

FLOWERFIELD TOWNSHIP
ST. JOSEPH COUNTY, MICHIGAN

ORDINANCE NO.9

FLOWERFIELD TOWNSHIP FIRE PROTECTION ORDINANCE

Adopted: December 3, 1979

Effective: January 14, 1980

An Ordinance to establish regulations pertaining to the starting of fires and/or burning of materials; to establish charges for fire department services under Michigan Public Act 33 of 1951, as amended (MCLA 41.801 et seq); and to provide methods for the collection of such charges and exemptions therefrom.

THE TOWNSHIP OF FLOWERFIELD,
ST. JOSEPH COUNTY, MICHIGAN,

ORDAINS:

SECTION I

Purpose

The within ordinance is adopted for the purpose of providing regulations pertaining to starting fires and burning materials and to prohibit open fires, with certain exceptions; also, for the purpose of providing financial assistance to the Township for furnishing fire protection services to residents and property owners within the Township or those receiving direct benefits from the Township fire protection service. It is further the purpose of the within Ordinance to provide for funding of the fire department services which has been, in part, and at large, governmental expense based upon the general benefits derived by all property owners within the Township from the existence of the Township fire department services and the availability of these services to extinguish fires within the Township and perform other emergency services.

SECTION II

General Regulations Pertaining to Fires and Burning

It shall be unlawful for any person to start an open fire, other than for normal domestic purposes such as burning leaves or combustible trash, unless the ground is covered with snow. All burning of leaves or combustible trash or similar combustible materials shall be conducted with a fireproof masonry or metal burner containing an approved spark arrester with openings not larger than 3/4 inch in diameter or 3/4 inch in width or length, except such burning as is conducted within a Township or government operated and regulated landfill or refuse disposal area. However, any authorized representative of any Fire Department servicing the Township may issue a permit for burning of any branches, wood products, waste, debris or other used materials where such location is sufficiently isolated so as not to constitute a fire hazard and weather conditions will not cause a danger from such burning. In determining whether to issue a permit, the authorized representative of any

Fire Department servicing the Township shall determine whether such burning would constitute a hazard or annoyance to adjoining property owners such as through the emission smoke, odor or fly ash upon their properties. All open burning of leaves or trash as permitted herein shall be accompanied by a competent person of the age of twelve years or older. No burning of any kind shall be allowed within fifteen feet of any building or structure, nor within five feet of the boundary line of the property upon which same is occurring. No burning shall take place of any highly flammable, toxic or explosive materials at any time.

SECTION III

Charges for Fire Services.

The Township Board shall by resolution hereafter adopt a fee schedule for fire protection services afforded any person, property owner or resident within the Township. The Township Board shall have the authority by resolution adopted hereafter at a regular Township Board meeting to amend any service charges in its discretion.

SECTION IV

Time for Payment for Fire Service

All service charges shall be due and payable within thirty (30) days from the date the service is rendered and in default of payment shall be collected through proceedings in district court or in any other court of competent jurisdiction as a mature debt.

SECTION V

Exemptions

The following properties and services shall be exempt from charges:

- A. False alarms.
- B. Fires involving Township buildings, grounds and/or property.
- C. Fire services performed outside the jurisdiction of the Township under a mutual aid contract with any adjoining municipality.

SECTION VI

Lien Rights

Where land or other property of value remains following a fire call in the Township, the Township shall hereby have a lien upon same to secure the payment of the rates and charges due to the Township resulting from such fire protection services. Such liens shall remain upon the property until the charges have been paid in full and may be foreclosed by the Township to secure such lien charges in the same manner as the foreclosure of mechanics' liens under the laws and statutes of the State of Michigan existing at the time of such foreclosure. The foregoing lien rights shall not preclude the Township from proceeding in district court by suit to collect any monies remaining unpaid.

SECTION VII

Other Sources of Revenues for Fire Service

The rates and charges adopted by Resolution of the Board shall not be exclusive of the charges that may be made by the Township for the cost and expenses of providing fire protection service, but shall only be supplemental thereto. Charges may additionally be collected by the Township through general taxation after a vote of the electorate approving the same or by special assessment established under Michigan statutes pertinent thereto. General fund appropriations may also be made to cover such additional costs and expenses.

SECTION VIII

Any Ordinance or parts of ordinances in conflict herewith, including Ordinance No.4, are hereby repealed. Should any part or portion of this Ordinance be declared illegal by any court of competent jurisdiction, same shall not affect any other part or portion hereof.

SECTION IX

Penalty

A person, firm or corporation who violates Section II of this Ordinance shall be deemed guilty of a misdemeanor and

upon conviction thereof shall be subject to a fine of up to \$500.00 or imprisonment in the County Jail for up to ninety days, or both such fine and imprisonment. Each day that a violation exists shall constitute a separate offense. The fines and penalties herein provided for shall be in addition to any injunctive or other relief which might be deemed appropriate under the circumstances.

SECTION X

This Ordinance shall take effect on January 14, 1980.

Thomas W. Houts
Supervisor

Genevieve Wright
Treasurer

Lorraine Smetana
Township Clerk

Trustees:
Tom Glass
Ralph Richmond

CERTIFICATE

I, Lorraine Smetana, the Township Clerk of Flowerfield Township, St. Joseph County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Flowerfield Township Board held on December 3, 1979, at 7:30 PM, at the Township Hall, located within the Township of Flowerfield, at which the following members were present, the Board enacted and Passed Ordinance No.9, hereinbefore recorded, to become effective January 14, 1980, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Ralph Richmond - Yes Tom Houts - Yes Genevieve Wright - Yes Lorraine Smetana - Yes Tom Glass - Absent

I do further certify that said Ordinance No.9 was duly published in the Three Rivers Commercial, a newspaper printed in Three Rivers, Michigan, and circulated in Flowerfield Township on December 5, 1979. and further that said Ordinance No.9 was recorded in said Ordinance Book on the 6th day of December, 1979.

DATED: December 6, 1979.

Lorraine Smetana
Township Clerk

PROOF OF PUBLICATION
STATE OF MICHIGAN
COUNTY OF ST. JOSEPH

R. M. Shumaker being duly sworn, says: I am Publisher of The Three Rivers Commercial, a daily newspaper printed and circulated in said county and owned by the Three Rivers Publishing Company of which I am President. The annexed is a printed copy of a notice which was published in said paper on the following dates, to wit:

December 5 A.D. 19 *79*
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..... A.D. 19

R. M. Shumaker
.....

Subscribed and sworn to before me this *11*
day of *Dec* A.D. 19 *79*

Darlene Black
.....

Notary Public in and for St. Joseph County, Michigan.
My Commission Expires *2-16-81*

STATE OF MICHIGAN,
COUNTY OF ST. JOSEPH

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TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF FLOWERFIELD, ST. JOSEPH COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS: PLEASE TAKE NOTICE that the following Flowerfield Township Ordinance No. 9 was adopted by the Flowerfield Township Board at its regular meeting held December 3, 1979, said Ordinance to become effective January 14, 1980. FLOWERFIELD TOWNSHIP ST. JOSEPH COUNTY, MICHIGAN ORDINANCE NO. 9 FLOWERFIELD TOWNSHIP FIRE PROTECTION ORDINANCE Adopted: December 3, 1979 Effective: January 14, 1980: An Ordinance to establish regulations pertaining to the starting of fires and-or burning of materials; to establish charges for fire department services under Michigan Public Act 33 of 1951, as amended (MCLA 41.801 et seq); and to provide methods for the collection of such charges and exemptions therefrom. THE TOWNSHIP OF FLOWERFIELD, ST. JOSEPH COUNTY, MICHIGAN, ORDAINS: SECTION I Purpose: The within ordinance is adopted for the purpose of providing regulations pertaining to starting fires and burning materials and to prohibit open fires, with certain exceptions; also, for the purpose of providing financial assistance to the Township for furnishing fire protection services to residents and property owners within the Township or those receiving direct benefits from the Township fire protection service. It is further the purpose of the within Ordinance to provide for funding of the fire

department services which has been, in part, and at large, governmental expense based upon the general benefits derived by all property owners within the Township from the existence of the Township fire department services and the availability of these services to extinguish fires within the Township and perform other emergency services. SECTION II General Regulations Pertaining to Fires and Burning: It shall be unlawful for any person to start an open fire, other than for normal domestic purposes such as burning leaves or combustible trash, unless the ground is covered with snow. All burning of leaves or combustible trash or similar combustible materials shall be conducted within a fireproof masonry or metal burner containing an approved spark arrester with openings not larger than 3/4 inch in diameter or 3/4 inch in width or length, except such burning as is conducted within a Township or government operated and regulated landfill or refuse disposal area. However, any authorized representative of

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Lorraine Smetana
Flowerfield Township Clerk
(Dec. 5, 1979)