

ORLEANS TOWNSHIP ORDINANCE NO. 1

FIRE ORDINANCE

ADOPTED: May 8, 1984

EFFECTIVE DATE: July 1, 1984

*As amended in part by Orleans Township Ordinance No. 21
Adopted September 13, 1994; Effective October 19, 1994*

*As amended in part by Orleans Township Ordinance No. 28
Adopted October 8, 1996, Effective November 14, 1996*

*As amended in part by Orleans Township Ordinance No. 29
Adopted December 10, 1996, Effective January 15, 1997*

*As amended in part by Orleans Township Ordinance No. 32
Adopted February 11, 1997, Effective March 18, 1997*

AN ORDINANCE TO SECURE THE PUBLIC PEACE, HEALTH AND SAFETY OF THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF ORLEANS, IONIA COUNTY, MICHIGAN, FOR THE REGULATION OF FIRES WITHIN THAT TOWNSHIP, TO PROVIDE PENALTIES FOR THE VIOLATION OF SAID ORDINANCE, TO PROVIDE FOR THE ASSESSMENT AND COLLECTION OF FIRE-RELATED EXPENSES CAUSED TO ORLEANS TOWNSHIP, AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

THE TOWNSHIP OF ORLEANS, IONIA COUNTY, MICHIGAN, ORDAINS:

1.1 Title: This Ordinance shall be known and cited as the Township of Orleans Fire Ordinance.

1.2 Permit; Fire Emergency; Exceptions: Permits shall be required for all open burning, except as provided:

A. Permit required. No person shall set an open fire for the purposes of clearing and disposing by burning of brush, shrubbery, tree trimmings, field crops, yard clippings, building materials, junk, refuse material, and waste matter within the township of Orleans without first having secured a permit to do so from the Orleans Township Fire Chief.

B. Fire Emergency. Whenever there occurs in Orleans Township conditions creating serious fire hazards, a period of public emergency will exist during which any outdoor fire not contained, shall be unlawful and a violation of this Ordinance, and any

person responsible for this act of violation shall be punished in accordance with this Ordinance. It is the authority and duty of the Township Fire Chief, or in his absence, the Township Supervisor, to determine that existence of a fire emergency and to impose or end a fire ban during same.

C. **Exceptions.** No permits shall be required for the open burning of charcoal or wood, if burned solely for the domestic or recreational purposes of preparing food and if burned within a container, utensil, device or campfire pit designed and intended for outdoor cooking; provided that no burning shall be permitted in a fire emergency as provided in subsection (B) above and there shall be no burning of junk, refuse or waste materials.

(Amended by Ordinance No. 28)

1.3 **Request for Permit:** The request for permit to set an open fire within said Township shall be made by telephone to the Orleans Township Fire Chief; however, if said Chief requires it to be in writing, the request shall be prescribed by him.

1.4 **Regulations:** Any person who shall be granted a permit to set an open fire for the purpose of clearing lands and disposing by burning of refuse material and waste matter shall have sufficient person constantly in charge of said fire so as to prevent the spreading thereof.

1.5 **Violation and Costs:** Any person, partnership, association, corporation or other entity, or employee or agent thereof, who violates or fails to comply with any provision of this Ordinance or who starts, sets or causes to be started or set, a fire which necessitates calling the Orleans Township Fire Department shall pay to Orleans Township all costs and expenses incurred by the Township by reason thereof, and the Township may sue in any court of competent jurisdiction for civil damages and to recover such costs and expenses. This remedy shall be in addition to that provided in any other section.

1.6 **Definition and Limitation:** As used within this ordinance, the following terms shall have the following meaning and limitations:

A. A "domestic, commercial or industrial fire" is any fire around or within a building, where the material to be burned has been placed in a fire-proof container, constructed of metal or masonry, with an approved spark arrestor, and with openings not larger than three-fourths of an inch. Such burners shall be located not less than fifteen (15) feet from any building nor less than five (5) feet from any adjoining property line. Such fires shall be burned only between the hours of sunrise and sunset.

B. "domestic or recreational purposes" shall mean for individual or personal family use. Excluded are fires for large group gatherings of over 20 persons for events such

as, but not limited to, bonfires and large campfires, which shall require a permit under this ordinance.

C. "open burning" is the burning of any materials where the products of the combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed container, utensil, or device.

D. "yard clippings" are leaves, grass clippings, weeds, vegetable or other garden debris, but does not include shrubbery, brush, tree branches and tree trimmings.

E. "building materials, junk, debris, refuse, waste, weeds, or similar items, materials or products" shall be as defined in this ordinance, the Orleans Township Blight Ordinance, or as commonly used.

(Amended by Ordinance No. 28)

F. "Orleans Township Fire Chief" shall mean the appointed Fire Chief for Orleans Township, Ionia County, Michigan, the Deputy Fire Chief for Orleans Township in the absence of the Orleans Township Fire Chief, or the designee of the Orleans Township Fire Chief.

(As amended by Ordinance No. 29)

1.7 Noxious Odors: No person, partnership, association, corporation, or other entity, or employee or agent thereof, shall burn garbage, animal carcasses, animal waste, or any material giving off foul odors, at any time. The provisions of this section shall also apply to "domestic, commercial and industrial fires" as defined herein.

1.8 Enforcement: Any violation of this Ordinance shall be deemed a nuisance per se, and the Orleans Township Board, its agents or law enforcement officers, may take action to abate such nuisance in any court of competent jurisdiction.

1.9 Non-Resident Fire Runs: Any person, partnership, association, corporation or other entity, or employee or agent thereof, who is not a resident of Orleans Township whose activities, whether intentional or unintentional, causes a fire run to be made and a charge for same to be made to Orleans Township by a fire district or districts shall be liable to Orleans Township for all costs incurred by said Township including court costs and collection fees.

1.10 Special Assessment, Lien on Property, Collection: The Township Treasurer shall make up a special assessment roll covering all expenses and costs incurred by Orleans Township to any fire district which charges said Township for their services as a result of the non-compliance with or violation of any part of this Ordinance on the part of a person,

partnership, association, corporation or any other entity or employee or agent thereof, and if Orleans Township has not been reimbursed fully for said expenses and costs within 180 days of the incurrance, said Township Treasurer shall include in such special assessment roll as a levy against the individual parcels of property upon which the expense occurred the amount of expenditures made by Orleans Township, together with the proportionate cost of levying the special assessment, and the same shall become a lien upon the lands and shall be collected in the same manner as property taxes are collected and paid into the Orleans Township Treasury. This remedy shall be in addition to those provided in other sections of this or other Orleans Township Ordinances.

1.11 Penalties:

A. Civil Infraction Violation. Unless specified otherwise in this ordinance, violations of this ordinance shall be a municipal civil infraction which is an act or omission that is prohibited, made or declared to be unlawful, or an offense by this ordinance, but which is not a crime under this ordinance, and for which civil sanctions, including without limitation, fines, damages, expenses, and costs may be ordered as authorized by Act 236 of Public Act of 1961 as amended, subject to the following provisions:

1. Sanctions for a violation of a civil infraction shall be a civil fine in the amount of not less than \$50.00, plus other costs, damages, expenses, and other sanctions for each infraction.

2. Increased civil fines may be imposed for repeat violations by a person of any requirement or provision of this ordinance. As used in this section, "repeat offenses" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by a person within any two year period of any prior admission or determination or responsibility (unless some other period is specifically provided by this ordinance) and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by this ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows: (*Amended by Ordinance No. 32*)

(a) The fine for any offense which is a first repeat offense shall be no less than \$250.00, plus costs.

(b) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than \$500.00, plus costs per offense.

3. Failure to answer a citation or notice to appear in court for a municipal civil infraction is a misdemeanor violation punishable by a fine of not more than \$500.00, plus other costs, or by imprisonment for a term not to exceed 90 days, or both fine and imprisonment.

4. Failure to comply with an order, judgment, or default in payment of a civil fine, costs, damage, or expenses so ordered may result in enforcement actions, including but not limited to imprisonment, collections, placement of liens or other remedies as permitted in Chapter 87 of Act 236 of Public Acts of 1961 as amended.

5. A municipal civil infraction is not lesser included offense of a criminal offense or an ordinance violation that is not a civil infraction.

B. Misdemeanor Violations. It shall be a misdemeanor, punishable upon conviction by a fine of not to exceed \$500.00 (plus other costs), imprisonment for a term of not to exceed 90 days, or both fine and imprisonment; for any person who:

(1) makes a knowing false statement, representation, or certification in an application, report, record, plan, or other document filed or required to be maintained pursuant to this ordinance or other state or federal law; or

(2) commits a violation of this ordinance by setting an open fire or allowing the continued open burning in violation of a fire emergency declaration as provided in Section 1.2 of this Ordinance or other similar law or ordinance which grants or establishes the authority to ban or prohibit open fires; or

(3) willfully continues or violates this Ordinance after suspension or revocation of a permit authorized under this Ordinance or other ordinances or state law; or

(4) commits or permits a violation of this Ordinance as determined by the Orleans Township Fire Chief which (a) results in any personal injury or any damage to real or personal property having a value exceeding five hundred dollars (\$500), or (b) is an open fire or burn in excess of 2 acres an area.

(Amended by Ordinance No. 29)

C. Nuisance. Maintenance of, or allowing the maintenance of, any fire, as prohibited by this Ordinance, is hereby determined to be detrimental to the health, safety and general welfare of the residents, property owners, and other persons within Orleans Township, and is deemed a public nuisance. Any violation of this Ordinance shall constitute a basis for injunctive relief against the violator to restrain and prohibit the violator from continuing the violation, in addition to any other relief or penalty provided by this Ordinance or allowed by law.

D. Continuing Offenses. Each day on which a violation of the ordinance continues, constitutes a separate or repeat offense and shall be subject to penalties or sanctions as a separate or repeat offense.

E. Enforcement Actions. This ordinance shall be enforced by the person or persons designated by the Orleans Township Board. A municipal civil infraction action may be commenced upon the issuance of a municipal civil infractions citation directing the alleged violator to appear in court.
(Amended by Ordinance No. 21).

1.12 Repeal: All resolutions, ordinances or regulations or parts of resolutions, ordinances and regulations inconsistent or in conflict with this Ordinance, are hereby repealed.

1.13 Severability: Should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the Ordinance as a whole or any other part thereof, other than the part so declared to be invalid.

This Ordinance shall become effective after thirty (30) days have elapsed from the date of the first publication of said Ordinance, said effective date being July 1, 1984.

CERTIFICATION: This is to certify that the above Ordinance was passed as set forth above, by the Orleans Township Board in regular session and is a true and exact copy thereof.

ORLEANS TOWNSHIP

ORDINANCE # 21

AN ORDINANCE TO AMEND SECTION 1.11 OF ORLEANS
TOWNSHIP FIRE ORDINANCE

(ORLEANS TOWNSHIP ORDINANCE #1)

Adopted: Sept. 13 1994
Effective: Oct. 19, 1994

THE TOWNSHIP OF ORLEANS, IONIA COUNTY, MICHIGAN, ORDAINS:

Section 1. Amendment of Section 1.11.

Section 1.11, Penalties, of the Orleans Township Fire Ordinance is hereby amended to read in its entirety as follows:

1.11 Penalties:

A. Civil Infraction Violation. Unless specified otherwise in this ordinance, violations of this ordinance shall be a municipal civil infraction which is an act or omission that is prohibited, made or declared to be unlawful, or an offense by this ordinance, but which is not a crime under this ordinance, and for which civil sanctions, including without limitation, fines, damages, expenses, and costs may be ordered as authorized by Act 326 of Public Act of 1961 as amended, subject to the following provisions:

1. Sanctions for a violation of a civil infraction shall be a civil fine in the amount of not less than \$50.00, plus other costs, damages, expenses, and other sanctions for each infraction.

2. Increased civil fines may be imposed for repeat violations by a person of any requirement or provision of this ordinance. As used in this section, "repeat offenses" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by a person within any one year period (unless some other period is specifically provided by this ordinance) and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by this ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:

(a) The fine for any offense which is a first repeat offense shall be no less than \$250.00, plus costs.

(b) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than \$500.00, plus costs per offense.

3. Failure to answer a citation or notice to appear in court for a municipal civil infraction is a misdemeanor violation punishable by a fine of not more than \$500.00, plus other costs, or by imprisonment for a term not to exceed 90 days, or both fine and imprisonment.

4. Failure to comply with an order, judgment, or default in payment of a civil fine, costs, damage, or expenses so ordered may result in enforcement actions, including but not limited to imprisonment, collections, placement of liens or other remedies as permitted in Chapter 87 of Act 326 of Public Acts of 1961 as amended.

5. A municipal civil infraction is not lesser included offense of a criminal offense or an ordinance violation that is not a civil infraction.

B. Misdemeanor Violations. It shall be a misdemeanor, punishable upon conviction by a fine of not to exceed \$500.00 (plus other costs), imprisonment for a term of not to exceed 90 days, or both fine and imprisonment; for any person who:

(1) makes a knowing false statement, representation, or certification in an application, report, record, plan, or other document filed or required to be maintained pursuant to this ordinance or other state or federal law; or

(2) commits a violation of this ordinance by setting an open fire or allowing the continued burning in violation of a fire emergency declaration as provided in Section 1.2 of this Ordinance or other similar law or ordinance which grants or establishes the authority to ban or prohibit open fires; or

(3) willfully continues or violates this Ordinance after suspension or revocation of a permit authorized under this Ordinance or other ordinances or state law; or

(4) commits or permits a violation of this Ordinance which results in any personal injury or any damage to real or personal property in excess of 2 acres an area or of a value exceeding five hundred dollars (\$500.00) as determined by the Orleans Township Fire Chief.

C. Nuisance. Maintenance of, or allowing the maintenance of, any fire, as prohibited by this Ordinance, is hereby determined to be detrimental to the health, safety and general welfare of the residents, property owners, and other persons within Orleans Township, and is deemed a public nuisance. Any violation of this Ordinance shall constitute a basis for injunctive relief against the violator to restrain and prohibit the violator from continuing the violation, in addition to any other relief or penalty provided by this Ordinance or allowed by law.

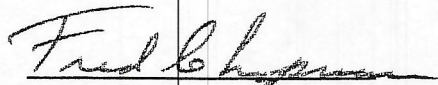
D. Continuing Offenses. Each day on which a violation of the ordinance continues, constitutes a separate or repeat offense and shall be subject to penalties or sanctions as a separate or repeat offense.

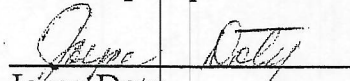
E. Enforcement Actions. This ordinance shall be enforced by the person or persons designated by the Orleans Township Board. A municipal civil infraction action may be commenced upon the issuance of a municipal civil infractions citation directing the alleged violator to appear in court.

Section 2. Severability. This Ordinance and the various parts, sections, paragraphs, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, paragraph, subsections, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

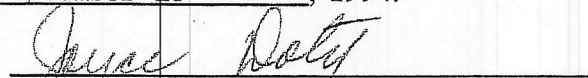
Section 3. Non-repeal. This Ordinance shall not be construed to repeal by implication any other Ordinance of Orleans Township pertaining to the same subject matter.

Section 4. Effective Date. This Ordinance shall take effect thirty (30) days after publication in a newspaper circulating within the Township of Orleans, Ionia County, Michigan.



Fred Chapman
Township Supervisor


Joyce Doty
Township Clerk

I hereby certify that this Ordinance was adopted by the Orleans Township Board in regular session held on September 13, 1994, 1994, and that it was published in Ionia Sentinel Std. on September 19, 1994.


Joyce Doty
Township Clerk

Subscribed and sworn to before me this 21st day of September, 1994


Notary Public

State of Michigan, County of Ionia
ORL-FIRE.CI
My Commission expires: 2-1-97

SALLY CHANCE, Notary Public
Ionia County, Michigan
My Commission Expires Feb. 1, 1997

ORLEANS TOWNSHIP ORDINANCE NO. 28

AN ORDINANCE TO AMEND ORDINANCE NO. 1, ORLEANS TOWNSHIP FIRE ORDINANCE, TO PROVIDE FOR PERMITS AND REGULATIONS REGARDING OPEN BURNINGS IN ORLEANS TOWNSHIP

THE TOWNSHIP OF ORLEANS, IONIA COUNTY, MICHIGAN, ORDAINS:

Section 1 **Amendment of Section 1.2.**

Section 1.2 is amended to read in its entirety as follows:

1.2 Permit; Fire Emergency; Exceptions: Permits shall be required for all open burning, except as provided:

A. Permit Required. No person shall set an open fire for the purposes of clearing and disposing by burning of brush, shrubbery, tree trimmings, field crops, yard clippings, building materials, junk, refuse material, and waste matter within the Township of Orleans without first having secured a permit to do so from the Orleans Township Fire Chief.

B. Fire Emergency. Whenever there occurs in Orleans Township conditions creating serious fire hazards, a period of public emergency will exist during which any outdoor fire not contained, shall be unlawful and a violation of this Ordinance, and any person responsible for this act of violation shall be punished in accordance with this Ordinance. It is the authority and duty of the Township Fire Chief, or in his absence, the Township Supervisor, to determine that existence of a fire emergency and to impose or end a fire ban during same.

C. Exceptions. No permits shall be required for the open burning of charcoal or wood, if burned solely for the domestic or recreational purposes of preparing food and if burned within a container, utensil, device or campfire pit designed and intended for outdoor cooking; provided that no burning shall be permitted in a fire emergency as provided in subsection (B) above and there shall be no burning of junk, refuse or waste materials.

Section 2. **Amendment of Section 1.6**

Section 1.6 is amended to read in its entirety as follows:

1.6 Definition and Limitation: As used within this ordinance, the following terms shall have the following meaning and limitations:

A. A "domestic, commercial or industrial fire" is any fire around or within a building, where the material to be burned has been placed in a fire-proof container, constructed of metal or masonry, with an approved spark arrestor, and with openings not larger than three-fourths of an inch. Such burners shall be located not less than fifteen (15) feet from any building nor less than five (5) feet from any adjoining property line. Such fires shall be burned only between the hours of sunrise and sunset.

B. "domestic or recreational purposes" shall mean for individual or personal family use. Excluded are fires for large group gatherings of over 20 persons for events such as, but not limited to, bonfires and large campfires, which shall require a permit under this ordinance

C. "open burning" is the burning of any materials where the products of the combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed container, utensil, or device.

D. "yard clippings" are leaves, grass clippings, weeds, vegetable or other garden debris, but does not include shrubbery, brush, tree branches and tree trimmings.

E. "building materials, junk, debris, refuse, waste, weeds, or similar items, materials or products" shall be as defined in this ordinance, the Orleans Township Blight Ordinance, or as commonly used.

Section 3. Severability:

Should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the Ordinance as a whole or any other part thereof, other than the part so declared to be invalid.

Section 4. Effective Date: November 14, 1996

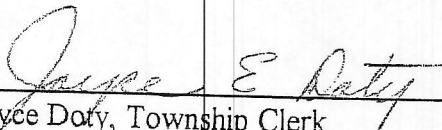
This Ordinance shall become effective after thirty (30) days from the date of publication of this Ordinance.

YEAS: Frederick Chapman, Joyce E. Doty, Gertrude Heppe, Herman Peterson, Jerry Gallagher

NAYS: None

ABSENT: None

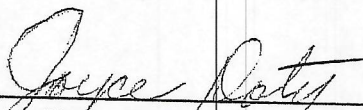
Ordinance declared adopted.



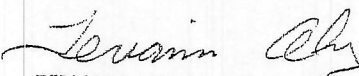
Joyce Doty, Township Clerk

CERTIFICATION

I certify that the foregoing Ordinance was adopted by the Township of Orleans in a regular session held on October 8, 1996, and that it was published in Sentinel Standard on October 15, 1996.



Joyce Doty, Township Clerk


TERIANN ALMY, Notary Public
Ionia County, Michigan
My Commission Expires Sept, 14, 1999

Section 3. Severability.

This Ordinance and the various parts, sections, paragraphs, subsections, sentences, phrases and clauses thereof are severable. If any part, section, paragraph, subsection, sentence, phrase and clause is adjudged unconstitutional to invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 4. Effective date. This Ordinance shall take effect 30 days after publication in a newspaper circulating within the Township of Orleans, Ionia County, Michigan.

Moved by Joyce Doty, seconded by Jerry Gallagher, that the foregoing Ordinance be adopted.

Yeas: Frederick Chapman, Joel Noe, Jerry Gallagher, Herman Peterson and Joyce Doty

Nays: None

Absent: None

ORDINANCE DECLARED ADOPTED.

Joyce Doty
Joyce Doty, Clerk

I hereby certify that this Ordinance was adopted by the Orleans Township Board in regular session held on January 14, 1997 and that it was published in Ionia Sentinel Std. on January 21, 1997.

Joyce Doty
Joyce Doty
Township Clerk

Blight-ns.Ord
5/8/95

Subscribed and sworn to before this 22nd day of January, 1997
Kimberly A. Fletcher
Notary Public
State of Michigan, County of Ionia
My commission expires 2/26/98

ORLEANS TOWNSHIP ORDINANCE NO. 32

AN ORDINANCE TO AMEND ORDINANCE NO. 1,
ORLEANS TOWNSHIP FIRE ORDINANCE, SECTION
1.11(A), TO PROVIDE FOR CIVIL INFRACTION
VIOLATIONS

THE TOWNSHIP OF ORLEANS, IONIA COUNTY, MICHIGAN, ORDAINS:

Section 1 Amendment of Section 1.11(A)

Section 1.11(A) is amended to read in its entirety as follows:

1.11 Penalties:

A. Civil Infraction Violation. Unless specified otherwise in this ordinance, violations of this ordinance shall be a municipal civil infraction which is an act or omission that is prohibited, made or declared to be unlawful, or an offense by this ordinance, but which is not a crime under this ordinance, and for which civil sanctions, including without limitation, fines, damages, expenses, and costs may be ordered as authorized by Act 236 of Public Act of 1961 as amended, subject to the following provisions:

1. Sanctions for a violation of a civil infraction shall be a civil fine in the amount of not less than \$50.00, plus other costs, damages, expenses, and other sanctions for each infraction.

2. Increased civil fines may be imposed for repeat violations by a person of any requirement or provision of this ordinance. As used in this section, "repeat offenses" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by a person within a two year period of any prior admission or determination or responsibility (unless some other period is specifically provided by this ordinance) and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by this ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:

(a) The fine for any offense which is a first repeat offense shall be no less than \$250.00, plus costs.

(b) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than \$500.00, plus costs per offense.

3. Failure to answer a citation or notice to appear in court for a municipal civil infraction is a misdemeanor violation punishable by a fine of not more than \$500.00, plus other costs, or by imprisonment for a term not to exceed 90 days, or both fine and imprisonment.

4. Failure to comply with an order, judgment, or default in payment of a civil fine, costs, damage, or expenses so ordered may result in enforcement actions, including but not limited to imprisonment, collections, placement of liens or other remedies as permitted in Chapter 87 of Act 236 of Public Acts of 1961 as amended.

5. A municipal civil infraction is not lesser included offense of a criminal offense or an ordinance violation that is not a civil infraction.

Section 2 Severability:

Should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the Ordinance as a whole or any other part thereof, other than the part so declared to be invalid.

Section 3 Effective Date:

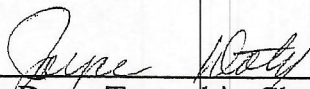
This Ordinance shall become effective after thirty (30) days from the date of publication of this Ordinance.

YEAS: Frederick Chapman, Joyce E. Doty, Joel Noe, Jerry Gallagher and Herman Peterson

NAYS: None

ABSENT: None

ORDINANCE DECLARED ADOPTED.



Joyce Doty, Township Clerk

CERTIFICATION

I certify that the foregoing Ordinance was adopted by the Township of Orleans in a regular session held on February 11, 1997, and that it was published in Ionia Sentinel Standard on February 17, 1997.

Joyce Doty

Joyce Doty, Township Clerk

Subscribed and sworn to before me this 18th
day of February, 1997

Kimberly C. Fletcher

Notary Public
State of Michigan, County of Ionia
My Commission expires: 2/26/98

cindy/daneman/orleans/fire.ord

ORLEANS TOWNSHIP ORDINANCE NO. 29

AN ORDINANCE TO AMEND ORDINANCE NO. 1, ORLEANS TOWNSHIP FIRE ORDINANCE, TO PROVIDE FOR REGULATIONS AND PENALTIES REGARDING OPEN FIRES AND BURNINGS IN ORLEANS TOWNSHIP

THE TOWNSHIP OF ORLEANS, IONIA COUNTY, MICHIGAN, ORDAINS:

Section 1. Amendment of Section 1.6

Section 1.6 is amended to read in its entirety as follows:

1.6 Definition and Limitation: As used within this ordinance, the following terms shall have the following meaning and limitations:

- A. A "domestic, commercial or industrial fire" is any fire around or within a building, where the material to be burned has been placed in a fire-proof container, constructed of metal or masonry, with an approved spark arrestor, and with openings not larger than three-fourths of an inch. Such burners shall be located not less than fifteen (15) feet from any building nor less than five (5) feet from any adjoining property line. Such fires shall be burned only between the hours of sunrise and sunset.
- B. "domestic or recreational purposes" shall mean for individual or personal family use. Excluded are fires for large group gatherings of over 20 persons for events such as, but not limited to, bonfires and large campfires, which shall require a permit under this ordinance
- C. "open burning" is the burning of any materials where the products of the combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed container, utensil, or device.
- D. "yard clippings" are leaves, grass clippings, weeds, vegetable or other garden debris, but does not include shrubbery, brush, tree branches and tree trimmings.
- E. "building materials, junk, debris, refuse, waste, weeds, or similar items, materials or products" shall be as defined in this ordinance, the Orleans Township Blight Ordinance, or as commonly used.
- F. *"Orleans Township Fire Chief" shall mean the appointed Fire Chief for Orleans Township, Ionia County, Michigan, the Deputy Fire Chief for Orleans Township in the absence of the Orleans Township Fire Chief, or the designee of the Orleans Township Fire Chief.*

Section 2 **Amendment of Section 1.11.**

Section 1.11 is amended to read in its entirety as follows:

1.11 Penalties:

A. Civil Infraction Violation. Unless specified otherwise in this ordinance, violations of this ordinance shall be a municipal civil infraction which is an act or omission that is prohibited, made or declared to be unlawful, or an offense by this ordinance, but which is not a crime under this ordinance, and for which civil sanctions, including without limitation, fines, damages, expenses, and costs may be ordered as authorized by Act 236 of Public Act of 1961 as amended, subject to the following provisions:

1. Sanctions for a violation of a civil infraction shall be a civil fine in the amount of not less than \$50.00, plus other costs, damages, expenses, and other sanctions for each infraction.

2. Increased civil fines may be imposed for repeat violations by a person of any requirement or provision of this ordinance. As used in this section, "repeat offenses" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by a person within any one year period (unless some other period is specifically provided by this ordinance) and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by this ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:

(a) The fine for any offense which is a first repeat offense shall be no less than \$250.00, plus costs.

(b) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than \$500.00, plus costs per offense.

3. Failure to answer a citation or notice to appear in court for a municipal civil infraction is a misdemeanor violation punishable by a fine of not more than \$500.00, plus other costs, or by imprisonment for a term not to exceed 90 days, or both fine and imprisonment.

4. Failure to comply with an order, judgment, or default in payment of a civil fine, costs, damage, or expenses so ordered may result in enforcement actions, including but not limited to imprisonment, collections, placement of liens or other remedies as permitted in Chapter 87 of Act 236 of Public Acts of 1961 as amended.

5. A municipal civil infraction is not lesser included offense of a criminal offense or an ordinance violation that is not a civil infraction.

B. Misdemeanor Violations. It shall be a misdemeanor, punishable upon conviction by a fine of not to exceed \$500.00 (plus other costs), imprisonment for a term of not to exceed 90 days, or both fine and imprisonment; for any person who:

(1) makes a knowing false statement, representation, or certification in an application, report, record, plan, or other document filed or required to be maintained pursuant to this ordinance or other state or federal law; or

(2) commits a violation of this ordinance by setting an open fire or allowing the continued *open* burning in violation of a fire emergency declaration as provided in Section 1.2 of this Ordinance or other similar law or ordinance which grants or establishes the authority to ban or prohibit open fires; or

(3) willfully continues or violates this Ordinance after suspension or revocation of a permit authorized under this Ordinance or other ordinances or state law; or

(4) commits or permits a violation of this Ordinance as determined by the Orleans Township Fire Chief which (a) results in any personal injury or any damage to real or personal property having a value exceeding five hundred dollars (\$500), or (b) is an open fire or burn in excess of 2 acres an area.

C. Nuisance. Maintenance of, or allowing the maintenance of, any fire, as prohibited by this Ordinance, is hereby determined to be detrimental to the health, safety and general welfare of the residents, property owners, and other persons within Orleans Township, and is deemed a public nuisance. Any violation of this Ordinance shall constitute a basis for injunctive relief against the violator to restrain and prohibit the violator from continuing the violation, in addition to any other relief or penalty provided by this Ordinance or allowed by law.

D. Continuing Offenses. Each day on which a violation of the ordinance continues, constitutes a separate or repeat offense and shall be subject to penalties or sanctions as a separate or repeat offense.

E. Enforcement Actions. This ordinance shall be enforced by the person or persons designated by the Orleans Township Board. A municipal civil infraction action may be commenced upon the issuance of a municipal civil infractions citation directing the alleged violator to appear in court.

Section 3. Severability:

Should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the Ordinance as a whole or any other part thereof, other than the part so declared to be invalid.

Section 4. Effective Date:

This Ordinance shall become effective after thirty (30) days from the date of publication of this Ordinance.

YEAS: Frederick Chapman, Joyce E. Doty, Joel Noe and Jerry Gallagher

NAYS: None

ABSENT: Herman Peterson

Ordinance declared adopted.

Joyce Doty
Joyce Doty, Township Clerk

CERTIFICATION

I certify that the foregoing Ordinance was adopted by the Township of Orleans in a regular session held on December 10, 1996, and that it was published in Sentinel-Standard on December 16, 1996.

Joyce Doty
Joyce Doty, Township Clerk

Subscribed and sworn to before me this 16th day of December, 1996

Kimberly A. Fletcher
Notary Public
State of Michigan, County of Ionia
My commission expires: 2/26/98