

TOWNSHIP OF ROSS
COUNTY OF KALAMAZOO, STATE OF MICHIGAN

ROSS TOWNSHIP ORDINANCE NO. 154
(as amended by Ordinance Nos. 166 and 177)

ADOPTED: SEPTEMBER 25, 2001 (July 13, 2004/October 9, 2007)
EFFECTIVE: NOVEMBER 7, 2001 (August 18, 2004/November 14, 2007)

BURNING ORDINANCE

An Ordinance to prohibit and regulate certain types of burning activities, and to establish civil sanctions and remedies for a violation of same.

THE TOWNSHIP OF ROSS
KALAMAZOO COUNTY, MICHIGAN

ORDAINS:

SECTION 1

TITLE

This Ordinance may be known and cited as the Ross Township Burning Ordinance.

SECTION 2

PROHIBITED BURNING ACTIVITIES

- A The following burning activities are prohibited at any time and place:
1. The burning of garbage, or any other noxious waste or refuse material.
 2. The burning of vehicle tires or motor oil.
 3. The burning of new or used construction materials.

4. The burning of any substance or material of any kind on the paved portion of any public roadway or other roadway open to the general public.
- s. The following burning activities are prohibited in the circumstances indicated:
1. The burning of any substance or material on any lot/parcel with a total lot/parcel area of less than 1 acre, except for leaves and the burning of otherwise permissible material for campfire purposes.
 2. The burning of any substance or material likely to involve the emission of smoke, fly ash or noxious odor that is unreasonably offensive or disturbing to adjacent property owners and residents or other persons in the area, or to the general public health, safety, or welfare.
 3. The burning of tree or shrubbery debris not originating on the property on which the burning is taking place, or any other materials imported to the property for the primary or secondary purpose of the open burning of same on the property.
 4. The burning of otherwise permissible material for campfire purposes, including as allowed pursuant to subsection B.1. above, where the campfire is not within a defined perimeter or otherwise contained area of nine square feet or less.

SECTION 3

BURNING REGULATIONS

- A. The following regulations apply to otherwise permissible burning activities that are not prohibited pursuant to Section 2 of this Ordinance:
1. Burning shall be limited to the period of each day from dawn to dusk.
 2. All burning enclosures or areas shall be located at least 10 feet from the right-of-way of any roadway, and at least 10 feet from all property boundary lines, and at least 25 feet from the water's edge of any lake, stream or pond.
 3. A permit shall be obtained from the Ross Township Office or from any officer of the Ross Township/Augusta Fire Department prior to burning any accumulation of wood, brush, or otherwise permissible

burning material covering a ground surface area of more than 100 square feet, including the burn-off of farm fields. There shall be no charge or fee for such permit.

4. All fires must be attended by a responsible person.

SECTION 4

VIOLATIONS AND ENFORCEMENT

- A. Any officer of the Ross Township Police Department, or any authorized agent of same, may order any fire or burning activity in violation of any provision of this Ordinance to cease and be extinguished.
- B. The Ross Township/Augusta Fire Department or any authorized agent of same may extinguish any fire or burning activity determined to be uncontrolled and/or unsafe, or otherwise in violation of any provision of this Ordinance.
- C. Any person or entity who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, or any order issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance.
- D. Any person or entity responsible for a violation of this Ordinance, whether as an occupant, owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.
- E. Any violation of this Ordinance is hereby declared to constitute a public nuisance, and shall constitute a basis for such judgment, writ or order necessary to compel compliance with the Ordinance and/or to restrain and prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law, including fire run charges imposed by Ordinance.
- F. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
1st offense	\$ 150.00	
2nd offense	\$ 325.00	
3rd or subsequent offense	\$ 500.00	

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the municipal civil infraction.

- G. This Ordinance shall be enforced by the Ordinance Enforcement Officer(s) of Ross Township, any officer of the Ross Township Police Department, and by such other person or persons as the Township Board may designate.

SECTION 5

EFFECTIVE DATE

This Ordinance shall take effect 30 days after publication as required by law.

Martha Chambers, Clerk
Ross Township