

TOWNSHIP OF CALEDONIA OUTDOOR AND OPEN BURNING ORDINANCE

Ordinance Number: 10 – 01

An Ordinance to promote the public health, safety and general welfare of the citizens of the Township of Caledonia and to safeguard comfort and living conditions by regulating air pollution and fire hazards of open burning and outdoor burning.

SECTION 1. Purpose

It is the purpose of this Ordinance to regulate the types of outdoor and open burning within the Township and to promote the public health, safety and general welfare of the citizens of the Township of Caledonia.

SECTION 2. Applicability

This Ordinance applies to all outdoor burning and open burning within the Township of Caledonia in the Residential (R), Residential Lakeshore (RL) and Lakeshore Development (LS) Districts.

- A. This Ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- B. This Ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.
- C. This Ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.
- D. Section 321 in the Rural Zoning Ordinance contains the Outdoor Furnace Requirements.

SECTION 3. General Prohibition on Outdoor Burning and Open Burning

Open burning and outdoor burning are prohibited in the Township of Caledonia in the Residential (R), Residential Lakeshore (RL) and Lakeshore Development (LS) Districts unless the burning is specifically permitted by this Ordinance.

SECTION 4. Open Burning of Refuse

- A. Open burning of refuse is allowed in all Districts if the following conditions are met:
 - (1) The burning does not create a nuisance.
 - (2) The burning is conducted in a container constructed of metal or masonry with a metal covering device that does not have an opening larger than $\frac{3}{4}$ inch.
 - (3) A permit to burn is obtained from the DNRE.
- B. The material being burned is not prohibited under subsection C.
- C. Open burning of the following materials is prohibited:

- (1) Construction and demolition waste.
- (2) Hazardous substances including but not limited to batteries, household chemicals, pesticides, used oil, gasoline, paints, varnishes and solvents.
- (3) Furniture and appliances.
- (4) Tires.
- (5) Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic films and plastic containers.
- (6) Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

SECTION 5. Patio Wood-Burning Units

Patio wood-burning units may be installed and used in all Districts with all of the following provisions:

- A. Patio wood-burning units shall not be used to burn refuse.
- B. Patio wood-burning units shall burn only clean wood.

SECTION 6. Campfires

Campfires are permitted in all Districts.

SECTION 7. Burning of Natural Materials

The burning of natural materials are permitted in all Districts. A permit to burn must be obtained from the DNRE.

SECTION 8. Severability

If any section, subsection, clause, paragraph or provision of this Ordinance shall be adjudged invalid by a court of competent jurisdiction, such adjudication shall only apply to the said portion thereof adjudicated invalid, and the full remaining portions or parts of this Ordinance shall remain in full force and effect.

SECTION 9. Publication

The Township Clerk shall publish this Ordinance in the manner required by law, including notice of the fact that a complete copy of this Ordinance is available at the office of the Clerk for inspection by the public at all times.

SECTION 10. Effective Date

This Ordinance shall become effective thirty (30) days after publication.

Date of Publication: May 19, 2010

Effective Date of Ordinance: June 18, 2010

DEFINITIONS FOR OUTDOOR AND OPEN BURNING ORDINANCE:

Campfire: A small outdoor fire intended for recreation or cooking but not intended for disposal of waste wood or refuse.

Clean Wood: Natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.

Construction and Demolition Waste: Building waste materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging and rubble from construction, remodeling, repair and demolition operations on a house, commercial or industrial building, or other structure.

Natural Materials: Trees, logs, brush, stumps, leaves and grass clippings.

Nuisance: Any foul or offensive odor or smoke emission that is reasonably offensive to occupants of surrounding property.

Outdoor Burning: Open burning or burning in an outdoor wood-fired boiler or patio wood-burning unit.

Outdoor Wood-Fired Boiler: A wood-fired boiler, stove or furnace that is not located within a building intended for habitation by humans or domestic animals.

Patio Wood-Burning Unit: A chimnea, patio warmer or other portable wood-burning device used for outdoor recreation and/or heating.

Refuse: Any waste material except trees, logs, brush, stumps, leaves and grass clippings.