

VILLAGE OF MORRICE
401 N. Main Street
Morrice, Michigan 48857

ORDINANCE 96-1

Enacted February 29, 1996

OPEN BURNING

An ordinance to create the code of the Village of Morrice to provide information for burning permits, to regulate the setting of fires, to define the rules for burning; and to provide for the enforcement hereof with provisions for penalties for violations hereof.

The Village of Morrice ordains:

Section I Permits

A. Requirement

No person, partnership, firm, association, or corporation shall, within the Village limits of Morrice, set or cause to be set, burn or cause to be burned, at any time, any combustible material, unless such person, partnership, firm, association or corporation obtains from the Fire Chief or his/her duly authorized representative of the Perry Area Fire Department, a permit for such burning.

B. Exceptions

There shall be no permit required for fires meeting the criteria listed below in Section II (B) 3 Open Fire, Leaf Burning, Section II (C) Domestic Burning, or Section II (D) Recreational Burning.

C. How to Obtain

Any person, partnership, firm, association, or company wishing to obtain a permit to burn shall call the Perry Area Fire Department at (517) 625-7611 at least 48 hours prior to the date and time that person, partnership, firm, association, or company wishes to conduct its burning. Such permit shall state the name of the applicant, the address or location where the burning is to take place, and the time and date the fire is to be set. Such permit shall be in accordance with Section 4 of Act 329 of the Public Acts of 1969, as amended, being M.C.L.A. 320.24, as amended.

Section II General Rules for Burning

A. All Fires

1. There shall be no burning of any combustible material that creates smoke or odor nuisances for surrounding residents.
2. There shall be no burning of any combustible material that may release a toxic emission when burned, including, but not limited to tires, oil, or paint.
3. There shall be no burning on any paved or concrete portion of any public street or sidewalk.
4. There shall be no burning within fifteen (15) feet of any existing structure or five (5) feet from any property line.
5. There shall be no burning, unless under the charge or supervision of a person of mature years and discretion.
6. There shall be no burning at any time when the wind or weather conditions may create a nuisance or danger to the property of any person in the vicinity thereof.

B) Open Burning Fires

Open burning fires shall be defined as the burning of any combustible material outside of a building or structure, and outside the containment of an approved container as described in Section II (C) Domestic Burning, or a containment pit as described in Section II (D) Recreational Burning. Open burning shall fall under the guidelines listed above in Section II (A) All Fires, as well as the guidelines listed below.

1. There shall be no open burning prior to 7:00 am and must not be continued after 8:00 p.m.
2. There shall be no burning done in the Village on Monday, Wednesday, Friday or Sunday of any week. Burning is allowed on Tuesday, Thursday and Saturday.
3. The burning of leaves shall be considered an open burn fire and therefore shall fall under the guidelines of Sections II (A) and (B). However, there will be no burn permit required for the burning of leaves.

4. The setting of an open burning fire in performance of an official duty for the instruction or training of firefighters, or to abate or prevent a fire hazard which cannot be abated by any other means is allowed.

C. Domestic Burning

Domestic burning shall be defined as any fire around a residence or business, within the curtilage of the building, where the material to be burned has been properly placed in a debris burner constructed of metal or masonry with an approved spark arrestor with openings not larger than three-quarters (3/4) of an inch. Domestic burning shall fall under guidelines listed above in Section II (A) All Fires, as well as the guidelines listed below.

1. There shall be no material burned other than paper products generated from normal household waste from one and two family dwellings.
2. No permit shall be required for domestic burning.

D. Recreational Burning

Recreational burning shall be defined as any fire of logs, brush, charcoal or similar materials around a residence or property burned for the purpose of food preparation or recreation, where the materials to be burned are to be placed at ground level within a containment pit constructed of masonry or steel no larger than 3 feet in diameter or covering an area not larger than 10 square feet. Recreational burning shall fall under the guidelines of section II (A) All Fires, as well as the guidelines listed below:

1. The preparation of food in or on a commercially manufactured grill shall be exempt from all regulations set forth by this ordinance. However, it is recommended that such containers be placed at a minimum distance of three (3) feet from any said structure.
2. No permit shall be required for recreational burning that falls within the guidelines defined above. Any recreational burning that does not fall within the above stated guidelines shall require a permit.

Section III Civil Liability for Cost and Damage

- A) Any person who sets an open fire which necessitates calling the Perry Area Fire Department or any other fire department shall pay to the village of Morrice all costs and charges incurred by the Village by reason of calling the Perry Area Fire Department or any other fire department.

- B) The Village may sue in any court of competent jurisdiction for civil damages and may recover such costs and expenses incurred by it from any person who sets such an open fire.
- C) Payment of costs to the fire department shall in no way relieve such person from liability for any damage caused by the fire.

Section IV Enforcement/Penalties

A. Authority

The authority for enforcement of the above stated ordinance shall fall under the direction of the Village of Morrice Police Department or the Chief and/or his/her duly authorized representative acting under the direction of the chief of the Perry Area Fire Department.

B. Penalties

Any person, partnership, firm, association, or corporation who shall set or cause to be set an open fire without a permit as required by this ordinance or any subsection thereof, shall be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment in the county jail for a period of not more than thirty (30) days, or by both such fine and imprisonment, in the discretion of a court of competent jurisdiction.

Section V Severability Clause

This ordinance and the several sections and sub-sections, clauses and parts thereof, are hereby declared to be severable. If any part or clause thereof is declared or adjudges invalid by present or future legislation or decree, the balance of the ordinance shall not be affected thereby.

Section VI. Conflicting Ordinance Repealed

All ordinances previously adopted and inconsistent with the provisions of this ordinance are repealed, and in the case of inconsistencies, to the extent of such inconsistency are hereby repealed.

Section VII. Effective Date

This Ordinance shall take effect immediately upon publication.

Adopted at a regular meeting of the Village Council held on the 14th day of February, 1996.

YEAS: Rundell, Watros, Cruzher, Spangler, Poole.

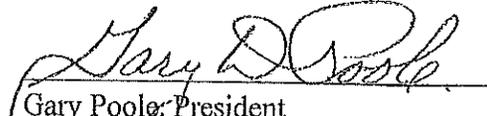
NAYS: None.

ABSENT: Judy Paulica Abstain - Munro.

I certify that the above is a true and complete copy of the Ordinance No. 96-1 adopted by the village council at a regular meeting held on the 14th day of February, 1996.



Karen Munro, Clerk
Village of Morrice


Gary Poole, President
Village of Morrice