

Township of Lapeer
Lapeer County, Michigan
Fire Protection Ordinance
Ordinance No. 14.4

An ordinance to protect the public health, safety, and welfare by requiring permits for open burning; by providing for the control of fires which may threaten life and property; to prohibit the turning in of a false fire alarm; to authorize the Township Board to determine, by resolution, fees to charge persons who allow fires to burn out of control, to persons starting open fires without first obtaining fire permits, to persons turning in false fire alarms, and to the owners of property protected by fire runs; to assess the amount of delinquent fire run fees to the property tax roll, or refer to collections or small claims court; to define the term "fire run" to include fire department responses for carbon monoxide protection, assistance rendered at an accident scene by the fire department, wash downs after traffic accidents, downed electrical wires, jaws of life services, and similar responses that do not involve fires; and to repeal the prior Fire Protection Ordinance.

THE TOWNSHIP OF LAPEER ORDAINS:

ARTICLE I - PERMITS AND LIABILITY FOR SETTING OPEN FIRES

Section 1.01

No person shall set a fire outside of an enclosed burner without first obtaining a permit from the officer designated by the Township Board.

Section 1.02

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. No fire outside of an approved enclosed burner shall be left unattended until the time that the fire is extinguished.

Section 1.03

No person shall burn any materials, which are prohibited by Michigan State Statute from being burned in the open, or in an approved enclosed burner.

Section 1.04

No person shall create a smoke or odor nuisance due to the direct result of an open fire and / or a fire in an approved enclosed burner.

Section 1.05

Any person who causes a fire run to be made due to setting an open fire without first obtaining a burning permit, burning illegal materials, or setting a fire which burns out of control shall be liable to the Township for a fire run fee in an amount established by motion of the Township Board.

ARTICLE II - LIABILITY FOR FALSE ALARMS

Section 2.01

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 2.02

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 from such fire alarm system.

Sections 2.03

Any person who 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 to the Township for a fire run fee in an amount established by motion of the Township Board in the event of a fire run made pursuant to the false alarm.

ARTICLE III - LIABILITY FOR PROPERTY PROTECTION AND RESCUE SERVICES

Section 3.01

The owners of real or personal property, which the Township attempts to protect on a Fire-run, shall be liable to the Township for a fire run fee established by motion of the Township Board.

Section 3.02

For the purposes of this Ordinance the term "fire run" shall include not only fire protection services, but also fire department responses for carbon monoxide protection, assistance rendered at an accident scene by the fire department, wash downs after traffic accidents, downed electrical wires, Jaws of Life services, and similar responses that do not involve fires.

ARTICLE IV - APPEAL OF FIRE RUN BILLINGS

Section 4.01.

Any person or entity billed for a fire run may appeal the fire run billing to the Township Board if they believe that they are not properly liable for the fire run. Any such appeal must be filed within ninety (90) days of the date the billing is first sent to the responsible party.

ARTICLE V - ASSESSMENT OF DELINQUENT FIRE RUN FEES

Section 5.01

Any fire run fee which remains unpaid for ninety (90) days after being mailed to the responsible party may be assessed on the property tax bill for the property, if applicable or referred to small claims court, or the Township attorney and/or third party for collection, including any cost, interest and attorney fees or such as the court will allow. Payment of said fees plus any additional cost or charge used in the collection of said

fees; shall be deemed delinquent and enforceable as a tax lien, as provided by law, against the parcel or parcels involved.

ARTICLE VI - SEVERABILITY

Section 6.01

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 VII - REPEAL OF PRIOR ORDINANCE

Section 7.01

The Lapeer Township Fire Control Ordinance No. 14.3 is hereby repealed.

ARTICLE VIII - ENACTMENT AND EFFECTIVE DATE

Section 8.01

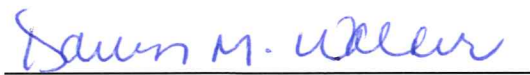
This Ordinance adopted by the Board of Trustees of the Township of Lapeer, Lapeer County, Michigan at a meeting duly called and held on the 2nd day of June 2014 and was published in the LAView newspaper on the 5th day of June 2014. This Ordinance shall take effect upon said date of publication.

CERTIFICATION

The undersigned Supervisor and Clerk of the Township of Lapeer hereby certify that this Ordinance Amendment was adopted by the Lapeer Township Board at a meeting held on the 2nd day of June 2014 and was published in the LAView Newspaper on the 5th day of June 2014. This ordinance shall take effect upon publication.



Scott A. Jarvis
Lapeer Township Supervisor



Dawn M. Walker, CMC
Lapeer Township Clerk