

VILLAGE OF CLIMAX
KALAMAZOO COUNTY, MICHIGAN

ORDINANCE 32

AN ORDINANCE TO REQUIRE A PERMIT FOR CERTAIN BURNING ACTIVITIES; TO ESTABLISH PROCEDURES AND FEES TO OBTAIN A PERMIT; TO DESIGNATE OFFICIALS TO IMPLEMENT THIS ORDINANCE; TO PROHIBIT BURNING WITHOUT A PERMIT; TO PROVIDE FOR PENALTIES FOR VIOLATION HEREOF; AND TO REPEAL ALL ORDINANCES AND PARTS THEREOF IN CONFLICT HEREWITH.

VILLAGE OF CLIMAX ORDAINS:

Section 1. Definitions as Used Herein.

The term `person' shall mean any individual, partnership, corporation, firm or any other type of legally recognized entity.

Section 2. Burning Without Permit Prohibited.

It shall be unlawful for any person to engage in any burning outside a fully enclosed building without a permit.

Section 3. Certain Burning Activities Permitted With Burning Permit.

A permit may be issued to engage in the following outdoor burning activities:

- a. Burning leaves, branches, brush or other yard waste (but not grass clippings) on any private property;
- b. Campfires or burning pits.

Section 4. Conditions on Permits.

The Fire Chief or his designee may place conditions upon the permittee as a requirement for the issuance of a permit. Conditions may include, but are not limited to, any requirements or prohibitions which the Fire Chief or his designee, in his sole discretion, feels is necessary or

appropriate to protect the health, safety and welfare of the permittee, his property, residents of or property within the Village.

Section 5. Permit Requirements for Campfires or Burning Pits.

In addition to any condition imposed pursuant to Section 3 above, a campfire or burning pit shall not be larger than five feet in diameter and must be contained by rocks, bricks or other non-flammable material.

Section 6. Length of Time of Permit.

With the exception of campfires or burning pits, the permit shall designate the length of time for which the permit is given. Permits for campfires and burning pits shall not exceed one year in duration and shall be issued on an annual basis.

Section 7. Form of Permit.

A permit for a burning activity which does not exceed one calendar day, except campfires or burning pits, may be issued verbally. All other permits shall be issued in writing containing the conditions placed thereon by the Fire Chief or his designee.

Section 8. Permit Fee.

The Village Council shall establish by Resolution from time-to-time a permit fee cost schedule.

Section 9. Penalties for Violation.

Violation of this Ordinance or the violation of any term, provision or condition of a permit shall be a misdemeanor punishable by a fine not to exceed \$500.00, imprisonment in the County Jail not to exceed 90 days, or both. Each day a violation occurs shall be deemed a separate occurrence.

In addition to the criminal penalties referred to above, a person who violates this Ordinance or any term, provision or condition of a permit, shall be civilly responsible to the Village of Climax for the actual costs incurred by the Climax Township Fire Department as a result of the violation of this Ordinance or any term, provision or condition of a permit.

Section 10. Civil Enforcement Procedure.

After the Climax Township Fire Department has determined that they responded to a call as the result of violation of this Ordinance or violation of any term, provision or condition of a permit, the actual costs incurred shall be billed by first-class mail to the last known address of the violator.

If the charges are not paid or arrangements satisfactory to the Township Fire Department are not made within 30 days thereafter, the Village may seek civil collection of the amount owed in any manner permitted by law.

In addition, the Village may place a lien upon the property upon which the violation may occur for the amount of the actual costs incurred. Such lien may be collected in the same manner as real property taxes. In the event that the Village is required to institute suit to collect the costs incurred, the violator shall be liable for statutory interest, costs of litigation and actual attorney's fees incurred by the Village.

Section 11. Enforcement Authority.

The Chief of the Climax Township Fire Department or his designee is hereby designated as Permit Enforcement Officer(s). Such person(s) are hereby authorized to enforce all provisions of this Ordinance.

Section 12. Repealer.

All Ordinances or parts thereof in conflict herewith are hereby repealed and shall be of no further force and effect.

Section 13. Severability.

Any and all sections, terms, provisions and/or clauses herein shall be deemed independent and severable. Should any court of competent jurisdiction hold any section, term, provision or clause void and/or invalid, all remaining sections, terms, provisions and/or clauses not held void and/or invalid shall continue in force and effect.

Section 14. Effective Date.

This Ordinance shall take force and effect on April 21, 1995.

CERTIFICATE

I, Denise Strong, Village Clerk for the Village of Climax, do hereby certify that the foregoing Climax Ordinance No. 32 was adopted by the Village Council at a regular meeting held on March 21, 1995, and that the following is a record of the vote of the members of said Village Council on said Ordinance.

AYES: Elwell, Foster, Glazer, O'Hare, Strong, Torrance and Kirkham

NAYS: None

ABSENT: None

ABSTAIN: None

Denise Strong, Village Clerk