

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.

- (f) **Garbage** means rejected food waste.
- (g) **Hazardous Materials** means those elements, substances, waste or byproducts, including, but not limited to, combustible liquids, flammable gas, explosives, flammables, poisons, organic peroxide, oxidizers, pyophorics, unstable reactive matter, water reactive matter, petroleum products, antifreeze, polychlorinated biphenyls, and asbestos which are, or are potentially, harmful to the environment or human or animal life, or which pose an unreasonable or imminent risk to life, health or safety of persons or property, or to the ecological balance of the environment as determined by the Fire Chief or Incident Commander.
- (h) **Hazardous Material Incident or Emergency** means any occurrence, incident, activity, accident or emergency where a release of hazardous materials occurs or is reasonably imminent and where the Fire Chief or his or her designee has so declared such activity, accident or emergency a hazardous material incident or emergency.
- (i) **Illegal Fire** means a fire set or determined to have been set in violation of a federal, state or local law, including this Ordinance. An illegal fire does not include an unintentional fire or a fire caused by an act of God.
- (j) **Open Burning** means the burning of any materials wherein products of combustion (smoke, ash, etc.) are emitted directly into the air without first passing through a stack or chimney from an enclosed chamber.
- (k) **Person** means a natural person, firm, partnership, association or corporation or other similar entity.
- (l) **Public Safety or Fire Emergency Incident** means an illegal fire, drug or alcohol case, hazardous material incident or emergency, bomb threat, threat of weapons of mass destruction, threat of harm to oneself or another, structure demolition, utility line failure, or excessive requests for emergency assistance.
- (m) **Recreational Campfire** means a bonfire, cooking fire or a campfire and is open burning.
- (n) **Refuse** means solid waste, including garbage, rubbish, ashes, dead animals and construction materials.

- (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.

Section 3. Prohibited Open Burning.

The following types of open burning are expressly prohibited within Olive Township. No person or entity shall burn or cause to be burned:

- A. Garbage;
- B. Refuse;
- C. Rubbish;
- D. Animal waste;
- E. Grass clippings;
- F. Petroleum-based products;
- G. Chemicals;
- H. Explosives;
- I. Plastic;
- J. Building or construction materials.

Section 4. Permitted Open Burning.

Unless expressly exempted from this requirement, open burning shall be allowed only after obtaining a written permit or other proper authorization from the Chief of the DeWitt Area Emergency Services Authority or his or her authorized agent.

A. Application. An application for open burning shall contain information as required by the Dewitt Area Emergency Services Authority, including, but not limited to: name, address and telephone number of permittee; location of proposed burn; nature and quantity of material to be burned; and a description of on-site fire extinguishing equipment to be provided.

B. Burning in a barrel, debris burner, or a fireproof container constructed of metal or masonry and covered with an approved spark arrester with openings no larger than three-fourths (3/4) of one inch if located ten (10) or more feet from adjoining property and fifty (50) feet from any building, or an alternate location first inspected and approved by the Fire Chief or his designated representative, is not open burning and is allowed without a burn permit being issued.

C. Permit Terms. All permits for open burning are issued subject to the following terms and conditions:

i. Open burning is permitted only during daylight hours and fire must be extinguished at sunset, except for camping and cook fires which must be extinguished no later than 2:00 a.m.

ii. Any permit issued shall be void during the time the wind is, or is forecast to be, fifteen miles per hour (15 mph) or greater.

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 7. Public Safety and Fire Emergency Charge.

Emergency assistance charges established by Resolution of the Olive Township Board shall be due and payable to the Township from the recipient of services of the DeWitt Area Emergency Services Authority provided in response to a public safety or fire emergency incident, for a fire run, or for emergency assistance. The emergency assistance charges may be amended from time to time by Resolution of the Olive Township Board.

A. The Fire Chief or his or her designee shall determine when a public safety or fire emergency incident has occurred, or excessive emergency service rendered.

B. If a public safety or fire emergency incident has occurred, or excessive emergency service rendered, the Township shall bill the responsible party(ies) for the emergency assistance charge which shall be a debt obligation of the responsible party(ies).

C. A person who is not at fault for the emission of hazardous material due to its cause by a third party shall be entitled to defend on that basis against the liability for assessed costs.

D. Emergency assistance charges are due and payable within thirty (30) days from the date of the initial billing, after which the balance due shall accrue interest at the rate of one percent (1%) per month.

E. Emergency assistance charges levied against a responsible party not paid when due shall constitute a lien upon the real property of the responsible party at which, or related to which, the public safety or fire emergency incident occurred. The lien shall be of the same character and effect as a lien for real property taxes and shall include accrued interest and statutory penalties.

F. The fines and charges herein provided for shall be in addition to any injunctive or other relief which may be deemed appropriate in the premises.

Section 8. Severability.

The several provisions of this Ordinance are declared to be separate. If any court of law shall hold that any section or provision hereof is invalid, such holding shall not impair the validity of any other section or provision of this Ordinance.

Section 9. Repealer.

Olive Township Ordinance No. 13, "Fire Burning and Fire Run Ordinance," shall be and is hereby repealed.

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 10th day of January, 2005 and a summary published on the 22nd 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 12th day of October, 2009, and a summary published on the 17th day of October, 2009.

Sandra D. June
Sandra D. June, Clerk

OLIVE TOWNSHIP
CLINTON COUNTY, MICHIGAN
ORDINANCE NO. 16

PLEASE TAKE NOTICE that at a regularly scheduled Olive Township board meeting held on the 12th 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