

OLIVE TOWNSHIP  
CLINTON COUNTY, MICHIGAN

ORDINANCE NO. 16

**PREAMBLE**

AN ORDINANCE TO SECURE AND CONTRIBUTE TO THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF OLIVE TOWNSHIP, CLINTON COUNTY, MICHIGAN, BY REGULATION OF FIRES AND BURNING OF MATERIALS; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; BY PROVIDING FOR THE COLLECTION OF COSTS AND EXPENSES OF THE TOWNSHIP WHEN APPLICABLE; AND ESTABLISHING AN EFFECTIVE DATE HEREOF.

The Township of Olive, Clinton County, Michigan, ordains:

**Section 1. Title.**

This Ordinance shall be known and cited as the "Olive Township Fire and Emergency Services Ordinance."

**Section 2. Definitions.**

The following terms used in this Ordinance shall have the following meanings:

- (a) **Authority** means the "DeWitt Area Emergency Services Authority."
- (b) **Bomb Threats** means the oral or written threat of a bomb or other explosive device which, if discharged as threatened, would violate a federal, state or local law.
- (c) **Drug or Alcohol Case** means a case where abuse of drugs or alcohol is determined to have contributed to the cause of an emergency response on behalf of the citizens of Olive Township by the DeWitt Area Emergency Services Authority.
- (d) **Emergency Assistance** means fire protection of real and personal property and emergency medical support services, including responses to events involving motor vehicles.
- (e) **Excessive Requests for Emergency Assistance** means any request for emergency assistance made to a particular location, if requests for emergency assistance at that location have occurred more than four (4) times in the preceding sixty (60) days.

- (o) **Release** means any actual or threatened spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, dumping or disposing into the environment, including, but not limited to, the air, soil, ground water, surface water, and drainage system.
- (p) **Responsible Party** means any person, owner, tenant, occupant, or other party in control of real and/or personal property from which, onto which or related to which there is a public safety or a fire emergency incident or event. "Responsible party" also includes heirs, estates, successors in interest and assigns of the entities described above.
- (q) **Rubbish** means non-biodegradable waste, combustible or not, including, but not limited to, paper, cardboard, metal, glass, bedding and building materials.
- (r) **Structure Demolition** means the tearing down of a structure damaged by fire or explosion which must, in the opinion of the Fire Chief or his or her designee, be promptly demolished following the incident to protect public safety.
- (s) **Threat of Harm to Oneself or Others** means the oral or written threat of physical harm to oneself, another person or property which, if carried out, would be a violation of federal, state or local law.
- (t) **Utility Line Failure** means the disabling of any transmissions, distribution or service lines, cable, conduit, pipeline, wire or the like, used to provide, collect or transport electricity, natural gas, petroleum products, communication or electronics signals (including, but not limited to, telephone, computer, cable television and stereo signals or electronic impulses), water or sanitary or storm sewage.
- (u) **Weapons of Mass Destruction** means biological agents, nuclear-radiological devices, incendiary devices, chemical agents and explosives used to attempt or accomplish mass destruction through an attack or occurrence.

iii. Open burning shall be under the direct supervision and control of a person at least seventeen (17) years of age, who shall ensure that neither life nor property is endangered.

iv. During the burn, a source of water or suitable substitute shall be available within reasonable proximity to the burn and adequate to extinguish the fire, should the need arise.

v. Unless specifically provided in a written permit, no recreational campfire shall exceed five (5) feet in diameter, nor shall the fire burn pile be arranged such that the fire's flame exceeds three (3) feet in height.

vi. Permits for open burning are valid only on the date specified in the permit, except that campfire and cooking permits shall be valid from the date of issuance until the next occurring March 31, when they shall expire.

vii. Open burning must cease and the fire be extinguished whenever burning sparks or embers are emitted upon adjoining or nearby properties or the fire exudes obnoxious fumes or smoke which endangers the health, safety or welfare of the public.

viii. Unless first inspected and approved by the Fire Chief or his designated representative, the location of any open burning shall not be less than twenty (20) feet from adjoining property and fifty (50) feet from any structure, and provisions shall be made to prevent the fire from spreading.

#### **Section 5. Violation as a Civil Infraction.**

Any person who violates any provision of this Ordinance is responsible for a civil infraction and is subject to payment of a civil fine. Penalties not to exceed Five Hundred and no/100 Dollars (\$500.00) may be imposed for violation, plus court costs, which may include all expenses, direct or indirect, which the Township has incurred in connection with the infraction. The court or magistrate may also impose any and all other remedies applicable to municipal civil infractions provided for under state law. Each day of such violation shall constitute a separate offense. All fines and charges levied hereunder, including charges levied in the issuance of a permit, shall be established and may be amended by Resolution of the Olive Township Board or by amendatory Ordinance.

#### **Section 6. Violation as a Nuisance.**

Any violation of this Ordinance shall be deemed a nuisance per se. The Olive Township Board, its agents or any private citizen of Olive Township may thereupon take action in any court of competent jurisdiction to cause abatement of such nuisance.

**Section 10. Effective Date.**

This Ordinance shall become effective thirty (30) days from and after its adoption and publication as required by law.

OLIVE TOWNSHIP

By: Earl Barks  
Earl Barks, Supervisor

By: Mistie McKane  
Mistie McKane, Clerk

I, Mistie McKane, Clerk of the Township of Olive, hereby certify that the foregoing Ordinance was adopted on the 10<sup>th</sup> day of January, 2005 and a summary published on the 22<sup>nd</sup> day of January, 2005.

Mistie McKane  
Mistie McKane, Clerk

I, Sandra June, Clerk of the Township of Olive, hereby certify that the foregoing Ordinance was revised on the 12<sup>th</sup> day of October, 2009, and a summary published on the 17<sup>th</sup> day of October, 2009.

Sandra June  
Sandra D. June, Clerk

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**PLEASE TAKE NOTICE** that at a regularly scheduled Olive Township board meeting held on the 12<sup>th</sup> day of October, 2009, the Township Board revised ordinance No. 16. The revised paragraph appears below.

**FIRE AND EMERGENCY SERVICES ORDINANCE NO. 16 Section 2. Definitions. (t) Utility Line Failure** means the disabling of any transmissions, distribution of service lines, cable, conduit, pipeline, wire or the like, used to provide, collect or transport electricity, natural gas, petroleum products, communication or electronics signals (including, but not limited to, telephone, computer, cable television and stereo signals or electronic impulses), water or sanitary or storm sewage.

**PLEASE TAKE FURTHER NOTICE** that the full text of this Ordinance will be available for inspection and may be purchased by contacting the Township Clerk after the date of this publication. The Ordinance shall become effective thirty (30) days after its adoption and publication as required by law.

**OLIVE TOWNSHIP  
Sandra June, Clerk  
1669 E. Alward Road  
DeWitt, MI 48820  
Telephone: 517-668-9506**

fax 517-543-307