

192.000 - OPEN BURNING Ord. No. 6A Adopted: June 15, 1970

An Ordinance to regulate the setting and control of fires within Atlas Township, Genesee County, Michigan and to prescribe penalties for the violation thereof, and to supplement Atlas Township Ordinance No. 6 known as the "Atlas Township Fire Prevention Ordinance".

THE TOWNSHIP OF ATLAS, GENESEE COUNTY, MICHIGAN ORDAINS:

*Footnotes:**--- (1) ---*

Cross reference— *Fire prevention, pt. 191; open burning, pt. 192; alarm systems, pt. 194; emergency response expenses, pt. 195.*

192.001 - Title.

Sec. I. This Ordinance shall be known as the Atlas Township Fire Control Ordinance.

192.002 - Definition.

Sec. II. The words "open fire" as used in this ordinance shall mean any fire upon any woodlands, lots, subdivisions, grass lands, field or public right-of-way within the Township of Atlas not wholly contained within an incinerator, outside fireplace, grill or other receptacle constructed for and suitable to the purpose of the burning of combustibles.

"Combustibles" as used herein, shall mean easily burned.

(Amended: Ord. No. 6B, 3-21-88)

192.003 - Permit.

Sec. III. No person shall start or have any open fire without first obtaining a permit from the Fire Chief or his designee and such permit shall state the address where such fire is started, the owner of the premises involved, the person starting the fire and the person responsible for attending such fire. There will be no charge for such permit.

(Amended: Ord. No. 6B, 3-21-88)

192.004 - Uncontrolled fires prohibited.

Sec. IV. No person shall start or have any open fires upon any woodlands, lots, subdivisions, grasslands, field or public right-of-way within the Township of Atlas whenever there be danger of such fire spreading beyond the control of the person so starting or having such open fire so as to injure, damage or endanger

the life, limb or property of another.

192.005 - Unattended fires prohibited.

Sec. V. No person who shall start or have any open fire upon any woodlands, lots, subdivisions, grasslands, field or public right-of-way within the Township of Atlas shall leave such open fire unattended by a person 18 years or older until such fire shall have been completely extinguished.

(Amended: Ord. No. 6B, 3-21-88)

192.006 - Collection of charges.

Sec. VI. The owner or occupier of any property within the Township of Atlas to which the Atlas Fire Department is called on two or more occasions during a twelve-month period to extinguish a grass fire shall be liable to the Township of Atlas, upon demand made by the township board, in the sum of two hundred dollars (\$200.00). The Township Board of Atlas Township shall have the power to waive or modify this provision upon a proper showing. Failure to pay said sum within ten days of the written demand therefor made by the township board shall be deemed a violation of this Ordinance.

(Amended: Ord. No. 6B, 3-21-88)

192.007 - Application and charge for elective burning.

Sec. VII. Whenever any owner or occupier of property within the Township of Atlas shall desire the Atlas Township Fire Department to burn down any building or structure upon his or her property, a written request containing the names, addresses and consent in writing of all persons having a legal interest in the premises shall be submitted to the Atlas Township fire chief and by him transmitted to the township board. The fire chief shall, along with the application, transmit a suggested charge that should be made by Atlas Township to offset the cost of destroying the said building or structure. The suggestion shall be not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). Upon the receipt of the application and the suggested cost transmitted by the Atlas Township fire chief, the township board shall at its next regular meeting, or at a special meeting called for that purpose, authorize the burning of the building or structure indicated, upon the payment of a fee to be set by the township board. Provided, however, that no approval for said destruction shall be given by the Atlas Township Board until the Township Attorney certifies that all persons having any interest in the property have executed the application for destruction.

192.008 - Permitted time period for burning.

Sec. VIII. No person shall start or have any open fire upon any woodlands, lots, subdivisions, grasslands, field or public right-of-way within the Township of Atlas before sunrise nor later than one-half hour following sunset.

(Amended: Ord. No. 6B, 3-21-88)

192.009 - Penalty.

Sec. IX. Violation of this ordinance is a municipal civil infractions. In addition to pursuing a municipal civil infraction proceeding, the Township may also institute an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to enforce or interpret this Ordinance or any provision of the Ordinance. All remedies available to the Township under this Ordinance and Michigan law shall be deemed to be cumulative and not exclusive. Each day a violation of this ordinance shall exist shall be deemed a separate offense. In addition to a fine to be determined by the township board, the court, at its discretion, may award other costs, attorney's fees, damages, expenses and other remedies as provided by law.

(Amended: Ord. No. 6B, 3-21-88; Ord. No. 16-02, §§ 1, 2, 6-20-16)

192.010 - Severability.

Sec. X. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

192.011 - Effective date.

Sec. XI. This Ordinance shall become effective on the 24th day of July, 1970.