

VICTOR TOWNSHIP

OUTSIDE BURNING ORDINANCE

ORDINANCE NO: 01032017

An ordinance to provide for the protection of the public health, safety, and welfare of persons and property within the Township of Victor by the regulation of outside burning; to provide civil fines for violation of this Ordinance and to repeal all ordinances or parts in conflict herewith, as authorized under PA 33 of 1951, as amended and PA 12 of 1994, as amended.

**THE TOWNSHIP OF VICTOR, CLINTON COUNTY, MICHIGAN ORDAINS:**

**SECTION 1: TITLE**

This ordinance shall be known and cited as the Victor Township – Outside Burning Ordinance.

**SECTION 2: PURPOSE**

This ordinance is adopted for the protection of the public health, safety, and welfare of persons and property within the Township of Victor with regard to outside burning and to require permits and to provide civil fines and charges for violation of such ordinance; and to collect from the responsible party(s) due to the setting of a fire without proper authorization under this Ordinance.

**SECTION 3: DEFINITION, RESPONSIBLE PARTY**

- A. A responsible party herein, is defined as a person, partnership, firm, association, corporation, or agent who may cause or contribute to the setting of an outside fire without a permit, required under this ordinance, as well as the property owner or lessee where the fire occurred.
- B. EXCEPTION: A responsible party shall not be a property owner or lessee if the fire is determined to be set by arson or by a criminal act or by recreational trespass, if determined to be set by a responsible party other than the property owner or lessee.
- C. EXCEPTION: A property owner or lessee shall not be a responsible party if a fire originated on an adjacent property owned by a different property owner.

**SECTION 4: FIRES ON PUBLIC AND PRIVATE PROPERTY**

No responsible party as defined in Section 2 above shall, within the limits of Victor Township, set any outside fire except as provided hereafter:

- A. **ANNUAL PERMITS REQUIRED:**

- 1) The fires listed hereafter require permits which must be obtained prior to burning and **preferably** at least four (4) days in advance, include:
  - a. **“BRUSH FIRES”**, which are fires containing brush, twigs, trees, tree stumps, and tree limbs may be burned providing the fire is tended, adequate fire containment methods are present when burning occurs and the wind is not a factor;
  - b. **“WEED/GRASS FIRE”**, which are fires containing weeds/grass may be burned providing the fire is tended, adequate fire containment methods are present when burning occurs and the wind is not a factor.
  - c. **“SPECIAL EVENT FIRES”**, which are those that exceed thirty-six (36) inches in diameter, and flame height shall exceed twenty-four (24) inches, which are normally incident to commemorative or celebration events that are, put on by schools, municipalities, and other charitable type organizations.
  - d. **“CAMPFIRE”** or barbeque-type fires are those fires located within the immediate vicinity of the camp or place of residence and shall not be located less than twenty-five (25) feet away from any building or less than five feet from the adjoining property line. Campfires shall not exceed thirty-six (36) inches in diameter, and flame height shall not exceed twenty-four (24) inches, and supervised at all times by an adult.

#### **B. NO ANNUAL PERMITS REQUIRED**

- a. **“DOMESTIC FIRE”** is a fire around a home or place of residence, within the said parcel boundaries where the material to be burned has been properly placed in a debris burner constructed of metal or masonry with an approved spark arrestor with openings no larger than  $\frac{3}{4}$  of an inch. Burners of the metal drum or portable-type shall not be located less than twenty-five (25) feet away from any building or less than five feet from the adjoining property line.

#### **C. FIRES NOT ALLOWED:**

- 1) **“MATERIALS”** such as construction material or rubber tires or materials that are prohibited by the State of Michigan, shall not be burned at any time.

### **SECTION 5: PERMIT PROCEDURE**

Permits can be obtained by calling the Laingsburg-Sciota-Woodhull Fire Authority at (517) 651-2638 for an appointment or in person at the Fire Hall on Woodbury Road, Laingsburg, MI 48848. The authorized fire official has absolute discretion on granting permits, although permission will not be unreasonably denied.

## **SECTION 6: PENALTIES**

A responsible party as herein defined in Section 2, who violates this ordinance and the property owner where the fire took place shall be liable for a civil infraction and shall be subject to the following civil fines and costs as determined by the Court, which costs shall include all direct and indirect expenses to the Township in connection with the case up to entry of the Judgment but not to exceed \$500.00.

### **A. VIOLATIONS**

Any person, firm, association, corporation or land owner who shall violate this Ordinance shall be deemed guilty of a civil infraction and shall be subject to the following civil fines:

1<sup>st</sup> violation Two Hundred Fifty (\$250.00) Dollars;

2<sup>nd</sup> violation by the same legal entity, Four Hundred (\$400.00) Dollars;

3<sup>rd</sup> and all additional violations by the same legal entity, Five Hundred (\$500.00) Dollars per violation.

## **SECTION 7: NOTICE OF CIVIL FINE**

When there is an ordinance violation, the Township Treasurer shall prepare an invoice for the civil fine and send to the responsible party for payment. The responsible party(s) shall pay the fine within thirty (30) days of mailing of the invoice;

## **SECTION 8: COLLECTION OF CHARGES**

If the responsible party(s) shall be in default of payment (60) days after mailing of the original invoice, the Township is hereby authorized to proceed in District Court or any other Court of competent jurisdiction, by suit, to collect any monies remaining unpaid and shall have any and all other remedies proved by law for the collection of said charges. If the Township is required to proceed into Court for collection of the penalty/civil fine, the Township shall be entitled to its costs which may include all direct and indirect expenses in connection with the case up to entry of Judgment, but not to exceed \$500.00; and actual Attorney fees and civil fines as stated above.

## **SECTION 9: INTERPRETATIONAL/APPEAL**

The decision as to whether there is a violation of this Ordinance shall be made by the Laingsburg-Sciota-Woodhull Fire Chief. The Fire Chief's decision may be appealed, within thirty (30) days from the date of mailing of the penalty to the Township Board who shall make the final determination.

**SECTION 10: SEVERABILITY**

Should any provision or part of this Ordinance be declared by any Court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this Ordinance which shall remain in full force and effect.

**SECTION 11: EFFECTIVE DATE**

This Ordinance shall be effective 30 days after publication in the newspaper.

The above Ordinance was offered for adoption by Township Board Member Wall and was seconded by Malkin, the vote being as follows:

YEAS: Malkin, Sayles, Wall, Willoughby

NAYS: None

ABSENT/ABSTAIN: Smith

STATE OF MICHIGAN )

COUNTY OF CLINTON )

I, the undersigned and duly qualified action Township Supervisor of the Township of Victor, Clinton County, Michigan, do hereby certify that the foregoing Ordinance was adopted by Victor Township at a regular Township Board meeting duly called and held on the 3rd day of January, 2017; and that the meeting was held in compliance with notice provisions and all other requirements of Act 267 of the Public Acts of 1976, as amended.

---

Warren Malkin

Victor Township Supervisor