

DATE June 05,2003

TOWNSHIP OF ESSEX

ORDINANCE NO. 9

Section I

Title: Essex Township Burning Ordinance

Section II

Purpose: To regulate the burning of waste materials in the Township; to require the issuance of a permit for all open burning other than “domestic”; to provide for the reimbursement of the Township for a portion of the cost of providing fire protection and rescue run services, and to diminish the number of false alarms and unnecessary runs.

Section III

General: All out-of-doors burning shall be prohibited, except as provided in this ordinance, and shall be restricted to paper products, dry leaves, brush, and untreated wood products.

Section IV

Household Waste: “Domestic” burning shall not require a permit, and shall be defined as confined burning in a suitable container, of household waste, excluding garbage and plastic products. . Burning shall be in day light hours only, and after school hours if within 500 feet of a school.

Section V

Open Burning: Unconfined burning shall be of only the materials listed in Section III, and shall be done only under permit issued by an agent of the Maple Rapids Department of Public Works, according to conditions established by the Maple Rapids Fire Department. Burning is permitted

on completely snow-covered ground if the Maple Rapids Department of Public Works is notified of intent to burn. Open burning shall be done only in daylight hours and shall be attended.

Section VI

Recreational Fires: Bonfires and campfires may be used without permits if built within areas constructed for such use, restricted to moderate size and attended.

Section VII

Fire Run Charges: The Township of Essex pays a contractual fee for fire and rescue run services and shall herein collect a user fee based upon all reasonable costs incurred by the township for any such services performed in fire fighting or rescue runs. Such charges shall be borne by the user and the recipient of those services performed, i.e., the property owner, vehicle owner, etc. Any fees shall be administratively set by the Essex Township Board to reasonably reflect and relate to the costs expended by the Township Board, from time to time, shall be published once in a newspaper of general circulation in the Township.

Section VIII

Procedures For Payment: All foregoing charges shall be due and payable within 30 days from the date the recipient of the fire protection service receives a statement from the Township.

Default of payment shall be collectible through proceedings in district court or in any other court of competent jurisdiction as a matured debt.

Section IX

Exemptions: The following properties and services shall be exempt from the foregoing charges:

- A. False Alarms
- B. Fires involving township buildings, grounds and /or property.

Section X

Multiple Property Protection: Where a particular service rendered by the Township directly benefits more than one person or property, the owner of each property so benefited and each person so benefited where property protection is not involved shall be liable for the payment of the full charge for such service hereinbefore outlined. The interpretation and application of the within section is hereby delegated to the Township Clerk subject only to appeal, within the time limits for payment, to the Township Board and shall be administered so that charges shall only be collected from the recipients of the service.

Section XI

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

Section XII

This Ordinance shall take effect immediately. All ordinance or parts of ordinances in conflict herewith are hereby repealed.

Ferguson moved we approve Ordinance No. 9. "Essex Township Burning Ordinance", Eldridge seconded it. Roll call vote Swanson, yea; Benson, yea; Warnke, yea; Eldridge, yea; Ferguson, yea.

Florence Benson

Essex Township Clerk