

**TYRONE TOWNSHIP REGULAR BOARD MEETING
APPROVED MINUTES – JUNE 16, 2009**

CALL TO ORDER

Supervisor Schmidt called the meeting of the Tyrone Township Board to order with the Pledge of Allegiance on June 16, 2009 at 7:00 p.m. at the Tyrone Township Hall.

ROLL CALL

Present: Supervisor Andrew Schmidt, Clerk Keith Kremer, Treasurer Dave Kurtz, Trustees Suzanne Anderson, Steve Hasbrouck, and Brian Miles. Absent: Steve Nagy. (Trustee Anderson left the meeting later.)

PUBLIC REMARKS FOR NON-AGENDA ITEMS

Supervisor Schmidt read Steve Nagy's letter of resignation. Trustee Nagy resigned from the Board of Trustees due to the potential conflict of interest with the Engineering RFP.

Various members of the audience and board did not feel that there was a conflict of interest. The process included sealed bids and a sub committee to review the RFP to make a list of final candidates. Mr. Nagy has had no input on the evaluation process and will not vote on the final selection. Pricing has not been opened as yet.

Scott Dietrich (13505 White Lake Rd.) questioned whether the township was going to act to Heavenly Scent violations. The complaints include the event noise, wedding and a drain field installed without a permit. Supervisor Schmidt stated that the Herb Farm was to be given to July 7, 2009 to come into compliance.

APPROVAL OF AGENDA – OR CHANGES

Treasurer Kurtz moved to approve the agenda as amended. (Trustee Miles seconded). The motion carried; all ayes.

The modifications are as follows:

Added:

Communication #4- Township revenue and expenses ending May 31, 2009.
New Business #9- The Engineering RFP subcommittee final selections.

APPROVAL OF CONSENT AGENDA

Regular Board Meeting Minutes – June 2, 2009
Treasurer's Report – May 31, 2009
Clerk's Warrants and Bills

Trustee Miles moved to approve the consent agenda as presented. (Treasurer Kurtz seconded). The motion carried; all ayes.

**TYRONE TOWNSHIP REGULAR BOARD MEETING
APPROVED MINUTES – JUNE 16, 2009 – PAGE 2**

COMMUNICATIONS

- #1 Zoning Administrator's Summary May 2009
- #2 Hartland Senior Citizen Advisory Council Meeting Minutes – May 27, 2009.
- #3 Letter to Mr. Harris regarding Heavenly Scent – dated June 4, 2009.
- #4 Township revenue and expenses ending May 31, 2009.

Clerk Kremer moved to receive and place on file Communications #1-4 as modified. (Trustee Anderson seconded.) The motion carried; all ayes.

PUBLIC REMARKS FOR AGENDA ITEMS

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

#1 Presentation by Fred Dillingham of the Economic Development Council.

Mr. Dillingham provided a report on the development activities in the Livingston County area. Key points:

- For development to occur, Tyrone Township needs to identify and make available key properties that support development.
- Tyrone Township can benefit from it's presence near I-69 and I-96.
- Commercial development supports jobs, a good quality of life, and lower taxes.

#2 Approval of the proposal of the Tyrone Woods septic system closure.

Treasurer Kurtz moved to table the proposal from Tetra Tech for the closure of the Tyrone Woods lagoon until there is a better estimate of township costs and how they get paid. (Trustee Miles seconded). The motion carried; all ayes.

#3 Request of Fu Hang to appeal his fire service charge.

Treasurer Kurtz moved to accept the original decision of Supervisor Schmidt to deny the request for appeal because the homeowner did not have control of the fire for the weather conditions. (Clerk Kremer seconded). The motion carried. Aye: Schmidt, Kurtz, Kremer, Anderson, Hasbrouck. Nay: Miles

**TYRONE TOWNSHIP REGULAR BOARD MEETING
APPROVED MINUTES – JUNE 16, 2009 – PAGE 3**

#4 Request to change the telephone Service.

Cavalier Telephone is offering a three year contract for phone service at an expected saving of over \$2,000.00 per year. Clerk Kremer moved to accept the Cavalier telephone proposal. (Treasurer Kurtz seconded). The motion was amended by Clerk Kremer to accept the proposal upon review of the formal contract. (Treasurer Kurtz seconded). The motion carried; all ayes.

#5 Renewal of the Economic Development Council/Tyrone Township agreement.

Clerk Kremer moved to approve the renewal of the Tyrone Township/Economic Development Council Agreement. (Trustee Miles seconded). Questions arose as to whether the money could be better spent for a strategic plan or delayed for a year. The motion carried. Aye: Schmidt, Kurtz, Kremer, Miles, Hasbrouck. Nay: Anderson.

#6 Resolution #090601 to adopt Open Burning Ordinance #44.

RESOLUTION #090601

**TYRONE TOWNSHIP
OPEN BURNING ORDINANCE NO. 44**

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 **Tyrone Township** by regulating the air pollution and fire hazards of open burning and outdoor burning.

SECTION 2: APPLICABILITY

2.00 Applicability.

This ordinance applies to all outdoor burning and open burning within **Tyrone Township**.

- 2.1.** This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- 2.2.** This ordinance does not apply to burning for the purpose of generating heat 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.

**TYRONE TOWNSHIP REGULAR BOARD MEETING
APPROVED MINUTES – JUNE 16, 2009 – PAGE 4**

SECTION 3: SEVERABILITY

3.00 Severability.

Should any portion of this 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. "Recreational fire" means a small outdoor fire such as a campfire or bonfire intended for pleasure, religious, ceremonial, cooking, warmth or similar purposes, or 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 City of Fenton Fire Department or Fenton Township Fire Department or the Chief of any other fire department that **Tyrone Township** may contract with in the future or other person designated by a Fire Chief.
- 4.5. "Municipality" means a county, township, city, or village.
- 4.6. "Outdoor burning" means open burning, recreational fires, or patio wood burning unit.
- 4.7. "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.
- 4.8. "Patio wood-burning unit" means a chimnea, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.
- 4.9. "Refuse" means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.

SECTION 5: GENERAL PROHIBITION ON OUTDOOR BURNING AND OPEN BURNING

5.00 General prohibition on outdoor burning and open burning.

Open burning and outdoor burning are prohibited in **Tyrone Township** unless the burning is specifically permitted by this ordinance.

SECTION 6: OPEN BURNING OF REFUSE

6.00 Open burning of refuse.

- 6.1. Open burning of refuse from a commercial or industrial establishment is prohibited unless confined in an incinerator approved by permit from the Livingston County Building Department, in conformance with the applicable building code as may be amended from time to time. Burning shall be

**TYRONE TOWNSHIP REGULAR BOARD MEETING
APPROVED MINUTES – JUNE 16, 2009 – PAGE 5**

allowed during daylight hours only. No incinerator shall be located within the side or rear yard setback.

- 6.2. Open burning of refuse from and at a one or two family dwelling is allowed if all of the following conditions are met:
 - 6.2.1. The burning does not create a nuisance. **No materials shall be burned that create a foul, offensive odor, or cause smoke emissions that are reasonably offensive to occupants of surrounding property.**
 - 6.2.2. The burning is conducted in a container constructed of metal or masonry that has a metal covering or spark arrestor device that does not have an opening larger than $\frac{3}{4}$ inch. Burner barrels must be located in a clear area and shall not be located less than 50 feet from any building or less than 10 feet from the adjoining property line.
 - 6.2.3. 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.
 - 6.2.4. The material being burned is not prohibited under subsection 6.3.
 - 6.2.5. A permit is required for burning in an approved burn container.
- 6.3. Open burning of the following materials is prohibited.
 - 6.3.1. Construction and demolition waste.
 - 6.3.2. Hazardous substances including but not limited to batteries, household chemicals, pesticides, used oil, gasoline, paints, varnishes, and solvents.
 - 6.3.3. Furniture and appliances.
 - 6.3.4. Tires.
 - 6.3.5. Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 - 6.3.6. Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
 - 6.3.7. Garbage, trash, rubbish, animal carcasses, or other materials that create a foul or offensive odor.

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

- 7.0 **Open Burning of trees, logs, brush, stumps, leaves, and grass clippings.**
 - 7.1. Open burning of trees, logs, brush, stumps, leaves, and grass clippings is allowed only in accordance with all of the following provisions
 - 7.1.1. A permit issued in accordance with Section 10 of this ordinance must be obtained prior to open burning under this section.
 - 7.1.2. Open burning of trees, logs, brush, and stumps must be conducted at least 1,400 feet from an incorporated city or village limit.
 - 7.1.3. Open burning of leaves and grass clippings may be conducted from April 1st through May 31st and September 15th through November 15th.

**TYRONE TOWNSHIP REGULAR BOARD MEETING
APPROVED MINUTES – JUNE 16, 2009 – PAGE 6**

- 7.1.4. 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.
- 7.1.5. 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. Open burning shall be conducted in conformance with all local and state fire protection regulations.
- 7.1.6. Open burning shall be conducted only on the property on which the materials were generated and must be limited to one burn pile that is no greater than a 10 feet X 10 feet area.
- 7.1.7. Outdoor recreational fires are allowed provided they do not cause a nuisance. The fuel area of the fire must be 3 feet or less in diameter and 2 feet or less in height and must be at least 25 feet from any structure.
- 7.1.8. Open burning under this section shall only be conducted at a location at least 100 feet *from* the nearest building which is not on the same property and 50 feet from the nearest structure on the property and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure.
- 7.1.9. Except for recreational fires, open burning shall only be conducted during daylight hours.
- 7.1.10. 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.
- 7.1.11. No materials may be burned upon any street, curb, gutter, sidewalk, or on the ice of a lake, pond, stream, or water body. No open burning is permitted within 25 feet of a body of water or wetland unless it is in a metal container that prevents run off or contamination into the lake.
- 7.1.12. Except for barbecue, gas, and charcoal grills, no burning shall be undertaken within 25 feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief.
- 7.1.13. No open burning may be conducted on days when the Department of Environmental Quality has declared an “air quality action day” applicable to **Tyrone Township**.

SECTION 8: AGRICULTURAL BURNING

8.00 Agricultural burning.

Open burning of weeds, brush, and crop stubble on agricultural lands shall comply with Section 7 of this Ordinance except for 7.1.3.

**TYRONE TOWNSHIP REGULAR BOARD MEETING
APPROVED MINUTES – JUNE 16, 2009 – PAGE 7**

SECTION 9: PATIO WOOD-BURNING UNITS

9.00 Patio wood-burning units.

A patio wood-burning unit may be installed and used in **Tyrone Township** only in accordance with all of the following provisions:

- 9.1.** The patio wood-burning unit shall not be used to burn refuse.
- 9.2.** The patio wood-burning unit shall burn only clean wood.
- 9.3.** The patio wood-burning unit shall be located at least 25 feet from the nearest structure which is not on the same property as the patio wood-burning unit.
- 9.4.** The patio wood-burning unit shall not cause a nuisance to neighbors.
- 9.5.** A patio wood-burning unit shall not be used on a balcony of any structure.

SECTION 10: BURN PERMITS

10.00 Burn Permits.

- 10.1.** No person shall start or maintain any outdoor burning or open burning covered under this section without a burning permit issued by **Tyrone Township Supervisor's Office**.
- 10.2.** Any person responsible for burning leaves, brush, clean wood or other vegetative debris under Section 7 of this ordinance shall obtain a annual (calendar year) burning permit before starting the fire. An annual permit expires on December 31 of each year. The fee for the burning permit shall be **\$5.00 per year or as amended by a Township Board Resolution**.
- 10.3.** Outdoor recreational fires require a burning permit.
- 10.4.** The owner or occupant of the property shall obtain a burning permit for burn barrels as appropriate and as required by section 6.2.4 before using the burn barrel.
- 10.5.** When weather conditions warrant, the Fire Chief or the State of Michigan may temporarily suspend open burning whether a burn permit is issued or not. Because weather conditions significantly vary locally, it is the responsibility of the property owner to assure burning can be done safely.
- 10.6.** A burning permit issued under this section shall require compliance with all applicable provisions of this ordinance and any additional special restrictions deemed necessary to protect public health and safety.
- 10.7.** Barbeques, gas or charcoal grills, cook stoves, and patio burning wood units do not require a burn permit.
- 10.8.** 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 11: LIABILITY

11.00 Liability.

A person utilizing or maintaining an outdoor fire shall be responsible for controlling the fire set, for all fire suppression costs, and any other liability resulting from personal or property damage caused by the fire including costs by **Tyrone Township** from the intervention of the fire department or any other public safety unit.

**TYRONE TOWNSHIP REGULAR BOARD MEETING
APPROVED MINUTES – JUNE 16, 2009 – PAGE 8**

SECTION 12: RIGHT OF ENTRY AND INSPECTION

12.00 Right of entry and inspection.

The Fire Chief or any authorized officer, agent, employee or representative of **Tyrone Township** who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

SECTION 13: ENFORCEMENT AND PENALTIES

13.00 Enforcement and penalties.

- 13.1.** The Tyrone Township Ordinance Enforcement Officer, elected officials, or any other official designated by the Township Board are authorized to enforce the provisions of this ordinance.
- 13.2.** In the event that the fire department is called to a site, the person, firm, association, partnership, corporation, or governmental entity who has violated any of the provisions of this ordinance, fails to control a fire, or fails to obtain a duly authorized burn permit shall be deemed to be responsible for the cost of the fire run at the current board approved amount outlined in Fire Recovery Ordinance # 24.
- 13.3.** Any person, firm, association, partnership, corporation, or governmental entity who violates any of the provisions of this ordinance, fails to obtain a burn permit from **Tyrone Township**, fails to pay a fire run fee leveled under 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 as defined by Michigan Statute which shall be punishable by a municipal civil fine determined in accordance with the following schedule or as amended by a Township Board Resolution from time to time:

| Municipal Civil Infraction | Fine |
|---|-------------|
| 1 st Offense within 3-year period* | \$100.00 |
| 2 nd Offense within 3-year period* | \$300.00 |
| 3 rd or More Offense within 3-year period* | \$500.00 |

- 13.4** The violator shall pay costs which may include all expenses, direct and indirect, which **Tyrone Township** has incurred in connection with the municipal infraction. **Tyrone 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.
- 13.5** In the event that any costs or civil infraction fines are not paid, **Tyrone Township** reserves the right to pursue collection through all legal means including court action and/or placing a lien on the property.

**TYRONE TOWNSHIP REGULAR BOARD MEETING
APPROVED MINUTES – JUNE 16, 2009 – PAGE 9**

SECTION 14: EFFECTIVE DATE

This Ordinance shall take effect 30 days following its publication after adoption in accordance with state statutes. All provisions of ordinances in conflict herewith are hereby repealed.

* * * * *

RESOLVED BY: Trustee Hasbrouck

SUPPORTED BY: Treasurer Kurtz

VOTE: Hasbrouck, yes; Anderson, absent; Schmidt, yes; Kremer, yes; Kurtz, yes; Miles, no; Nagy, absent.

Adoption Date: June 16, 2009

Publication Date: June 28, 2009

Effective Date: July 28, 2009

CERTIFICATION OF THE CLERK

I, Keith L. Kremer, do hereby swear this to be a true copy of the Opening Burning Ordinance as adopted by the Tyrone Township Board at a regular meeting held June 16, 2009, to which I add my sign and seal this 17th day of June, 2009.

Keith L. Kremer
Tyrone Township Clerk

#7 Approval of expenses for a township newsletter.

Trustee Miles moved to accept Allied Media’s proposal for \$766.46 to print and fold the township newsletter to be sent out with the Summer Tax bills. (Clerk Kremer seconded). The motion carried; all ayes.

#8 Request from the Sewer Debt Repayment Committee to have all unassessed properties along the sewer be measured to confirm the number of parcels that must connect.

Supervisor Schmidt stipulated that George Van Hecke would do the measurements either on site or using satellite maps.

**TYRONE TOWNSHIP REGULAR BOARD MEETING
APPROVED MINUTES – JUNE 16, 2009 – PAGE 10**

#9 The Engineering RFP subcommittee final selections.

Treasurer Kurtz presented the four engineering firms that were selected for board presentations. The finalists are Spicer Engineering, Gould Engineering, Hubbell, Roth, & Clark, and Orchard, Hiltz, & McCliment; they will be invited to make final presentations to the board at the July 21, 2009 meeting.

MISCELLANEOUS BUSINESS

Steve Nagy's resignation letter was discussed. No action will be taken until further review.

BILLS FOR APPROVAL AND CLERK'S REPORT

The following checks (No. 17106 - 17139) and two ACH payments have been paid since the last regular meeting and have been submitted for approval which includes a total of **\$55,283.03** from the **GENERAL FUND**, **\$1,599.00** from the **JAYNE HILL FARMS SUBDIVISION WASTE REMOVAL FUND** and **\$134.68** from the **STREET LIGHTING FUND**.

ADJOURNMENT

The meeting adjourned at 9:07 p.m.