

**DEWITT CHARTER TOWNSHIP
CLINTON COUNTY, MICHIGAN
ORDINANCE NO. 2025-04-01**

At a duly scheduled and noticed meeting of the Township Board of the Charter Township of De Witt, Clinton County, Michigan, held at the DeWitt Township Offices on May 12, 2025 at 7:00 PM, Township Board Member Smith moved to adopt, upon second reading, the following Ordinance, which motion was seconded by Township Board Member Cramton:

AN ORDINANCE OF THE CHARTER TOWNSHIP OF DEWITT, CLINTON COUNTY, MICHIGAN, PROVIDING THAT THE CODE OF ORDINANCES, CHARTER TOWNSHIP OF DEWITT, MICHIGAN, BE AMENDED BY REPLACING ARTICLES II (“FIRE CODE”) AND III (“FIRE LANES”) OF CHAPTER 16 (“FIRE PREVENTION AND PROTECTION”); REGULATE VARIOUS FIRE HAZARDS BY WAY OF MUNICIPAL CIVIL INFRACTION AND FINES; PROVIDE DEFINITIONS; DISTINGUISH RECREATIONAL FIRES, BONFIRES, AND OPEN BURNING; REQUIRE PERMITS FROM FIRE CHIEF FOR BONFIRES AND OPEN BURNING; BAN OPEN BURNING AND BONFIRES IN R-6 SUBDIVISIONS (LOOKING GLASS PINES, LOOKING GLASS PINES NORTH, NORTHWAY HILLS, AND SHADYBROOK CONDOS); REPEAL ALL CONFLICTING ORDINANCES OR PARTS OF ORDINANCES; AND PROVIDE AN EFFECTIVE DATE HEREOF.

The Charter Township of DeWitt, Clinton County, Michigan, ordains:

SECTION 1. Title. This Ordinance shall be known as the “DeWitt Charter Township Fire Prevention and Protection Ordinance.”

SECTION 2. Amendment of Chapter 16. That the Code of Ordinances, Charter Township of DeWitt, Clinton County, Michigan (or DeWitt Charter Township Code), is hereby amended by repealing the current Articles II and III of Chapter 16 (Sec. 16-19 through 16-52) and replacing them with the following sections, to be numbered from Sec. 16-19 and as follows:

ARTICLE II. - FIRE CODE.

Sec. 16-19. - Adoption of the International Fire Code.

A certain document which is on file in the office of the clerk of the township, being marked and designated as “International Fire Code, 2018 2021 Edition, published by the International Code Council,” shall be and the same is hereby adopted as the Fire Code of the Township, said adoption being for the purpose of regulating conditions and conduct hazardous to life and property relating to fire or explosion within the township, and each and all of the regulations, provisions, rules, penalties, conditions, and terms of said 2018

2021 International Fire Code shall be referred to, adopted and made a part of this article as if fully set forth herein.

State Law Reference – Authority to adopt technical codes by reference, MCL 42.23

Sec. 16-20. - Permits Required.

Permits required by this Code shall be obtained from the Fire Chief, or designee.

Sec. 16-21. - Penalties.

(a) Persons who shall violate a provision of the Fire Code or who shall fail to comply with any of the requirements of this Fire Code shall be responsible for a municipal civil infraction.

(b) Violations of said Code shall result in a civil fine of \$100.00 for the first offense, a civil fine of \$250.00 for the second repeat offense, and a civil fine of \$450.00 for all subsequent offenses. Fees may be set and amended as set forth in a Schedule of Fees, which shall be adopted by Resolution by the Board of Trustees.

(c) The term, as used in this section, “repeat offense” means any second or subsequent violation of the same ordinance, for which the person is found responsible or admits responsibility, committed by the person within one year of a violation.

(d) Each day the violation continues shall be deemed a separate offense.

(e) Fire response costs incurred by the Charter Township of DeWitt shall be paid to the Charter Township of DeWitt pursuant to the provisions of MCL 41.806a.

(f) The Fire Chief, or designee, may also suspend or revoke a burning permit.

Sec. 16-22. - Abatement of Violations.

In addition to the fine imposed for the municipal civil infraction, the Fire Chief, or designee, is authorized to institute appropriate action to abate the violations, prevent illegal occupancy of a structure or premises, and to stop an illegal act on or about any structure or premise.

Sec. 16-23. - Other Remedies.

In addition to any other remedies available by law, the Township may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this Code.

Sec. 16-24. - Definitions.

For purposes of this article, unless the context requires otherwise, the following words are defined as provided below. Other applicable definitions can be found in Chapter 2 of the 2018 2021 International Fire Code.

(a) **Bonfire** – An outdoor fire which is larger than a defined recreational fire, utilized for warmth, entertainment, and built in the open. **(Permit Required.)**

(b) **Burning Barrels** – Burning Barrels are **NOT** permitted unless on the grandfathered list located at the DeWitt Township Fire Department. The container will be constructed of metal or masonry. The cover shall have an approved spark arrestor with openings not larger than three-fourths (3/4) of an inch. Barrels must be mounted on cement blocks or by some other means sufficient to raise the barrel off the ground approximately 6 inches. **(Permit Required.)**

(c) **Open Burning** – The burning of yard waste with a burn pile no larger than 5' x 5' x 3'. **(Permit Required.)**

(d) **Permit Authorization** – The authorization granted by the Fire Chief, or designee, pursuant to the criteria established in the Code, to be able to allow burning based on weather conditions, and any other basis relative to the health, safety, and welfare of the Township's residents. A permit shall be obtained from the Fire Chief, or designee, prior to open burning. Permits will only expire when the property is sold. Permits can only be obtained by the property owner. Permits are required for open burning, bonfires, and burning barrels.

(e) **Recreational Fire** – An outdoor fire which has a total fuel area of 3 feet or less in diameter, and 2 feet or less in height for pleasure, cooking, warmth, or similar purposes. **(No Permit Required.)** Recreational fires are to be contained to limit the spread of fire by using a fire pit, chimenea, fire ring, stones, etc.

(f) **Yard Waste** – Leaves, twigs, and branches (excluding stumps) not more than 3 inches in diameter and not more than 4 feet in length, weeds, brush, shrub clippings, and other plant matter (excluding lawn clippings), which do not emit a foul or offensive odor when burned.

(g) **Training Burn** – Any fire set by the Fire Chief, or designee, for the purpose of training a member of the fire department in techniques of fire control, management or prevention.

Sec. 16-25. - Open Burning.

(a) Open burning is the burning of yard waste.

(b) A person shall not kindle or maintain, nor authorize to be kindled or maintained, any open burning unless conducted and approved in accordance with this section.

(c) A permit shall be obtained from the Fire Chief, or designee, prior to open burning. Application for such approval shall only be issued to the owner of the land on which the burning will occur.

(d) Open burning shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous.

(e) Open burning of rubbish containing paper products, garbage, solid waste, rubber or other petroleum based products (including tires), building materials, roofing materials, electrical wiring, human or animal feces, animal carcasses, plastics, and lawn clippings or any other item that emits a foul or offensive odor shall be prohibited.

(f) Burning on muck is prohibited.

(g) Open burning and bonfires are prohibited in R-6 Subdivisions. These Subdivisions are the Looking Glass Pines, Looking Glass Pines North, Northway Hills, and Shadybrook Condos. This is due to the significant risk of fire spread and other fire hazards based on the density of housing.

(h) The approved size of a burn pile is 5' x 5' x 3'. All burn piles larger than this shall be inspected by the Fire Chief, or designee, prior to any burning commencing.

(i) Where laws or regulations are enforceable by a department other than the fire department, joint approval shall be obtained from all departments concerned.

Sec. 16-26. - Extinguishing Authority.

Where open burning creates or adds to a hazardous situation, or a required permit for open burning has not been obtained, the Fire Chief, or designee, is authorized to order the extinguishment of the open burning operation.

Sec. 16-27. - Location.

(a) The location of open burning shall not be less than 50 feet from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure.

(b) Open burning shall be permitted in all areas zoned A (Agricultural), and all residentially zoned districts within the township, except M-1, M-2, M-3, M-4, R-6, and MHP (Mobile Home Park).

(c) The Fire Chief, or designee, may issue a permit for open burning on any public or private property.

(d) **Recreational fires** should not be conducted within 25 feet of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet of a structure should be eliminated prior to ignition.

(e) **Grandfathered burning barrels**, as approved by the Fire Department, must be no less than 15 feet from any structure, any property line, and away from low hanging trees.

(f) **Bonfires** should not be within 50 feet of a structure or combustible material. Conditions which would cause a fire to spread within 50 feet of a structure should be eliminated prior to ignition.

Sec. 16-28. - Time Restrictions.

(a) Agricultural parcels greater than 2 acres may open burn at any time during the calendar year with a permit.

(b) Agricultural parcels less than 2 acres, and residentially zoned districts, unless otherwise prohibited in this article, may open burn from October 1 through April 30.

(c) The Fire Chief may extend the designated time periods for open burning of yard waste for a period not to exceed 30 days.

(d) All open burning must be done between the hours of sunrise and sunset, with complete extinguishment by sunset.

(e) Recreational fires are permitted year-round. Recreational fires must be extinguished by 2:00 a.m.

(f) The Fire Chief, or designee, may issue a permit for open burning on any public or private property overnight.

(g) Training burns may be permitted any time during the calendar year at the discretion of the Fire Chief.

Sec. 16-29. - Atmospheric Restrictions.

The Fire Chief, or designee, may prohibit all recreational fires, burning barrel fires, bonfires, and fireworks when atmospheric conditions or local circumstances make such fires hazardous. If the wind velocity rises above **10 MPH**, all burning is prohibited.

Sec. 16-30. - Attendance.

Open burning, recreational fires, bonfires, and burning barrel fires shall be constantly attended by at least one individual, at least eighteen (18) years of age, until the fire is extinguished.

Sec. 16-31. - Burning Barrel Exceptions and Licensed Barrels.

(a) Use of a burning barrel is prohibited in all zoning districts within the township. An exception are those burning barrels licensed prior to May 4, 1997; and continuously licensed thereafter, by the same licensee for the same location. A list of the licensees will be maintained by the Fire Department.

(b) Burning barrel permits shall be valid for 2 years after issuance of the renewal. Burning barrels shall be subject to an inspection by the Fire Chief, or designee, prior to issuance of a renewal permit.

(c) Additional requirements are located under the definition of burning barrels.

Sec. 16-32. - Open Generated Material.

Open burning and burning barrels are limited to the material generated from the premises where such burning is to take place.

Sec. 16-33. - Open Open-flame Cooking Devices.

(a) Charcoal burners and other open flame cooking devices shall not be operated on combustible balconies or within 10 feet of combustible construction, per the International Fire Code.

(b) Exceptions:

- (1) One- and two-family dwellings
- (2) Buildings, balconies, and decks that are protected by an automatic sprinkler system.
- (3) LP-gas cooking devices that have a LP-gas container with a water capacity not greater than 2 ½ pounds.


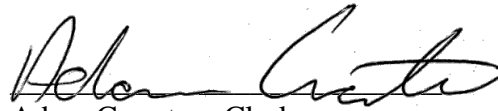
Sec. 16-34. - Residential Incinerators.

Residential incinerators are prohibited.

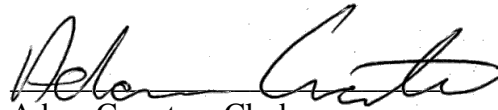
Sec. 16-35. - Reimbursement.

If any violation of this section results in the necessity of a fire run by the Township Fire Department, or any other fire department, the person so violating shall re-pay the

First Publication:	20th day of	April	A.D., 2025.
Second Reading/Adoption:	12th day of	May	A.D., 2025.
Second Publication:	18th day of	May	A.D., 2025.
Effective Date:	17th day of	June	A.D., 2025.


Rick Galardi, Supervisor
Adam Cramton, Clerk

I, Adam Cramton, Clerk of the Charter Township of DeWitt, hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 2025-04-01, duly adopted by the Board of Trustees of the Charter Township of DeWitt, Clinton County, Michigan on the 12th day of May, 2025, and that the same was posted and published as required by law on the 18th day of May, 2025.


Adam Cramton, Clerk