

REVISED ORDINANCE NO. 63

THIS ENACTMENT IS A REVISION RENUMBERING AND REPLACING ORDINANCE NO. 1994-2, FIRST ENACTED ON SEPTEMBER 19, 2006, BEING A REVISED ORDINANCE FOR THE REGULATION OF OPEN BURNING WITHIN THE VILLAGE OF SHERIDAN; AND TO REPEAL AND OR REVISE PRIOR ORDINANCES.

THE VILLAGE OF SHERIDAN, MONTCALM COUNTY, MICHIGAN ORDAINS:

CHAPTER 63.1 ESTABLISHMENT AND RENUMBERING OF REVISED ORDINANCE

63.101 This Revised Ordinance No. 63 was formerly Ordinance No. 1994-2.

63.102 This Revised Ordinance shall be known as the "Village of Sheridan Open Burning Ordinance".

63.103 This Revised Ordinance is intended to promote public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Village of Sheridan due to the air pollution and fire hazards of outdoor burning.

CHAPTER 63.2 APPLICABILITY

63.201 This Revised Ordinance applies to all outdoor burning within the Village of Sheridan, making it unlawful for any person to build or light any open fire or flame in the Village of Sheridan for the purpose of burning any leaves, wood, garbage, rubbish, refuse, or other combustible material.

63.202 This Revised Ordinance shall not be construed to prohibit the burning or lighting of charcoal, wood, gas, or other fires, for the express purpose for which is to provide heat for outdoor cooking, or barbecuing, provided however that all such flames or fires shall be maintained in a grill, stove, pit, or other device or structure designed or manufactured expressly for outdoor cooking.

63.203 This Revised Ordinance does not apply to burning in a stove, furnace, fireplace, or other heating device within a building used for human or animal habitation.

63.204 This Revised 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.

CHAPTER 63.3 DEFINITIONS

63.301 "Campfire" means a small outdoor fire intended for recreation or cooking but not including a fire intended for disposal of waste, wood, or refuse.

63.302 "Clean wood" means 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.

63.303 “Construction and demolition waste” means building waste materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on a house, commercial or industrial building, or other structure.

63.304 “Fire Chief” means the Chief of the Village of Sheridan Fire Department or other person designated by the Fire Chief.

63.305 “Open burning” means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney. This includes burning in a burn barrel.

63.306 “Outdoor burning” means open burning or burning in an outdoor wood furnace or patio wood-burning unit.

63.307 “Outdoor wood furnace” also known as an outdoor wood-fired boiler, outdoor wood-burning appliance, or hydraulic heater, means a fuel-burning device that is designed to burn clean wood or other approved solid fuels and is not located within a building intended for habitation by humans or domestic animals; and heats building space and/or water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

63.308 “Patio wood-burning unit” means a chimney, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.

63.309 “Refuse” means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.

CHAPTER 63.4 VIOLATIONS, PENALTIES

Any violation of this Ordinance shall be punished by a fine of Two Hundred and Fifty Dollars (\$250.00) together with costs of prosecution, or imprisonment not to exceed ninety days (90) or both such fine and imprisonment in the discretion of the Court. All subsequent offences shall be punishable by a fine of Five Hundred Dollars (\$500.00) together with costs of prosecution, or imprisonment not to exceed ninety days (90) or both such fine and imprisonment in the discretion of the Court.

CHAPTER 63.5 SEVERABILITY

The provisions of this Revised Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

**CHAPTER 63.6 CONFLICTING ORDINANCES AND AMENDMENTS
SUPERSEDED**

63.601 On the effective date as set forth in Chapter 63.7, after the adoption of this Revised Ordinance, Ordinance No. 1994-2, originally adopted on September 19, 2006, shall be superseded as revised and repealed in its entirety.

63.602 All other ordinances, amendments, or provisions thereof, which may be inconsistent or in conflict with this Revised Ordinance are hereby repealed.

CHAPTER 63.7 EFFECTIVE DATE

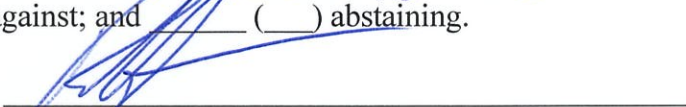
This Revised Ordinance shall become effective thirty days after publication of the Revised Ordinance or thirty days after publication of a summary of its provisions in a local newspaper of general circulation pursuant to Chapter 63.8. During these thirty days, the Ordinance as it now reads shall remain effective, and thereafter shall be superseded pursuant to Chapter 63.6 of this Revised Ordinance.

CHAPTER 63.8 PUBLICATION


This Revised Ordinance was published in the Greenville Daily News on October 30, 2020, pursuant to Statutory Requirement.

VILLAGE ADOPTION CERTIFICATION

We the undersigned, as Village Council President and Clerk of the Village of Sheridan, Michigan, do hereby certify that this Revised Ordinance No. 63 of the Village of Sheridan was introduced at a regular meeting of the Sheridan Village Council held on October 13, 2020 and was thereafter adopted at a regular meeting on October 13, 2020 by a vote of Six (6) for; zero (0) against; and () abstaining.



Robert Train, Village Council President



Kathy Sanders, Village Clerk