

**CITY OF HARTFORD
COUNTY OF VAN BUREN, MICHIGAN
ORDINANCE # 301-06**

AN ORDINANCE TO PROHIBIT CERTAIN TYPES OR OPEN BURNING, TO PERMIT, REGULATE AND CONTROL CERTAIN TYPES OF LIMITED OPEN BURNING SUBJECT TO RESTRICTION, TO DESIGNATE VIOLATIONS OF SAID ORDINANCE TO BE MUNICIPAL CIVIL INFRACTIONS, TO PROVIDE FOR CIVIL FINES AND SANCTIONS FOR VIOLATION, OF SAID ORDINANCE, TO DESIGNATE AUTHORIZED CITY OFFICIALS TO ISSUE MUNICIPAL CIVIL INFRACTION VIOLATION NOTICES AND MUNICIPAL CIVIL INFRACTION CITATION NOTICES AND MUNICIPAL CIVIL INFRACTION CITATIONS, AND TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

THE CITY OF HARTFORD ORDAINS:

SECTION 1. **TITLE.**

This Ordinance shall be known as and may be cited as the "CITY OF HARTFORD'S OPEN BURNING ORDINANCE."

SECTION 2. **PURPOSE.**

The purpose of this Ordinance is to prohibit certain types of burning within the City of Hartford and to regulate and control certain limited types of open burning within the City of Hartford subject to restrictions as set forth in this Ordinance.

SECTION 3. **PROHIBITED OPEN BURNING.**

The following types of open burning are expressly prohibited within the City of Hartford. No person or entity shall burn or cause to be burned outside the following types of materials unless otherwise permitted under Section 4, of the within ordinance.

- A. The open burning of leaves, dead grass, grass clippings, hedge clippings, weeds and similar types of materials.
- B. The open burning of trees, logs, tree trimmings, branches, brush and similar types of materials unless burned in a bonfire regulated and permitted under Section 4 of this ordinance.
- C. The open burning of building debris or construction debris by a general contractor, sub-contractor, property owner, or their agents or employees, or by any other person or entity.
- D. The open burning of rubbish, refuse, trash, waste paper, garbage, or other types of waste materials.
- E. The open burning of any materials by a general contractor, sub-contractor, property owner, their agents or employees, or by any other person or entity for the purpose of melting, thawing or warming the sand or ground around, at or near a construction site. The use of a propane tank/flame shall be permitted for such melting, thawing or warming purposes.
- F. The open burning of all other materials not permitted under Section 4 of the within Ordinance.

SECTION 4. PERMITTED OPEN BURNING; RESTRICTIONS; PERMITS; FEES.

The following types of limited open burning shall be permitted within the City of Hartford subject to the restrictions set forth herein.

- A. Open burning within an outside grill or barbeque for the expressly limited purpose of food preparation.
- B. Open burning of bonfires for recreational purposes only, provided that any such bonfire shall be no more than three (3) feet in diameter and shall be at least twenty (20) feet from all property lines and structures. Bonfires shall be permitted under the direct and constant supervision and control of a person at least eighteen (18) years of age.
- C. The open burning of structures and/or materials by the Hartford Fire Department, the Fire chief, Members of the Hartford Fire Department, and by trainees or other persons under the direct supervision and control of the Hartford Fire Department when such open burning is for training, educational or instructional purposes related to fire safety, fire control, fire fighting, life saving, and /or fire prevention.
- D. Open burning permitted under this section 4 shall not result in the emitting of burning sparks or burning embers upon adjoining, adjacent, neighboring or nearby properties or premise.
- E. All open burning permitted under this section 4 shall be conducted and performed in such a manner so as not to endanger the health, safety or welfare of the public or to endanger public or private property.

SECTION 5. COMPLIANCE WITH FEDERAL AND STATE LAW.

Notwithstanding anything set forth in this Ordinance, all open burning permitted under the terms and provisions of this ordinance shall also be conducted and performed in compliance with all federal and state laws, statutes, rules and regulations applicable thereto.

SECTION 6. VIOLATIONS; MUNICIPAL CIVIL INFRACTIONS; AUTHORIZED CITY OFFICIALS; CIVIL FINES AND SANCTIONS.

Any violation of any provision of this Ordinance or any permit granted hereunder, or of any lawful order of the Fire Chief, or other public official issued in pursuance of this of this Ordinance shall and shall constitute a Municipal Civil infraction. A "violation" includes any act, which is prohibited or made or declared to be unlawful or an offense by this Ordinance and any omission or failure to act where the act is required by this Ordinance.

- A. The sanction for any violation of this ordinance, which constitutes a Municipal Civil Infraction, shall be a Civil Fine as provided hereunder, plus any costs, damages, expense and other sanctions, as authorized and permitted under Chapter 87 of Act No.236 of the Public Acts of 1961, as amended, and under other applicable laws.
 - (1) Any person, individual, firm, partnership, co-partnership, corporation, company, association, club, joint venture, and any other group, entity, or association acting as a unit, and the individuals constituting such group, entity or unit, who, as a result of

violating any provision of this Ordinance, is responsible for a Municipal Civil Infraction, shall pay a Civil Fine of not less than \$50.00 nor more than \$500.00, plus cost and other sanctions as authorized and permitted by law, for each municipal Civil Infraction.

(2) Repeat violations shall be subject to increased Civil Fines as set forth below. As used in this section, "repeat violations" means second (or any subsequent) Municipal Civil Infraction violation of the same requirement or provision of this Ordinance (1) committed by violating party within any 12-month period and (2) for which the violating party admits responsibility or is determined to be responsible. The increased Civil Fine for a repeat violation under this Ordinance shall be as follows:

(a) The Civil Fine for any violation, which is a repeat violation, shall be no less than \$250.00 plus costs and other sanctions as authorized and permitted by law.

(b) The Civil Fine for any violation which is a second repeat violation or any subsequent repeat violation shall be no less than \$500.00 plus costs and other sanctions as authorized and permitted by law.

B. A person, individual, firm, partnership, co-partnership, corporation, company, association, club, joint venture, and any other group, entity or association, acting as a unit, and the individuals constituting such group, entity or unit, who, as a result of violating any provision of this Ordinance, receives a Municipal Civil Infraction Violation Notice, upon a determination of responsibility thereon, shall pay a Civil Fine at the City of Hartford 's Clerk office as follows:

\$ 50.00 for the first violation.

\$250.00 for the first repeat violation.

\$500.00 for the second repeat violation and for any subsequent repeat violation.

The establishment of Municipal Civil Infractions, the handling and processing of Municipal Civil Infraction violations, the establishment and collection of civil fines and other sanctions for Municipal Civil Infractions violations, and the handling and administration of all matters incident to Municipal Civil Infractions shall be expressly governed by provisions of Act No. 236 of the Public Acts of 1961, as amended, and all other applicable statutes of the State of Michigan related to Municipal Civil Infractions.

C. The City of Hartford's Code Enforcement Officer and all police officers are the City Officials authorized to issue Municipal Infraction Violations Notices for violations of the within Ordinance.

SECTION 7. SEVERABILITY.

This ordinance and each of the various parts, sections, subsections, clauses, phrases, sentences and portions hereof are hereby declared to be severable. If any part, section, subsection, clause, phrase, sentence or portion of this ordinance is for any reason held or determined to be invalid, unconstitutional or unenforceable by a court of competent jurisdiction, such part, section, subsection, clause phrase, sentence or portion shall be deemed to be a separate, distinct and independent portion of this ordinance and such holding or determination by a court of competent jurisdiction shall not affect the validity, constitutionality or enforceability of the remaining portions of this ordinance and the same shall remain in full force and effect.

SECTION 8. REPEAL OF ORDINANCES IN CONFLICT HEREWITH.

Any current ordinances in the City of Hartford's ordinances that conflict or found to be inconsistent with the provisions of this ordinance are hereby expressly repealed.

SECTION 9. PUBLICATION OF ORDINANCE.

This ordinance shall be published in accordance with and to the extent required by the laws of the State of Michigan applicable to Home Rule Cities.

SECTION 10. EMERGENCY ORDINANCE; EFFECTIVE DATE OF ORDINANCE.

This ordinance is hereby declared by the City Commission of the City of Hartford to be an Emergency Ordinance and said Ordinance shall be and become immediately effective upon its adoption and publication in the Newspaper of general circulation.

EMERGENCY ORDINANCE ADOPTED AT A REGULAR MEETING OF THE CITY
COMMISSION OF THE CITY OF HARTFORD HELD ON THE 18TH DAY OF DECEMBER 2006.

RoxAnn Rodney – Isbrecht, City Clerk