

**LODI TOWNSHIP
WASHTENAW COUNTY
MICHIGAN**

Ordinance No.2000-003

AN ORDINANCE TO REPLACE THE LODI TOWNSHIP BURN ORDINANCE, ORDINANCE NO. 98-104, WITH AN ORDINANCE TO REGULATE OUTDOOR FIRES AND TO PROVIDE PENALTIES AND REMEDIES FOR VIOLATIONS, BUT DELETING THE PREVIOUS REQUIREMENT THAT NO PERMITS BE ISSUED AFTER 3:00 P.M. EACH DAY

THE TOWNSHIP OF LODI, WASHTENAW COUNTY, MICHIGAN ORDAINS:

SECTION 1. SHORT TITLE.

This ordinance shall be known and may be cited as "The Lodi Township Burn Ordinance."

SECTION 2. Burning Prohibited.

(1) No person shall kindle or maintain a bonfire, brush fire, rubbish fire, or any other outdoor fire within the Township of Lodi or authorize, permit, or allow any such fire to be kindled or maintained without first obtaining a burn permit from the Saline Area Fire Department.

(2) No person shall kindle or maintain a rubbish fire or other fire for the burning of rubbish or other materials not created or generated on the site within the Township of Lodi or authorize, permit, or allow any such fire to be kindled or maintained whether or not a burn permit has been obtained.

SECTION 3. Burn Permits.

Burn Permits are obtained from the Dispatcher of the Saline Area Fire Department either in person, by writing, or by telephone. Burn Permits will be issued for non-hazardous fires upon meeting the following conditions:

(1) The receipt of the following information by the Saline Area Fire Department:

a) Name, address, and telephone number of the person requesting the permit.

b) The type, source, and amount of material to be burned.

c) The exact location where the burning will take place.

d) The dates and times that the burning will take place, including the duration of the burning.

(2) Burn permits will expire at 8:00 a.m. the next morning following the date for which the burn permit is issued.

(3) Approval is obtained from the Department of Natural Resources when required by law.

(4) Should any false information be provided the Saline Area Fire Department or should the fire vary from the information provided any permit granted shall be void.

SECTION 4. Hazardous Fires.

Burn Permits will not be issued when the proposed fire is determined to be hazardous due to the material to be burned (e.g., tires) or the weather conditions (e.g., drought, wind).

SECTION 5. Excepted Fires.

Nothing in this ordinance shall prohibit the kindling or maintaining of:

(1) A charcoal fire or other small fire for outdoor cooking, ceremonies, and the like.

(2) The burning in a single burn barrel of rubbish generated on site.

SECTION 6. Landlord's Duty to Specify Responsibility for Obtaining Burn Permits.

It shall be the duty of every landlord leasing residential or commercial property, when he or she does not live on the property, to specify in the lease agreement between the landlord and the tenant, the responsibility for the tenant to obtain a Burn Permit when necessary and the liability of the tenant to the landlord for any costs incurred by the landlord due to the tenant's failure to obtain a permit.

SECTION 7. Issuance of Citations.

Any Sheriff's Deputy or member of the Saline Area Fire Department is authorized to issue citations as an "authorized local official" pursuant to MCL 600.8707.

SECTION 8. Penalties and Remedies for Violations.

(1) Any person who violates this ordinance is responsible for a municipal civil infraction and shall be fined according the following schedule:

- a) First offense: \$50.00
- b) Second offense: \$150.00
- c) Third offense: \$250.00
- d) Fourth offense: \$350.00
- e) Fifth offense: \$450.00
- f) Sixth or greater offense: \$500.00

(2) Additionally, each person who violates this ordinance shall be summarily taxed the costs of the action, both direct and indirect, including the cost of the Saline Area Fire Department's response to the fire. Costs of not less than \$9.00 or more than \$500 shall be ordered. Except as otherwise provided by law, costs shall be payable to the general fund of Lodi Township.

(3) The remedies provided to Lodi Township by this ordinance shall not be exclusive.

SECTION 9. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate provision and such holding shall not affect the validity of the remaining portions.


SECTION 10. Publication and Effective Date.

This ordinance shall be published once in a newspaper having general circulation in Lodi Township and shall take effect 30 days after the first publication of the ordinance.

Adopted: December 5, 2000

Published: December 14, 2000

Effective: January 15, 2000



Jan Godek, Supervisor



Elaine Masters, Clerk

CLERK'S CERTIFICATION

I, Elaine E. Masters, being duly elected Clerk for Lodi Township, Washtenaw County, Michigan, state that on December 5, 2000, at a regular meeting of the Lodi Township Board of Trustees, member Masters moved and member Foley supported a motion to adopt "The Lodi Township Burn Ordinance."

The following members voted:

Ayes: Masters, Godek, Lindemann, Crowner, Rentschler, Solowczuk, Foley.

Nays: None

Absent or abstain: None

The ordinance was declared adopted and published in the Saline Reporter on December 14, 2000 and became effective 30 days following its date of publication.


Elaine E. Masters, Clerk