

ORDINANCE NO. 13-03

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE VILLAGE OF BROOKLYN, MICHIGAN; AMEND CHAPTER 34 (FIRE PREVENTION AND PROTECTION), ARTICLE III (BURNING OF WASTE MATERIALS); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND PORTIONS THEREOF; AND PROVIDING AN EFFECTIVE DATE.

THE VILLAGE OF BROOKLYN ORDAINS:

*SECTION 1 of the Ordinance*

CHAPTER 34 – FIRE PREVENTION AND PROTECTION

Article III. Burning of Waste Materials

**Sec. 34-42. – Inside building or structure.**

No such burning shall be permitted inside a building or structure unless the burning is done in a stove, furnace or incinerator approved by the [mechanical inspector](#) fire chief of Columbia Township.

**Sec. 34-43. - Outside of buildings.**

No such burning is permitted outside of buildings or structures in the village, unless [in accordance with ALL](#) all of the following conditions prevail:

- (3) *Time.* No such burning shall be done prior to [sunrise](#) 7:00 a.m. and must not be continued after [sunset](#) 7:00 p.m. in any one day.
- (4) *Size.* No such burning shall be done [in an area exceeding 15 square feet \(three-foot circular\)](#), where its maximum size is not controllable by one person of mature years and discretion.
- (5) *Nuisance.* No burning shall be done at any time or place of garbage, refuse (other than paper [or](#), cardboard or wood products), [construction waste](#) or any materials which when burning give off foul or obnoxious odors or a dense smoke or when wind conditions will create or be apt to create a nuisance to anyone or the property of anyone in the vicinity thereof.
- (6) *Fires.* The village council may prohibit or its delegated agent may prohibit [such](#) bonfires and outdoor fires when atmospheric conditions or local circumstances [are deemed, in their sole discretion, to](#) make such fires hazardous in his discretion.

**Sec. 34-44. - Burning of yard waste prohibited.**

No person shall cause or permit the burning of yard waste, including leaves, grass clippings, vegetable or other garden debris, [unseasoned or live](#) shrubbery, of brush, or tree clippings or similar materials, to occur upon any privately owned premises or any public place [unless in accordance with village council approved burn days](#).

**Sec. 34-47. - Recreational fires.**

Recreational fires, including bonfires, on private property are permitted when in a fire pit, fireplace, or other enclosure designed for recreational fires subject to the following provisions:

- (1) [No burning shall e allowed within 20 feet of an existing building or five feet of a property line if no building is near. No burning shall be permitted on any paved surface unless within an approved containment areas as noted below.](#)The location meets the requirements of subsection [34-43\(1\)](#).
- (2) [Burning shall be done in containers or areas with nonflammable containment rings measuring less than](#) The burning material does not occupy an area in excess of 15 square feet (a three-foot circular area) [in area](#).
- (4) Only clean, untreated wood products ([including seasoned/dead shrubbery, brush or tree clipping](#)) or commercially produced fuel products are burned.

### ***SECTION 2 of the Ordinance***

All other ordinances or parts of ordinances which are inconsistent or in conflict herewith are hereby repealed to the extent of such inconsistency or conflict.

### ***SECTION 3 of Ordinance***

The various parts, sections and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

### ***SECTION 4 of Ordinance***

This Ordinance is hereby declared to have been adopted by the Village Council of the Village of Brooklyn at a meeting thereof duly called and held on the 12<sup>th</sup> day of August, 2013, and ordered to be given publication in the manner prescribed by the Village of Brooklyn.

### ***SECTION 5 of Ordinance***

A summary of this Ordinance shall be published in a newspaper of general circulation in the Village of Brooklyn, and shall become effective upon publication, as provided by law.

Ayes:

Nays:

Ordinance declared adopted.

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J.B. DeJeu, Village President  
Village of Brooklyn

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Michael Kozar, Village Clerk  
Village of Brooklyn