

**SUPERIOR CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN**

**ORDINANCE #105, AS AMENDED  
~~as a~~ Amended by Ordinance #176 on November 3, 2008  
Amended by Ordinance #182 on January 17, 2012**

**BURNING ORDINANCE**

**THE TOWNSHIP OF SUPERIOR, WASHTENAW COUNTY, STATE OF  
MICHIGAN, ORDAINS:**

**Section 105.01. Purpose**

The purpose of this ordinance is to provide for the protection of the health, safety, and welfare of Township residents; to protect property from exposure to the dangers of fire; to minimize unnecessary runs by the Township Fire Department; to provide for the enforcement of this ordinance; and to fix penal fines for violations of the provisions of this ordinance. Recycling is encouraged.

**Section 105.02. Definitions**

The words defined in this section shall have the meanings ascribed to them in this section:

"Brush" means loose branches and twigs generated by trimming or storms on the property.

"Garbage" means rejected food wastes including waste accumulations of animal, fruit, or vegetable matter used or intended for food; or wastes that attend the preparation, use, cooking, dealing in, or storing of meat, fowl, fish, fruit, or vegetable matter.

"Open burning" or "open fire" means an outdoor fire on open ground.

**Section 105.03. Permissible Fires**

A person shall not ignite, cause or permit to be ignited, allow or maintain an outdoor fire except as provided in this section.

1. The following types permitted if they are conducted in accordance with the conditions specified in ~~section IV~~ Section 105.04 of this ordinance:

A. Burning of brush, logs, stumps, trees, untreated lumber, or other plant material.

B. Burning of agricultural ~~or beekeeping~~ wastes as permitted by rules promulgated by the MDEQ or by State law ; ~~or burning for the control of crop disease provided the County agricultural agent has issued a permit for such burning.~~

2. The following types of fires are permitted if they are placed more than twenty feet from any building:

A. A fire set for recreational cooking or non-commercial cooking of food.

B. A fire set in a salamander or other device used for heating by construction or other workers whose work is primarily outdoors.

C. Burning of small amounts of household dry waste paper in an enclosed incinerator which complies with the Air Pollution control Commission rules and regulations.

3. A fire may be set in performance of an official duty by any fire department officer if the fire is necessary for one or more of the following reasons or purposes:

A. For the prevention of a fire hazard that cannot be abated by other means.

~~B.~~ For the instruction of public firefighters or industrial or commercial employees under proper supervision of a qualified instructor. Such a program shall be outlined in writing and submitted to the Fire Chief for his review and approval at least 48 hours prior to the instruction program. The program outline shall clearly state the purpose and parameters of the program.

#### **Section 105.04. Regulations**

OPEN BURNING of brush, logs, stumps, untreated lumber, and other waste plant material, and the burning of agricultural and beekeeping waste is subject to the following regulations:

1. No open burning shall be done without a valid burning permit. On the day of the intended burning, an application for a burning permit shall be made to the Superior Township Fire Chief or his representative by the applicant ~~in person~~ by calling 484-1996. The applicant shall give his name, address, and phone number, a description of the materials to be burned, and the time of the intended burning. If the Fire Chief or his representative denies the application for a permit, the reason for the denial must be given. If the application is granted, the permit number will be given over the telephone to the applicant, and the permit will be valid only for the day the request is made. Any subsequent burning will require additional permits on a day-to-day basis. The Fire Chief or his representative may issue special permits for open fires in agricultural areas that will last more than one day.

2. No material may be brought onto a site for the express purpose of burning it.

3. The burning of garbage, tires and rubber products, is strictly prohibited.

4. Burning is permitted only during daylight hours except when a special permit has

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been issued permitting a fire that will last more than one day.

5. Adult supervision of open fires is required.

6. Open fires must be twenty feet or more from any building and twenty feet or more inside the permit holder's property line.

7. Due to the density and the danger of fires spreading and smoke and fumes creating a nuisance, no permits shall be issued for any location in Sections 33, 34 or 35 of the Township, ~~also portions of Section 36, with density (R-4) with four or more homes per acre.~~

8. Due to the density and the danger of fires spreading and smoke and fumes creating a nuisance, no permits shall be issued for any location in Sections 19 or 36 of the Township, except for burning of agricultural wastes as permitted by rules promulgated by the MDEQ or by State law.

#### **Section 105.05. Appeals**

Whenever the Chief of the Fire Department or his representative shall refuse to grant a permit applied for, or when it is claimed that the provisions of the ordinance do not apply or that the true intent and meaning of the ordinance has been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Chief of the Fire Department or his representative to the Superior Charter Township Board.

Such an appeal shall be in writing, citing the nature of the original request, the reason such request was denied a permit, and the remedy sought through the appeal. The appeal shall be made within seven (7) days of the denial, and the Board shall receive and respond to the appeal at their next regularly scheduled Board meeting.

#### **Section 105.06. Penalty for Violation**

Any person, corporation, or other legal entity, including an officer, director, or employee, who violates any provision of this Ordinance, or who shall fail to do what is required by the terms of the Ordinance, is responsible for a municipal civil infraction and shall pay a civil fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) plus costs and attorney fees, and is subject to other sanctions as provided for under Chapter 87 of the Revised Judicature Act, P.A. 236 of 1961, being MCL §600.8701 et. seq., as amended.

#### **Section 105.07. Enforcement**

This ordinance shall be deemed an exercise of the police powers of Superior Charter Township for the preservation and protection of the public health, safety, and welfare. It

shall be the duty of the Zoning/Ordinance Officer to enforce the provisions of this ordinance. Citizen complaints and reports of violations shall be directed to the Zoning/Ordinance Officer and/or the Fire Department.

**Section 105.08. Effective Date; Publication**

~~This Ordinance shall be published in the *Ypsilanti Press*, a newspaper having general circulation in said Township and shall become effective upon publication on August 31, 1989 and amended by Ordinance 176, effective November 3, 2008, published pursuant to Section 8 of the Charter Township Act, being MCL 42.8 by posting in the Office of the Clerk, 3040 N. Prospect, Ypsilanti, 48198, and on the Township website — [www.superior-twp.org](http://www.superior-twp.org) — with notice of such in *The Ypsilanti Courier*, a newspaper of general circulation in the Township, qualified under state law to publish legal notices, and the same shall be recorded in the Ordinance Book of the Township, and such recording authenticated by the signatures of the Supervisor and Clerk.~~

This Ordinance shall be published by posting in the Office of the Clerk, 3040 N. Prospect, Ypsilanti, 48198, and on the Township website – [www.superior-twp.org](http://www.superior-twp.org) – pursuant to Section 8 of the Charter Township Act, being MCL 42.8, 3(b) within 30 days following the final adoption thereof. This Ordinance shall become effective immediately upon said publication and the same shall be recorded in the Ordinance Book of the Township, and such recording authenticated by the signatures of the Supervisor and Clerk.

**CERTIFICATION**

I, David Phillips, the duly qualified Clerk of the Charter Township of Superior, Washtenaw County, Michigan, do hereby certify that the foregoing is a true and correct copy of Ordinance 183 adopted for final reading at a regular meeting of the Superior Charter Township Board held on January 17, 2012.

David Phillips, Superior Charter Township Clerk

William McFarlane, Superior Charter Township Supervisor