

AN ORDINANCE TO REGULATE BURNING: PROVIDE STANDARDS FOR RECEPTACLES USED FOR BURNING: REDUCE AIR POLLUTION: PROHIBIT THE EMISSION OF SMOKE, SOOT, CINDERS, NOXIOUS ACIDS, FUMES AND GASES DETRIMENTAL TO HEALTH, SAFETY AND WELFARE AND GRANTING THE VILLAGE PRESIDENT OR HIS DESIGNEE THE POWER TO ABATE SAME: DESIGNATE THE ENFORCING AGENCY AND ALSO TO SET PENALTIES FOR VIOLATIONS OF THIS ORDINANCE.

THE VILLAGE OF ESTRAL BEACH ORDAINS:

SECTION NO. 1--SHORT TITLE: This ordinance may be known and cited as the "Burning and Emissions Control Ordinance" of the Village of Estral Beach, Michigan.

SECTION NO. 2--Burning: Except as otherwise provided in this Ordinance it shall be unlawful for any person to burn or incinerate any garbage, litter or waste matter upon any premises unless such burning shall take place in a fireplace, furnace, incinerator or other receptacle for that purpose in accordance with the standards provided in this Ordinance.

SECTION NO. 3--BURNING RECEPTACLE STANDARDS: No fireplace, furnace, incinerator or other receptacle shall be used for burning unless the following standards are complied with:

(a) The combustion chamber must be vented through a chimney or stack and constructed so that smoke, fumes, or gases will not escape within the building.

(b) Shall not emit cinders, dust, fly ash, noxious acids, harmful or offensive fumes or gases.

SECTION NO. 4--PROHIBITED EMISSIONS: It shall be unlawful for any person to permit or cause the escape of such quantities of smoke, soot, cinders, noxious acids, fumes and gases in such manner as to be detrimental to any person or to the public or to enganger the health, comfort and safety of any such person or of the public, or in such a manner as to cause or have a tendency to cause injury or damage to property or business. The escape of such matter is to be declared to be a public nuisance and may be summarily abated by the Village President or his or her Designee.

SECTION NO. 5--LIMITED OUTDOOR BURNING: Subject to restrictions hereinafter set forth, the following limited outdoor burning shall be permitted:

(a) Dead leaves may be burned during the months of October, November, April and May of each calendar year.

(b) Dead brush, dead branches and dead yard trimmings orginating upon the premises.

(c) Burning which is done for the purpose of cooking food for human consumption.

(d) Burning of clean newspapers, shopping bags and or personal papers.

SECTION NO. 6--RESTRICTIONS AND PROHIBITIONS: The following restrictions and prohibitions are applicable to burning permitted under Section No. 5 of this Ordinance:

(a) Such burning shall be done on private property and not on the streets, parks or other public places.

(b) No burning permitted under Section No. 5, Sub--Sections lettered a, b, and d, shall occur between sunset and sunrise.

(c) Such burning shall be supervised at all times with at least one person in attendance who shall be in control of and capable of extinguishing same.

(d) Shall be subject to all provisions of Section No. 4.

SECTION NO. 7--SPECIAL EXCEPTIONS: Whenever it shall appear that a large amount of burnable matter exists upon certain premises, that the disposal of same is necessary to the health, safety or welfare of the Village of Estral Beach or its residents, that the matter to be burned will not continue to accumulate once disposed of, and it is unreasonable to require disposal by some method other than burning, the Fire Chief, after securing approval of the Village President and or the Village Council, may issue a permit for such burning with such restrictions as are necessary to protect the public health, safety and welfare of the Village of Estral Beach and its residents.

SECTION NO. 8--PENALTIES: Any person, firm or corporation who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor, punishable by a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment in the County Jail for not to exceed Ninety Days (90) or both such fine and imprisonment in the discretion of the court, together with costs of prosecution.

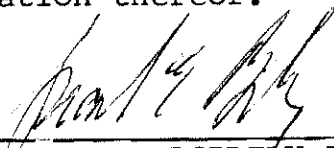
SECTION NO. 9--PROVIDED FURTHER: That in the event it is necessary to abate any unlawful Burning using the Estral Beach Volunteer Fire Department, the owner or violator shall be required to pay all charges and costs incurred abating said illegal burning, over and above any fine and or costs.

SECTION NO. 10--REPEALER: All other Ordinances or parts of Ordinances in conflict with this Ordinance are herewith and hereby repealed.

SECTION NO. 11--ENFORCING AGENCY: It is the intention of the Village Council that this Ordinance shall be enforced by either the Estral Beach Police Department and or the Estral Beach Ordinance Enforcing Officer and or with a written complaint by the Estral Beach Fire Chief and or any other Official Police Agency.

SECTION NO. 12--EFFECTIVE DATE: This Ordinance shall be in full force and effect Thirty Days (30) after publication thereof.


RUTH NIETUBICZ-CLERK


FRANK E. BORBELY-PRESIDENT

Moved by: Commissioner Francis T. Moore
Supported by: Commissioner John Wiegand
To adopt Ordinance #1043 as read.

YEAS: MOORE, WIEGAND, LILBURN, CHAPMAN, ACKISON, KNIERIM
NAYS: NONE
ABSENT: NONE MOTION CARRIED:

Date of Public Hearing Notice: January 24, 1980.
Date of Public Hearing: January 29, 1980
Date of Publication: April 24, 1980
Date of Adoption: April 8, 1980
Effective Date: May 24, 1980

CERTIFICATION: I Ruth Nietubicz, hereby certify that the foregoing is a true copy of the Ordinance No. 1043 adopted by the Council of the Village of Estral Beach at a Regular meeting thereof on April 8, 1980, the original of which proceedings is on file in the Village Hall.
IN WITNESS WHEREOF, I have here unto set my hand and official signature.

Ruth Nietubicz
RUTH NIETUBICZ-CLERK