

# Burning Ordinance

Township of Lincoln

Midland County

Ordinance #12

Adopted 1/12/2016

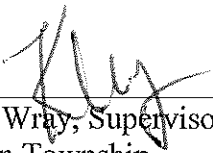
- I. Open burning of refuse for a commercial or industrial establishment is prohibited.
- II. Open burning of refuse from and at a one or two family dwelling is allowed if all of the following conditions are met:
  - a. The burning does not create a nuisance
    - i. As defined by the Lincoln Township Zoning Ordinance a nuisance is "An offensive, annoying, unpleasant, or obnoxious thing, or practice, a cause or source of annoyance, especially a continual or repeated invasion of a use or activity which invades the property line of another so as to cause harm or discomfort, to the owner or resident of that property."
  - b. The burning is conducted in a container constructed of metal or masonry that has a metal covering device that does not have an opening larger than  $\frac{3}{4}$  inch.
  - c. The material being burned is not prohibited under subsection III
- III. Open burning of the following materials is prohibited
  - a. Construction and demolition waste
  - b. Hazardous substances including, but not limited to, batteries, household chemicals, pesticides, used oil, gasoline, paints, varnishes, and solvents.
  - c. Furniture and appliances
  - d. Tires
  - e. Any plastic materials including, but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
  - f. 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.
- IV. Open burning of trees, logs, brush, stumps, leaves, and grass clippings is allowed only in accordance with all of the following provisions.
  - a. The burning does not create a nuisance
  - b. Open burning of trees, logs, brush, stumps, leaves, and grass clippings must be conducted at least 1,400 feet from an incorporated city or village.
  - c. Except for barbeque, gas, and charcoal grills. No open burning shall be undertaken during periods when the governor of Michigan has issued a burning ban applicable to the area.
  - d. All allowed open burning shall be conducted in a safe, nuisance-free manner, when wind and weather conditions minimize adverse effects and do not create a health hazard or a visibility hazard on roadways, railroads, or airfields. Open burning shall be conducted in a conformance with all local and state fire protection regulations.

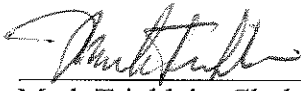
- e. Open burning shall be conducted only on the property on which the materials were generated.
- f. Campfires and small bonfires for cooking, ceremonies, or recreation are allowed provided they do not cause a nuisance.
- g. Open burning shall be constantly attended by a competent person
- h. No materials may be burned upon any street, curb, buffer or sidewalk.

V. Liability

- a. Any person utilizing or maintaining and outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

This Ordinance shall take immediate effect upon publication.

  
\_\_\_\_\_  
Kevin Wray, Supervisor  
Lincoln Township

  
\_\_\_\_\_  
Mark Trinklein, Clerk  
Lincoln Township

CERTIFICATION

The above Ordinance No. 12 was adopted at a meeting of the Lincoln Township Board on The 12th day of January, 2016 and published in the Midland Daily News on general circulation in the Township of Lincoln on the \_\_\_\_ day of \_\_\_\_\_, 2016