

Article VI – General Nuisance Regulations
Chapter 624 – Regulation of Burning & Smoke
Effective May 19, 2009 – Ordinance 2009-01

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624.01 PURPOSE

The purpose of this Chapter is intended to promote the public health and welfare, safeguard property, and promote comfortable living conditions within the Village of Lake Isabella by regulating open burning, outdoor burning, and other fires and the hazards and air pollution created by such fires.

624.03 APPLICABILITY

This Chapter applies to all outdoor burning and wood burning, with the exception of “*Outdoor Free-Standing Furnances,*” (which are regulated by Chapter 664 of the *Codified Ordinances of the Village of Lake Isabella*) within the Village of Lake Isabella. This Chapter does not apply to the following circumstances and conditions:

1. The burning of wood, charcoal, propane, or natural gas used in cooking applicances or grills.
2. Burning for the purpose of generating heat in a stove, furnance, fireplace, or other heating device within a structure used for human or animal habitation.
3. The burning of propane, acetylene, natural gas, gasoline, desiel, or kerosene in a device intended for heating, construction, or maintenance activities.

624.05 DEFINITIONS

For the purpose of this Chapter, the following definitions shall apply:

“*Campfire:*” A small outdoor fire intended for recreation or cooking, but not including a fire intended for disposal of waste wood or refuse.

“*Clean Wood:*” Natural wood which has not been treated, painted, varnished, or coated with a similar material and does not contain resins or glues as in plywood or other composite wood products.

“*Construction and/or Demolition Waste:*” Materials generated as waste from construction, demolition, repair, and/or remodeling work. This includes, but

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is not limited to; shingles, insulation, lumber, wiring, plastic, packaging, drywall, and paper.

“Outdoor and Open Burning:” Kindling or maintaining a fire where the products or combustion are emitted directly into the ambient air without passing through a stack or chimney. This includes burning in a burn barrel.

624.07 GENERAL PROHIBITION OF OUTDOOR AND OPEN BURNING & SMOKE

Outdoor and open burning are prohibited in the Village of Lake Isabella unless specifically permitted by this ordinance. This includes, but is not limited to, the following items:

1. Refuse and Household Trash
2. Construction and/or Demoliation Waste
3. Leaves, Pine Needles, and Pine Cones
4. Grass Clippings, Weeds, and Other Non-Woody Plants
5. Hazardous Substances, including but not limited to: batteries, household chemicals, pesticides, herbicides, oil, gasoline, paint, varnishes, and solvents.
6. Appliances and Furniture
7. Tires
8. The omission of dense smoke, smoke containing soot, or other substance of sufficient quality to noticeably permit the deposit of soot or other substance in the Village. The omission of smoke is hereby declared to be a public nuisance and a threat to the general health of the community.

624.09 PERMITTED BURNING

Outdoor and open burning is allowed only as permitted below, provided that such burning and generated smoke do not create a nuisance which effects the health, safety, or enjoyment of persons or property within the Village of Lake Isabella:

1. Permitted Types of Outdoor and Open Burns
 1. Campfires of “*clean wood*”
 2. The burning of trees, tree-logs, tree-limbs, brush, and stumps.
 3. Outdoor fires conducted in small masonry chimneas, hibachis, portable outdoor fireplaces, patio warmers, and other similar semi-enclosed devices.
2. Required Conditions for Permitted Outdoor and Open Burns
 1. No outdoor or open burning may be conducted on days when the Michigan Department of Natural Resources has declared an “air quality action day” applicable to the Village of Lake Isabella.

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2. No outdoor or open burning may be conducted on days when the Michigan Department of Natural Resources has declared a “red flag day” applicable to the Village of Lake Isabella.
 3. No outdoor or open burning may be conducted without the constant supervision of a competent person at least eighteen years of age. Such person shall have readily available for use fire extinguishing equipment as may be necessary to control the fire.
 4. All allowed outdoor and open burning shall be conducted in a safe, nuisance-free manner, when wind wand weather conditions minimize the adverse effects and do not create a health hazard or visibility hazard on roadways or airfields.
 5. Permitted outdoor and open burns shall be restricted to pits or piles not more than six feet (6’) in diameter.
3. Nothing contained herein shall be deemed to prevent any public agency from causing a burn for instructional purposes to train fire-fighting professionals, or as part of a forest management plan approved by the Michigan Department of Environmental Quality.

624.11 BURN PERMIT REQUIRED

Outdoor and open burning of trees, tree-logs, tree-limbs, brush, and stumps require the issuance of a Burn Permit from the Michigan Department of Natural Resources, with the exception of those times of year where the ground is snow-covered.

624.13 LIABILITY

A person utilizing or maintaining an outdoor or open fire shall be responsible for all fire suppression costs and other liability resulting from damage caused by such fire.

624.15 ENFORCEMENT & PENALTY

1. Any person, firm, corporation, trust, partnership, or other legal entity which violates or refuses to comply with any provision of this chapter shall be responsible for a municipal civil infraction and shall be subject to fines, costs, and other relief as provided for in Chapter 222 of the codified ordinances of the Village of Lake Isabella.
2. Upon failure, neglect or refusal of any property owner to comply with the provisions of this chapter, the Village or its authorized contractor, or other designee, is authorized and empowered to enter the property owner’s property to abate the nuisance, or to provide and to make payment for the abatement of the nuisance maintained.
3. When the Village abates a nuisance as provided herein, the cost of any abatement, including legal expenses and the authorized administrative fee will be billed to the property owner. The cost and fee will be a debt of the property owner to the Village, which may be assessed as a single lot assessment in accordance with Chapter 214 of the codified ordinances of the Village of Lake Isabella, and shall constitute a lien against the property, including interest, until paid, and enforced and collected in the same manner as ad valorem property taxes.