

CHARTER TOWNSHIP OF BEDFORD
THURSDAY, AUGUST 9, 2012
MINUTES

THE BOARD OF TRUSTEES OF THE CHARTER TOWNSHIP OF BEDFORD
CONVENED FOR THE REGULAR SCHEDULED BOARD MEETING, THURSDAY,
AUGUST 9, 2012, 7:30 P.M., MEETING ROOM, 115 SOUTH ULDRIKS DRIVE,
BATTLE CREEK, MICHIGAN, 49037.

1. CALL TO ORDER

SUPERVISOR SPRAU CALLED THE MEETING TO ORDER.

2. PLEDGE OF ALLEGIANCE

THE AUDIENCE AND BOARD MEMBERS RECITED THE PLEDGE OF
ALLEGIANCE.

3. ROLL CALL

THOMAS J. SPRAU, SUPERVISOR; ALBERTA DUCK, CLERK; CHRISANDRA
DEZOTELL, TREASURER; RICHARD HARVEY, TRUSTEE; RANDE JOHNSON
TRUSTEE; SALLY SHAW, TRUSTEE; LEE WATERSON, TRUSTEE

4. APPROVAL OF JULY 12, 2012 MINUTES

MOVED BY TRUSTEE HARVEY, SUPPORTED BY TRUSTEE WATERSON,
RESOLVED BY THE BOARD OF TRUSTEES OF THE CHARTER TOWNSHIP OF
BEDFORD TO APPROVE THE JULY 12, 2012 MINUTES, AS SUBMITTED.

SUPERVISOR SPRAU ASKED IF THERE WERE ANY DELETIONS OR
CORRECTIONS REFERENCING THE MINUTES. THERE WERE NOT ANY
DELETIONS OR CORRECTIONS.

ROLL CALL: HARVEY, YES; SPRAU, YES; DUCK, YES; DEZOTELL, YES;
JOHNSON, YES; SHAW, YES; WATERSON, YES - 7 YES, 0 NO, - EXCUSED.
MOTION CARRIED.

5. SPECIAL ORDER OF BUSINESS

NONE

6. COMMUNICATIONS

(1) MICHIGAN TOWNSHIPS ASSOCIATION FAXES

CLERK DUCK REPORTED ON ALL CORRESPONDENCE.

7. PUBLIC COMMENTS

8. REPORTS

(A) FINANCE

RES. 8/9/12/31 MOVED BY TRUSTEE HARVEY, SUPPORTED BY TREASURER DEZOTELL, RESOLVED BY THE BOARD OF TRUSTEES OF THE CHARTER TOWNSHIP OF BEDFORD TO APPROVE PAYMENT OF BILLS LISTED IN THE AMOUNT: \$36,684.22.

SUPERVISOR SPRAU ASKED THE BOARD MEMBERS IF THERE WERE ANY COMMENTS REFERENCING THE BILLS. THERE WERE NOT ANY COMMENTS.

ROLL CALL: WATERSON, YES; HARVEY, YES; SPRAU, YES; DUCK, YES; DEZOTELL, YES; JOHNSON, YES; SHAW, YES – 7 YES, 0 NO, 0 EXCUSED. MOTION CARRIED.

PUBLIC HEALTH AND SAFETY

RES. 8/9/12/32 MOVED BY TRUSTEE SHAW, SUPPORTED BY TRUSTEE WATERSON, RESOLVED BY THE BOARD OF TRUSTEES OF THE CHARTER TOWNSHIP OF BEDFORD TO ADOPT THE BURNING ORDINANCE OF THE CHARTER TOWNSHIP OF BEDFORD, CALHOUN COUNTY, MICHIGAN;

SECTION 1: PURPOSE

1.00 PURPOSE.

THIS ORDINANCE IS INTENDED TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE AND TO SAFEGUARD THE HEALTH, COMFORT, LIVING CONDITIONS, SAFETY AND WELFARE OF THE CITIZENS OF THE CHARTER TOWNSHIP OF BEDFORD DUE TO THE AIR POLLUTION AND FIRE HAZARDS OF OPEN BURNING.

SECTION 2: APPLICABILITY

2.00 APPLICABILITY.

- 2.1. THIS ORDINANCE DOES NOT APPLY TO GRILLING OR COOKING USING CHARCOAL, WOOD, PROPANE OR NATURAL GAS IN COOKING OR GRILLING APPLIANCES.
- 2.2. THIS ORDINANCE DOES NOT APPLY TO BURNING IN A STOVE, FURNACE, FIREPLACE OR OTHER HEATING DEVICE WITHIN A BUILDING USED FOR HUMAN OR ANIMAL HABITATION.
- 2.3. THIS ORDINANCE DOES NOT APPLY TO THE USE OF PROPANE, ACETYLENE, NATURAL GAS, GASOLINE OR KEROSENE IN A DEVICE INTENDED FOR HEATING, CONSTRUCTION OR MAINTENANCE ACTIVITIES.

SECTION 3: SEVERABILITY

3.00 SEVERABILITY.

SHOULD ANY PORTION OF THE ORDINANCE BE DECLARED UNCONSTITUTIONAL OR INVALID BY A COURT OF COMPETENT JURISDICTION, THE REMAINDER OF THIS ORDINANCE SHALL NOT BE AFFECTED.

SECTION 4: DEFINITIONS

4.00 DEFINITIONS.

- 4.1. "CAMPFIRE" MEANS A SMALL OUTDOOR FIRE INTENDED FOR RECREATION OR COOKING BUT NOT INCLUDING A FIRE INTENDED FOR DISPOSAL OF WASTE WOOD OR REFUSE.
- 4.2 "CLEAN WOOD" MEANS NATURAL WOOD WHICH HAS NOT BEEN PAINTED, VARNISHED OR COATED WITH A SIMILAR MATERIAL; HAS NOT BEEN PRESSURE TREATED WITH PRESERVATIVES; AND DOES NOT CONTAIN RESINS OR GLUES AS IN PLYWOOD OR OTHER COMPOSITE WOOD PRODUCTS.
- 4.3 CONSTRUCTION AND DEMOLITION WASTE" MEANS BUILDING WASTE MATERIALS, INCLUDING BUT NOT LIMITED TO WASTE SHINGLES, INSULATION, LUMBER, TREATED WOOD, PAINTED WOOD, WIRING, PLASTICS, PACKAGING, AND RUBBLE THAT RESULTS FROM CONSTRUCTION, REMODELING, REPAIR, AND DEMOLITION OPERATIONS ON A HOUSE, COMMERCIAL OR INDUSTRIAL BUILDING, OR OTHER STRUCTURE.
- 4.4. "FIRE CHIEF" MEANS THE CHIEF OF THE BEDFORD TOWNSHIP FIRE DEPARTMENT OR OTHER PERSON DESIGNATED BY THE FIRE CHIEF.
- 4.5 "MUNICIPALITY" MEANS A COUNTY, TOWNSHIP, CITY, OR VILLAGE.
- 4.6. "OPEN BURNING" MEANS KINDLING OR MAINTAINING A FIRE WHERE THE PRODUCTS OF COMBUSTION ARE EMITTED DIRECTLY INTO THE AMBIENT AIR WITHOUT PASSING THROUGH A STACK OR A CHIMNEY. THIS INCLUDES BURNING IN A BURN BARREL.
- 4.7. "REFUSE" MEANS ANY WASTE MATERIAL EXCEPT TREES, LOGS, BRUSH, STUMPS, LEAVES, GRASS CLIPPINGS, AND OTHER VEGETATIVE MATTER.

SECTION 5: GENERAL PROHIBITION ON OPEN BURNING

- 5.00 GENERAL PROHIBITION ON OUTDOOR BURNING AND OPEN BURNING. OPEN BURNING IS PROHIBITED IN THE CHARTER TOWNSHIP OF BEDFORD UNLESS THE BURNING IS SPECIFICALLY PERMITTED BY THIS ORDINANCE.

SECTION 6. OPEN BURNING OF REFUSE

- 6:00 OPEN BURNING OF REFUSE.
- 6.1 OPENING BURNING OF REFUSE, CONSTRUCTION AND DEMOLITION WASTE OR ANY BUILDING MATERIAL SOLID WASTE, TIRES, SHINGLES, RUBBER, PLASTIC AND ANY MATERIAL WHICH PRODUCES BLACK SMOKE IS PROHIBITED.

SECTION 7: OPEN BURNING OF TREES, LOGS, BRUSH, STUMPS, LEAVES, AND GRASS CLIPPINGS

- 7.00 BURNING TREES, LOGS, BRUSH, STUMPS, AND GRASS CLIPPINGS.
- 7.1. OPEN BURNING OF GRASS CLIPPINGS IS PROHIBITED.
- 7.2 OPEN BURNING OF TREES, LOGS, BRUSH, LEAVES AND STUMPS IS ALLOWED ONLY IN ACCORDANCE WITH ALL OF THE FOLLOWING PROVISIONS:
- 7.2.1. EXCEPT FOR CAMPFIRES, A PERMIT ISSUED IN

ACCORDANCE WITH SECTION 9 OF THIS ORDINANCE MUST BE OBTAINED PRIOR TO OPEN BURNING UNDER THIS SECTION WHEN THE GROUND IS NOT SNOW COVERED.

7.2.2 EXCEPT FOR BARBECUE, GAS, AND CHARCOAL GRILLS, NO OPEN BURNING SHALL BE UNDERTAKEN DURING PERIODS WHEN THE GOVERNOR OF MICHIGAN HAS ISSUED A BURNING BAN APPLICABLE TO THE AREA

7.2.3. ALL ALLOWED OPEN BURNING SHALL BE CONDUCTED IN A SAFE, NUISANCE-FREE MANNER, WHEN WIND AND WEATHER CONDITIONS MINIMIZE ADVERSE EFFECTS AND DO NOT CREATE A HEALTH HAZARD OR A VISIBILITY HAZARD ON ROADWAYS, RAILROADS OR AIRFIELDS. WIND SPEEDS SHALL NOT EXCEED 10 MILES PER HOUR. OPEN BURNING SHALL BE CONDUCTED IN CONFORMANCE WITH ALL LOCAL AND STATE FIRE PROTECTION REGULATIONS. BURNING NEAR WOODLANDS, WETLANDS OR CREEKS IS PROHIBITED.

7.2.4 OPEN BURNING UNDER THIS SECTION SHALL ONLY BE CONDUCTED AT A LOCATION AT LEAST 50 FEET FROM THE NEAREST BUILDING WHICH IS NOT ON THE SAME PROPERTY FOR SMALL CAMPFIRES AND 100 FEET FROM THE NEAREST BUILDING WHICH IS NOT ON THE SAME PROPERTY FOR ALL OTHER FIRES.

7.2.5 EXCEPT FOR CAMPFIRES, OPEN BURNING SHALL ONLY BE CONDUCTED DURING THE DAYLIGHT HOURS AND MUST BE EXTINGUISHED AT SUNSET

7.2.6 OPEN BURNING SHALL BE CONSTANTLY ATTENDED AND SUPERVISED BY A COMPETENT PERSON OF AT LEAST EIGHTEEN (18) YEARS OF AGE UNTIL THE FIRE IS EXTINGUISHED AND IS COLD. THE PERSON SHALL HAVE READILY AVAILABLE FOR USE SUCH FIRE EXTINGUISHING EQUIPMENT AS MAY BE NECESSARY FOR THE TOTAL CONTROL OF THE FIRE.

7.2.7 EXCEPT FOR BARBECUE, GAS, AND CHARCOAL GRILLS, NO BURNING SHALL BE UNDER TAKEN WITHIN 25 FEET FROM ANY COMBUSTIBLE MATERIAL, COMBUSTIBLE WALL OR PARTITION, EXTERIOR WINDOW OPENING, OR EXIT ACCESS OR EXIT UNLESS AUTHORIZED BY THE FIRE CHIEF.

SECTION 8 : AGRICULTURAL BURNING

8:00 AGRICULTURAL BURNING.

OPEN BURNING OF WEEDS, BRUSH, AND CROP STUBBLE ON AGRICULTURAL LANDS IS ALLOWED IF CONDUCTED IN ACCORDANCE WITH OTHER APPLICABLE PROVISIONS OF THIS ORDINANCE.

SECTION 9: BURNING PERMITS

9.0 BURNING PERMITS

9.1. NO PERSON SHALL START OR MAINTAIN ANY OPEN BURNING COVERED UNDER THIS SECTION WITHOUT A BURNING PERMIT ISSUED BY THE BEDFORD TOWNSHIP FIRE DEPARTMENT

9.2. A CAMPFIRE DOES NOT REQUIRE A PERMIT PROVIDED THAT HE FIRE COMPLIES WITH ALL OTHER APPLICABLE PROVISIONS OF

THIS ORDINANCE. NO PERMIT IS REQUIRED WHERE SNOW IS PRESENT ON THE GROUND.

- 9.3. WHEN WEATHER CONDITIONS WARRANT, THE FIRE CHIEF MAY TEMPORARILY SUSPEND PREVIOUSLY ISSUED BURNING PERMITS FOR OPEN BURNING.
- 9.4. A BURNING PERMIT ISSUED UNDER THIS SECTION SHALL REQUIRE COMPLIANCE WITH ALL APPLICABLE PROVISIONS OF THIS ORDINANCE AND ANY ADDITIONAL SPECIAL RESTRICTION DEEMED NECESSARY TO PROTECT PUBLIC HEALTH AND SAFETY.
- 9.5. ANY VIOLATION OF THE CONDITIONS OF A BURNING PERMIT SHALL BE DEEMED A VIOLATION OF THIS ORDINANCE. ANY VIOLATION OF THIS ORDINANCE OR THE BURNING PERMIT SHALL VOID THE PERMIT.

**SECTION 10: LIABILITY
10.00 LIABILITY.**

A PERSON UTILIZING OR MAINTAINING AN OUTDOOR FIRE SHALL BE RESPONSIBLE FOR ALL FIRE SUPPRESSION COSTS AND ANY OTHER LIABILITY RESULTING FROM DAMAGE CAUSED BY THE FIRE.

**SECTION 11: RIGHT OF ENTRY AND INSPECTION
11:00 RIGHT OF ENTRY AND INSPECTION.**

THE FIRE CHIEF OR ANY AUTHORIZED OFFICER, AGENT, EMPLOYEE OR REPRESENTATIVE OF THE CHARTER TOWNSHIP OF BEDFORD WHO PRESENTS CREDENTIALS MAY INSPECT ANY PROPERTY FOR THE PURPOSE OF ASCERTAINING COMPLIANCE WITH THE PROVISIONS OF THIS ORDINANCE.

**SECTION 12: ENFORCEMENT AND PENALTIES
12.00 ENFORCEMENT AND PENALTIES.**

- 12.1 THE BEDFORD TOWNSHIP FIRE CHIEF AND BATTLE CREEK POLICE DEPARTMENT ARE AUTHORIZED TO ENFORCE THE PROVISIONS OF THIS ORDINANCE.
- 12.2. A PERSON, FIRM, ASSOCIATION, PARTNERSHIP, CORPORATION, OR GOVERNMENTAL ENTITY WHO VIOLATES ANY OF THE PROVISIONS OF THIS ORDINANCE OR FAILS TO COMPLY WITH A DULY AUTHORIZED ORDER ISSUED PURSUANT TO THIS ORDINANCE SHALL BE DEEMED TO BE RESPONSIBLE FOR A MUNICIPAL CIVIL INFRACTION SUBJECT TO PAYMENT OF A CIVIL FINE OF NOT LESS THAN \$50 OR MORE THAN \$500, PLUS COSTS AND OTHER SANCTIONS FOR EACH INFRACTION. EACH DAY ON WHICH ANY VIOLATION OF THIS ORDINANCE CONTINUES CONSTITUTES A SEPARATE OFFENSE AND SHALL BE SUBJECT TO PENALTIES OR SANCTIONS AS A SEPARATE OFFENSE. REPEAT OFFENSES SHALL BE SUBJECT TO INCREASED FINES AS PROVIDED BY SECTION 11 OF THE BEDFORD TOWNSHIP CIVIL INFRACTION ORDINANCE.

- 12.3. THE VIOLATOR SHALL PAY COSTS WHICH MAY INCLUDE ALL EXPENSES, DIRECT AND INDIRECT, WHICH THE CHARTER TOWNSHIP OF BEDFORD HAS INCURRED IN CONNECTION WITH

THE MUNICIPAL INFRACTION. IN NO CASE, HOWEVER, SHALL COSTS OF LESS THAN \$10.00 NOR MORE THAN \$500.00 BE ORDERED. IN ADDITION, THE TOWNSHIP SHALL HAVE THE RIGHT TO PROCEED IN ANY COURT OF COMPETENT JURISDICTION FOR THE PURPOSE OF OBTAINING AN INJUNCTION, RESTRAINING ORDER, OR OTHER APPROPRIATE REMEDY TO COMPEL COMPLIANCE WITH THIS ORDINANCE. EACH DAY THAT A VIOLATION OF THIS ORDINANCE EXISTS SHALL CONSTITUTE A SEPARATE VIOLATION OF THIS ORDINANCE.

SUPERVISOR SPRAU ASKED THE BOARD MEMBERS IF THERE WERE ANY QUESTIONS REFERENCING THE ORDINANCE. THERE WERE NOT ANY COMMENTS.

ROLL CALL: SHAW, YES; WATERSON, YES; HARVEY, YES; SPRAU, YES; DUCK, YES; DEZOTELL, YES; JOHNSON, YES – 7 YES, 0 NO, 0 EXCUSED. MOTION CARRIED.

RES. 8/09/12/33 MOVED BY TRUSTEE WATERSON, SUPPORTED BY TRUSTEE HARVEY, RESOLVED BY THE BOARD OF TRUSTEES OF THE CHARTER TOWNSHIP OF BEDFORD TO HIRE THE FOLLOWING INDIVIDUALS, WHO ARE CERTIFIED FIRE FIGHTERS, WITH FIRE CHIEF COCHENSARGER'S RECOMMENDATION: KRISTAL SMITH, WILLIAM WOODWARD, TOM SHIRLEY, AND CHRISTOPHER KILBOURN – MUST PASS PHYSICAL EXAMINATION, AND THERE WILL BE A ONE (1) YEAR'S PROBATION PERIOD WITH THE FIRE DEPARTMENT.

SUPERVISOR SPRAU ASKED IF THERE WERE ANY QUESTIONS FROM THE BOARD. THERE WERE NOT ANY QUESTIONS.

ROLL CALL: JOHNSON, YES; SHAW, YES; WATERSON, YES; HARVEY, YES; DUCK, YES; DEZOTELL, YES; SPRAU, YES – 7 YES, 0 NO, 0 EXCUSED. MOTION CARRIED.

RES. 8/09/12/34 MOVED BY TRUSTEE JOHNSON, SUPPORTED BY TRUSTEE HARVEY, RESOLVED BY THE BOARD OF TRUSTEES OF THE CHARTER TOWNSHIP OF BEDFORD TO HIRE THE FOLLOWING INDIVIDUALS, WHO WOULD ATTEND FIRE FIGHTERS TRAINING TO BECOME CERTIFIED, WITH FIRE CHIEF COCHENSARGER'S RECOMMENDATION: ERIC LANHAN AND TRAVIS JONES – MUST PASS PHYSICAL EXAMINATION. THERE WILL BE A ONE (1) YEAR'S PROBATION PERIOD AFTER CERTIFICATION.

SUPERVISOR SPRAU ASKED IF THERE WERE ANY QUESTIONS FROM THE BOARD. THERE WERE NOT ANY QUESTIONS.

ROLL CALL: SPRAU, YES; JOHNSON, YES; SHAW, YES; WATERSON, YES; HARVEY, YES; DUCK, YES; DEZOTELL, YES – 7 YES, 0 NO, 0 EXCUSED. MOTION CARRIED.

(C) BUILDING AND GROUNDS

NONE

(D) LEGISLATIVE AND INTERGOVERNMENTAL RELATIONS

NONE

9. UNFINISHED BUSINESS

NONE

10. PETITIONS AND NEW BUSINESS

NONE

11. TRUSTEES PERSONAL PRIVILEGE

NONE

12. PUBLIC COMMENTS

NONE

13. ANNOUNCEMENTS OF CHAIR, CHAIRPERSONS OR ELECTED OFFICIALS

NONE

14. ADJOURNMENT

MOVED BY TRUSTEE HARVEY, SUPPORTED BY TRUSTEE SHAW, TO ADJOURN THE REGULAR SCHEDULED BOARD MEETING. UNANIMOUS VOICE VOTE. MOTION CARRIED.

Thomas J. Sprau, Supervisor



Alberta Duck, Clerk