

ORDINANCE NO. 206-95

AN ORDINANCE OF THE VILLAGE OF BANCROFT, MICHIGAN, ADOPTING AN ORDINANCE TO BE KNOWN AS:

OPEN BURNING

The Village of Bancroft Ordains:

Sec. 1. Purpose:

An ordinance to regulate open burning as herein defined; to define the rules for burning; to define permit required burning; to provide for exception therefrom; to provide information for alternative measures; and to provide penalties for violations thereof.

Sec. 2. Definitions:

(a) "Open Burning" is the burning of unwanted materials, such as paper, trees, brush, leaves, grasses, and other debris, where smoke and other emissions are released directly into the air.

(b) "Rubbish" means combustible and non-combustible waste, including paper, cardboard, metal containers, yard clippings (to include brush, grasses, leaves, and trees), wood, glass, crockery, demolished building materials or any other material that may be a detriment to the public health and safety.

(c) "Solid Waste" for the purpose of this ordinance means garbage, rubbish, liquid waste, animal waste, commercial waste and any other waste, liquid or solid that is regulated by state statute.

Sec. 3. Disposition of open burning on private property:

Whereas the open burning of unwanted materials, rubbish and solid waste creates a nuisance of smoke and odor which can be injurious to human life or property or which unreasonably interferes with the enjoyment of life and property, the Village Council of Bancroft has deemed it necessary to regulate open burning within the Village limits of Bancroft.

Sec. 4. Rules for open burning:

(a) Burning of any solid waste as defined in Sec. 2 (c) is prohibited. Solid waste examples are household garbage, oil, paint, plastic, and tires.

(b) Leaf burning shall be permitted on Monday, Wednesday and Saturday.

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(c) All open burning (including leaf burning) can only be conducted between the hours of eight (8) a.m. and eight (8) p.m.; with the exception of recreational burning. All open burning must be supervised by a person of "mature years and discretion", and such person must be in attendance at all times.

(d) No open burning shall be done within fifteen (15) feet of any structure, or three (3) feet from any one property line. No burning shall be done on any sidewalk, roadway, right of way, or on any other Village property.

(e) No open burning shall be done when wind or weather conditions may create a nuisance of danger to any person or property.

Sec. 5. Permit required burning:

Open burning of brush, trees, or logs not defined in Sec. 7(b) as being recreational or for food preparation, shall require a permit from the local fire department, and such permit must be requested forty-eight (48) hours prior to the burning.

Sec. 6. Alternative measures:

(a) Mulching of leaves, and grass clippings into smaller pieces with a lawn mower to be used as a fertilizer as they decompose.

(b) Creating a compost pile. Compositing leaves and grass clippings produces valuable soil fertilizer through the natural process of decomposition.

(c) Bagging of leaves and grass clippings in specially made bags for pick up by the contracted trash hauler. These bags are available from the Village Clerk.

(d) Solid waste and rubbish can be disposed of by residents using the services of the Villages' contracted waste hauler or by engaging in a private hauler to remove any solid waste or rubbish.

Sec. 7. Exceptions:

(a) Burning of buildings for the purpose of demolition is prohibited, except as provided for by the Michigan State Fire Marshal division where such burning is done for the purpose of Fire Department training.

(b) Burning of logs, charcoal, and other similar materials is permitted when properly contained in a campfire, outdoor fire-place

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or in a commercially manufactured metal grill, and when such burning is for the purpose of food preparation or recreation.

(c) The burning of beekeeping equipment and/or by products is permitted as long as such disposal is for the purpose of disease control.

(d) Nothing in this ordinance shall be construed as prohibiting the burning of wood and logs in a properly installed fireplace or other wood burning device, which is equipped with a chimney, and which is intended for the heating of a dwelling.

Sec. 8. Violation as a misdemeanor; penalty; separate offenses.

(a) Anyone initiating an open fire resulting in a call to the fire department will pay the Village all costs and charges incurred by the Village.

(b) A person who violates this ordinance is guilty of a misdemeanor. A person convicted under this ordinance or any rules promulgated by this ordinance may be punished by a fine of not more than \$100.00 and costs of prosecution and in default of payment of fine and costs, imprisonment for not more than thirty (30) days. If the violation is of a continuing nature, each day upon which a violation occurs shall be considered a separate offense.

Sec. 9. Severability:

The ordinance and the several sections and subsections hereof are hereby declared severable. If any part or clause hereof is adjudged invalid, the balance of this ordinance shall not be affected thereby.

Sec. 10. Conflicting ordinances repealed:

All ordinances previously adopted and inconsistent with the provisions of this ordinance are hereby repealed in their entirety.

Sec. 11. Effective date:

This ordinance shall take effect twenty (20) days after its passage, as set forth hereafter.

Date of adoption: Sept 13, 1995

Date of publication: Sept 22, 1995

Effective date: OCT 12, 1995

ORDINANCE NO. 206-95 CON'T.

I, Karen Cole, being the Clerk of the Village of Bancroft, Michigan, do hereby certify that the foregoing is a true and correct copy of the Village of Bancroft Ordinance No. 206-95 passed on Sept 13, 1995, by the Village Council, by a vote of 5 yeas and 0 nays. Further, I do certify that I did cause the same or a synopsis of same to be published in the Argus-Press newspaper, Owosso, Michigan, within fifteen (15) days after such adoption by the Village Council of Bancroft, pursuant to M.S.A. 5.1274.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 13 day of Sept, A.D., 1995.

BY: John M Sedlock
John M Sedlock Village President
Karen K. Cole
Karen K. Cole Village Clerk

SEAL OF THE VILLAGE
 OF BANCROFT

AFFIDAVIT OF PUBLICATION

**ATTENTION RESIDENTS
VILLAGE OF BANCROFT**

I, Karen Cole, being the Clerk of the Village of Bancroft, MI does hereby cause to be published the following synopsis of recently adopted ordinances of the Village of Bancroft, pursuant to M.S.A. 5.1274.

At the regular meeting of the Bancroft Village Council, held on Aug. 13, 1995 the following Village ordinances were adopted:

208-95 Repealing subsections d, e, and f of Sec. 2 of ordinance no. 201-94.

206-95 Open Burning - an ordinance to regulate open burning as herein defined; to define the rules for burning; to define permit required burning; to provide for exception therefrom; to provide information for alternative measures; and to provide penalties for violations thereof.

The aforementioned ordinances may be viewed in their entirety by contacting the Village of Bancroft Clerk, at 106 Higgins St., Bancroft, Phone # 634-5375.

PUBLISH: September 22, 1995

STATE OF MICHIGAN

County of Shiawassee

In the matter of the Estate of Notice Residents - Village of Bancroft

STATE OF MICHIGAN,

County of Shiawassee,

ss.

Thomas E. Campbell

Being first duly sworn, says that he is the ~~Publisher~~/General Manager of The ARGUS-PRESS, a newspaper published in the English language for the dissemination of local or transmitted news and intelligence of a general character and legal news, which is a duly qualified newspaper, and that annexed hereto is a copy of a certain order taken from said newspaper, in which the order was published once a week for ~~consecutive weeks~~

and that the ~~first~~ ^{only} insertion of said Notice was on the 22nd day of September A. D., 19 95, and that the last insertion was on the _____ day of _____, A. D. 19____.

PRINTER'S BILL

2 Folios 1 Times, _____
Proof of Publication _____
Total 32.50
Copies _____
Total 32.50

SIGNED:

[Signature]

Subscribed and sworn to before me this

22nd day of Sept. A. D., 1995

Janis M. Jarrad

Notary Public, Shiawassee County, Michigan

My Commission Expires JANIS M. JARRAD

Notary Public, Shiawassee Co., MI
My Comm. Expires Jan. 18, 1999

Rec'd Payment _____

AFFIDAVIT OF PUBLICATION

**CORRECTION OF
SEPTEMBER 22, 1995 PUBLICATION
ATTENTION RESIDENTS
VILLAGE OF BANCROFT**

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PUBLISH: October 27, 1995

STATE OF MICHIGAN

County of Shiawassee

In the matter of the Estate of Village of Bancroft - Attention Residents

STATE OF MICHIGAN,

County of Shiawassee,

ss.

Thomas E. Campbell

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and that the ~~first~~ ^{only} insertion of said Notice was on the 27th day of October A. D., 19 95, and that the last insertion was on the _____ day of _____, A. D. 19____.

SIGNED:

[Signature]

STATE OF MICHIGAN
County of Shiawassee

In the matter of the ~~Estate of~~ Village of Bancroft -
Attention Residents

STATE OF MICHIGAN,
County of Shiawassee,

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and that the ^{only} ~~first~~ insertion of said Notice was on the 27th day of October A. D., 19 95, and that the last insertion was on the _____ day of _____, A. D. 19____.

SIGNED:

[Signature]

Subscribed and sworn to before me this

27th day of Oct A. D., 1995

Janis M. Jarrad

Notary Public, Shiawassee County, Michigan

JANIS M. JARRAD

My Commission Expires

Notary Public, Shiawassee Co., MI
My Comm. Expires Jan 18, 1999

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Total 32.50

Copies

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Rec'd Payment _____

**CORRECTION OF
SEPTEMBER 22, 1995 PUBLICATION
ATTENTION RESIDENTS
VILLAGE OF BANCROFT**
I, Karen Cole, being the Clerk of the Village of Bancroft, MI does hereby cause to be published the following synopsis of recently adopted ordinances of the Village of Bancroft, pursuant to M.S.A. 5127.3.
At the regular meeting of the Bancroft Village Council, held on September 13, 1995, the following Village ordinances were adopted:
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