

**Roscommon Township Ordinance #49
(Burning)**

As Amended December 7, 1999

Including Resolution #2007-3-6c, 6d amendments to Municipal Civil Infraction Ordinance #54
including excerpts from Ordinance # 59... Cost Recovery....

An Ordinance to regulate burning to protect the health, safety and welfare of Roscommon Township residents.

DEFINITIONS:

Open burning: The burning of items on the ground. Does not include campfires.

Burn barrels: Structures which are used for the purpose of burning items as allowed by state law. Containers shall be constructed of steel, brick or masonry, and shall have proper venting and screening, as required by state law. Barrels shall be placed on a surface of gravel, cinders, cement or other noncombustible material. Cover shall be metal mesh, with holes not larger than 3/4". Draft holes shall be located near the bottom, and shall not exceed 3/4" in diameter.

BURNING ACTIVITIES ALLOWED

Open burning and burn barrels are allowed only when placed in excess of 50' from any house, building, barn, shed or other structure, whether inhabited or not. Any and all needed permits required by the Michigan Department of Environmental Quality shall be obtained. Items as allowed by state law can be burned. If state law and township ordinance conflict, the stricter of the two shall prevail.

Campfires are allowed. Campfires must be contained in such a way as to prevent spread of fire.

Burning of trees, logs, brush and stumps in rural areas is allowed as permitted by state law and with proper burning permits.

All burnings will be attended by a person 18 years of age or older, until said fire is extinguished.

Items to extinguish the fire must be readily available at the site of all burnings.

The area where burning takes place shall be located at least 15' from trees, shrubbery, limbs, long grass and debris, so as to prevent the fire from spreading.

BURNING ACTIVITIES PROHIBITED

Burning of garbage, animal carcasses, tar, rubber or plastic items, rubbish, excess construction or demolition materials, refuse, automobiles, auto parts and tires is strictly prohibited. Items not specifically mentioned but which exude obnoxious odors or are a nuisance to adjoining property owners are also prohibited from being burned.

Burning is prohibited from all public roads and alleys, sidewalks and bike paths.
The Township shall order the immediate extinguishment and proper clean up of all prohibited fires.

PENALTIES

Any person who violates any provision of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine as authorized by Section 21 of Act No. 359 of the Public Acts of 1947, as amended, and the Roscommon Township Municipal Ordinance Violations Bureau Ordinance #54.

First violation within a 3 year period: \$75.

Second violation within a 3 year period: \$150.

Third violation within a 3 year period: \$300.

Fourth violation within a 3 year period: \$450.

In addition to the above prescribed civil fines, cost in the amount of \$20 may be assessed by the bureau if the fine is not paid within 10 days of date of service of the municipal ordinance violation notice.

Each day on which any violation of this Ordinance occurs or continues, constitutes a separate offense subject to separate sanctions.

A true complete copy of these ordinances regulating burning in Roscommon Township is available at Roscommon Township hall, 8555 Knapp Rd., Houghton Lake, MI 48629

**Excerpt from the
Roscommon Township Public Safety and Fire Emergency Response Cost Recovery
Ordinance # 59**

Adopted March 1, 2005 – Effective April 25, 2005

An Ordinance to provide for the recovery of extraordinary expenses resulting from the utilization of the Township resources in response to certain public safety and/or fire emergency incidents.

1. Purpose

The purpose of this Ordinance is to authorize the Township to recover costs incurred by the Township in responding to certain public safety and/or fire emergency incidents, and to provide for the procedure by which such recovery shall occur.

Relevant definitions:

(i) “Illegal fire” means and/or refers to a fire set or determined to have been set in violation of a federal, state or local law and shall include, without limitation, an arson fire and a fire set in violation of a “no burning” ban or order. An illegal fire does not include an unintentional fire or fire caused by an act of God, e.g. a lightning storm.

(k) “Public safety or fire emergency incident” means and/or refers to (i) excessive requests for emergency assistance, (ii) a false alarm, (iii) a hazardous material incident or emergency, (iv) an illegal fire, (v) bomb threats where the Fire Department is requested to move its apparatus of manpower from the Fire Station, (vi) threats of harm to oneself or others, (vii) a structure demolition, (viii) a utility line failure, (ix) a motor vehicle incident or accident, (x) a structure fire that requires the use of Fire Department equipment, manpower, and extinguishing agent(s), including without limitation to fires in open areas, fields, woods and forests.

A copy of the entire ordinance is available at Roscommon Township hall, 8555 Knapp Rd., Houghton Lake, MI 48629

(4/08)