



Trash and leaf Burning Ordinance
Ordinance # 33

An ordinance to protect the health, safety and general welfare of the persons property of the Village of Freeport, Irving and Carlton Townships , Barry County, Michigan by regulating the burning of laves, trash and other materials within the Village, to provide penalties for the violation thereof and to repeal all ordinances or parts of ordinance in conflict thereof.

THE VILLAGE OF FREEPORT, STATE OF MICHIGAN ORDAINS:

Section 1: TITLE

This ordinance shall be known and cited as “Freeport Village Outdoor Burning Ordinance”.

Section 2: PURPOSE

The purpose of this ordinance is to protect the people and property within the Village against health and safety hazards cause by burning of leaves, trash and other materials, and to promote health and general welfare of the community by regulating the methods of burning trash, leaves and other material within the Village.

Section 3: OUTDOOR FIRES

A. No person shall burn any garbage, plastic, Styrofoam or any other synthetic materials or hazardous material, not shall any rubber or any rubber based material, or any other materials that give off noxious or offensive odors, or smoke in the Village of Freeport except as specifically authorized by this ordinance.

B. Any person or persons wishing to burn leaves or brush in the Village of Freeport must obtain a burning permit from the Freeport Area Volunteer Fire department. Permitted open fires shall be located not less than fifty (50) feet from any structure. Open fires shall be constantly attended by a competent person until the fire is extinguished. This person shall have a garden hose connected to a water supply or other fire extinguishing equipment readily available for use. There shall be no burring after 9 o'clock PM (9:00 PM) of any materials (except for campfires). Leaves may not be burned on any street or sidewalk in the Village of Freeport. Leaves may be burned in any regular used driveway or garden space only if such burning is continuously attended, so as not to endanger any surrounding buildings or property.

C. No person or persons shall burn any paper or paper products unless the paper is burned in an approved container and burning does not give off noxious fumes or significant smoke. An approved container is defined as follows: steel, stone or a masonry enclosure so constructed as to prevent any material from escaping the container. The top of such enclosure shall consist of a cover with openings no larger than on half inch (1/2 in.). Burning barrels may not be placed on and Village property.

D. Any campfires shall be burned in a campfire pit. A “campfire pit” is defined as an open area surrounded by brick, stone, masonry or steel of a height not less than four (4) inches and diameter of five (5) feet or less. The outer perimeter of the campfire pit shall be free from combustibile materials in

the near vicinity which could allow the fire to spread. No household refuse or other materials described in Section III -A of this ordinance may be burned in a campfire.

E. This ordinance does not prohibit the use of wood, coke or other acceptable conventional fuel for the preparation of food in an approved container or utensil when done in accordance with acceptable safety standards. No charcoal burners shall be kindled or maintained on combustible balconies or within ten 9109 feet of combustible patios on ground floors. (Referenced the National Fire Code, general fire safety requirements 3-4.7)

F. This ordinance does not prohibit the use of approved gaseous or portable heaters commonly employed in conjunction with building and construction operations when done in accordance with acceptable safety standards.

G. this ordinance does not prohibit roofers, plumbers, tanners or others engaged in a business that requires the use of fire from using fire in the course of their business or trade provided that the fire is controlled in accordance with accepted safety standards.

H. This ordinance does not prohibit the operation of combustible engines or the smoking of tobacco products. Smoking or depositing any lighted or smoldering substance in a place where required 'no smoking' signs are posted shall be prohibited.

I. Burning permits for special unique circumstances may be granted by the Fire Chief of the Freeport Area Volunteer Fire Department if he/she determines it can safely be done without endangering people or property. Denial of such permits by the fire Chief may be appealed at any regularly scheduled Council meeting.

J. Enforcement of this ordinance may be done by the Fire Chief of the Freeport area Volunteer Fire Department or any Police Chief.

K. Any person or persons that violate the provisions of this section shall, upon conviction, be subject to a fine of not more than \$100.00 and the cost of prosecution thereof and/or by imprisonment in the county jail for a period of not more than ninety (90) days.

Section 4 –Validity

Should any sections, clause, paragraph or provision of this ordinance be declared by any court to be invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part do determined to be valid.

Section 5: Effective date

This ordinance shall take effect twenty (20) days after its passage.

SECTION V EFFECTIVE DATE

This ordinance shall take effect twenty (20) days after its passage.

Passed and adopted by the Freeport Village Council, Barry County, Michigan

On this 1st Day of March of 1989

BY: Charles H. Blough
Charles Blough, President

BY: Dorothy Kelley
Dorothy Kelley, Treasurer

