

**VILLAGE OF NEW HAVEN
COUNTY OF MACOMB, STATE OF MICHIGAN**

ORDINANCE NO. 393

**AN ORDINANCE REGULATING OUTDOOR BURNING
IN THE VILLAGE OF NEW HAVEN**

THE VILLAGE OF NEW HAVEN ORDAINS THE FOLLOWING:

SECTION 1: PURPOSE AND INTENT

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 New Haven by regulating the air pollution and fire hazards of outdoor burning.

SECTION 2: APPLICABILITY

This ordinance applies to all outdoor burning within the Village of New Haven.

- 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 device 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: DEFINITIONS

3.0 Definitions

- 3.1. "Campfire" means a small outdoor fire intended for recreation or cooking but not including a fire intended for disposal of waste wood or refuse.
- 3.2. "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.
- 3.3. "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 structure.

3.4. "Fire Chief" means the Chief of the Village of New Haven or other person designated by the Fire Chief.

3.5. "Municipality" means the Village of New Haven.

3.6. "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.

3.7. "Outdoor burning" means open burning or burning in an outdoor wood furnace or patio woodburning unit.

3.8. "Outdoor wood furnace" also known as an outdoor wood-fired boiler, outdoor wood-burning appliance, or hydronic heater, means a fuel-burning device that is designed to burn clean wood or other approved solid fuels and is not located within a building intended for habitation by humans or domestic animals.

3.9. "Patio wood-burning unit" means a chimenea, patio warmer, fire pit, or other portable wood burning device used for outdoor recreation and/or heating.

3.10. "Refuse" means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.

SECTION 4: GENERAL PROHIBITION ON OPEN BURNING

Open burning is prohibited in the Village of New Haven unless the burning is specifically permitted by this ordinance.

SECTION 5: OPEN BURNING OF REFUSE

5.00 Open burning of refuse.

5.1. Open burning of refuse from a residential, commercial or industrial building is prohibited.

5.2. Open burning of the following materials is prohibited.

5.2.1. Construction and demolition waste.

5.2.2 Hazardous substances including but not limited to batteries, household chemicals,

pesticides, used oil, gasoline, paints, varnishes, and solvents.

5.2.3. Furniture and appliances.

5.2.4. Tires.

5.2.5. Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic foam.

5.2.6. 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 6: OPEN BURNING OF TREES, LOGS, BRUSH, STUMPS, LEAVES, AND GRASS CLIPPINGS

6.00 Burning trees, logs, brush, stumps, leaves, and grass clippings.

6.1. Open burning of trees and logs with a larger diameter than five (5) inches is prohibited.

6.2. Except for barbecue, gas, and charcoal grills, no open burning shall be undertaken during periods when the Governor of Michigan, County Executive, or New Haven Fire Chief has issued a burning ban applicable to the area.

6.2.1. 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. Open burning shall be conducted in conformance with all local and state fire protection regulations.

6.2.2. Campfires and small bonfires for cooking, ceremonies, or recreation are allowed provided they do not cause a nuisance. Campfires are restricted to less than 4 ft x 4 ft in diameter.

6.2.3. Open burning under this section shall only be conducted at a location at least 15 feet from the nearest building which is not on the same property.

6.2.4. Except for campfires, open burning shall only be conducted between the hours of 10:00 AM and 6:00 PM.

6.2.5. Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age (or use another appropriate 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.

6.2.6. No materials may be burned upon any street, curb, gutter or sidewalk.

6.2.7. Except for barbecue, gas, and charcoal grills, no burning shall be undertaken within 15 feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief.

6.2.8. No open burning may be conducted on days when the Department of Environmental Quality has declared an "air quality action day" applicable to the Village of New Haven and/or the County of Macomb.

SECTION 7: 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 8: RIGHT OF ENTRY AND INSPECTION

The Fire Chief and any of the Chief's designees, authorized officer, agent or representative of the Village of New Haven with credentials are authorized to enforce the provisions of this ordinance and may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

8.1. The Fire Chief and any designees shall have the right to extinguish any fire not conducted, attended, supervised, or otherwise allowed to burn in accordance with this ordinance.

8.2. Any person, legal entity, or governmental entity who violates any of the provisions of this ordinance or fails to comply with an authorized order issued pursuant to this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute, and may be punishable by civil fine determined by Village ordinance. The Village of New Haven reserves the right to file in a court of local jurisdiction to compel compliance with this ordinance. Each day that a violation of this ordinance exists shall constitute a separate violation of the ordinance.

SECTION 9: EFFECTIVE DATE AND CONFLICTS

This Ordinance shall take full force and effect on the date of publication.

Any ordinance or part of any ordinance in conflict with this ordinance is repealed to the extent of the conflict.

Effective Date. This Ordinance shall not take effect before the twentieth day after its passage or before the date of its publication, whichever occurs first, pursuant to MCL 66.1.



Ann Pridemore

10/20/21

Date

President of the Village of New Haven

I, Rachel Whitsett, the undersigned Clerk of the Village of New Haven hereby certify that the foregoing ordinance was duly adopted by the Village Council for the Village of New Haven at a regularly scheduled council meeting held on October 12, 2021, by the following votes of the membership thereof:

Motioned by: B. Messer

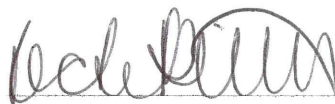
Seconded by: T. Barkowski

Ayes: B. Messer, T. Barkowski, M. Prucoli, M. Colley, C. Guerrero, A. Pridemore

Nays: Ø

Absent: J. Belanger

I, the undersigned Clerk of the Village of New Haven, do hereby certify that on: October 20, 2021, the foregoing ordinance, or summary thereof, was duly published in The Voice Newspaper, a newspaper having general circulation within the Village of New Haven, as well as the Village of New Haven website.



Rachel Whitsett
Village of New Haven Clerk

10/15/21

Date