

VILLAGE OF MENDON
COUNTY OF ST. JOSEPH
STATE OF MICHIGAN
ORDINANCE #153

AN ORDINANCE AMMENDING ORDINANCE #119
OPEN BURNING/STORAGE OF TRASH, RUBBISH, LEAVES, BRUSH AND WASTE.

PURPOSE: It is the purpose of this article to regulate open burning within the Village of Mendon limits so as to protect the integrity of the air quality and to promote the health, welfare and safety of the citizens of the Village of Mendon. It is further intended to regulate the storage and disposal of trash, rubbish, leaves, brush and waste.

SECTION 1- RESIDENTIAL OPEN BURNING: Open fires, referred to as campfires and bonfires, used for cooking or recreation made from wood, trees, branches, kindling, wood chips, boxes, be compressed wood or other products are permitted on single family residential properties.

Campfires: MUST be contained within a confined area no more than 3 feet in width and no more than 3 feet in height and maintained in a safe manner.

Bonfires: Must be no more than 5 feet in width and 8 feet in height and must have someone in attendance at all times until the fire is extinguished.

The open burning of household waste materials on single family properties is permitted; subject to the following restrictions:

1. Allowable burning material shall include only paper products and/or wood by-products such as leaves and brush that will burn rapidly and not result in smoldering fires. (Defined as household waste)
2. >No such burning shall be done prior to 7:00AM and must not be continued after 9:00PM on any day.
3. >No burning shall be done in the Village of Mendon except on Tuesdays, Thursdays and Saturdays. Burning is prohibited on Mondays, Wednesdays, Fridays, Sundays, and Halloween evening.
4. >No such burning shall be done where its maximum size cannot be controlled by one (1) person of mature years and discretion.
5. >No such burning shall be done at any time or place when wind conditions will create or be apt to create a health and/or safety issue to anyone or the property of anyone in the vicinity thereof, or be a danger to the property of any person in the vicinity thereof.
6. >No garbage, food waste, plastic, vinyl rubber products or combination of wastes shall be burned at any time. By combination of wastes this ordinance means to infer garbage mixed with allowable burning material.
7. >No fire shall be lit or maintained within fifteen (15) feet of any building, structure, fence or other flammable material.
8. >No substance or waste matter shall be burned which discharges a dangerous or poisonous gas, ash or smoke.

9. Burning of household waste shall be in a household container as defined as a container constructed of steel, brick or masonry no larger than two feet in width and no more than five feet in height with proper venting at the bottom.
10. Household containers shall be limited to one per household and shall be kept at the rear or side of the property.
11. Burning is prohibited upon any public street, sidewalk or alleyway.

SECTION 2. NON-RESIDENTIAL OPEN BURNING:

- A. All open burning is prohibited at commercial and industrial sites and on multiple residential properties within the Village of Mendon with the exception of campfires or bonfires within multiple residential properties.

SECTION 3. VILLAGE BURNING BAN:

- A. The Fire Chief, his designee, the Michigan Department of Natural Resources or other local, county, state or federal agency may prohibit any types of fires when atmospheric conditions make such fires hazardous.

SECTION 4. UNLAWFUL STORAGE OF WASTE:

- A. All discarded trash, rubbish or waste being held or stored for proper disposal shall be kept in a receptacle or container designed to contain this waste. All receptacles or containers MUST be kept covered.
- B. No trash or waste that is being held or stored for proper disposal shall be left as to become a nuisance, as to create a foul odor to those surrounding the immediate area, or to attract animals, bugs or insects.
- C. All trash, rubbish or waste that is being held or stored for proper disposal shall be kept at the rear of the property or residence (or enclosed in a garage or structure) and SHALL NOT be set at the curbside until within 24 hours of the designated pick up of the waste being held or stored. Receptacles MUST be removed from curbside within 12 hours after pickup. If it is not possible to place the receptacle at the rear of the property, special permission must be obtained from the Village of Mendon for an alternate location of said receptacle.
- D. It shall be unlawful for any person, firm or corporation to store or permit the storage or accumulation of trash, rubbish or waste on any property within the Village of Mendon, except within a completely enclosed building, garage or upon the premises of a properly zoned properties.

SECTION 5. ABATEMENT OF PUBLIC NUISANCE:

- A. The storage or accumulation of trash, rubbish or waste is hereby determined to constitute a public nuisance and contrary to the public peace, health, safety and general welfare of the Village of Mendon. In addition to the penalties herein stated, the Village Zoning Administrator, Chief of Police and/or certified police officer may remove or cause to be removed any trash, rubbish or waste on private property not otherwise within an enclosed building or structure, after having notified in writing of this intention to do so at least 48 hours in advance. The fair and reasonable costs and expenses to the Village of Mendon shall constitute a charge against the owner or occupant of the affected properties.

SECTION 6. The prohibitions of this Ordinance shall not apply to:

- A. The burning of wood, charcoal or any other accepted fuel for the preparation of food in any form in an approved container or utensil manufactured for the purpose of food preparation while such container or utensil is being used in a safe and sanitary manner.
- B. The use of approved gaseous or liquid fired heaters commonly employed in conjunction with building and construction operations while being used in accordance with accepted and safety standards.
- C. Roofers, plumbers and other tradesmen pursuing a business requiring the use of fire or for the purpose of boiling tar, pitch, asphalt or oil used in the regular course of appropriate business or trade and while being used in a safe and sanitary manner and conforming to all other applicable codes.

SECTION 7. RELATIONSHIPS OF ARTICLE TO OTHER GOVERNMENTAL RULES AND REGULATIONS:

This article is effective in the Village of Mendon and shall be superseded only by more restrictive rules and regulations enacted and enforced by the United States Government, The State of Michigan, or other governmental bodies with legal jurisdiction within the Village of Mendon.

SECTION 8. PENALTY FOR VIOLATION OF ARTICLE:

A violation of this ordinance shall be deemed as a civil violation under ordinance #133 titled Municipal Civil Infraction; subject to a fine of not less than \$50.00 for a first offense and not more than \$500.00 for continuous violations.

SECTION 9. EFFECTIVE DATE:

This ordinance shall become effective 30 days from the date of publication as required by law.

Members Voting AYE - 4 Nay - 2 Absent - 1

This ordinance is hereby adopted this 9th Day of May 2011.

Kitty Buchner/Village President Betty Stienbarger/Village Clerk

I hereby certify that this is a true copy of an ordinance #153 adopted by the Village Council at a meeting held on May 09, 2011.

Betty Stienbarger/Village Clerk