

ORDINANCE NUMBER 04-2001 BURNING

THE VILLAGE OF MORLEY ORDAINS:

SECTION 1.1 PURPOSE. THIS ORDINANCE IS INTENDED TO CONTROL AND REGULATE THE OPEN BURNING OF MAN MADE AND NATURALLY OCCURRING COMBUSTIBLE SUBSTANCES IN THE VILLAGE OF MORLEY, COUNTY OF MECOSTA.

SECTION 1.2 DEFINITIONS "OPEN BURNING " SHALL MEAN A FIRE FROM WHICH THE PRODUCTS OF COMBUSTION ARE EMITTED DIRECTLY INTO THE AIR WITHOUT PASSING THROUGH A STACK OR CHIMNEY.

SECTION 1.3 PROHIBITED FIRES. PROHIBITED FIRES UNDER THIS ORDINANCE SHALL INCLUDE ALL OF THE FOLLOWING:

- (A) IT SHALL BE A NUISANCE AND UNLAWFUL FOR ANY PERSON TO OPENLY BURN OR ALLOW TO BE OPENLY BURNED, AT ANY TIME OR PLACE ANY MATERIALS OF ANY KIND WHICH ELUDE OBNOXIOUS ODORS, OR WHEN SUCH FIRE EMITS SPARKS OR BURNING EMBERS UPON ADJACENT, NEIGHBORING OR NEARBY PERISHES.
- (B) NO PERSON SHALL START OR MAINTAIN ANY FIRE INTENDED TO BURN RUBBISH GARBAGE OR OTHER REFUSE.

SECTION 1.4 EXCEPTIONS. INCINERATION OF LEAVES, PAPER OR OTHER COMBUSTIBLE DEBRIS, OUTSIDE OF A BUILDING OR STRUCTURE IN THE RESIDENTIAL AREAS OF THE VILLAGE OF MORLEY, SHALL BE PERMITTED IF DONE IN ACCORDANCE WITH THE FOLLOWING RULES:

- (A) NO SUCH BURNING MAY BE DONE WITHIN (25) FEET OF AN EXISTING STRUCTURE OR WITHIN (25) FEET OF ANY LOT LINE, NOR UPON THE PAVED PORTION OF ANY STREET OR SIDEWALK; PROVIDED, HOWEVER, IN THE CASE OF A LOT WHERE IN THE ABOVE DIMENSIONS CANNOT BE MET BECAUSE OF THE SMALL SIZE OF THE LOT, THEN A CONTAINED FIRE SHALL BE LOCATED IN THE CENTER OF THE REAR OF THE PROPERTY, EQUAL DISTANCE FROM THE PROPERTY LINE AND ANY STRUCTURE LOCATED THEREON.
- (B) NO BURNING SHALL BE DONE UNLESS UNDER THE CHARGE OR SUPERVISION OF A COMPETENT PERSON OF MATURE AGE AND DISCRETION.
- (C) NO SUCH BURNING SHALL BE DONE AT ANY TIME OR PLACE WHEN WIND CONDITIONS WILL CREATE OR BE APT TO CREATE A NUISANCE TO ANYONE OR THE PROPERTY OF ANYONE IN THE VICINITY THEREOF, OR BE A DANGER TO THE PROPERTY OR ANY PERSON IN THE VICINITY THEREOF.
- (D) NO SUCH BURNING SHALL BE DONE WHERE ITS MAXIMUM SIZE IS NOT CONTROLLABLE BY ONE (1) PERSON OF MATURE YEARS AND DISCRETION.
- (E) BURNING SHALL BE DONE ONLY BETWEEN THE HOURS OF 6:00 AM TO 9: PM DAYLIGHT SAVING TIME, STANDARD TIME 6:00 AM TO 6:00 PM.
- (F) BONFIRES AND CAMPFIRES WHICH ARE MADE FROM WOOD, TREES, BRANCHES, KINDLING, WOOD CHIPS, COMPRESSED WOOD OR ANY OTHER WOOD PRODUCT SHALL BE ALLOWED AS LONG AS THE FIRE'S MAXIMUM SIZE IS CONTROLLABLE BY ONE PERSON OF MATURE YEARS AND DISCRETION AND AS LONG AS NO OTHER NUISANCE EXIST.

- (G) THE VILLAGE WORKER AND THE MORLEY AREA FIRE DEPARTMENT WITH THE PROPER AUTHORITY FROM THE VILLAGE PRESIDENT OR VILLAGE COUNCIL SHALL HAVE FIRES AS LARGE AS NEEDED.

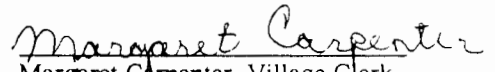
SECTION 1. 5 ENFORCEMENT. LAW ENFORCEMENT OFFICERS AND THE VILLAGE PRESIDENT, FIRE DEPARTMENT ARE AUTHORIZED TO ENFORCE THE PROVISIONS OF THIS ORDINANCE.

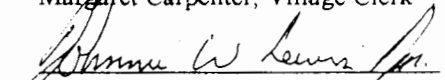
SECTION 1. 6 PENALTY. ANY PERSON VIOLATING ANY OF THE TERMS AND PROVISIONS OF THIS ORDINANCE SHALL BE ASSESSED THE COSTS OF EXTINGUISHING THE BLAZE AND SHALL BE GUILTY OF A MISDEMEANOR AND SUBJECT TO A FINE OF NOT MORE THAN \$100.00 OR IMPRISONMENT FOR A PERIOD NOT TO EXCEED 93 DAYS OR BOTH IN THE DISCRETION OF THE COURT. IN THE EVENT OF CONTINUING VIOLATION OF THE ORDINANCE, EACH SUBSEQUENT DAY OF VIOLATION SHALL CONSTITUTE A SEPARATE OFFENSE UNDER THE TERMS OF THIS ORDINANCE AND MAY BE SO CHARGED IN THE DISCRETION OF THE VILLAGE OF MORLEY

THIS ORDINANCE SHALL TAKE EFFECT THIRTY (30) DAYS AFTER PUBLICATION. ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT ARE HEREBY REPEALED.

I hereby certify to the adoption of this ordinance at the November 12, 2001 council meeting and cause the same to be published as required by law. Yeas: 6 Nays: 0 Ordinance declared adopted

Published Nov 27, 2001 Effective Date Dec 27, 2001


Margaret Carpenter, Village Clerk


Johnnie Lewis Jr., President