

HEATH TOWNSHIP

ALLEGAN COUNTY

ORDINANCE NO. 57

OPEN BURNING ORDINANCE

Adopted: September 8, 2003

Effective: October 17, 2003

An ordinance to protect the health, safety and general welfare of the persons and property within Heath Township, Allegan County, Michigan, by regulating the burning of leaves, trash and any other combustible materials within the township; and to provide penalties for the violation thereof.

**HEATH TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

ORDAINS:

SECTION I

TITLE

This ordinance shall be known and cited as the Δ Heath Township Open Burning Ordinance $\text{\textcircled{e}}$

SECTION II

PURPOSE

The purpose of this ordinance is to protect the health, safety, welfare and property of the citizens of Heath Township and to prevent environmental and fire hazards which can be caused by open burning.

SECTION III

GENERAL PROHIBITIONS

No open burning shall be permitted in Sections 5 and 6 of Heath Township, Allegan County, Michigan. However, a resident in Section 5 or 6 may apply to the Hamilton Fire Chief or designated officer to obtain a special permit for open burning. In consideration of

any permit, adjoining property owners must be notified by an applicant. Open burning in other sections of the Township shall be governed by the provisions in Section IV.

SECTION IV

PROVISIONS FOR OPEN BURNING

All open burning, as in out-of-doors burning on the ground, shall comply with the following provisions:

1. Be attended by a competent person at all times.
2. Be of materials consisting of paper, cardboard, dry leaves, brush and clean untreated lumber.
3. Burning to occur only after sunrise and extinguished and admitting no smoke after 9 p.m. or 10 p.m. during daylight savings time.
4. Burning shall occur at least fifteen feet (15') from any structure, fencing or woodpiles.
5. Burning shall occur at least fifteen feet (15') from any public or private property line.
6. No burning shall occur within a 24 hour period proceeding and during any Trick-or-Treat hours established by the Township Board.
7. No burning shall occur if it is determined by the Fire Chief that conditions are such that burning would be hazardous to health, safety, and general welfare of the citizens of the community.

SECTION V

ENFORCEMENT AND PENALTIES

The enforcement of this ordinance and regulations established by the Township Board shall be performed by such person or persons as the Township Board designate by resolution. Any person, partnership, firm, association or corporation who shall fail to comply with the rules as defined and set forth in this ordinance, shall be deemed responsible for the municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

| | <u>Fines</u> |
|---|---------------------|
| 1 st Offense within 2-year period* | \$100.00 |
| 2 nd Offense within 2-year period* | 250.00 |
| 3 rd Offense within 2-year period* | 500.00 |

* Determined on the basis of the date of commission of the offense(s).

Additionally, Heath Township may sue in any court of competent jurisdiction for civil damages and injunctive relief and may recover such costs and expenses incurred by them from any person, partnership, firm, association or corporation who sets such a fire. The violator shall pay costs which may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction. In no case, however, shall the costs of less than \$9.00 nor more than \$500.00 be ordered. Should any part of this Ordinance be declared unconstitutional, illegal or of no force effect by a court of competent jurisdiction, such portion thereof shall not be deemed to affect the validity of any other part or portion thereof.

SECTION VI

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect 30 days after publication.

HEATH TOWNSHIP
Sheila Meiste, Clerk
3331 48th Street
Hamilton, MI 49419
269-751-8245