

**TOWNSHIP OF NEW BUFFALO  
BERRIEN COUNTY, MICHIGAN**

**OPEN BURNING ORDINANCE**

AN ORDINANCE TO ESTABLISH OPEN BURNING REGULATIONS FOR NEW BUFFALO TOWNSHIP IN ACCORDANCE WITH THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, PART 55, PUBLIC ACT 451 OF 1994 R 336.1310 AND PENALTIES FOR VIOLATIONS THEREOF.

THE TOWNSHIP OF NEW BUFFALO, BERRIEN COUNTY, MICHIGAN ORDAINS:

**SECTION 1. TITLE**

This ordinance shall be known and cited as the Open Burning Ordinance.

**SECTION 2. REGULATIONS**

Burning is only allowed as follows in New Buffalo Township:

- (A) A burning permit for brush and leaves only must be obtained from the New Buffalo Township Clerks Office prior to burning.
- (B) A person shall not cause or permit open burning of refuse, garbage, or other waste materials.
- (C) No building materials of any kind or structures shall be burned.
- (D) Burning must be done in daylight hours only. The fire must be completely out and not left smoldering overnight.
- (E) A person must be in attendance of the fire at all times.

**SECTION 3. EXEMPTIONS**

The following are exempt from the above regulations:

- (A) Structures and other materials used exclusively for fire prevention and training by the New Buffalo Township Fire Department under permit through the Controlled Burn Structures Policy of New Buffalo Township.
- (B) Beekeeping equipment and products, including frames, hive bodies, hive covers, combs, wax, and honey when burned for bee disease control.
- (C) Logs, brush, charcoal, and similar materials for the purpose of food preparation or recreation.
- (D) Waste disposal of material from and at 1 or 2 family dwellings where the burning does not violate other commission rules.

**SECTION 4. PENALTIES FOR VIOLATIONS**

- (A) Civil Fines. Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a municipal civil infraction. Any person or other entity who violates any of the provisions of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and is subject to payment of a civil fine of not less than Twenty Five Dollars and not more than Five Hundred Dollars for each infraction.

**SECTION 5. EFFECTIVE DATE**

This Ordinance shall take effect and be in force from and after date of publication.

**SECTION 6. PUBLICATION**

This Ordinance is ordered to be given publication in the manner prescribed by law.

**SECTION 7. ADOPTION DATE**

This Ordinance is hereby declared to have been adopted by the Township Board of New Buffalo, Berrien County, Michigan at a meeting of said Board held on the 18<sup>th</sup> day of March, 2002.

**MOTION TO ADOPT ORDINANCE**

Motion by Rahm and supported by Zabicki that the foregoing Ordinance be adopted.

Roll Call Vote

Yes: Rahm, Braden, Steinke, Conway, Zabicki

No: None

Ordinance declared ADOPTED March 18<sup>th</sup>, 2002.

## CERTIFICATION

I hereby certify that the foregoing is a true copy of the New Buffalo Township Open Burning Ordinance, which was duly adopted by the Township Board of New Buffalo, Berrien County, Michigan, on March 18<sup>th</sup>, 2002, and this Ordinance was published in the New Buffalo Times on March 27<sup>th</sup>, 2002.

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Judith Handley Zabicki  
New Buffalo Township Clerk