

**TOWNSHIP OF SCHOOLCRAFT
COUNTY OF KALAMAZOO, STATE OF MICHIGAN
SCHOOLCRAFT TOWNSHIP ORDINANCE NO. 208**

ADOPTED: OCTOBER 9, 2001

EFFECTIVE: NOVEMBER 17, 2001

(as amended by Ordinance No. 252 adopted May 11, 2011)

BURNING ORDINANCE

An Ordinance to prohibit certain types of burning activities that have the potential to cause or aggravate respiratory-related health problems and otherwise adversely affect the public health, safety, and general welfare of persons and property; and to establish civil sanctions and remedies for a violation of same.

**THE TOWNSHIP OF SCHOOLCRAFT
KALAMAZOO COUNTY, MICHIGAN**

ORDAINS:

SECTION 1

TITLE

This Ordinance may be known and cited as the Schoolcraft Township Burning Ordinance, and is enacted pursuant to the authority conferred by MCL 41.181 to adopt ordinances regulating the public health, safety and general welfare of persons and property, including ordinances concerning fire protection.

SECTION 2

PROHIBITED BURNING ACTIVITIES

The following burning activities are prohibited in Schoolcraft Township:

1. The burning of garbage, or any other putrescible waste or refuse material, at any time and place.
2. The burning of vehicle tires or motor oil, at any time and place.
3. The burning of any substance or material involving 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, due to the proximity of the site of the burning

to property occupied by any person, wind direction or velocity, the smoldering nature of the fire, or any other existing conditions or circumstances that a reasonable person would find unreasonably offensive or disturbing, after being ordered to extinguish such burning activity by any person authorized to enforce this Ordinance.

- 4. The burning of leaves, grass or other yard clippings, trees, logs, brush, or stumps, within 1,400 feet of the municipal limits of the Village of Vicksburg, the Village of Schoolcraft, or the City of Portage.

SECTION 3

VIOLATIONS AND ENFORCEMENT

- a. 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.
- b. 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.
- c. 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 but not limited to any emergency services response costs imposed pursuant to ordinance.
- d. 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.

- e. This Ordinance shall be enforced by the Ordinance Enforcement Officer(s) of Schoolcraft Township, any officer of the South Kalamazoo County Fire Authority, and by such other person or persons as the Township Board may designate.
- f. Any person authorized to enforce this Ordinance, and 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.

The South Kalamazoo County Fire Authority, and any authorized agent of same, may extinguish any fire or burning activity determined to be in violation of any provision of this Ordinance, or any fire or burning activity determined to be uncontrolled and/or unsafe.

SECTION 4

EFFECTIVE DATE

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

Schoolcraft Township Clerk