

TOWNSHIP OF CLARK
COUNTY OF MACKINAC, STATE OF MICHIGAN

ORDINANCE NO. 2024-01
ADOPTED: January 17, 2024
EFFECTIVE: FEBRUARY 1, 2024

Mackinac County, Clark Township Open Burn Ordinance

Purpose of Ordinance

The purpose of this ordinance is to regulate the intentional burning of vegetative materials within Clark Township, Mackinac County, MI to achieve multiple competing objectives:

- 1) Reduce the likelihood of a fire that could result in injury or death to people and animals and cause incalculable damage to homes, cottages, and forests that are core to the area's desirability.
- 2) Maintain or improve air quality by eliminating the incineration of man-made or – processed materials.
- 3) Allow for the enjoyment of campfires.
- 4) Allow for the cooking of food outdoors using wood-based fuel.
- 5) Allow for the disposal of unwanted vegetative debris.
- 6) Promote personal, property, and community safety.

Definitions

The following definitions are used only in the context of this ordinance.

Recreational Burning: A fire that is located outside and contained in a fire pit or outdoor fireplace for providing a place for gathering, light, warmth, or cooking.

Non-Recreational Burning: A fire for the purpose of the disposal of dry combustible or flammable vegetative material by burning outdoors.

The burning of garbage or trash is not allowed in Clark Township. Garbage and trash is defined as:

- a) Rubbish, including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
- b) Waste oil or other oily wastes except used oil burned in a heating device
- c) Asphalt and products containing asphalt.
- d) 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.
- e) Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
- f) Rubber including tires and synthetic rubber-like products.
- g) Newspaper, corrugated cardboard, container board, office paper, and other materials that can be recycled at the recycling center.

Section I: Permit Requirements

A permit must be obtained from Clark Township for non-recreational burning. No permit is required for recreational burning as defined above.

A non-recreational burn permit can be obtained during regular business hours at the Clark Township Offices. Any fee must be paid upon approval of the burn permit application.

Section II: Allowed and Prohibited Activities

Recreational Burning

Recreational burning is permitted without a specific permit and must adhere to these safety guidelines:

- a. Recreational burning is subject to the Michigan DNR burn day status that can be found here: <https://www2.dnr.state.mi.us/burnpermits/> or by calling 1-866-922-BURN (2876)
- b. Fire pits and outdoor fireplaces must be located at least 30 feet from all structures, on dirt or another noncombustible surface.
- c. The fire pit and outdoor fireplace area may not be larger than four feet by four feet.
- d. Fire pits must include a fire-retaining ring made of noncombustible material at least 12 inches tall.
- e. Recreational fires must be clean burning and built from dry, cut timber no longer than 24 inches and no larger than four inches in diameter.
- f. A person at least 18 years of age must always supervise a recreational fire.
- g. A functioning garden hose and shovel must be kept within 10 feet of a recreational fire. If within 20 feet of a body of water, a bucket could substitute for the garden hose.
- h. Outdoor campfires for cooking, ceremonies, or recreation are allowed without a permit if confined by a control device or structure.
- i. No garbage or trash as defined above may be burned.
- j. Excessive smoke and odor are to be avoided.
- k. A Special Event burn permit may be obtained for the occasional and short-lived burning of non-compliant materials as part of a community event (for example, the burning of the snowman at Snowsfest).

Non-recreational Burning

Non-recreational burning is only allowed with a valid permit and under the conditions defined here and on the permit:

- a. Non-recreational burning is subject to the Michigan DNR burn day status that can be found here: <https://www2.dnr.state.mi.us/burnpermits/> or by calling 1-866-922-BURN (2876)
- b. The burn pile should never exceed four feet by four feet.
- c. The fire suppression equipment – garden hose and shovel – must be sufficient to prevent the escape of the fire from the designated burn area.
- d. Non-recreational burning must be 10 yards (30 feet) from the nearest public street, highway, structure, or property line.
- e. Non-recreational burning is allowed only between 8 a.m. and 8 p.m. during the day. All fires must be completely out by 8 p.m.
- f. A person at least 18 years of age must always supervise a non-recreational fire.
- g. No garbage or trash as defined above may be burned.

Terms for a Non-recreational Burn Permit

1. Maximum pile size is 4 feet x 4 feet.
2. The area within 10 feet of the outer edge of the pile shall be maintained free and clear of all flammable material and vegetation.
3. A responsible person must be in attendance with shovel until fire is completely out.
4. A water supply must be available at the burning site.
5. No burning shall be undertaken unless weather conditions (particularly wind) are such that burning can be considered safe (consult the DNR website for burn status).
6. Permits are valid for the calendar year in which they are issued and must be reissued annually on or after May 1 of each year.

Penalties and Enforcement

Penalties

(a) A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$100 for the first offense, not less than \$250 for the first subsequent offense, and not less than \$500 for any other subsequent offense, in the discretion of the township, and in addition to all other costs, damages, expenses, and actual attorney fees incurred by the Township in enforcing the Ordinance. For purpose of this Section, a “subsequent offense” means a violation of this Ordinance committed with respect to a separate incident by the same person after a previous violation of the Ordinance for which such person admitted responsibility or was adjudicated to be responsible. Each day the violation occurs shall constitute a separate offense. Furthermore, time-stamped video or photographic evidence may be sufficient to determine if a violation of the non-recreational burn ordinance has occurred.

(b) The issuance of a municipal civil infraction citation shall not be an exclusive remedy but may be undertaken by the Township in addition to other means of enforcement, as provided by law, including but not limited to the seeking of injunctive and other relief.

(c) The Township Supervisor and enforcement officer are authorized to issue municipal civil infraction citations for violations of this Ordinance, as permitted by the Clark Township Municipal Civil Infraction Ordinance.

Cost Recovery: Imposition of Lien; Other Remedies.

Any person who burns or allows burning in violation of this Ordinance, or any condition imposed on any permit issued pursuant to this Ordinance (“responsible party”), shall reimburse the Township for the expenses of suppressing such fire.

Expenses incurred by the Township will include all charges for responding resources.

The Township Supervisor and the Fire Chief shall submit to the Township Board a detailed listing of all expenses incurred by the Township in suppressing such a fire. The Township Board, by motion, may direct that an invoice for such expenses, or any portion thereof, be forwarded to the responsible party. The responsible party shall pay such invoice within 30 days of its receipt. For any amounts due that remain unpaid after 90 days, the Township may place the invoiced amount, including a late charge of one percent per month or a fraction thereof, as a lien on property owned by the responsible party. The lien shall be placed on the Township’s next tax roll.