

## **ORDINANCE NO. 168**

### **AN ORDINANCE TO REGULATE RECREATIONAL BURNING IN THE VILLAGE OF DECATUR, MICHIGAN.**

#### **THE VILLAGE OF DECATUR, MICHIGAN ORDAINS:**

**Section 1. RECREATIONAL BURNING.** Recreational burning shall be defined as any fire, campfire or bonfire of natural or propane gas, charcoal, wood, or similar materials which is used for the purpose of food preparation or recreation.

**Section 2. COOKING FIRES.** Cooking fires are permitted for the cooking and smoking of food provided that such fires are contained in a barbeque grill or pit, smoke house, or other enclosure, and provided further that the emission of smoke and fumes do not irritate, annoy or constitute a nuisance to others living in the vicinity of such fire.

**Section 3. CAMPFIRES.** Campfires no larger than five feet in diameter or covering an area no larger than ten square feet are permitted when contained within an open pit constructed in the soil, or an enclosure constructed of stone, masonry materials, steel or similar materials.

**Section 4. BONFIRES.** Public or private bonfires in which the combustible material would exceed five feet in diameter, or cover an area larger than ten square feet, shall require a written permit for same issued by the Decatur-Hamilton Fire Department or the Village of Decatur Police Department, and same shall be limited to one permit per week.

**Section 5. OTHER REGULATIONS.**

A. There shall be no burning on any paved or concrete portion of any public or private street, driveway or sidewalks.

B. There shall be no burning unless it is under the supervision of an adult or person of mature years and discretion.

C. There shall be no burning at any time when the wind or weather conditions may create a nuisance or danger to any property.

D. Such other regulations which are set forth in any permit issued by the Decatur-Hamilton Fire Department or the Village of Decatur Police Department.

**Section 6. CIVIL LIABILITY FOR COST AND DAMAGE.**

A. Any person who sets a fire which necessitates calling the Decatur-Hamilton Fire Department, or any other fire department, shall pay to the Decatur-Hamilton Fire Department all costs and charges incurred by the department.

B. The Decatur-Hamilton Fire Department may sue in any court of competent jurisdiction for civil damages and may recover such costs and expenses incurred by it from any person who sets such a fire.

C. Payment of the aforesaid costs and expenses to the Decatur-Hamilton Fire Department shall in no way relieve such person from liability for any damage caused by such fire and the penalties hereinafter provided.

**Section 7. ENFORCEMENT.** The Village of Decatur Police Department and/or the Decatur-Hamilton Fire Department are authorized to enforce the provisions of this Ordinance.

**Section 8. SEVERABILITY.** Sections of this Ordinance, or any part thereof, shall be deemed severable and should any section, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of this Ordinance as a whole, or any part thereof other than the part so declared to be invalid.

**Section 9. REPEAL.** Ordinance No.161 is hereby repealed, and any and all other Ordinances or parts thereof of the Village of Decatur, Michigan in conflict with the provisions of this Ordinance are, to the extent of such conflict, also hereby repealed.

**Section 10. VIOLATION AND PENALTIES.** A violation of this Ordinance is a Municipal Civil Infraction and any person, firm or corporation who shall violate this Ordinance shall be responsible for a Civil Infraction and subject to a Civil Fine not exceeding \$500.00, plus any costs, damages, expenses or other sanctions as authorized under Chapters 83 and 87 of Act 236 of the Michigan Public Acts of 1961 as amended, being MCL 600.8302 et seq. and MCL 600.8701 et seq, respectively. Each day that a violation continues shall be deemed a separate violation of this Ordinance.

**Section 11. EFFECTIVE DATE.** This Ordinance shall become effective July 24, 2006.

Adopted by the Village Council of the Village of Decatur, Michigan on this 3rd day of July, 2006.