

TOWNSHIP OF ALAMO
KALAMAZOO COUNTY, MICHIGAN

ORDINANCE 54-M

AN ORDINANCE TO PROHIBIT FIRE AND BURNING OUTSIDE A BUILDING; TO PROVIDE EXCEPTIONS THERETO; TO REGULATE OPEN FIRES; TO GRANT PERMISSION FOR FIRE DEPARTMENTS TO ENTER ONTO THE PROPERTY TO EXTINGUISH PERMITTED FIRES; TO PROVIDE FOR PENALTIES; TO REPEAL ALL OTHER ORDINANCES AND PARTS THEREIN INCONSISTENT OR CONTRARY TO THIS ORDINANCE; AND TO ESTABLISH AN EFFECTIVE DATE.

THE TOWNSHIP OF ALAMO ORDAINS:

Section 1. Name.

This Ordinance may be known and referred to as the Alamo Open Fires Ordinance.

Section 2. Definitions.

Commercial Campground shall mean the American Campgrounds located at 8368 West C Avenue, and any other similar campground as determined by the Alamo Township Board in its sole discretion.

Open Fire shall mean any fire or burning not within a wholly enclosed building.

Person shall mean any individual, corporation, partnership, entity, group or organization.

Section 3. Open Fires Generally Prohibited.

Except as exempted or permitted hereafter, no person shall burn or permit to be burned on any property in that person's control and/or possession any material in an open fire.

Section 4. Exemptions.

The following open fires are exempt from regulation hereunder:

- A. Fires used for instruction and/or training of firefighting and public safety personnel.

- B. Fires set by the Alamo Township Fire Department for public safety purposes including, but not limited to, reduction of fire hazards, wildlife management or disease and pest control.
- C. Charcoal and gas grills.
- D. Commercially available portable fire containers constructed of masonry or metal designed to completely contain the fire.
- E. Campfires within a commercial campground.
- F. The burning of brush, leaves, paper and cardboard within a burning barrel provided that there is a person present at the fire at all times.

Section 5. Open Fires Permitted Only With Prior Approval From Alamo Township Fire Department.

The following open fires may be permitted with prior approval from the Fire Chief of the Alamo Township Fire Department or his or her designee in writing, subject to such conditions as the Fire Chief or his or her designee, in his or her sole discretion, deems appropriate or necessary to protect the health, safety and welfare of persons and property:

- A. Recreational or ceremonial fires not within a commercial campground.
- B. The burning of brush, trees and stumps resulting from land clearing operations.
- C. The burning of leaves during the fall and spring.

Section 6. Mandatory Condition for Granting of Permit.

As a mandatory condition of the granting of any permit as set forth in Section 5, Permittee grants the Alamo Township Fire Department permission to enter onto the property to inspect and/or extinguish all fires thereon.

Section 7. Revocation of Permits.

The Alamo Township Fire Department may verbally revoke any permit where, in the Fire Chief's or his or her designee's sole discretion, a Permittee has not complied with the conditions of the permit or where the fire poses a danger or nuisance to persons or property. Upon revocation, the Permittee shall immediately extinguish all fires. In the event that the fire is not immediately extinguished, the Alamo Township Fire Department may enter onto the property and extinguish all fires.

Section 8. Violation a Civil Infraction.

Any violation of this Ordinance shall be a civil infraction with a civil penalty as set forth in Ordinance 48-M.

Section 9. Cost Recovery for Ordinance Violation.

Any person who starts or maintains any open fire in violation of this Ordinance or in violation of any permit granted under this Ordinance where the Alamo Township Fire Department is called to extinguish a fire on the premises shall be civilly liable to Alamo Township for the actual costs incurred by the Township in responding. Alamo Township may collect the costs set forth herein in any manner permitted by law.

Section 10. Repealer.

All other Ordinances or parts thereof in conflict herewith are hereby repealed and shall be of no further force and effect.

Section 11. Severability.

Any and all sections, terms, provisions and/or clauses herein shall be deemed independent and severable. Should any court of competent jurisdiction hold any section, term, provision or clause void and/or invalid, all remaining sections, terms, provisions and/or clauses not held void and/or invalid shall continue in force and effect.

Section 12. Effective Date.

This Ordinance shall take force and effect on November 7, 2006.

CERTIFICATE

I, Garilyn Sportel-Bogard, Township Clerk for the Township of Alamo, do hereby certify that the foregoing Alamo Ordinance No. 54-M was adopted by the Township Board at a regular meeting held on October 9, 2006, and that the following is a record of the vote of the members of said Township Board on said Ordinance.

AYES: Vlietstra, Stoneburner, Potter-Williams, Bogard

NAYS: Feniger

ABSENT: None

ABSTAIN: None

Garilyn Sportel-Bogard
Clerk