website of the DNR at www.dnr.state.mi.us/burnpermits this will inform you if it is safe to burn in your area.

2. Open burning of yard waste is allowed only when weather permits.

Section 4. REGULATIONS:

(a) Open burning is only allowed when weather conditions permit as directed by the Department of Natural Resources.

(b) A bonfire shall be allowed if such fire does not exceed six (6) foot in diameter by four (4) foot high, provided the conditions of Section 2 are also met. Fuel for bonfires shall consist only of seasoned dry firewood and shall be ignited with a small quantity of paper or other acceptable means.

(c) Open burning is prohibited on any public road right-of-way, sidewalk, or safety path.

(d) Open burning is prohibited on "ozone action" days to minimize environmental impact.

(e) The location of open burning shall take place a safe distance from any structure, and provisions shall be made to prevent the fire from spreading.

(f) Open burning shall not be used as a means for disposal of household wastes.

(g) The maximum physical dimensions of the stack of materials that can be burned are six (6) foot in diameter by four (4) foot high.

(h) The fuel shall be chosen to minimize the generation and emission of air contaminants.

(i) Flammable liquids shall not be used to ignite or maintain an open burning fire, unless approved by the Department of Natural Resources (DNR).

(j) The fire department may use their discretion to postpone or prohibit open burning otherwise authorized under this article, or as authorized by permit. Prohibition under this subsection may be determined prior to, or subsequent to ignition of the fire, by ordering extinguishing of the fire. Just cause for any of the measures stated in this subsection include, but is not limited to: fire hazard, unsafe conditions, excessive smoke, disruptive to others (health hazard or nuisance), atmospheric conditions, or when burning would be in violation to any law or regulation administered by the Michigan Department of Natural Resources, or other governing body.

PENALTY

Section 1 Any person who shall violate this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed \$500 in costs to the prosecution or by imprisonment in the county jail not to exceed 90 days, or by both such fine and imprisonment in the discretion of the court.

E. SEVERABILITY:

The various parts, sentences, paragraphs, sections, and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause of this ordinance is adjudged unconstitutional or invalid by a court or administrative agency of competent jurisdiction, the unconstitutionality or invalidity shall not affect the constitutionality or validity of any remaining provisions of this ordinance.

F. EFFECTIVE DATE:

This ordinance shall take effect immediately upon publication.

Wendy Bloem _____ Clerk

Village of Lakewood Club

Adopted: June 27, 2011

Published: July 3, 2011

Effective Date: July 3, 2011