

**CHARTER TOWNSHIP
OF OXFORD
ORDINANCE NO. 95.006**

AN ORDINANCE TO AMEND THE CHARTER TOWNSHIP OF OXFORD MUNICIPAL CODE CHAPTER 26, SECTION 26-17 TO ELIMINATE THE REQUIREMENT OF RESIDENTS OBTAINING A BURN PERMIT IN ORDER TO PARTICIPATE IN OPEN BURNING AND CHAPTER 30, ARTICLE IV, DIVISION 3, SECTION 30-152 TO ADD DEFINITION SECTION, REGULATIONS AND ASSESS FEES FOR FALSE ALARM ACTIVATIONS TO INCLUDE:

CHAPTER 26, SECTION 26-17
CHAPTER 30, ARTICLE IV, DIVISION 3, SECTION 30-152

The Charter Township of Oxford Ordains:

Amend Chapter 26, Section 26-17- Open Burning- to eliminate the requirement of residents obtaining a burn permit in order to participate in open burning.

Amend Chapter 30, Article IV, Division 3, Section 30-152- False Alarms- to add definition section, regulations and assess fees for false alarm activations.

Chapter 26 - FIRE PREVENTION AND PROTECTION^[1]

Sec. 26-17. Open burning.

- (a) *Intent.* The Township board has determined that open burning contributes to creating detrimental environmental effects, health hazards and serious and significant effects on the value of properties within the Township. It is the intent of this section to regulate and restrict open burning in order to protect the safety and welfare of the Township. Open burning may be permitted pursuant to the provisions of this section, subject, however, to additional restrictions and/or prohibitions pursuant to state, county and federal laws or regulations, including regulations promulgated by the state air pollution control commission.
- (b) *Definitions.* For purposes of this section, the following definitions shall apply:

Open Burning as used in this Ordinance is defined as a fire where any material is burned on the ground or in an open receptacle other than a furnace, incinerator, or other equipment connected to a stack or chimney. It also includes campfires.

Approved Container includes the following: a non-combustible barrel with

lid or cover to suppress sparks, an outdoor fireplace, a portable outdoor fireplace used in accordance with the manufacturer's instructions or a below-grade enclosure.

Recreational Fire means an outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbecue pit and has a total fuel area of 3 feet or less in diameter and 2 feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purpose.

Bonfire means an outdoor fire utilized for ceremonial purposes. These are usually large fires that are associated with crowd activity and size is no larger than 6 foot in height and 6 foot in width.

Approved shall mean acceptable to the Fire Chief or his designee.

Portable Outdoor Fireplace means a portable, outdoor, solid-fuel-burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. A portable outdoor fireplace may be open in design or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.

(c) *Nuisances.*

Burning is prohibited if it is offensive or a nuisance due to smoke, odor, fire, debris (embers, sparks, or ash) or when atmospheric conditions (winds exceeding 10 mph or prolonged drought) create a fire hazard. Burning may also be prohibited when deemed necessary by the Fire Chief or his designee.

(d) *Open Burning Regulations.*

(1) *Allowable Burning.*

- a. Natural wood material, including dry, seasoned tree trunks, and branches/limbs may be burned. Additionally, a small amount of paper product including cardboard, wood kindling, or commercially available fire starters may be used to aid in the ignition of an open flame. Open burning shall always be tended to by a competent adult over 18 years of age until the fire is extinguished;
- b. No person(s) shall Open Burn or otherwise burn any allowable material(s) prior to calling the burn hotline number at ((248) 628-3870), to ensure there is no burn ban in effect;

(2) *Prohibited Burning.*

Gasoline, kerosene, fuel oil, or any other flammable or combustible liquid may not be used to start a fire. Burning of leaves or any other material other than tree cuttings or brush is prohibited.

(3) *Recreation Fires*

Recreation Fires shall not be conducted within 25 feet of a structure, combustible material and lot of lines. Conditions that could cause

a fire to spread within 25 feet of a structure shall be eliminated prior to ignition.

(4) *Bonfire.*

A bonfire shall not be conducted within 50 feet of a structure, combustible material and lot of lines. Conditions that could cause a fire to spread within 50 feet of a structure shall be eliminated prior to ignition. Bonfires are only permitted on properties that are 1 acre or larger in size. Bonfire's may also be used to burn brush and fallen trees.

(5) *Fires in Portable Outdoor Fireplaces.*

Fires in portable outdoor fireplaces shall be used in accordance with manufactures recommendations and shall not be operated within 15 feet of a structure, combustible material and lot of lines. Portable outdoor fireplaces shall not be used on combustible decks.

(6) *Open Burning on Easements or Common Areas.*

- a. Open burning on easements or common areas requires written permission from the Fire Chief or his designee.
- b. Written permission is also required by the entity having control over or any legal interest in the easement or common area (i.e., Homeowners Association, etc.).

(7) *Proper Extinguishment.*

An individual shall provide adequate means of extinguishment that is immediately available to extinguish any burning operation. Examples of extinguishment include a fire extinguisher (minimally Class A rated), a shovel with dirt or sand, or a garden hose. Conditions that could cause fire to spread to nearby combustibles shall be eliminated before the ignition of any open burning.

(8) *Open burning by retail businesses and commercial properties.*

The Township Fire Department may approve open burning by retail businesses and commercial properties by permit only. The Fire Department may impose additional conditions upon such authorization. The Fire Department shall impose a \$50 permit fee for the required inspection.

- (e) *Authority of Fire Department.* If the Fire Department receives any complaints, it has the authority to inspect the fire at issue. If the Fire Department determines that the burning has created or added to a hazardous situation or has become a nuisance, a Fire Department representative is authorized to order the extinguishment of the open burning operation. If non-compliance of this ordinance is found, the Fire Department representative also has the authority to issue a township or municipal civil infraction at his or her discretion.
- (f) *Reference to International Fire Code.* Oxford Township has adopted the current version of the International Fire Code and all appendixes as amended

at the time of the adoption and as amended in the future in Section 26-8. This Ordinance will comply with all sections of the International Fire Code as stated (Section 26-8) except for sec. 105.6.32 and Section 307, which govern permits for open burning. Henceforth, open burning shall be regulated by this Ordinance. Section 26-8 is not repealed; however, the sections of the International Fire Code in conflict herewith should be considered subordinate to this Ordinance.

(g) *Violation and Penalties.*

(1) *Municipal Civil Infraction/Payment of Fine.*

Any person, firm, or corporation violating a provision of this Ordinance, upon an admission or a finding of responsibility for such violation, shall be deemed responsible for a municipal civil infraction as that term is defined and used in MCL 600.101, *et seq.*; MSA 27A.101, *et seq.*, as amended, and shall pay a civil fine up to the maximum allowed by law but in no event less than Five Hundred Dollars (\$500) or as otherwise determined by the district court, district court judge, or district court magistrate.

(2) *Cost.*

A person, firm, or corporation ordered to pay a fine under Subsection A shall be ordered by the district court judge or magistrate to pay costs of not less than Nine Dollars (\$9) or more than Five Hundred Dollars (\$500), which costs may include all expenses, direct and indirect, to which the Township of Oxford has been put in connection with the violation of the Ordinance up to the entry of the court's judgment or order to pay fine and costs

(3) *Additional Writs and Orders.*

A person who admits or is found responsible for violation of this Ordinance shall comply with any order, writ, or judgment issued by the district court to enforce this Ordinance pursuant to Chapter 83 and Chapter 87 of the Revised Judicature Act, MCL 600.101, *et seq.*; MSA 27A.101, *et seq.*, as amended.

(4) *Default on Payment of Fines and Cost.*

A default in payment of a civil fine, costs, or damages or expenses ordered under Subsection 1 or 2 or an installment of the fine, costs, or damages or expenses as allowed by the court, may be collected by the Township of Oxford by a means authorized for the enforcement of a judgment under Chapters 40 or 60 of the Revised Judicature Act, MCL 600.101, *et seq.*; MSA 27A.101, *et seq.*, as amended

(5) *Failure to Comply with Judgment or Order.*

If a defendant fails to comply with an order or judgment issued

pursuant to this section within the time prescribed by the court, the court may proceed under Subsection 7.

(6) *Failure to Appear in Court.*

A defendant who fails to answer a citation or notice to appear in court for a violation of this Ordinance is guilty of a misdemeanor, punishable by a fine of not more than Five Hundred Dollars (\$500) plus costs and/or imprisonment not to exceed ninety (90) days.

(7) *Civil Contempt.*

- a. If a defendant defaults in the payment of a civil fine, costs, or other damages or expenses, or installment as ordered by the district court, upon motion of the Township of Oxford or upon its own motion, the court may require the defendant to show cause why the defendant should not be held in civil contempt and may issue a summons, order to show cause, or bench warrant of arrest for the defendant's appearance.
- b. If a corporation or an association is ordered to pay a civil fine, costs, or damages or expenses, the individuals authorized to make disbursements shall pay the fine, costs, or damages or expenses, and their failure to do so shall be civil contempt unless they make the showing required in this Subsection.
- c. Unless the defendant shows that the default was not attributable to an intentional refusal to obey the order of the court or to a failure on his or her part to make a good faith effort to obtain the funds required for payment, the court shall find that the default constitutes a civil contempt and may order the defendant committed until all or a specified part of the amount due is paid.
- d. If it appears that the default in the payment of a fine, costs, or damages or expenses does not constitute civil contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount of payment or of each installment or revoking the fine, costs, or damages or expenses.
- e. The term of imprisonment on civil contempt for nonpayment of a civil fine, costs, or damages or expenses shall be specified in the order of commitment and shall not exceed one day for each Thirty Dollars (\$30) due. A person committed for nonpayment of a civil fine, costs, or damages or expenses shall be given credit toward payment for each day of imprisonment and each day of detention in default of recognizance before judgment at the rate of Thirty Dollars (\$30) per day.
- f. A defendant committed to imprisonment for civil contempt for nonpayment of a civil fine, costs, or damages or expenses shall not be discharged from custody until one of the following occurs:

- i. A defendant is credited with an amount due pursuant to Subsection 7, e.
 - ii. The amount due is collected through the execution of process or otherwise.
 - iii. The amount due is satisfied pursuant to a combination of Subdivisions 7, f, i, and ii.
- g. The civil contempt shall be purged upon discharge of the defendant pursuant to Subsection 7, f.

Chapter 30 - OFFENSES AND MISCELLANEOUS
PROVISIONS ARTICLE IV DISORDERLY
CONDUCT OFFENSES
DIVISION 3. OFFENSES AGAINST PUBLIC AUTHORITY OR
GOVERNMENTAL OPERATIONS

Sec. 30-152. False alarms.

- a. *Intent.* The Township board has determined that false alarm activations can cause unnecessary disruption to the peace, safety, public services, residents, and businesses within the Township. It is the intent of this section to regulate, restrict, and assess fines for repeated false alarm activations in order to protect the safety and welfare of the Township.
- b. *Definitions.* For purposes of this section, the following definitions shall apply:

Alarm system means an assembly of equipment and devices, or a single device, arranged to signal the presence of a hazard requiring urgent attention and to which police are expected to respond.

False alarm means any alarm condition which is registered at the police department or elsewhere not resulting from criminal activity for which the alarm was intended, or in the case of a fire alarm any alarm condition which is registered at the police department or elsewhere not resulting from a fire or potential fire condition.

Subscriber includes but is not limited to any public service utility, fire department or police agency.

- c. *General prohibition.* No person shall summon, as a joke or prank or otherwise without any good reason therefor, by telephone or otherwise, the police or the fire department or any public or private ambulance, to go to any address where the service called for is not needed.

State Law reference— False fire alarms, MCL 750.240.

- d. *False alarm fees; when payment required.* Notwithstanding any penalties provided for in the event of a conviction for violation of this chapter, and notwithstanding the fact that a prosecution for violation of this chapter has or has not been commenced, in order to defray the cost of responding to

false alarms, any person, corporation, partnership or any other legal entity who uses, leases, installs or directs the installation of an alarm system described in this chapter shall pay to the Township an alarm fee as provided for in subsection (d) below, for each occasion that the alarm is activated and responded to by the police and/or fire department in any of the following cases:

- (1) No evidence of illegal entry or an attempt thereof;
 - (2) No evidence of fire;
 - (3) A malfunction in the system;
 - (4) Activated by mistake;
 - (5) Alarm activated by persons working on the alarm system, where the police and fire department were not previously notified.
- e. *Alarm fee schedule.* For violations of section subsection (c) the alarm fee schedule shall be as follows:
- (1) First activation requiring response by police/fire department, in the calendar year: No charge.
 - (2) Second activation requiring response by police/fire department, in the calendar year: \$50.00. If not paid within 30 days: \$55.00.
 - (3) Third activation requiring response by police/fire department, in the calendar year: \$75.00. If not paid within 30 days: \$85.00.
 - (4) Fourth and each subsequent activation requiring response by the police/fire department, in the calendar year: \$100.00. If not paid within 30 days: \$125.00.
 - (5) For each additional 30-day period that the above required fees are not paid, an additional fee shall be required in the amount of \$5.00.
- f. *False alarm fee; exceptions.*
- (1) Notwithstanding anything in this chapter to the contrary, no owner or lessee shall be required to pay the costs required in subsection (c) on the first occasion of a false alarm during any one (1) calendar year, but shall be advised in writing of the false alarm and of the existence of this chapter.
 - (2) Further, such costs shall not be required in the case of any false alarm activated by severe weather or other violent conditions beyond the control of the owner or lessee of an alarm system.

Section 5 – Effective date and Adoption

Effective Date. This Ordinance shall be published in a newspaper of general circulation in the Township of Oxford and shall

become effective upon publication, as provided by law.

MOVED BY: Treasurer Ferrari

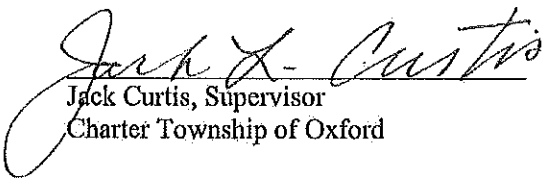
SECONDED BY: Trustee Charles

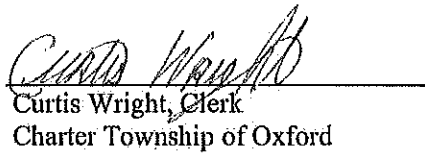
AYES: Colvin, Payne, Nold, Ferrari, Wright, Charles, Curtis

NAYS: None

ABSENT: None

Adopted at a meeting of the Charter Township of Oxford Board of Trustees held on the 13th day of December, 2023.


Jack Curtis, Supervisor
Charter Township of Oxford


Curtis Wright, Clerk
Charter Township of Oxford

STATE OF MICHIGAN)
)SS
COUNTY OF OAKLAND)

I, Curtis Wright, duly elected Clerk of the Charter Township of Oxford, do hereby certify that the foregoing is a complete and true copy of Ordinance No. 135.001, adopted by the Charter Township of Oxford at a meeting of the Board of Trustees held on the 8th day of February, 2023.


Curtis Wright, Clerk

PUBLISHED: February 22, 2023

EFFECTIVE: Upon Publication