

**CHARTER TOWNSHIP OF VIENNA TOWNSHIP
ORDINANCE NO. 416**

ORDINANCE TO REGULATE OPEN BURNING

An Ordinance to amend Vienna Township Ordinance No. 378, entitled "Burning Ordinance". This Ordinance and the provisions of the adopted by reference herein shall be collectively known and may be cited as Open Burning; that will be as follows:

ARTICLE I – STATEMENT OF PURPOSE

- 1.01** The purpose of this article is to regulate the setting and control of fires within the township and to prescribe penalties for the violation thereof, and to repeal all township ordinances or parts of ordinances in conflict therewith.

ARTICLE II – DEFINITIONS

- 2.01 Burning:**
- a) The only allowable burning material under this permit is brush.
 - b) Burning of any other material, such as leaves, building materials or trash is not allowed.
 - c) A small campfire is allowed.
 - d) Any fire which is properly supervised and maintained in a grill, outdoor fireplace, or receptacle where the sole purpose is for cooking food for human consumption and not for the purpose of disposing of waste is allowed, but is subject to Article VIII Enforcement and Penalties if not properly maintained.
- 2.02 Compliance Officer:** Compliance Officer means the Township Agent engaged by the Township to take action necessary to enforce this Ordinance.
- 2.03 Fire Chief:** Fire Chief means the Fire Chief appointed by the Clio Area Fire Authority Board comprised of members of the Boards from the City of Clio, and Townships of Thetford and Vienna.

ARTICLE III – PROCEDURAL REGULATIONS

- 3.01 Notice of Intent to Burn:** Before any fire is lit, a person **MUST** call (810) 686-5432.
- 3.02 Attended Burn:** The fire shall never be left unattended.
- 3.03 Suspension:** The Fire Chief may suspend, when weather conditions warrant, all burning for any time period.

ARTICLE V – BURNING REQUIREMENTS

- 4.01 General Prohibition:** No burning in the Township shall:
- a) Cause injury to any other property, to any person, or to the Township in general.
 - b) Have a deleterious effect on adjoining properties, person, or to the Township.
 - c) Occur after sundown or before sun-up of each day.
 - d) Deposit ash or any waste from any burning or fire in the storm gutters adjoining or within the public streets or highways within the Township.
 - e) Occur during high wind conditions.

4.02 General Requirements: All burning in the Township shall:

- a) Be attended by a competent person of the age of 18 years or older.
- b) Be more than 10 feet from any property line.
- c) The person burning must be the owner or occupant of the property.

ARTICLE IV – LIABILITY

5.01 The person responsible for an open fire which violates any provision of this Ordinance and which results in the Clio Area Fire Department being called to extinguish is liable to the Township for the expenses incurred.

ARTICLE VI – RIGHT OF ENTRY AND INSPECTION

6.01 The Fire Chief or any authorized officer, agent, employee or representative of the Township who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this Ordinance.

ARTICLE VII – ENFORCEMENT AND PENALTIES

- 7.01**
- a) The Fire Chief, his designee, or Genesee County Sheriff Department are authorized to enforce the penalties of this Ordinance.
 - b) Any person, business, or corporation who violates any of the provisions of this Ordinance or fails to comply with a duly authorized cease and desist order issued pursuant to this Ordinance shall be deemed to be responsible for a Municipal civil infraction as defined by Michigan Statute, which shall be punishable by civil fine determined by a resolution of the Vienna Township Board.
 - c) The violator shall pay costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the infraction.
 - d) Any civil fines unpaid by the violator will be added to the property tax bill as a special assessment.

ARTICLE VIII – SEVERABILITY

8.01 This ordinance, and the various Articles, paragraphs, or sub-paragraphs, are hereby declared to be severable, and if any Article, paragraph, or sub-paragraph is adjudged unconstitutional or invalid, it is hereby declared that the remainder of this ordinance not be affected.

ARTICLE IX – INTERPRETATION

9.01 Conflicting laws of a restrictive nature not affected or repealed by this ordinance. The provisions of this ordinance must be interpreted and applied as the minimum requirements for the promotion of the public health, safety, and welfare of the residents of Vienna Township, and conflicting laws of a more restrictive nature supersede the provisions of this ordinance. Conflicting laws of a less restrictive nature or those conflicting in other ways than degrees of restrictiveness are hereby repealed.

ARTICLE X – EFFECTIVE DATE

10.01 This ordinance becomes effective 30 days following publication thereof in the Genesee County Herald, a newspaper circulating within Vienna Township.

YEAS: Taylor, Bryan, Cain, Lemieux, Thomas, Belill
NAYS: None

Randy Taylor, Supervisor

Cynthia J. Bryan, Clerk

CERTIFICATION:
STATE OF MICHIGAN)
)
COUNTY OF GENESEE)

I, THE UNDERSIGNED, Township Clerk for the Township of Vienna, Genesee County, Michigan, do hereby certify that Ordinance No. 416, adopted by the Township Board of Trustees of said Township on the 7th day of July, 2014 was recorded in full in the minutes of meeting of said Township Board of Trustees on said date, and was signed by the Supervisor and Clerk of said Township.

Cynthia J. Bryan, Clerk

DATED: July 7, 2014