

Resolution to Pass Open Burning Ordinance # 68 and
to Rescind the Open Burning Ordinance # 51

Minutes of a Regular meeting of the Village Council of the Village of Suttons Bay,
Leelanau County, Michigan, held on the 18th day of August, 2003 at
5:30 o'clock PM, Eastern Standard time.

Present: Members Mawby, Herman, Mentzer, Schaub, Einhorn, Bahle

Absent: Members Harrison

The following resolution was offered by Member: Bahle
and seconded by Member Schaub

It is resolved that the Village Council of Suttons Bay does hereby adopt the following
Open Burning Ordinance #68. It is further resolved that upon passing Open
Burning Ordinance #68, Open Burning Ordinance # 51 shall be repealed in it's
entirety.

PRESENT:
Members Mawby, Herman, Mentzer, Schaub, Einhorn, Bahle

ABSENT:
Members Harrison

This resolution was offered by Member Bahle

And supported by member Schaub

Definitions: The following words and terms shall have the corresponding meanings for
the purpose of this Ordinance.:

1. Open Burning Open Burning means any fire wherein the products of combustion
are emitted into the open air and are not directed through a stack or chimney or an
approved incinerator.
2. Operator: An operator is a person who has care, custody, or control of a building
or real property, or a portion thereof, with or without knowledge of the owner.
3. Owner: An owner is a person who has all or any part of the ownership interest of
a building or real property
4. Allowable Open Burning Receptacles: Open burning may be conducted on
household outdoor grilles and barbeques and at grilles provided at Village parks
and beaches.

ALLOWED OPEN BURNING. This ordinance does not prohibit open burning of very
short duration which is incidental to a lawful activity, such as burning of wood, charcoal
or other acceptable fuel for preparing of food in an approved container while being used
in a safe and sanitary manner.

AUTHORITY TO EXTINGUISH. The Fire Chief or an authorized representative of the Fire Chief, may extinguish open burning and enter onto public or private property for the purpose of extinguishing open burning which is conducted contrary to this Ordinance or in an unsafe manner.

ALLOWED CAMPFIRES:

- A campfire may be allowed only on private property if the campfire is contained in an area no more than 3 feet in circumference and is surrounded by metal edge, rocks or bricks.
- All combustible ground cover (brush, dead grass, etc.) is removed at least 10 feet from all sides around the camp fire.
- Flames are not permitted to exceed 3 feet in height.
- The fire is at least 15 feet from any structure
- The fire is attended at all times and completely extinguished prior to being left unattended.
- Only firewood or charcoal is burned. (No lumber, paper, cardboard, household refuse, etc.)

STANDARDS FOR ALLOWED OPEN BURNING & CAMPFIRES.

Permission for open burning allowed by this Ordinance shall be given only if the following standards are met:

1. The fire will not cause any general safety hazard.
2. The fire will not endanger any overhead obstructions.
3. The fire is not in such proximity to structures, vegetation or lot lines as to constitute a hazard or nuisance.
4. The fire or smoke will not adversely affect neighbors or the public.
5. The fire will emit no objectionable emissions into the air, causing pollution, nauseous odors, or visual obstruction.
6. It is clear that the nature of the fuel or the items to be burned will cause no nuisance of hazard to health or safety.
7. There will be present at all times, responsible individuals to monitor and maintain safety surrounding the fire.
8. The Michigan Department of Natural Resources Fire Conditions would permit the fire.
9. The remains of the fire once it is extinguished, will cause no damage to property, further pollution or safety hazard.

PENALTIES: Any person violating the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall upon conviction thereof, be subject to a fine of not more than \$100.00 or by imprisonment in the Leelanau County jail of 30 days, or who sets an open fire which necessitates calling the Suttons Bay/Bingham Fire Department.

EFFECTIVE DATE: This Ordinance shall take effect 30 days after publication in the Leelanau Enterprise.

This resolution is hereby reflected in the minutes of the regular meeting of the Village Council of the Village of Suttons Bay, County of Leelanau, State of Michigan, held at the Village Offices on the 18th day August, 2003, at 5:30 PM, Eastern Daylight Time.

AYES: Members All

NAYS: Members None

Derith A Smith

Village Clerk
VILLAGE of SUTTONS BAY

8-27-03

Date