

VILLAGE OF FARWELL
CLARE COUNTY, MICHIGAN
ORDINANCE NUMBER 1993-3

An Ordinance enacted pursuant to the authority of MCL 67.1 et. Seq. and MCL 66.1 et. Seq., to prohibit the burning of brush, trash, papers, rubbish, garbage, leaves, and other similar materials, to provide certain exceptions to this prohibition, to provide for permits, to provide penalties for the violation hereof, including a provision that violation will constitute a misdemeanor, to establish that any violation shall be a public nuisance, and to provide for enforcement of the ordinance.

THE VILLAGE OF FARWELL, CLARE COUNTY, MICHIGAN ORDAINS:

Section 1.0 TITLE

This Ordinance shall be known and cited as the Village of Farwell Burning Ordinance and it shall be sufficient to, any action for enforcement of the provisions hereof to define the same by such title or reference to the number hereof.

Section 2.0 PURPOSE

It is the purpose of this ordinance to promote the general health, safety and welfare of the residents and property owners of the Village of Farwell by prohibiting the burning of brush, trash, papers, rubbish, garbage, leaves, and other similar materials except in certain limited circumstances. .

Section 3.0 ILLEGAL BEHAVIOR

No person, firm, corporation, partnership or other legal entity shall engage in the following behavior:

- A) The burning of any wood, brush, trash, papers, rubbish, garbage, leaves, or similar materials out of doors anywhere within the Village of Farwell limits.
- B) The burning of any trash, papers, rubbish, garbage, leaves, or other similar material anywhere indoors within the Village of Farwell, except in an incinerator complying with all applicable laws and ordinances.

Section 4.0 EXCEPTIONS

Nothing in this Ordinance shall be deemed to prohibit the following behaviors:

- A. The use of an outdoor charcoal fire for cooking.
- B. The use of wood and stoves used for cooking, the use of wood in fireplace for decorative fires or the use of wood in fireplaces or stoves designed for heating.
- C. The open burning of leaves and brush within the Village limits of the Village of Farwell shall be allowed in the following circumstances:
 - a. A permit is obtained from the Village of Farwell Ordinance Enforcement Officer with the concurrence of the Fire Chief for the Village of Farwell.
 - b. The open burning shall be permitted on if such fire is at least 20 feet from any structure.
 - c. Any fire resulting from the open burning of leaves and brush shall be constantly attended by a competent adult until such fire is extinguished.

- d. The open burning of leaves or brush shall not occur when the atmospheric conditions, or other conditions at the location of the fire, constitute a hazard according to the Fire Chief.

Section 5.0 ENFORCEMENT OFFICER

The Village of Farwell Ordinance Enforcement Officer, or the Village of Farwell Council, collectively or individually, are charged with enforcement of this Ordinance as more fully set forth herein.

Section 6.0 MISDEMEANOR

Any person who shall violate any of the terms of this Ordinance shall, upon conviction in a court of competent jurisdiction, be guilty of a misdemeanor and be subject to a fine of not more than Five Hundred and no/100 (\$500.00) dollars or to imprisonment for a period of not more than ninety (90) days, plus costs of prosecution.

Section 7.0 NUISANCE PER SE

Any violation of the provisions of this ordinance shall constitute a nuisance per se and be subject to action in circuit court to abate the nuisance and enforce the provisions of this Ordinance.

Section 8.0 SEVERABILITY

The provisions, sections, sentences and phrases of this Ordinance are declared to be severable and if any such portion is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, such finding shall in no way affect or invalidate the remainder of this Ordinance.

Section 9.0 EFFECTIVE DATE

This Ordinance shall take effect 30 days after publication.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Steven Grim, President
Margaret C. Brewer, Clerk

CERTIFICATION OF ADOPTION OF VILLAGE ORDINANCE

I, Margaret C. Brewer, the duly elected Clerk of the Village of Farwell, Clare County, Michigan, hereby certify that the foregoing Ordinance was adopted at a regular meeting of the Village of Farwell Council on the 7th day of June, 1993, at which meeting the following named members of the council were present and voted in person as follows:

- (A) Voting in favor of adoption of the Ordinance:
C/Schofield, C/Marshall, C/Allan, C/Whaley, and Pres. Grim.
(B) Voting against the adoption of Ordinance:
C/Birdsong, C/Brewer.

Certification Date: June 7, 1993 Margaret C. Brewer, Clerk

I, Margaret C. Brewer, the duly elected Clerk of the Village of Farwell, Clare County, Michigan, hereby certify that this Ordinance was published in the Clare Sentinel a newspaper of general circulation within the Village on the 13th day of June, 1993, and that this Ordinance and the Publisher's Affidavit hereto attached are filed in the Village of Farwell Ordinance Book on the date of this Certificate, such date being within one week after the first of such publication.

Certification Date: June 13, 1993 Margaret C. Brewer, Clerk

