

**VILLAGE OF LYONS, COUNTY OF IONIA, STATE OF MICHIGAN**  
**Chapter 8, Art II, Section 8-23**  
**An Ordinance Prohibiting Open Burning in the Village of Lyons**

**THE VILLAGE OF LYONS ORDAINS:**

**SECTION 1: PURPOSE**

**1.00 Purpose.**

This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Village of Lyons by regulating the air pollution and fire hazards of open burning and outdoor burning.

**SECTION 2: APPLICABILITY**

**2.00 Applicability.**

This ordinance applies to all outdoor burning and open burning within the Village of Lyons.

- 2.1.** This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- 2.2.** This ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating devices within a building used for human or animal habitation.
- 2.3.** This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating construction or maintenance activities.

**SECTION 3: SEVERABILITY**

**3.00 Severability**

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

**SECTION 4: DEFINITIONS**

**4.00 Definitions.**

- 4.1.** "Campfire" means a small outdoor fire for recreation or cooking but not including a fire intended for disposal of waste wood or refuse.
  - (a) No recreational fire shall exceed a size of 3 feet by 3 feet on the ground.
- 4.2.** "Clean wood" means natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.
- 4.3.** "Construction and demolition waste" means building waste materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging and rubble that results from construction, remodeling, repair and demolition operations on a house, commercial or industrial building or other structures.
- 4.4.** "Fire Chief" means the chief of the Lyons-Muir Lyons Township Fire Department or other person designated by the Fire Chief.

- 4.5. "Municipality" means a county, township, city or village.
- 4.6. "Outdoor burning" means open burning or burning in an outdoor wood-fired boiler or patio wood burning unit.
- 4.7. "Open burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney. This includes burning in a burn barrel.
- 4.8. "Outdoor wood-fired boiler" means a wood-fired boiler, stove or furnace that is not located within a building intended for habitation by humans or domestic animals.
- 4.9. "Patio wood-burning unit" means a chimnea, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.
- 4.10. "Refuse" means any waste material except trees, logs, brush, stumps, leaves, grass clippings and other vegetative matter.

## **SECTION 5: GENERAL PROHIBITION ON OPEN BURNING and OUTDOOR BURNING.**

**5.00 General prohibition on outdoor burning and open burning and open burning and outdoor burning are prohibited in the Village of Lyons unless the burning is specifically permitted by this ordinance.**

## **SECTION 6: OPEN BURNING OF REFUSE**

### **6.00 Open burning of refuse.**

- 6.1 Open burning of refuse from a commercial or industrial establishment is prohibited.
- 6.2 Open burning of the following materials is prohibited.
  - 6.2.1. Construction and demolition waste.
  - 6.2.2. Hazardous substances including, but not limited to batteries, household chemicals, pesticides, used oil, gasoline, paints, varnishes and solvents.
  - 6.2.3. Furniture and appliances.
  - 6.2.4. Tires.
  - 6.2.5. Any plastic materials including, but not limited to nylon, PVC, ABS, polystyrene, or urethane foam and synthetic fabrics, plastic films and plastic containers.
  - 6.2.6. Newspaper.
  - 6.2.7. Corrugated cardboard, container board, office paper.
  - 6.2.8. Treated or painted wood including, but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

## **SECTION 7: OPEN BURNING OF TREES, LOGS, BRUSH, STUMPS, LEAVES AND GRASS**

### **7.00 Burning of trees, logs, brush, stumps, leaves and grass**

- 7.1 Open burning of leaves, grass clippings, trees, logs, brush and stumps is prohibited.

- 7.2.1. Open burning for barbecue, gas and charcoal grills are allowed.
- 7.2.2. Outdoor campfires and small bonfires for cooking, ceremonies, or recreation are allowed if the campfire is 25 feet from any structure or property line, shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
- 7.2.3. Except for barbecue, gas and charcoal grills, no burning shall be undertaken within 25 feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit.

## **SECTION 8: OUTDOOR WOOD BOILERS (OWB)**

### **8.00 Outdoor wood-fired boiler (OWB).**

- 8.1. The OWB must pass, or already have passed any required State of Michigan inspections.
- 8.2. The OWB must be placed in the rear yard or side yard of any property on which it is located.
- 8.3. The OWB must be placed at least 50 feet from any property line.
- 8.4. The OWB's chimney must be higher than the highest portion of any dwelling unit within 150 feet of the OWB, excluding the dwelling unit serviced by the OWB.
- 8.5. All OWB's shall be limited to use only natural untreated wood products or corn pellets as fuel.

## **SECTION 9: PATIO WOOD-BURNING UNITS**

**9.00 A patio wood-burning unit may be installed and used in the Village of Lyons only in accordance with all of the following provisions:**

- 9.1. The patio wood-burning unit shall not be used to burn refuse.
- 9.2. The patio wood-burning unit shall burn only clean wood.
- 9.3. The patio wood-burning unit shall be located at least 50 feet from the nearest structure which is not on the same property as the patio wood-burning unit.
- 9.4. The patio wood-burning unit shall not cause a nuisance to neighbors.

## **SECTION 10: FIRE SUPPRESSION TRAINING**

### **10.00 Fire suppression training.**

Notwithstanding sections 5 and 6 of this ordinance, structures and other materials may be burned for fire prevention training only in accordance with all fire of the following provisions;

- 10.1. The burn must be exclusively for fire prevention training, the burning shall not be used as a means to dispose of waste material including tires and other hazardous materials.
- 10.2. Any standing structure that will be used in a fire suppression training must be inspected and should be inspected by a licensed asbestos inspector. A notification of this inspection must be submitted to the Michigan Department of Environmental Quality,

Air Quality Division at least ten business days prior to burning a standing structure. The notification must be submitted using Form EQP5661 "Notification of Intent to Renovate/Demolish".

- 10.3.** All asbestos must be removed prior to conducting the fire suppression training. If the structure is a residential dwelling, the owner may remove the asbestos or have it removed by a licensed abatement contractor. If it is a commercial building, all asbestos must be removed by a licensed abatement contractor.
- 10.4.** A notification of the demolition must be submitted to the Michigan Department of Environmental Quality, Air Quality Division at least 10 business days prior to burning a standing structure. The notification must be submitted using Form EQP 5661 "Notification of Intent to Renovate/Demolish".
- 10.5.** All ash and demolished materials shall be disposed of in an approved landfill or at an alternate location approved by the Michigan Department of Environmental Quality.
- 10.6.** Asphalt shingles and asphalt or plastic siding shall be removed prior to the practice burn unless the Fire Chief determines that they are necessary for the fire practice.
- 10.7.** At least seven days before a planned practice burn, residents within 2,000 feet of the site of the proposed burn shall be notified.
- 10.8.** All fire suppression training should conform to the guidelines established by the National Fire Protection Association (NFPA) Standard on Live Fire Training Evolutions (NFPA1403).

**SECTION 11: ENFORCEMENT AND PENALTIES**

**11.00 Enforcement and penalties.**

- 11.1.** The Fire Chief and the Ionia County Sheriff Department are authorized to enforce the provisions of this ordinance.
- 11.2.** Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this ordinance or fails to comply with a duly authorized order issued pursuant to this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by civil fine determined in accordance with the following schedule:

	<u>Minimum Fine</u>	<u>Maximum Fine</u>
1st Offense within 3 year period	\$75.00	\$500.00
2nd Offense within 3 year period	\$150.00	\$500.00
3rd Offense within 3 year period	\$325.00	\$500.00
4th or More Offense within 3 year period*	\$500.00	\$500.00

\* Determined on the basis of the date of commission of the offense(s).

- 11.3.** The violator shall pay costs which may include all expenses, direct and indirect, which the Village of Lyons/the Lyons-Muir Lyons Township Fire Department has incurred in connection with the municipal infraction. Each day that a violation

of this ordinance exists shall constitute a separate violation of this ordinance.

**REPEAL ORDINANCE** - 8-22 an ordinance prohibiting open burning in the Village of Lyons (adopted: April 19, 2010) is hereby repealed upon the effective date of this ordinance.