

Ordinance No. 22

**BURN ORDINANCE**

**VILLAGE OF CONCORD  
JACKSON COUNTY**

*An ordinance to regulate the setting of fires, and to provide penalties for the violation thereof, and to provide a method for the collection of costs and expenses of the Village caused by the setting of fires.*

**THE VILLAGE OF CONCORD, JACKSON COUNTY, MICHIGAN, ORDAINS:**

**Section 1. Purpose.**

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

**Section 2. Applicability.**

- 2.1. This ordinance applies to all outdoor burning within the Village of Concord
- 2.2. This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- 2.3. 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.
- 2.4. 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.**

- 3.1. "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 Concord Fire Department.
- 3.5. "Municipality" means a county, township, city, or village.
- 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 wood-burning unit.
- 3.8. "Patio wood-burning unit" means a chimney, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.
- 3.9. "Village" means the Village of Concord.

#### **Section 4. Prohibition on open burning.**

Open burning of any and all materials is prohibited in the Village unless the burning is specifically permitted by this ordinance.

#### **Section 5. Patio Wood-Burning Units**

A patio wood-burning unit may be installed and used in the Village only in accordance with all of the following provisions:

- 5.1. The patio wood-burning unit shall not be used to burn refuse.
- 5.2. The patio wood-burning unit shall burn only clean wood.
- 5.3. The patio wood-burning unit shall be located at least 50 feet from the nearest structure which is not on the same property as the patio wood-burning unit.
- 5.4. The patio wood-burning unit shall not cause a nuisance to neighbors.

#### **Section 6. Campfires**

Campfires and small bonfires for cooking, ceremonies, or recreation are allowed provided they do not cause a nuisance and provided a campfire permit is first obtained from the Village official.

#### **Section 7. Fire Suppression Training**

Notwithstanding any other provisions this ordinance, structures and other materials may be burned for fire prevention training only in accordance with all of the following provisions.

- 7.1. The burn must be exclusively for fire prevention training. The burning shall not be used as a means to dispose of waste material including tires and other hazardous materials.

- 7.2. All asbestos must be removed prior to conducting the fire suppression training. If the structure is a residential dwelling, the owner may remove the asbestos or have it removed by a licensed abatement contractor. If it is a commercial building, all asbestos must be removed by a licensed abatement contractor. A listing of accredited individuals and companies licensed by the Department of Licensing and Regulatory Affairs Asbestos Program can be accessed at [www.dleg.state.mi.us/asbestos\\_program](http://www.dleg.state.mi.us/asbestos_program).
- 7.3. A notification of the demolition must be submitted to the Michigan Department of Environmental Quality, Air Quality Division at least 10 business days prior to burning a standing structure. The notification must be submitted using Form EQP 5661 "Notification of Intent to Renovate/Demolish."
- 7.4. All ash and demolished materials must be disposed of in an approved landfill or at an alternate location approved by the Michigan Department of Environmental Quality.
- 7.5. All fire suppression training should conform to the guidelines established by the National Fire Protection Association (NFPA) Standard on Live Fire Training Evolutions (NFPA 1403).

#### **Section 8. Burning Permits**

- 8.1. No person shall start or maintain any open burning, including campfires, without first obtaining a burning permit issued by the Village Office.
- 8.2. Any person, partnership, firm, association or corporation seeking a burning permit shall make application to the Village Office, which application shall state the name and residence of the applicant, the location of the lands and premises where such fire is to be set. Such application shall also state the reason for setting such fire.
- 8.3. If such application is approved, the Village Office shall immediately issue a permit to said applicant.
- 8.4. When weather conditions warrant, the Fire Chief may temporarily suspend issuing burning permits and may temporarily suspend previously issued burning permits for open burning.
- 8.5. A burning permit issued under this section shall require compliance with all applicable provisions of this ordinance and any additional special restrictions deemed necessary to protect public health and safety.
- 8.6. Any violation of the conditions of a burning permit shall be deemed a violation of this ordinance.
- 8.7. Any violation of this ordinance or the burning permit shall void the permit.

#### **Section 9. Liability**

Any person, partnership, firm, association or corporation who violates or fails to comply with any

provision of this ordinance or who sets an open fire which necessitates calling the Fire Department, or any other fire department, shall pay to Village for all fire suppression costs and any other costs resulting from damage caused by the fire, incurred by the Village by reason of calling the Fire Department or any other fire department. Further, the Village may sue in any court of competent jurisdiction for civil damages and may recover such costs and expenses incurred by them from any person, partnership, firm, association, or corporation who sets such open fire.

#### **Section 10. Right of Entry and Inspection**

The Fire Chief or any authorized officer, agent, employee or representative of the Village who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

#### **Section 11. Violations, Penalty and Nuisance.**

11.1. Any person violating any provision of this Ordinance shall be deemed responsible for a civil infraction. Penalties may be imposed in fines as follows:

- A. first violation \$100.
- B. second violation within a 4-year period \$125.
- C. third violation within a 4-year period \$250.
- D. fourth or subsequent violation within a 4-year period \$400.  
plus, the costs of prosecution.

11.2. In addition to the foregoing, any violation of this Ordinance shall be deemed a nuisance per se, permitting the Village Council, its officers, agents or any private citizen to take such action in any Court of competent jurisdiction to cause the abatement of such nuisance, including injunctive relief.

#### **Section 12. Severability.**

The several sections of this ordinance shall be deemed severable, and should any section, clause, or provision thereof be declared unconstitutional or contrary to the law of the State of Michigan, and therefore voided by any court of competent jurisdiction, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part or section so declared to be unconstitutional or invalid.

#### **Section 13. Repealer**

All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

#### **Section 14. Publication**

The Village Clerk shall publish this ordinance in the manner prescribed by law.

**Section 15. Effective Date**

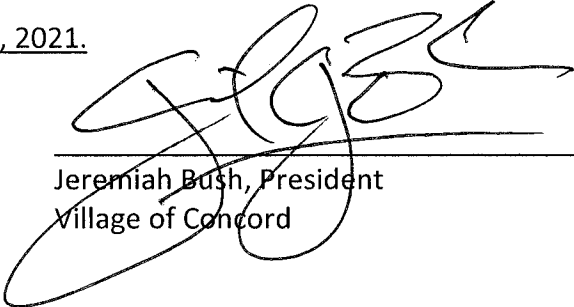
This ordinance shall become effective thirty (30) days after its publication, as required by law.

YEAS: J. Bush, J. Jackson, T. Norris, A. Meeks, M. Lovitt, K. George

NAYS: None

ABSENT/ ABSTAIN: T. Casey

ORDINANCE DECLARED ADOPTED ON March 23, 2021.




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Jeremiah Bush, President  
Village of Concord

**CERTIFICATE OF ADOPTION AND PUBLICATION**

I, Judy Lefere, the duly appointed Clerk of the Village of Concord certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Village Council of the Village of Concord on March 23, 2021 and published in the Salesman, a newspaper circulated in the Village of Concord on April 11, 2021.



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Judy Lefere, Clerk  
Village of Concord