

LEE TOWNSHIP ORDINANCE NO. 2013

"TRASH AND LEAF BURNING"

AN ORDINANCE TO AMEND ORDINANCE #2004, AN ORDINANCE TO SECURE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF LEE TOWNSHIP, ALLEGAN COUNTY, MICHIGAN, BY THE REGULATION OF BURNING OF LEAVES, TRASH AND OTHER MATERIALS WITHIN SAID TOWNSHIP AND TO PRESCRIBE THE PENALTIES FOR THE VIOLATION THEREOF AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

THE TOWNSHIP OF LEE, ALLEGAN COUNTY, MICHIGAN ORDAINS:

**Section 1.**      **Ordinance Title**

This Ordinance shall be known as and may be cited as "The Township of Lee Trash and Leaf Burning Ordinance".

**Section 2.**      **Purpose.**

The purpose of this Ordinance is to protect the people and property within Lee Township against health and safety hazards caused by the burning of leaves, trash and other materials near public roads, streets, and places, near buildings and structures, both public and private, and to promote the health and general welfare of the community by regulating methods of burning of trash, leaves and material within the township.

- A. Any determination required or authorized by a township fire chief or Allegan County Central Dispatch under the Lee Township Trash and Leaf Burning Ordinance, as amended, shall be evidenced by a record kept at Allegan County Central Dispatch setting forth the material that may be burned thereunder and the location of such burning. Such permit shall be kept readily available through Allegan County Central Dispatch for the information of any officer inspecting the burning operations.
- B. The burning of leaves branches, or other dead growth shall only be permitted within the township between sun-up and sun-down of each day unless otherwise authorized by Allegan County Central Dispatcher or a township fire chief.
- C. No person, firm, or corporation shall burn within 15 feet of any public right-of way, public park, playground, cemetery, or other public property.
- D. All burning of trash or other waste or rubbish material, whether domestic, commercial or industrial, shall be conducted within a fireproof masonry or metal burner containing an approved spark arrester with openings not larger than 3/4 of an inch in diameter or 3/4 of an inch in width or length, except such burning as is conducted within a municipally operated

and regulated dump or consists of the burning of private waste material by the owner of property on which such burning is conducted, located within a sparsely populated area upon land of not less than 2 acres in size, which location is first approved by a township fire chief as being sufficiently large and isolated as to constitute the same no nuisance or annoyance to adjoining neighbors, persons or property through smoke, odor, fly-ash or other hazardous condition.

- E. Burning of leaves, trash, or other material shall be attended by a competent person. Trash or other material shall be wholly contained within an approved incinerator of non-combustible masonry or metal with an approved spark arrester, as specified in paragraph D. above.
- F. No person, firm or corporation shall burn any leaves, trash, or other material within 15 feet of his or its neighborhood's house or buildings or within 5 feet of the boundary lines of his or its own property unless he or it has first obtained the approval of such neighbor and such burning would not be, in the determination of a township fire chief, a fire hazard to adjoining buildings or structures.
- G. No ash or waste from any burning or fire shall be deposited in the storm gutter adjoining or within the public streets and highways within the township.
- H. No burning shall be permitted at any time or in any location which would be a nuisance, hazard, or annoyance to adjoining persons or property by reason of heat, flame, fly-ash, sparks, smoke, or odor. The determination of either the building and zoning inspector of the township or the fire chief of the district involved shall be conclusive as to whether or not any burning violates this provision.
- I. Highly flammable, toxic or explosive materials shall not be burned in any area within the township. The burden of proof that any material burned within the township does not violate the foregoing shall be upon the person, firm or corporation engaged in the burning operation.

### **Section 3. Penalties.**

Any person in violation of this Ordinance shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished by a fine not to exceed \$500 and costs of prosecution or by imprisonment in the County Jail for a term not exceeding ninety (90) days, or by both fine and imprisonment in the discretion of the Court. Each day that a violation of this Ordinance exists shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the provisions of this Ordinance. Provisions of this Ordinance may also be enforced by suit for injunction, damages or other appropriate legal action.

### **Section 4. Validity**

The several provisions of this Ordinance are declared to be separate; if any court of Law shall hold that any section or provision thereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

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Ordinance #2013 shall become effective upon adoption.

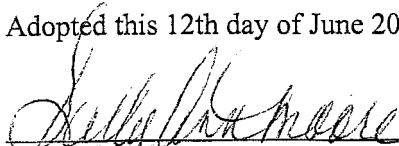
Motion to adopt Ordinance #2013 by member Moore seconded by member Lowery at a regular meeting of the Township Board held on Monday, June 12, 2000 at 7:30 p.m.

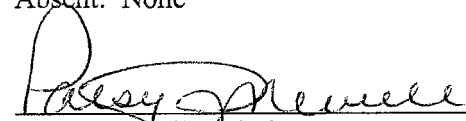
Yes: Black, Larson, Lowery, Moore and Neville

No: None

Absent: None

Adopted this 12th day of June 2000.

  
Sally Moore, Supervisor  
Lee Township, Allegan County, Michigan

  
Patsy J. Neville, Clerk  
Lee Township, Allegan County, Michigan