

**TOWNSHIP OF MARATHON
ORDINANCE NO. 2014-1**

FIRE PROTECTION

An ordinance to protect the public health, safety, and welfare by providing for the control of fires which may threaten life and property; to charge a fee to persons who allow fires to burn out of control; to prohibit the turning in of false fire alarms; to charge a fee to persons turning in a false alarms; to authorize the setting of fees for fire protection services; to authorize the collection of fire run fees from the owners of property protected by the fire run; to assess the amount of delinquent fire run fees to the property tax roll; and to repeal the prior fire protection ordinance.

THE TOWNSHIP OF MARATHON ORDAINS:

ARTICLE 1. DEFINITION

Open burning-the burning of unwanted materials such as paper, trees, brush, leaves, grass, and other debris where smoke and other emissions are released directly into the air without passing through a chimney or stack. It also includes using incineration devices that do not control combustion air to maintain an adequate temperature and do not provide sufficient residence time for complete combustion.

ARTICLE 2. LIABILITY FOR SETTING FIRES

Section 2.01. Burn permits are required for open burning not conducted in burn barrels. Burn permits are not required when the ground is snow covered. Any person who sets a fire outside of an enclosed burner without first obtaining a burn permit from Marathon Township is subject to the following.

- (a) For the first offense within a three year period, a person is subject to a warning by the fire Chief.
- (b) For a second offense within a three year period, a person shall be liable for a municipal civil fine of not less the \$ 50 plus costs and other sanctions.
- (c) For a third offense within a three year period, a person shall be liable for a municipal civil fine of not less than \$100 plus costs and other sanctions.
- (d) For a fourth offense within a three year period, a person shall be liable for a municipal civil fine of not less than \$150 and the person shall be liable for the fees for any fire run made to the fire, for any applicable fee for the fire run, and for all other costs associated with the fire protection run.
 - a. Municipal Civil Infraction citations issued under Section 201.1 may first be appealed to the Marathon Township Fire Authority if necessary, the citation may be appealed to District Court as provided in the Marathon Township Civil Infraction Ordinance No.96-2.

Section 2.02. No fire shall be set outside of an enclosed burner unless the person setting the fire has taken sufficient precautionary measures to prevent the fire from burning out of control.

Section 2.03. Any person who sets a fire which burns out of control shall be liable for the fee for any fire run made to the fire.

Section 2.04. Recreational fires used for pleasure, religious, ceremonial, cooking, warming, or campfire purposes do not require a permit provided that the fire complies with all other applicable provisions of this ordinance and the following:

- (a) The total area of the fire shall not exceed 3 feet in diameter or 2 feet in height.
- (b) The fire shall not be located within 25 feet of a structure.
- (c) The fire shall not endanger the property of another person.
- (d) The fire shall be continually attended until completely extinguished.

ARTICLE 3. LIABILITY FOR FALSE ALARMS

Section 3.01. No person shall cause a fire alarm to be turned in unless he has good cause to believe a fire actually exists or unless he has notified the fire department that a fire alarm will be turned in pursuant to testing, repairing, or otherwise working on a fire alarm system.

Section 3.02. Any person who has a fire alarm system on his premises shall maintain such alarm system so that no false alarms are inadvertently transmitted to the fire department for such fire alarm system.

Section 3.03. Any person who is in violation of Section 2.01. turns in a false fire alarm or who in violation of Section 2.02. fails to maintain his fire alarm system so as to prevent false alarms, shall be liable for the fee for any fire run made pursuant to the false alarm.

Section 3.04. Any person who illegally disposes of the materials listed below by burning them shall be liable for the fee for any fire run made to the fire, for any applicable fee for the fire run, and for all other costs associated with the illegal burning: building construction materials and petroleum byproducts such as treated wood, paint, stains, etc., shingles, insulation, Styrofoam, plastic vinyl siding, PVC, glue, tires, plywood, paneling and wallboard, wire, gasoline, fuel oil, diesel fuel, kerosene, paint thinner, or any other product which is harmful to the environment or to the public health, safety, and welfare.

ARTICLE 4. LIABILITY FOR PROPERTY PROTECTION.

Section 4.01. The owners of real or personal property, including motor vehicles, which the Township attempts to protect on a fire protection run shall be liable for any applicable fee for the fire protection run.

Section 4.02. Public utility companies which own utility lines or other facilities which the Township attempts to protect on a fire protection run shall be liable for the applicable fee for any fire protection run.

ARTICLE 5. FEES

Section 5.01. The fees to be charged for fire protection services shall be set by resolution of the Township board. The fees may be changed at any time by further resolution of the Township Board.

ARTICLE 6. ASSESSMENT OF DELINQUENT FIRE RUN FEES TO THE TAX ROLL

Section 6.01. Any fire run fee which remains unpaid for 90 days after being mailed to the responsible party may be assessed on the property tax bill for the property which the fire run attempted to protect.

ARTICLE 7. SEVERABILITY.

Section 7.01 This Ordinance and the various articles, sections, paragraphs, and clauses thereof, are hereby declared to be severable. If any article, section, paragraph, or clause is adjudged unconstitutional or invalid, the remainder of the Ordinance shall not be affected thereby.

ARTICLE 8. REPEAL OF PRIOR ORDINANCES.

Section 8.01. The former Marathon Township Fire Protection Ordinance No. 02-1, adopted on October 20th day of March, 2002 is hereby repealed.

ARTICLE 9. ENACTMENT AND EFFECTIVE DATE.


Section 9.01. This ordinance was adopted by the Marathon Township Board at a meeting duly held on the 11th day of March, 2014 and was published in the Lapeer County Press on the 17th day of December 2014. The foregoing ordinance was moved by Glesenkamp and supported by Webber. This ordinance became effective on said date of publication.

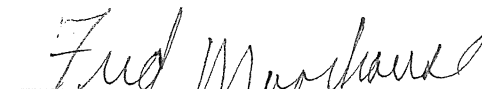
VOTING FOR: Moorhouse, Johnson, Glesenkamp, Webber

VOTING AGAINST: None

ABSENT: Chaffer

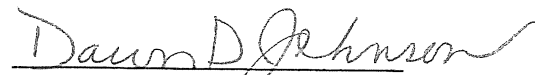
The Supervisor declared the ordinance adopted.


Dawn Johnson
Township Clerk


Fred Moorhouse
Township Supervisor

CERTIFICATION

The foregoing is a true copy of Ordinance No. 2014-1 which was enacted by the Marathon Township Board of Trustees at a regular meeting held on March 11, 2014.


Dawn D. Johnson
Township Clerk