

**CHARTER TOWNSHIP OF GRAND RAPIDS
COUNTY OF KENT, MICHIGAN**

ORDINANCE NO. 486

**AN ORDINANCE TO REGULATE BURNING AND THE BURNING OR
ACCUMULATION OF TRASH AND GARBAGE AND TO REGULATE
THE PLACEMENT OF TRASH AND GARBAGE CONTAINERS WITHIN
THE TOWNSHIP OF GRAND RAPIDS AND PROVIDING FOR
PENALTIES FOR THE VIOLATION THEREOF.**

THE CHARTER TOWNSHIP OF GRAND RAPIDS ORDAINS:

Section I. Definitions.

(a) “Approved incinerator” shall mean an incinerator that has received a “Certificate of Approval” pursuant to this Ordinance.

(b) “Garbage” means waste resulting from the processing, handling, preparation, sale, or consumption of food.

(c) “Person” shall mean any legal entity, including an individual, corporation, partnership, or association.

(d) “Recreational fire” means a fire that is located outside and that is contained in a fire pit or outdoor fireplace.

(e) “Trash” is all waste material, except garbage, including grass and leaves, twigs and branches of trees or shrubs, and any discarded material no longer used for its intended purpose.

Section 2. Burning Prohibited. No person shall burn or allow the burning of any trash or garbage upon any premises within the Township unless such burning shall take place in a fireplace, furnace, approved incinerator, or other receptacle constructed for that purpose located inside a dwelling or other building, except as hereinafter provided.

Section 3. Recreational Fires. Recreational fires are permitted in the Township provided the following conditions are met:

(a) Fire pits and outdoor fireplaces must be located at least 25 feet from all structures, on dirt or another noncombustible surface, and all combustible material must be cleared at least five feet from the outermost edge of the fire pit or outdoor fireplace; provided, however, that a portable outdoor fireplace may be stored elsewhere when not in use.

(b) The area of a fire pit and outdoor fireplace may not be larger than three feet by three feet. Fire pits must include a fire-retaining ring at least 12 inches in height, and outdoor

fireplaces must be enclosed on all sides with a protective screen or other noncombustible material.

(c) Recreational fires must be clean burning and built only from dry, cut timber no longer than 24 inches and no larger than four inches in diameter.

(d) No garbage, yard waste, building materials, or trash may be burned, except as otherwise permitted under subsection (c).

(f) A person at least 21 years of age must supervise a recreational fire at all times.

(g) An extinguishing agent must be kept within 10 feet of a recreational fire. Suitable extinguishing agents include a fire extinguisher with a minimum 4-A rating, an operable garden hose, or a pile of sand capable of extinguishing the recreational fire.

(h) Recreational fires must be extinguished by midnight.

(i) The Fire Department may extinguish or order the extinguishment of a recreational fire that it determines is a potential fire or safety hazard.

Section 4. Accumulation of Trash or Garbage. No person shall allow trash or garbage to accumulate unreasonably on any premises that the person owns or occupies, or in violation of any Township ordinance, and it shall be the responsibility of each owner or occupant to provide for the periodic removal of trash and garbage to an area where it may be lawfully disposed of and which is licensed to receive it.

Section 5. Placement of Trash and Garbage Containers. No receptacle or other device used or intended to be used to contain, store, or receive trash or garbage shall be kept in the front of a building on any premises within the Township except for such brief periods of time (which shall not exceed 24 hours) as may be necessary to allow for the pick-up and removal of the trash or garbage contained therein; provided, however that it shall be lawful to keep such containers within any garage or other building regardless of the location of such garage or building upon the premises.

Section 6. Approved Incinerators

(a) Trash or garbage may be burned in an approved incinerator.

(b) Upon application, the Building Official may issue a certificate approving the use of certain incinerators. Such approval shall be issued only upon a satisfactory showing by the applicant that: (i) the combustion chamber of the incinerator is completely enclosed and vented through a chimney or stack; (ii) the incinerator is designed and constructed to prevent the emission of noxious odors; (iii) the incinerator will not emit smoke, fly-ash, or other air contaminants in unreasonable quantities or to such extent as to be detrimental to the health or welfare of the community; and (iv) the incinerator otherwise complies with all other applicable laws and regulations.

(c) Any Certificate of Approval issued pursuant to this Ordinance may be revoked upon 30-days written notice to the applicant whenever it appears that the requirements of subsection (b) are not being met.

Section 7. Burning on Large Tracts. It shall be lawful for a person, after first obtaining a permit issued by the Fire Department, to burn trash upon premises owned or occupied by such person if such premises are of such size and so situated that the burning take place at least 300 feet from the nearest public street or highway, at least 500 feet from the nearest building owned or occupied by any other person, and at least 100 feet from any building located on the premises; provided, however, that this Section shall not be construed to permit the operation of a dump or similar ongoing commercial operation upon premises that meet the above specifications.

Section 8. Special Exceptions. Whenever it shall appear that a large amount of trash has accumulated upon certain premises, that the disposal of such trash is necessary to the health and welfare of the Township, that the premises are such that trash will not continue to accumulate after it is once disposed of, and that it is unreasonable to require the disposal of the trash by some method other than burning, the Fire Department may issue a permit for the burning of such trash; provided, however, that such permit shall not be issued unless the burning meets all of the distance requirements set forth under Section 7 of the Ordinance.

Section 9. Penalty.

(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 court, 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 within 12 months 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.

(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 Director of Public Safety are authorized to issue municipal civil infraction citations for violations of this Ordinance, as permitted by the Grand Rapids Charter Township Municipal Civil Infraction Ordinance.

Section 10. Cost Recovery: Imposition of Lien; Other Remedies.

(a) Cost Recovery. 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 may include, but are not limited to, hourly charges for Fire Department equipment as established from time to time by the Township Board or Director of Public Safety, the wages, salaries, fringe benefits, and insurance of fire fighters responding to the fire, and the costs of billing and collecting such expenses, including actual attorney fees. The Township 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 fraction thereof, as a lien on property owned by the responsible party. The lien shall be placed on the Township's next tax roll.

(b) Other Remedies. In addition to the cost recovery provided for in subsection (a), the Township may take any other appropriate action to collect expenses imposed under this Ordinance. Recovery of such expenses does not otherwise limit the liability of a responsible party under local ordinance or state or federal law, rule, or regulation.

Section 11. State Statutes. This Ordinance shall not be construed to prevent the disposal of trash or garbage pursuant to and by those licensed under state law.

Section 12. Repeal of Prior Ordinances. This Ordinance repeals Ordinance No. 14, as amended by Ordinance Nos. 233, 320, 325, 359, and 376, all of which together relate to burning, the burning or accumulation of trash and garbage, and the regulation of the placement of trash and garbage containers. Any other ordinance or part thereof in conflict with this Ordinance is repealed to the extent of such conflict.

Section 13. Severability. If any portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall remain valid.

Section 14. Publication and Effective Date. This Ordinance or a summary of its regulatory effect shall be published in a newspaper of general circulation in the Township within 30 days after adoption. The Ordinance shall become effective immediately upon publication.