

**LEIGHTON TOWNSHIP
ALLEGAN COUNTY, MICHIGAN
(Ordinance No. 2025-09-11)**

At a regular meeting of the Township Board for Leighton Township held on September 11, 2025 at 7:00 p.m. at the Township offices, the following Ordinance was offered for adoption by Township Board Member Bultsma and was seconded by Township Board Member Bonnema:

**AN ORDINANCE TO REGULATE BURNING AND FIRES
WITHIN LEIGHTON TOWNSHIP AND TO PROVIDE
PENALTIES FOR THE VIOLATION OF SUCH
REGULATIONS.**

THE TOWNSHIP OF LEIGHTON (“Township”) ORDAINS:

Section 1. Short Title.

This Ordinance shall be known and may be cited and referred to as the “Leighton Township Burning Ordinance,” and shall hereinafter be referred to as the “Ordinance.”

Section 2. Purpose and Intent.

This Ordinance is intended to protect the health, safety and general welfare of the residents, property owners, inhabitants and citizens within the Township of Leighton, to protect property and property values within the Township, and to provide penalties for the violation of this Ordinance.

Section 3. Open Burning

- (a) Open or outdoor burning is prohibited in Leighton Township unless the burning is specifically allowed by this Section 3.
- (b) Outdoor burning is permitted if all of the following conditions are met:
 - 1. The burning does not create a nuisance.
 - 2. The burning is conducted in an approved burning barrel or metal fire ring.
 - 3. The material being burned is not prohibited under Subsection (c), below.

- (c) Outdoor burning of the following material is prohibited:
1. Construction and demolition materials or waste that is coated with any product to protect the wood.
 2. Hazardous substances, including, but not limited to, batteries, household chemicals, pesticides, roofing materials, used oil, gasoline, paints, varnishes and solvents.
 3. Furniture and appliances.
 4. Tires.
 5. Any plastic or vinyl materials including, but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, and 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.
- (d) The outdoor burning of trees, logs, brush, stumps, leaves and grass clippings is allowed, but only in compliance with all of the following:
1. With the exception of campfires in metal fire rings and approved burning barrels, a burning permit must be obtained from the Leighton Township Fire Department prior to open burning under this section.
 2. With the exception of barbecues, gas or charcoal grills, no open burning shall occur during periods when the State of Michigan has issued a burning ban applicable to an area or areas within Leighton Township.

3. All allowed open burning shall be conducted in a safe and nuisance-free manner when wind and weather conditions will minimize any adverse effects and will not create a health or visibility hazard on roadways, railroads or airfields.
4. Open burning shall be conducted in conformance with all local and state fire protection regulations.
5. With the exception of campfires, open burning shall only occur between the hours of 8:00 a.m. and 8:00 p.m.
6. Every fire shall be continuously attended, monitored and supervised by a competent person of at least 18 years of age until the fire is extinguished and cold. The person shall have readily available for use such water and fire extinguishing equipment as may be necessary for the total control of the fire.
7. No materials may be burned upon any street or sidewalk, or on the ice of a lake, pond, designated wetland, stream, or other body of water.
8. Except for barbecues, gas or charcoal grills, or approved burning barrels, no open burning shall occur within 25 feet of any combustible material, combustible wall or partition, exterior window opening, or building access or exit.
9. No open burning shall be conducted on days when the state has declared an air quality action day or burning ban applicable to the County of Allegan or Leighton Township.

- (e) Agricultural burning of brush and crop stubble on agricultural lands is allowed if conducted in accordance with other applicable provisions of this Ordinance and a Township permit is issued.
- (f) Burning Permits:
 - 1. No person shall start or maintain any outdoor or open burning without a burning permit first being issued by the Leighton Township Fire Department.
 - 2. Burning in properly installed campfires, fire rings or approved burning barrels, with appropriate screening on top, does not require a permit provided that the fire complies with all other applicable provisions of this Ordinance.
 - 3. When weather conditions warrant, the Leighton Township Fire Department may temporarily suspend issuing new burning permits and may also temporarily suspend any previously-issued burning permits.
 - 4. A burning permit shall require compliance with all applicable provisions of this Ordinance and any additional special restrictions deemed necessary to protect public health and safety.
 - 5. Any violations of the conditions of a burning permit shall be deemed a violation of this Ordinance. Any violation of this Ordinance or the conditions of the burning permit itself shall void the permit.

(g) Liability:

A person conducting or starting an outdoor fire shall be responsible for all fire suppression costs and any other liabilities resulting from any damage or injury caused by the fire.

Section 4. Violations: Penalty, Remedies and Enforcement.

(a) Any fire, activity or use of land which is commenced or conducted in violation of any provision of this Ordinance, is hereby declared to be a nuisance *per se*. Any person who disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any lawful order, interpretation or determination of or by the Fire Chief, Township Zoning Administrator, Ordinance Enforcement Officer or any authorized deputy sheriff issued pursuant to this Ordinance shall be in violation of this Ordinance.

(b) A violation of this Ordinance is a municipal civil infraction, for which the fines shall be as follows:

(1) Not less than \$100 nor more than \$500 for the first offense.

(2) Not less than \$250 nor more than \$1,000 for the second or other subsequent offense.

For purposes of this section, “subsequent offense” means a violation of any of the provisions of this Ordinance committed by the same person within 12 months of a previous violation of the same or other provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible. Such fines shall be levied in the discretion of the court and shall be in addition to all other costs, damages, expenses and attorney fees incurred by the Township in enforcing

the ordinance. Each day that a violation occurs shall constitute a separate offense.

(c) The following Township officials are authorized to enforce this Ordinance and to issue citations / tickets for the violation of provisions of this Ordinance which are hereby designated as municipal civil infractions, if they have reasonable cause to believe that an infraction has occurred, based upon personal observation or the report of a person who allegedly witnessed the infraction:

- (1) The Township Fire Chief.
- (2) The Township Zoning Administrator.
- (3) The Township Enforcement Officer.
- (4) Any deputy of the Allegan County Sheriff's Department.
- (5) The Township Supervisor.
- (6) The Township Building Inspector.

If a citation is based solely upon the complaint of a person who allegedly witnessed the violation, and is not based upon the personal observation of the authorized enforcing official, then the citation / ticket may nevertheless be issued if the enforcing official has reasonable cause to believe that the violation has occurred and if the Township attorney approves in writing the issuance of the citation / ticket, if such approval by the Township attorney is required by law.

The authorized Township official or other authorized official shall personally serve the citation / ticket upon the alleged violator; provided, however, that if the municipal civil infraction involves the use or occupancy of land or a building or other structure, a copy of the citation / ticket need not be personally served upon the alleged violator but may be served upon an owner or occupant of the land,

building or structure by posting a copy of the citation / ticket on the land involved or attaching a copy of the citation / ticket to the building or structure. In addition, in such a case, a copy of the citation / ticket shall be sent by first class U. S. mail to the owner of the land, building or structure at the landowner's last known address. Citations / tickets shall require an appearance at the district court within a reasonable time after the citation / ticket has been issued.

The procedures for the admission or denial of responsibility, request for informal or formal hearings, and all other matters related to processing of citations for civil infractions shall be as provided by state law.

- (d) If the Township is involved in a lawsuit, municipal civil infraction proceeding or other court action in either the Allegan County Circuit Court or the District Court and should the Township prevail in whole or in part, then the Township shall be awarded its reasonable attorney fees and costs, including attorney fees and costs incurred by the Township leading up to the lawsuit, municipal civil infraction proceeding or other court proceeding, during the trial court or hearing proceedings in the Allegan County Circuit Court or the District Court and through any appeals.
- (e) Should any violation of this Ordinance cause damages to the owner(s) of any property adjoining the short-term rental premises (or to that property) or within 2,000-feet of the lot or parcel on which the short-term rental is occurring, then any person found guilty or responsible for a violation of this Ordinance (and for causing such damages) shall also be liable for reimbursing the owner(s) of the adjoining or nearby properties for any and all such damages and costs.
- (f) The civil fines, costs, assessments, damages and/or expenses imposed against a

person found responsible for violating this Ordinance shall be paid to the Township immediately upon entry of the court order. If any such fines, costs, interest, assessments, damages and/or expenses remain unpaid or unsatisfied after the time permitted for such payment or satisfaction, the Township may impose and record a lien upon the real property involved, to the extent permitted by law, and may enforce the lien to the extent and in the same manner as is provided by law for the enforcement of unpaid *ad valorem* real property taxes, including the inclusion of the monetary amount of such lien upon the *ad valorem* property tax roll, and the collection thereof in the same manner as *ad valorem* real property taxes are collected. The Township may also institute a one lot special assessment to collect all such monies.

- (g) In addition to issuance of a municipal civil infraction citation / ticket, the Township may also commence and enforce an action in a court of competent jurisdiction seeking injunctive, declaratory or other equitable relief to enforce or interpret any provision of this Ordinance, to require abatement of a violation and / or to seek such other relief as may be provided by law.
- (h) Any building, dwelling, structure, land division or land use or activity which is in violation of this Ordinance is declared to be a nuisance *per se*.
- (i) The remedies available to the Township under this Ordinance are cumulative and not exclusive or exclusionary.

Section 5. Severability.

In the event that any one or more sections, provisions, phrases, or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding

shall not affect the validity or the enforceability of the remaining sections, provisions, phrases, or other words of this Ordinance.

Section 6. Effective Date.

The provisions of this Ordinance shall take effect upon the expiration of seven (7) days after the date of publication of the ordinance or a summary of its provisions in accordance with the law.

The vote to approve and adopt this Ordinance was as follows:

YEAS: Bultsma, Hooker, Fennema, Bonnema

NAYS: None

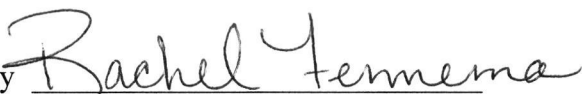
ABSENT/ABSTAIN: Wolbrink

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance adopted by the Leighton Township Board at the time, date, and place as specified above pursuant to the required statutory procedures.

Respectfully submitted,

By 

Rachel Fennema
Leighton Township Clerk