

ORDINANCE #19

GRAND TRAVERSE COUNTY

YARD CLIPPINGS BURNING ORDINANCE

The Board of Commissioners of the County of Grand Traverse has determined that the open burning of certain yard clippings is detrimental to the public health, safety and welfare of the citizens of Grand Traverse County and the banning of open burning of yard clippings will protect lives and property from injury and damage, improve air quality, provide efficient and cost effective solid waste disposition and produce a useful byproduct by alternative disposal of yard clippings.

I. Name of Ordinance.

This ordinance shall be known and cited as the "Yard Clippings Burning Ordinance".

II. Definitions.

1. "Person" means an individual, corporation, partnership, association, governmental entity, or other legal entity.

2. "Yard clippings" means leaves, including pine needles; grass clippings; shrubbery; brush or tree residue from trimming or fallen less than 4 feet in length and 2 inches in diameter that can be converted to compost humus.

III. Prohibited acts.

No person shall dispose of yard clippings by open burning.

IV. Penalty.

A. Any person who is found responsible for a violation of this ordinance shall be subject to a fine of not more than \$500.00.

B. A violation of this ordinance is a civil infraction pursuant to 1994 P.A. No. 18, as amended; (MCL 46.10b; MSA 5.330(2)).

V. Exemptions:

A. This Ordinance shall not be effective in any city, village or township that adopts or has adopted prior to the effective date of this Ordinance an ordinance exempting the city, village or township from the operation of this Ordinance as permitted by 1851 P.A. No. 156, as amended; 1994 P.A. No. 18, as amended; (MCL 46.11; MSA 5.331); 1994 P.A. No. 451, as amended; (MCL 324.11522; MSA 14.800(152)).

B. Any activity that is a farm operation within the Michigan Right to Farm Act, 1980 P.A. 93, as amended, (MCL 286.471 et. seq. MSA 12.122 et seq.) is exempt from the application of this ordinance.

VI. Preemption.

This Ordinance shall not apply to any specific permitted activity, act or condition if that specific activity, act or condition is entirely regulated by federal or state law or regulation; city, village or township ordinance. If there is partial regulation of any activity, act or condition by such law, regulation or ordinance, then this Ordinance may be applied to that activity, act or condition but not in conflict with such law, regulation or ordinance. If such law, regulation or ordinance prohibits or is more restrictive of the activity, act or condition then this Ordinance shall not apply.