

Chapter 16

FIRE PREVENTION AND PROTECTION*

Article I. In General

Secs. 16-1—16-18. Reserved.

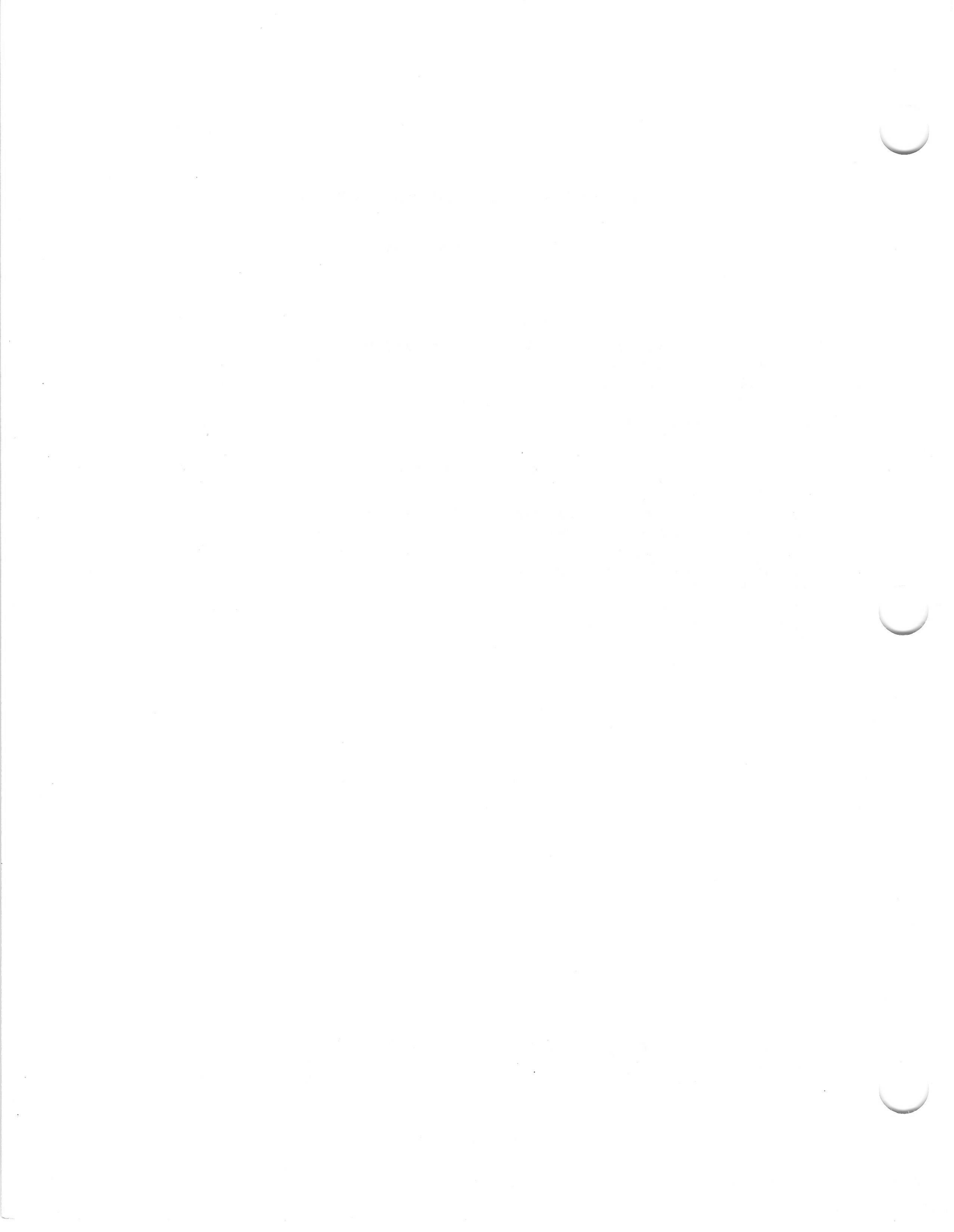
Article II. Prevention of Fires

- Sec. 16-19. Building, maintaining hazardous fires prohibited.
- Sec. 16-20. Safe condition.
- Sec. 16-21. Improper storage.
- Sec. 16-22. Violation as a municipal civil infraction.
- Secs. 16-23—16-47. Reserved.

Article III. Burning

- Sec. 16-48. Burning without permit prohibited.
- Sec. 16-49. Certain burning activities permitted with burning permit.
- Sec. 16-50. Conditions on permits.
- Sec. 16-51. Permit requirements for campfires or burning pits.
- Sec. 16-52. Length of time of permit.
- Sec. 16-53. Form of permit.
- Sec. 16-54. Permit fee.
- Sec. 16-55. Violation as a municipal civil infraction.
- Sec. 16-56. Civil enforcement procedure.
- Sec. 16-57. Enforcement authority.

***State law references**—State fire prevention code, MCL 29.1 et seq.; local codes to be consistent with state code, MCL 29.31; explosives act, MCL 29.41 et seq.; crimes related to explosives and bombs, MCL 750.200 et seq.; crimes related to fires, MCL 750.240 et seq.



ARTICLE I. IN GENERAL

Secs. 16-1—16-18. Reserved.

ARTICLE II. PREVENTION OF FIRES

Sec. 16-19. Building, maintaining hazardous fires prohibited.

It shall be unlawful for any person to build or maintain any fire within the limits of the village at any time or under any circumstances which shall render such fire hazardous or in danger of communicating and setting fire to adjacent property.
(Code 1988, § 2.401)

Sec. 16-20. Safe condition.

It shall be the duty of the owners, or, in absence of the owners, of the occupants of buildings, to see that all stoves, furnaces, heating devices, and all pipes, flues, ducts and chimneys and their connections, and all electrical wiring, electrical appliances and equipment are kept in safe condition.
(Code 1988, § 2.402)

Sec. 16-21. Improper storage.

It shall be unlawful for any person to improperly store papers, trash, rubbish or other materials in such manner as to cause a hazardous fire condition to exist in any building or on any premises within the village.
(Code 1988, § 2.403)

Sec. 16-22. Violation as a municipal civil infraction.

Any person violating this article shall be responsible for a municipal civil infraction.
(Code 1988, § 2.404)

Secs. 16-23—16-47. Reserved.

ARTICLE III. BURNING*

Sec. 16-48. Burning without permit prohibited.

It shall be unlawful for any person to engage in any burning outside a fully enclosed building without a permit.
(Ord. No. 32, § 2, 3-12-1995)

*State law reference—Open burning of leaves and grass clippings, MCL 324.11522.

Sec. 16-49. Certain burning activities permitted with burning permit.

A permit may be issued to engage in the following outdoor burning activities:

- (1) Burning leaves, branches, brush or other yard waste (but not grass clippings) on any private property;
 - (2) Campfires or burning pits.
- (Ord. No. 32, § 3, 3-12-1995)

Sec. 16-50. Conditions on permits.

The fire chief or his designee may place conditions upon the permittee as a requirement for the issuance of a permit. Conditions may include, but are not limited to, any requirements or prohibitions which the fire chief or his designee, in his sole discretion, feels are necessary or appropriate to protect the health, safety and welfare of the permittee, his property, and residents of or property within the village.

(Ord. No. 32, § 4, 3-12-1995)

Sec. 16-51. Permit requirements for campfires or burning pits.

In addition to any condition imposed pursuant to section 16-50, a campfire or burning pit shall not be larger than five feet in diameter and must be contained by rocks, bricks or other nonflammable material.

(Ord. No. 32, § 5, 3-12-1995)

Sec. 16-52. Length of time of permit.

With the exception of campfires or burning pits, the permit shall designate the length of time for which the permit is given. Permits for campfires and burning pits shall not exceed one year in duration and shall be issued on an annual basis.

(Ord. No. 32, § 6, 3-12-1995)

Sec. 16-53. Form of permit.

A permit for a burning activity which does not exceed one calendar day, except campfires or burning pits, may be issued verbally. All other permits shall be issued in writing containing the conditions placed thereon by the fire chief or his designee.

(Ord. No. 32, § 7, 3-12-1995)

Sec. 16-54. Permit fee.

The village council shall establish, by resolution from time to time, a permit fee cost schedule.

(Ord. No. 32, § 8, 3-12-1995)

Sec. 16-55. Violation as a municipal civil infraction.

(a) Any person violating this article shall be responsible for a municipal civil infraction.

(b) In addition to the penalties for a municipal civil infraction, a person who violates this article or any term, provision or condition of a permit shall be civilly responsible to the village for the actual costs incurred by the Climax Township Fire Department as a result of the violation of this article or any term, provision or condition of a permit.

(Ord. No. 32, § 9, 3-12-1995)

Sec. 16-56. Civil enforcement procedure.

(a) After the Climax Township Fire Department has determined that it responded to a call as the result of violation of this article or violation of any term, provision or condition of a permit, the actual costs incurred shall be billed by first class mail to the last known address of the violator. If the charges are not paid or arrangements satisfactory to the township fire department are not made within 30 days thereafter, the village may seek civil collection of the amount owed in any manner permitted by law.

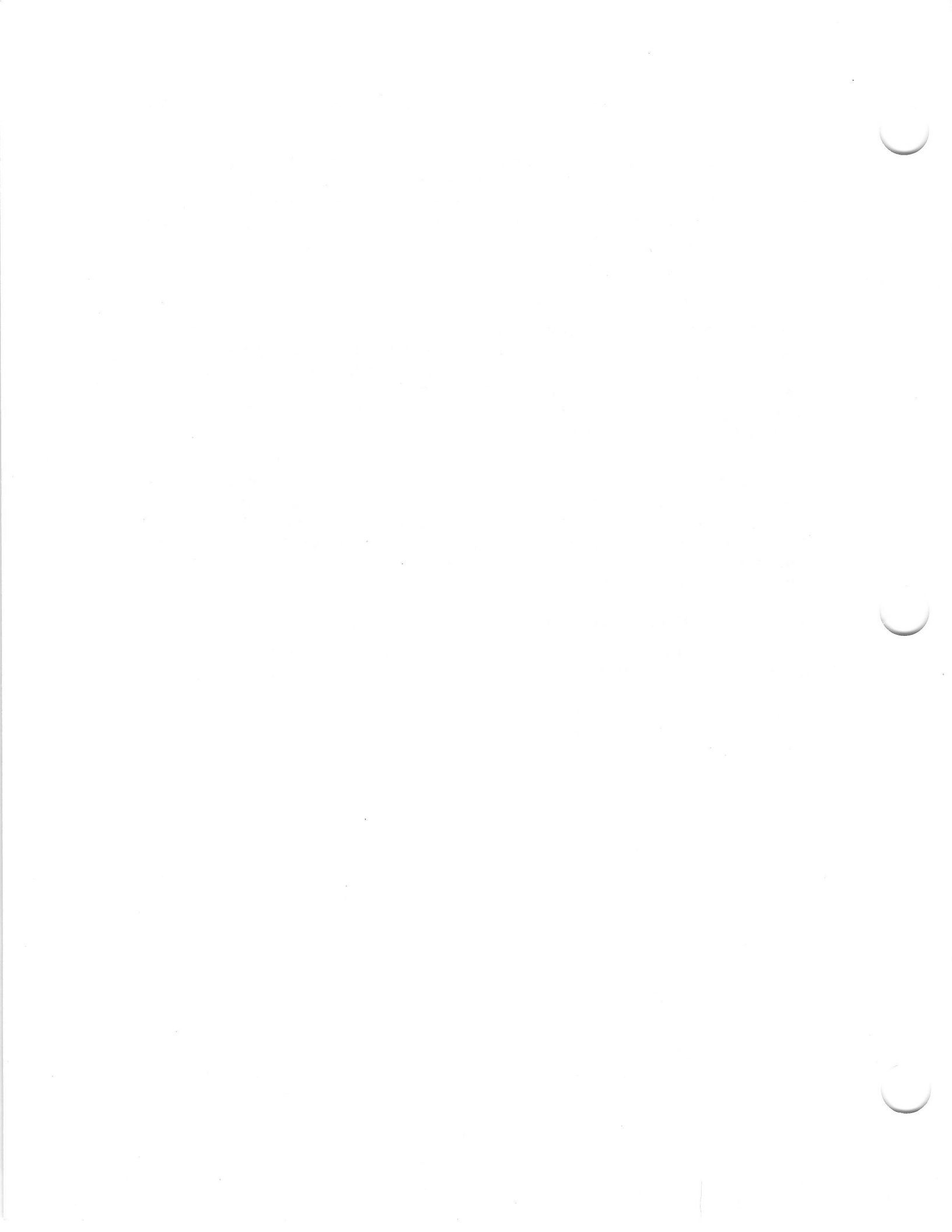
(b) In addition, the village may place a lien upon the property upon which the violation may occur for the amount of the actual costs incurred. Such lien may be collected in the same manner as real property taxes. In the event that the village is required to institute suit to collect the costs incurred, the violator shall be liable for statutory interest, costs of litigation and actual attorney's fees incurred by the village.

(Ord. No. 32, § 10, 3-12-1995)

Sec. 16-57. Enforcement authority.

The chief of the Climax Township Fire Department or his designee is hereby designated as permit enforcement officer, and is authorized to enforce all provisions of this article.

(Ord. No. 32, § 11, 3-12-1995)



Chapter 17

RESERVED

