



BURTON, MICHIGAN

BURTON LEGISLATIVE COMMITTEE MEETING

FEBRUARY 16, 2015

MINUTES

Council Chambers

Special Meeting

6:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by Chairwoman Ellen Ellenburg at 6:00 PM.

A. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Dennis O'Keefe	Councilman	Present	
Steven Heffner	Councilman	Present	
Ellen Ellenburg	Chairwoman	Present	

B. STAFF PRESENT

Amanda Doyle, Attorney
Marvin Epperson, Fire Chief
Kirk Wilkinson, Assistant Fire Chief
Sue Warren, Human Resources
Steven Hatfield, Council member
Teresa Karsney, Clerk

C. APPROVAL OF MINUTES

- Legislative Committee - Special Meeting - Dec 15, 2014 5:30 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Ellen Ellenburg, Chairwoman
AYES:	O'Keefe, Heffner, Ellenburg

D. AUDIENCE PARTICIPATION

Mrs. Ellenburg asked Marvin Epperson, Fire Chief, to give an explanation as to why these changes to the burn permit regulations would benefit and better our city.

Marvin Epperson, Fire Chief stated as I've looked over the most recent revisions of our burning regulations, I see an opportunity to make adjustments to make our regulations more current and citizen friendly. We currently have two types of permits, one for open burn and one for recreation burn. Residents are able to get up to four, two day open burn permits per year and an unlimited number of one day recreation burn permits. I would like to ask this committee to consider changing the requirements for recreation burn for one time per calendar year. The open burn would remain the same. I am asking Burton City Council to approve a onetime fee of \$20.00 per year for a yearly recreation burn permit. We have done a lot of research around our communities and other cities and this is our recommendation. There are at least four municipalities that charge. Some do not charge but limit the number of open burn and recreational burn. If they come out and are not abiding by the rules, they charge around \$1,500.00 for that call. I don't want to do that. I

want to work with the citizens, not against them.

E. COUNCIL DISCUSSION ON THE FOLLOWING ITEMS.

1. Discussion and possible recommendation on Open Burn permit and Recreational Burn permit.

Mr. O'Keefe said I have been approached by many residents who have asked me why we don't have a yearly permit like other cities and they are very willing to pay for this convenience. When you feel like having a recreational burn on the weekend, you can. I think this is a smart thing to do and the residents have asked for this. I will be supporting this.

Mrs. Ellenburg stated this subject has come up many times in the past, it seems like it comes up every year. Residents from the last Neighbor Watch Meeting asked about it again. Mr. Wilkinson, Assistant Fire Chief, was there and explained how they can have a recreation burn without having a permit if it's in the patio burners with the screened lid. There were many people at the meeting who were in favor of having a one year recreational burn permit. They would be able to do it when they wanted to, as long as they were abiding by the rules. I would like to have it on record how many permits were issued last year.

Chief Epperson replied our I.T. Director was able to determine that around 4,000 permits were issued last year, 1,600 were different addresses. There was no way to break it down to how many were recreational burn and how many were open burn. We just guessed about 1,000 were recreation burn permits.

Mrs. Ellenburg asked if we were to charge for a yearly permit, would the money from this go back into the Fire Department's budget?

Chief Epperson replied, if the Council so agrees to this, the money would go toward Personal Protective Equipment for our fire fighters. We could possibly purchase three to five sets of gear each year. Our firefighters are in desperate need of it, a lot of gear that we have does not meet N.F.P.A. standards.

Mrs. Ellenburg said I think we need to have an explanation as to why there is a fee and that the money will go back to the Fire Department to help with their safety.

Mr. Heffner asked what the process was after the request for a fire permit is made online.

Chief Epperson replied if the Council adopts this, the residents could still request their open burn permit online. They would have to come in to City Hall to receive their yearly recreational permit. There isn't a way to pay the fee online. Currently, when the resident requests the permit online, it goes to the front desk. The person at the front desk has to pull up their address on the Fire and Dump program and look at the number of burn permits, input the permit with the dates, check open burn or recreational burn, email it back to the resident and the resident must print out their permit before burning. Or if that person didn't have a computer and printer, they would have to come in to City Hall each time they want a permit. I have had many people ask why we can't set up a yearly permit for recreational burn like other municipalities. This would be more convenient for them, saving them time and gas money. I have people tell me that their time is worth money.

Mr. Heffner asked what the ordinance states regarding the distance the fire has to be from a building.

Chief Epperson stated under the ordinance it does state that an open burn needs to be at least 50 feet away from a building or structure, and a recreational permit needs to be at least 25 feet away. This is also what our fire code states. We aren't looking for any ordinance change; the ordinance allows the Fire Chief to set the rules for burning. The ordinance states that City Council has the right to establish a fee for a burn permit. We are just asking for a fee to be set for a recreational burn permit. We are not asking for one to be set for open burn because we believe that is a necessity for residents to be able to clean up their yards. The recreational burn permit is a voluntary, let's have fun, type of fire and our recommendations was that a yearly fee of \$20.00 be set for this.

Attorney Amanda Doyle recommended that we put this in as a resolution instead of an ordinance, because Council can change, by resolution, a permit fee as needed. I wouldn't put that fee of \$20.00 in an ordinance.

Mr. Heffner asked if this was approved, would the residents still be able to get a one day recreational permit free without buying a year permit.

Chief Epperson stated no, if they wanted to have recreational burns they would have to buy the one time a year permit for \$20.00. Open burn would still be no charge. You would still be able to get four, two day, open burn permits per year. We look at this as a necessity to clean up yards. Recreational permits are just that, a recreational and voluntary campfire burn.

Mr. Heffner said I am concerned about adding another fee on to the residents after just passed a 6.5 mills for the Police Department and sewer and water fees have sky rocketed. I just don't see this as something that's real critical to the city.

Mr. Epperson said I am trying to work for the citizens, not against them. Many residents have stated that they would like to see this yearly recreational permit and this is why I am bringing it to this committee.

Mrs. Ellenburg feels this would be worthwhile and will help the residents in the long run. She asked about how this would be set up online.

Chief Epperson said I have spoken to Doug Bingaman and Mark Udell to see if there is a way we can set up the payment on our website.

Mr. O'Keefe stated I think this would be a great thing if we can set up this payment on our website. It will streamline the City in setting up the future things that we do like this if we are able to accept payments, getting it processed, not have to stand in front of a person, not have to drive to the City, etc. I would like to send this to the Council, have them review it and see what their recommendation is.

Mr. Heffner asked if we charged for a yearly recreational permit, how much money do you think this would generate for Fire Department safety equipment?

Chief Epperson stated out of 4,000 permits we are guessing at least 1,000 residents were burning recreational. At this figure we would generate approximately \$20,000.00.

Mr. Heffner said it seems, since we have freed up money from the Police budget into general fund, it seems like we could make a compromise to maybe move a few of those dollars your way. Since the residents are already paying that millage.

2. Recommendation to send to City Council on March 16th, 2015 to approve the fee.

RESULT:	CARRIED [2 TO 1]
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Ellen Ellenburg, Chairwoman
AYES:	O'Keefe, Ellenburg
NAYS:	Heffner

DRAFT

BURTON, MICHIGAN

BURTON LEGISLATIVE COMMITTEE MEETING

DECEMBER 15, 2014

MINUTES

Council Chambers

Special Meeting

5:30 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by Chairwoman Ellen Ellenburg at 5:35 PM.

A. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Dennis O'Keefe	Councilman	Present	
Steven Heffner	Councilman	Present	
Ellen Ellenburg	Chairwoman	Present	

B. STAFF PRESENT

Amanda Doyle, Attorney
Rik Hayman, Chief of Staff

Marvin Epperson, Fire Chief
Teresa Karsney, Clerk

C. APPROVAL OF MINUTES

- Legislative Committee - Special Meeting - Aug 18, 2014 6:00 PM

RESULT: **ACCEPTED [UNANIMOUS]**
MOVER: Dennis O'Keefe, Councilman
SECONDER: Steven Heffner, Councilman
AYES: O'Keefe, Heffner, Ellenburg

D. AUDIENCE PARTICIPATION

None

E. COUNCIL DISCUSSION

- Review and recommendation on the Storm Water Ordinance.

Mrs. Ellenburg stated that these are two separate ordinances and they both need to be approved. Attorney Amanda Doyle will let the committee know what each ordinance is about. If and when it is recommended to go to the City Council it will have to be on the agenda as two separate ordinances.

Attorney Doyle explained the first storm water ordinance is to enforce stormwater quantity and quality on private development. The City currently has a storm water ordinance in place now, it speaks too inflow and infiltration of storm water into the sanitary sewers and storm water sewers. Our current ordinance is no where as detailed as these two are that were provided.

Minutes Acceptance: Minutes of Dec 15, 2014 5:30 PM (Approval of Minutes)

This ordinance is to regulate storm water control; to provide for storm water permits and for payment or reimbursement of cost incurred by the municipality due to storm water permits; and to provide penalties for the violations.

Attorney Doyle stated the second ordinance gives the city authority to prohibit non-storm water discharges into your system. The purpose of this ordinance is to provide for the health, safety and general welfare of the citizens of Burton through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the induction of pollutants into the municipal separate storm sewer system in order to comply with requirements of the National Pollutant Discharge Elimination System permit process. The objectives of this are to regulate the contribution of pollutants to the municipal separate storm sewer system by stormwater discharges by any user. To prohibit Illicit connections and discharge to the municipal separate storm sewer system. Also to establish legal authority to carry out all inspections, surveillance and monitoring procedures necessary to ensure compliance with the ordinance.

Mr Heffner asked if these ordinances refer to residents sump pumps.

Attorney Doyle stated these are for business, strip malls, subdivisions.

Mrs. Ellenburg asked if we didn't pass these ordinances what would happen.

Attorney Doyle said we may not be able to apply for certain grants.

Motion to approve recommendation of both ordinances to the City Council for approval as two separate ordinances.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Steven Heffner, Councilman
AYES:	O'Keefe, Heffner, Ellenburg



SCHEDULED

AGENDA ITEM (ID # 1358)

DOC ID: 1358

Discussion and possible recommendation on Open Burn permit and Recreational Burn permit.

ATTACHMENTS:

- CURRENT BURNING PERMIT REGULATIONS (PDF)
- NEW OPEN BURNING PERMIT REGULATIONS (DOCX)
- NEW RECREATIONAL BURNING PERMIT REGULATIONS (DOCX)

BURNING PERMIT REGULATIONS

***BURNING PERMITTED: BRUSH, TREE LIMBS, AND GARDEN DEBRIS ONLY.
ABSOLUTELY NO LEAVES. GRASS OR BUILDING MATERIALS.***

1. Burning permits are issued for one and two family dwellings only, no commercial permits are allowed.
2. There will be only four - (4), two day, **OPEN BURNING PERMITS** issued per household per year.
3. There will be no limit to the number of, one day, **RECREATIONAL BURNING PERMITS** per household per year.
4. Permits issued for a household require the burning to take place at that household only.
5. Burning must be fifty - (50) feet from any building or structure.
6. An adequate fire line shall be made around the area to be burned and a work force, sufficient to control the fire, shall be on hand at all times.
7. There shall be an adequate method of extinguishment on hand at all times while the fire is burning (hose or extinguisher).
8. Burning in a barrel is not permitted.
9. The burning pile for **OPEN BURNING** shall not exceed an area of four feet by five feet - (4'x5'), anything larger will be considered illegal.
10. The burning pile for **RECREATIONAL BURNING** shall not exceed an area three foot by three foot - (3'x3'), anything larger will be considered illegal.
11. **OPEN BURNING FIRES** must be out by sundown.
12. **RECREATIONAL FIRES** shall be extinguished by 1:00 am.
13. Any property loss caused by any person or persons open burning, either by permit or illegally, is the responsibility of that person and they may be held liable for all losses.
14. You may not burn when it is windy.
15. It is illegal to burn in the City of Burton without a burning permit. Permits may be obtained from City Hall at the Reception Desk or on line at www.burton.mi.com and follow the link to the Fire Department.
16. A person shall not cause or permit the emission of an air contaminant in quantities that cause, alone or in reaction with other air contaminants, either of the following:
 - (a) Injurious effects to human health or safety, animal life, plant life of significant economic value, or property. (smoke and ash shall not be a nuisance to neighbors.)
 - (b) Unreasonable interference with the comfortable enjoyment of life and property.
17. If for any reason, you cannot burn on the days your permit is issued, you may receive an extension.
18. Burning permits can be extended by calling City Hall within thirty - (30) days from the date of issuance.

PERSONS FOUND IN VIOLATION OF THE BURNING ORDINANCE WILL BE CITED AND COULD BE CHARGED FOR THE EXPENSE OF THE FIRE RUN.

Est.9/16/04

**MARVIN EPPERSON
FIRE CHIEF
BURTON FIRE AND RESCUE**

Attachment: CURRENT BURNING PERMIT REGULATIONS (1358 : Burn Permits)

OPEN BURNING PERMIT REGULATIONS

**BURNING PERMITTED: BRUSH, TREE LIMBS, AND GARDEN DEBRIS ONLY.
ABSOLUTELY NO LEAVES. GRASS OR BUILDING MATERIALS.**

1. Burning permits are issued for one and two family dwellings only, no commercial permits are allowed.
2. There will be only four - (4), two day, **OPEN BURNING PERMITS** issued per household per year.
3. Permits issued for a household require the burning to take place at that household only.
4. **Open Burning must be fifty (50) feet from any building or structure.**
5. **An adequate fire line shall be made around the area to be burned and the fire shall be attended at all times.**
6. **There shall be a garden hose or an adequate method of extinguishment on hand at all times while the fire is burning.**
7. Burning in a barrel is not permitted.
8. The burning pile shall not exceed an area of four feet by five feet - (4'x5'), anything larger will be considered illegal.
9. Fires must be out by sundown.
10. Any property loss caused by any person or persons open burning, either by permit or illegally, is the responsibility of that person and they may be held liable for all losses.
11. You may not burn when it is windy.
12. It is illegal to burn in the City of Burton without a burning permit. Permits may be obtained from City Hall at the Reception Desk or on line at www.burtonmi.gov and follow the link to the Fire Department.
13. **If you are unable burn on the days your open burn permit is issued, you may receive an extension.**
14. **Open burning permit extensions are granted by calling City Hall within thirty - (30) days of issuance.**
15. A person shall not cause or permit the emission of an air contaminant in quantities that cause, alone or in reaction with other air contaminants, either of the following:
 - (a) Injurious effects to human health or safety, animal life, plant life of significant economic value, or property. (smoke and ash shall not be a nuisance to neighbors.)
 - (b) Unreasonable interference with the comfortable enjoyment of life and property.

PERSONS FOUND IN VIOLATION OF THE BURNING ORDINANCE WILL BE CITED AND COULD BE CHARGED FOR THE EXPENSE OF THE FIRE RUN.

**MARVIN EPPERSON
FIRE CHIEF
BURTON FIRE AND RESCUE**

RECREATIONAL BURNING PERMIT REGULATIONS (Camp Fires)

BURNING PERMITTED: SEASONED WOOD ONLY. ABSOLUTELY NO LEAVES. GRASS, GARDEN DEBRIS, OR BUILDING MATERIALS.

1. Burning permits are issued for one and two family dwellings only, no commercial permits are allowed.
2. The cost of an annual recreational burn permit shall be \$20.00.
3. **RECREATIONAL BURNING PERMITS** are annual permits that are good for an entire calendar year and expire on December 31st regardless of the issue date.
4. Permits issued for a household require the burning to take place at that household only.
5. Recreational Burning must be twenty five (25) feet from any building or structure.
6. An adequate fire line shall be made around the area to be burned and the fire shall be attended at all times.
7. There shall be a garden hose or an adequate method of extinguishment on hand at all times while the fire is burning.
8. Burning in a barrel is not permitted.
9. The burning pile shall not exceed an area three foot by three foot – (3'x3'), anything larger will be considered illegal.
10. Fires shall be extinguished by 1:00 am.
11. Any property loss caused by any person or persons open burning, either by permit or illegally, is the responsibility of that person and they may be held liable for all losses.
12. You may not burn when it is windy.
13. It is illegal to burn in the City of Burton without a burning permit. Permits may be obtained from City Hall at the Reception Desk and fee for the burning permit can be paid at the Treasurer Office.
14. A person shall not cause or permit the emission of an air contaminant in quantities that cause, alone or in reaction with other air contaminants, either of the following:
 - (a) Injurious effects to human health or safety, animal life, plant life of significant economic value, or property. (smoke and ash shall not be a nuisance to neighbors.)
 - (b) Unreasonable interference with the comfortable enjoyment of life and property.

PERSONS FOUND IN VIOLATION OF THESE BURNING RULES MAY HAVE THEIR PERMIT REVOKED, HAVE THEIR BURNING PRIVILEGES SUSPENDED, BE CHARGED FOR THE EXPENSE OF THE FIRE RUN, AND HAVE TO RE-APPLY FOR AND PURCHASE A NEW PERMIT IF SO DESIRED.

**MARVIN EPPERSON
FIRE CHIEF
BURTON FIRE AND RESCUE**