

VILLAGE OF AUGUSTA
COUNTY OF KALAMAZOO, STATE OF MICHIGAN

VILLAGE OF AUGUSTA

ORDINANCE NO. 187

BURNING ORDINANCE

An ordinance to prohibit and regulate certain types of burning activities and to establish civil sanctions and remedies for a violation of same.

THE VILLAGE OF AUGUSTA
KALAMAZOO COUNTY, MICHIGAN

ORDAINS:

SECTION 1

TITLE

This Ordinance may be known & cited as the Village of Augusta Burning Ordinance.

SECTION 2

PROHIBITED BURNING ACTIVITIES

- A. The following burning activities are prohibited at any time and place:
1. The burning of garbage, or any other noxious waste, or refuse material.
 2. The burning of vehicle tires.
 3. The burning of new or used construction materials treated or untreated.
 4. The burning of any substance or material of any kind on the paved portion of any public roadway or other roadway open to the general public.
 5. The burning of motor oil unless in an approved waste oil furnace.

B. The following burning activities are prohibited in the circumstances indicated:

1. The burning of any substance or material on any lot/parcel with a total lot/parcel area of less than 1 acre, except for leaves and the burning of otherwise permissible material for campfire purposes.
2. The burning of any substance or material likely to involve 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.

SECTION 3

BURNING REGULATIONS

A. The following regulations apply to otherwise permissible burning activities that are not prohibited pursuant to Article 2 of this Ordinance:

1. Burning shall be limited to the period each day starting at dawn and must be totally extinguished by dusk.
2. All burning enclosures or areas shall be located at least 5 feet from the edge of any paved roadway and at least 10 feet from any property boundary lines, and at least 25 feet from the water's edge of any lake, stream, pond, or river.
3. A permit shall be obtained from the Ross Township Office or from an officer of the Augusta-Ross Township Fire Department prior to burning any accumulation of wood, brush, or otherwise permissible burning material covering a ground surface of more than 50 square feet, including the burning of farm fields. There shall be no charge or fee for the permit.
4. Fires must be attended to at all times by a responsible person.
5. There shall be no burning in drainage ditches, on storm drain grates, or catch basins.

SECTION 4

VIOLATIONS AND ENFORCEMENT

A. Any officer of the Village of Augusta Police Department, or 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.

- B. The Augusta-Ross Township Fire Department or any authorized agent of same may extinguish any fire or burning activity determined to be uncontrolled and/or unsafe, or otherwise in violation of any provision of the Ordinance.
- C. Any person or entity who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, or any order issued under Ordinance, including conditions imposed thereon, or who causes, allows, or consents to any of the same, shall be determined to be responsible for a violation of this Ordinance.
- D. 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.
- E. Any violation of this Ordinance is hereby declared to constitute a public nuisance, shall constitute a basis for such judgment, writ or order necessary to compel compliance with the Ordinance and/or to restrain and prohibited continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any relief or sanction herein set forth or allowed by law, including fire run charges imposed by the Ordinance.
- F. Any 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
-- First Offence	\$ 150.00	---
-- 2 nd Offence	\$ 325.00	---
-- 3 rd or subsequent offence	\$ 500.00	---

Additionally, the violator shall pay costs, which may include all expenses, direct and indirect, which The Village of Augusta and/or The Augusta-Ross Township Fire Department has incurred in connection with the municipal civil infraction

- G. This Ordinance shall be enforced by the Ordinance Enforcement Officer of the Village of Augusta, any officer of the Village of Augusta Police Department, The Augusta-Ross Township Fire Chief, and by such any person or persons as the Augusta Village Board may designate.

SECTION 5

EFFECTIVE DATE

This Ordinance shall take effect upon the date of its publication, which shall be within 15 days after its adoption.

Julie Glenn, Village Clerk

CERTIFICATE

I hereby certify that the foregoing Ordinance was adopted by the Village of Augusta at a meeting held on February 7, 2005, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, Public Act 267 of 1976, as amended, and was published as required by law.

I further certify that the Ordinance or a summary thereof was published in The horizon News, a newspaper of general circulation in the Village, within fifteen (15) days of the adoption of the Ordinance, on February 9, 2005.

Julie Glenn, Village Clerk