

**TYRONE TOWNSHIP  
REGULAR BOARD MEETING AGENDA  
NOVEMBER 2, 2021 - 7:00 P.M.  
(810) 629-8631**

**This meeting will be both held in person at the township and electronically via Zoom.  
Details to join Zoom follow this agenda.**

**CALL TO ORDER – PLEDGE OF ALLEGIANCE – 7:00 P.M.**

**ROLL CALL**

**APPROVAL OF AGENDA – OR CHANGES**

**APPROVAL OF CONSENT AGENDA**

Regular Board Meeting Minutes – October 19, 2021  
Clerk’s Warrants and Bills

**COMMUNICATIONS**

1. Fire Service Report

**PUBLIC REMARKS**

**UNFINISHED BUSINESS**

**NEW BUSINESS**

1. Discuss removing the burn permit requirement from the Open Burning Ordinance and fee schedule.
2. Update on American Rescue Plan Act funds.
3. Office holiday schedule.

**MISCELLANEOUS BUSINESS**

**PUBLIC REMARKS**

**ADJOURNMENT**

\* \* \* \* \*

**Supervisor Mike Cunningham      Clerk Marcella Husted**

Please note: Anyone wishing to address the Township Board may do so during Public Remarks. The Tyrone Township Board of Trustees has established a policy limiting the time a person may address the Township Board at a regular or at a special meeting during the Public Remarks section of the agenda to three minutes. The Board reserves the right to place an issue under the New Business section of the agenda if additional discussion is warranted or to respond later either verbally or in writing through an appropriately appointed Township Official. Individuals with disabilities requiring auxiliary aids or services should contact the Tyrone Township Clerk at (810) 629-8631 at least seven days prior to the meeting.

Topic: Tyrone Township Board Zoom Meeting

Time: Nov 2, 2021 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/84167506086?pwd=cGkxcGlmZW94d2xseTI4dzdNUS9xZz09>

Meeting ID: 841 6750 6086

Passcode: 455488

One tap mobile

+13017158592,,84167506086#,,,,\*455488# US (Washington DC)

+13126266799,,84167506086#,,,,\*455488# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

Meeting ID: 841 6750 6086

Passcode: 455488

Find your local number: <https://us02web.zoom.us/u/kbyjzrFEx2>

# **CONSENT AGENDA**

Regular Board Meeting Minutes – October 19, 2021

Clerk's Warrants and Bills

**TYRONE TOWNSHIP  
REGULAR BOARD MEETING  
APPROVED MINUTES – OCTOBER 19, 2021 – PAGE 1**

**CALL TO ORDER**

Supervisor Cunningham called the meeting of the Tyrone Township Board to order with the Pledge of Allegiance on October 19, 2021 at 7:00 p.m. at the Tyrone Township Hall.

**ROLL CALL**

Present: Supervisor Mike Cunningham, Clerk Marcella Husted, Treasurer Jennifer Eden, Trustees Herman Ferguson, Kurt Schulze, David Walker, and Zach Tucker.

**APPROVAL OF AGENDA – OR CHANGES**

Trustee Walker moved to approve the agenda as presented. (Trustee Schulze seconded.) The motion carried; all ayes.

**APPROVAL OF CONSENT AGENDA**

**Regular Board Meeting Minutes – September 21, 2021**

**Treasurer’s Report – September 30, 2021**

**Clerk’s Warrants and Bills – October 13, 2021**

Trustee Walker moved to approve the consent agenda as presented. (Trustee Schulze seconded.) The motion carried; all ayes.

**COMMUNICATIONS**

1. Livingston County Sheriff’s Report- September 30, 2021
2. Fire Service Report - September 30, 2021

Trustee Walker moved to receive and place on file Communications #1-2 as presented. (Trustee Schulze seconded.) The motion carried; all ayes.

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

1. Request of Darren Moore to appeal his fire service fee.

The Moores were burning in a fire pit with no burn permit. A resident reported to 911 they were burning trash. The Moores denied burning trash, but admitted they’ve never had a burn permit in the 20 years they’ve lived there.

Trustee Walker moved to reduce their \$1447.00 fire service fee by half. (Trustee Ferguson seconded.) The motion failed; 3 ayes, 4 nays (Tucker, Eden, Cunningham, Husted).

Supervisor Cunningham changed his vote to support. The motion carried; 4 ayes; 3 nays (Tucker, Eden, Husted.) The Moores will be responsible for \$723.50 of the fire service fee.

**TYRONE TOWNSHIP  
REGULAR BOARD MEETING  
APPROVED MINUTES – OCTOBER 19, 2021 – PAGE 2**

**2. DMN Property Holdings proposed private drive application.**

Trustee Walker moved to approve the proposed private drive application request by DMN Property Holdings. (Trustee Ferguson seconded.) The motion carried; all ayes. Two shared driveways are approved: one located off the end of Shannon Glen Drive, the other located off the end of Riverwalk Drive.

**3. Settlement agreement request.**

RESOLUTION #211001  
TYRONE TOWNSHIP, LIVINGSTON COUNTY  
TO APPROVE BETLEY VS. TYRONE TOWNSHIP  
SETTLEMENT AGREEMENT  
  
SETTLEMENT AGREEMENT

**RECITALS:**

1. Mark and Molly Betley ("the Betleys") are owners of 10466 Runyan Lake Road, Fenton, MI ("the property").
2. The Betleys have submitted plans to and seek a land use permit from Tyrone Township ("the Township") to construct a single family residence on the property.
3. That the Betleys and Township (collectively "the parties") including the Township's Planning Commission and Zoning Board of Appeals, have had multiple discussions and meetings wherein the parties have heard and considered the concerns of the parties and an agreement has been reached between the parties, the terms of which are set forth below, as to the construction of a home on the property.

**TERMS OF AGREEMENT:**

1. The Betleys agree to construct a single family home on the property consistent with the plot plan they initially submitted to the Township on or about January 2020.
2. That the setbacks for the construction of the proposed residence, as it relates to the shoreline of Runyan Lake shall be 122.78 feet as to the south side of the residence and 137.35 feet to the north side from the edge of the main floor deck. The deck for the residence shall be at the same elevation as the main floor ranch level. The deck shall be 14 feet in length thereby making the south side of the residence 136.78 feet from the shoreline and 151.35 feet from the north side of the shoreline.
3. The Township hereby agrees to process and issue, through its zoning administrator, a land use permit for the Betleys to construct their proposed residence in accordance with the plot plan the Betleys previously submitted to the Township and with the setbacks set forth in the immediately preceding paragraph of this Agreement upon:

**TYRONE TOWNSHIP  
REGULAR BOARD MEETING  
APPROVED MINUTES – OCTOBER 19, 2021 – PAGE 3**

- a. Betley submitting a site plan depicting his proposed new structure at the set-backs established by this agreement;
  - b. Submission of building plans to the County and Tyrone Township;
  - c. Erection of the construction fence as required by the Tyrone Township Planning Commission;
  - d. Establish the escrow account required for the demolition of the existing structure;
4. The Betleys agree to demolish the existing structure on the property within 3 months of the issuance of a certificate of occupancy for the new construction. The 3 month period may be extended up to an additional 3 months upon Betley providing proof that he hired a demolition contractor within 2 weeks of the issuance of the certificate of occupancy but the demolition contractor cannot complete the demolition within the initial 3 month period.
  5. The Betleys hereby agree, as it relates to the primary structure on the property, to refrain from requesting any variances from the Township.
  6. The Betleys agree to follow all applicable ordinance requirements not inconsistent with the terms of this agreement.

2-16-2021  
Date:  
2/16/2021  
Date  
3/3/2021  
Date

Mark Betley  
Mark Betley  
Molly Betley  
Molly Betley  
MIKE CUNNINGHAM  
Tyrone Township Official (print name)

RESOLVED BY: Trustee Schulze

SUPPORTED BY: Supervisor Cunningham

VOTE: Ferguson, no; Walker, yes; Cunningham, yes; Jennifer, yes; Schulze, yes; Tucker, yes; Husted, no.

ADOPTION DATE: October 19, 2021

**TYRONE TOWNSHIP  
REGULAR BOARD MEETING  
APPROVED MINUTES – OCTOBER 19, 2021 – PAGE 4**

**CERTIFICATION OF THE CLERK**

The undersigned, being the duly qualified and acting Clerk of Tyrone Township, Livingston County, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of a resolution adopted by the Township Board at a regular meeting, held on October 19, 2021, at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records in my office, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended) and (4) minutes of such meeting were kept and will be or have been made available as required thereby.



\_\_\_\_\_  
Marcella Husted  
Tyrone Township Clerk

**4. Appointment to Planning Commission.**

Trustee Ferguson moved to approve the Supervisor's appointment of Chester Schultz to the Planning Commission to fill the position vacated by Dan Stickel. (Trustee Tucker seconded.) The motion carried; all ayes. The term expires August 31, 2022.

**PUBLIC REMARKS**

Residents questioned and commented on the Betley settlement regarding sight lines, concerns about the date of adoption, whether the ZBA could be over-ruled, and the precedence it creates. Other concerns included cancelled meetings, master plan, covid funds, and townhouse updates.

**MISCELLANEOUS BUSINESS**

None.

**ADJOURNMENT**

Trustee Walker moved to adjourn. (Trustee Schultz seconded.) The motion carried; all ayes. The meeting adjourned at 7:42 p.m.

Check Date	Bank	Check	Vendor Name	Description	Amount
<b>Bank 001 STATE BANK COMMON ACCOUNT</b>					
10/20/2021	001	22895	BLUE CROSS BLUE SHIELD OF MICHIGAN	HEALTH INSURANCE NOV 2021	7,867.35
10/20/2021	001	22896	BS&A SOFTWARE, INC.	BUILDING SYSTEM ANNUAL FEE	1,410.00
10/20/2021	001	22897	BURNHAM & FLOWER OF MICHIGAN	FSA MANAGEMENT - 7.1.21 - 9.30.21	30.00
10/20/2021	001	22898	CHARTER COMMUNICATIONS	TWP INTERNET SEPT 2021	124.98
10/20/2021	001	22899	FENTON PRINTING	PRINTING SUPPLIES	559.16
10/20/2021	001	22900	HARRIS & LITERSKI ATTORNEYS AT	LEGAL FEES	1,685.20
10/20/2021	001	22901	IVS COMM, INC.	TWP PHONE SERVICE - SEPT 2021	125.00
10/20/2021	001	22902	LIVINGSTON COUNTY GIS	BASE MAP	396.00
10/20/2021	001	22903	RICOH USA INC	LEASE OCT & NOV 2021	392.56
10/20/2021	001	22904	VOYA INSTITUTIONAL TRUST COMPANY	EMPLOYEE CONTR	1,305.00
10/26/2021	001	22905	CARLISLE/WORTMAN ASSOCIATES, INC	TOWN HALL SURVEY PLANNER SERVICES	750.00 1,000.00
					1,750.00
10/26/2021	001	22906	CHASE CARD SERVICE	CREDIT CARD PURCHASES	1,014.35
10/26/2021	001	22907	FENTON LOCK & SAFE, INC.	LOCK REPAIRS	502.32
10/26/2021	001	22908	LIVINGSTON COUNTY REGISTER OF DEEDS	DISCHARGE MORTGAGE - RONTHI	30.00
10/26/2021	001	22909	RDS MULTIMEDIA LLC	VIDEO EQUIPMENT INSTALL - ZOOM	800.00
10/26/2021	001	22910	RONALD'S TREE SERVICE LLC	TREE REMOVAL - CEMETERY	3,700.00
10/26/2021	001	22911	STATE OF MICHIGAN - MDEQ	ANNUAL NONCOMMUNITY PUBLIC WATER SUPPLY	142.40
					142.40
<b>001 TOTALS:</b>					
Total of 17 Checks:					21,834.32
Less 0 Void Checks:					0.00
Total of 17 Disbursements:					21,834.32
<b>Bank 022 STATE BANK - PUBLIC SAFETY checking</b>					
10/20/2021	022	1269	ROSATI,SCHULTZ,JOPPICH&AMTSBUECHLER	LEGAL SERVICES	84.00
10/26/2021	022	1270	CHASE CARD SERVICE	PEOPLE SEARCH	26.89
10/26/2021	022	1271	HARTLAND AREA FIRE DEPARTMENT	6 FIRE RUNS 9.16.21 - 9.30.21	8,682.00
10/26/2021	022	1272	LIVINGSTON COUNTY SHERIFF'S DEPT	SHERIFF CONTRACT 2021 Q3	37,682.50
					37,682.50
<b>022 TOTALS:</b>					
Total of 4 Checks:					46,475.39
Less 0 Void Checks:					0.00
Total of 4 Disbursements:					46,475.39
<b>Bank 108 TAX FUND FLAGSTAR</b>					
10/20/2021	108	3075	FENTON SCHOOLS	SUMMER TAX DISB 10.01.21 - 10.18.21	2,397.32
10/20/2021	108	3076	GISD	SUMMER TAX DISB 10.01.21 - 10.18.21	868.64
10/20/2021	108	3077	HARTLAND CONSOLIDATED SCHOOLS	SUMMER TAX DISB 10.01.21 - 10.18.21	166.72
10/20/2021	108	3078	LESA	SUMMER TAX DISB 10.01.21 - 10.18.21	206.31
10/20/2021	108	3079	LINDEN COMMUNITY SCHOOLS	SUMMER TAX DISB 10.01.21 - 10.18.21	546.26
10/20/2021	108	3080	LIVINGSTON COUNTY MULTI STATE ESCRO	2021 Sum Tax Refund 4704-32-200-002	42.76
10/20/2021	108	3081	LIVINGSTON COUNTY TREASURER	SUMMER TAX DISB 10.01.21 - 10.18.21	17,436.86
					17,436.86
<b>108 TOTALS:</b>					
Total of 7 Checks:					21,664.87
Less 0 Void Checks:					0.00



10/26/2021 04:47 PM  
User: MHUSTED  
DB: Tyrone

CHECK REGISTER FOR TYRONE TOWNSHIP  
CHECK DATE FROM 10/13/2021 - 10/26/2021

Check Date	Bank	Check	Vendor Name	Description	Amount
Total of 7 Disbursements:					21,664.87
Bank 203 TRUST & AGENCY 701 CKG					
10/20/2021	203	1928	LIVINGSTON COUNTY TREASURER	SPECIFIC MOBILE HOME SET TAX - SEPT 2021	2,222.50
10/20/2021	203	1929	TYRONE TOWNSHIP	SPECIFIC MOBILE HOME SET TAX - SEPT 2021	444.56
10/26/2021	203	1930	CARLISLE/WORTMAN ASSOCIATES, INC	PLANNER SERVICES	610.00
				PLANNER SERVICES	160.00
				PLANNER SERVICES	350.00
					<u>1,120.00</u>
203 TOTALS:					
Total of 3 Checks:					3,787.06
Less 0 Void Checks:					0.00
Total of 3 Disbursements:					<u>3,787.06</u>
<hr/>					
REPORT TOTALS:					
Total of 31 Checks:					93,761.64
Less 0 Void Checks:					0.00
Total of 31 Disbursements:					<u>93,761.64</u>

# **COMMUNICATION #1**

Fire Service Report







**CITY OF FENTON FIRE RUNS  
COLLECTION ACCOUNTS**

Aug-20	286	\$1,433.00	COLLECTIONS
Jul-17	306	\$485.00	COLLECTIONS
Nov-20	391	\$1,433.00	COLLECTIONS
Nov-20	416	\$1,433.00	COLLECTIONS
Jan-21	2	\$1,433.00	COLLECTIONS
Feb-21	67	\$1,433.00	COLLECTIONS
Apr-21	146	\$405.16	COLLECTIONS
Apr-21	153	\$1,447.00	COLLECTIONS
Jun-21	239	\$1,447.00	COLLECTIONS

## FENTON TOWNSHIP OUTSTANDING FIRE RUNS

INCIDENT DATE	INCIDENT #	BALANCE	STATUS
Jul-17	17380	\$400.00	COLLECTIONS
Aug-18	18450	\$1,419.00	COLLECTIONS
Oct-18	18528	\$1,419.00	COLLECTIONS
Oct-18	18534	\$1,419.00	COLLECTIONS
Dec-18	18628	\$1,419.00	COLLECTIONS
Jun-21	19296	\$471.00	COLLECTIONS
Jun-19	19310	\$709.50	COLLECTIONS
Jun-19	19310	\$709.50	COLLECTIONS
Jul-19	19397	\$1,419.00	COLLECTIONS
Jul-19	19403	\$240.34	COLLECTIONS
Aug-19	19469	\$1,419.00	COLLECTIONS
Nov-19	19608	\$1,419.00	COLLECTIONS
Jul-20	20284	\$1,433.00	COLLECTIONS
Sep-20	20419	\$566.50	PAYMENT PLAN
Apr-21	21193	\$1,447.00	COLLECTIONS
May-21	21243	\$647.00	PAYMENT PLAN
Jul-21	21377	\$723.50	SPLIT BILL
Sep-21	21476	\$1,447.00	INVOICED

## HARTLAND OUTSTANDING FIRE RUNS

INCIDENT DATE	INCIDENT #	BALANCE	STATUS
Sep-16	16-529	\$1,391.00	COLLECTIONS
Sep-16	16-530	\$1,391.00	COLLECTIONS
Oct-16	16-581	\$1,391.00	COLLECTIONS
17-Sep	17-660	\$1,405.00	COLLECTIONS
Dec-17	17-814	\$1,405.00	COLLECTIONS
Dec-17	17-869	\$1,405.00	COLLECTIONS
Jan-18	18-056	\$1,405.00	COLLECTIONS
Mar-18	18-189	\$1,405.00	COLLECTIONS
Jun-18	18-370	\$1,419.00	COLLECTIONS
Aug-18	18-598	\$1,419.00	COLLECTIONS
Jun-19	19-366	\$1,419.00	COLLECTIONS
Jul-19	19-513	\$1,419.00	COLLECTIONS
Nov-19	19-840	\$1,419.00	COLLECTIONS
Jan-20	20-035	\$1,419.00	COLLECTIONS
20-Feb	20-142	\$1,419.00	COLLECTIONS
Jul-20	20-0425	\$1,433.00	COLLECTIONS
Nov-20	20-736	\$1,433.00	COLLECTIONS
Mar-21	21-0173	\$400.00	COLLECTIONS
May-21	21-0410	\$1,447.00	COLLECTIONS
Jun-21	21-0451	\$1,147.00	PYMT PLAN
Aug-21	21-0667	\$1,447.00	INVOICED
Aug-21	21-0675	\$1,447.00	INVOICED
Aug-21	21-0682	\$1,447.00	INVOICED
Aug-21	21-0688	\$1,447.00	INVOICED
Aug-21	21-0695	\$1,447.00	INVOICED
Aug-21	21-0696	\$1,447.00	INVOICED
Aug-21	21-0737	\$1,447.00	INVOICED
Aug-21	21-0748	\$1,447.00	INVOICED
Sep-21	21-0827	\$1,447.00	INVOICED
Sep-21	21-0828	\$1,447.00	INVOICED





UNIVERSAL CREDIT SERVICES, INC  
 P.O. BOX 133  
 HARTLAND, MI 48353  
 800-931-3711

1

INVOICE 033943  
 10/01/21

UN10  
 TYR001 TYRONE TOWNSHIP FIRERUNS  
 8420 RUNYAN LAKE RD  
 NNEDNN FENTON, MI 48430

No. 91  
**RECEIVED**  
 OCT 18 2021

Date	Name / Ref No.	Sts	COLLECTIONS		Our Comm	Remain Princ	Net Amt Due
			Pd You	Pd Us			
09/01	DURISH, LAURA 0019061400	PDC		79.00		471.00	79.00-
09/01	DURISH, LAURA 0019061400	PDC		21.00	21.00	471.00	
09/29	FOX, PAUL THOMAS 0000080	PIF		90.25			90.25-
09/29	FOX, PAUL THOMAS 0000080	PIF		31.15	31.15		
09/13	WELTER, ADAM 19403	PDC		11.85		240.34	11.85-
09/13	WELTER, ADAM 19403	PDC		3.15	3.15	240.34	
	*SubTotals*				55.30		181.10-
	*SubTotals*			236.40			

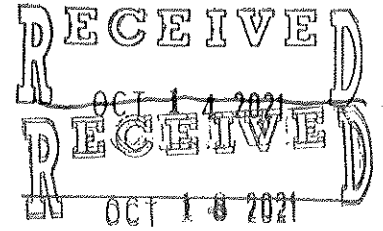
Gross Collections This Cycle.....\$236.40

Check No. 017013 Enclosed.....\$181.10





PO BOX 158  
 HARTLAND, MI 48353-0158  
 800-931-3711  
 www.ucscollections.com



## Acknowledgment Report

Placements From 9/1/2021 Thru 9/30/2021

TYR001  
 TYRONE TOWNSHIP  
 ATTN:MARIAN KRAUSE  
 8420 RUNYAN LAKE RD

FENTON, MI 48430

We acknowledge, with thanks, receipt of the following accounts upon our usual terms. Immediate collection action has commenced. Please report all direct payments promptly and all communication from the debtor to us.

Reference #	Name	Date of Service	Assigned Amount	UCS Account #	
0021040900	SATHER,TROY EVERETT	04/09/21	\$1,447.00	0012407330	
0021041600	MARTIN TRANSPORTATION SYSTEMS	04/16/21	\$1,447.00	0012407331	
0021042200	MOONEY,BRANDON MICHAEL	04/22/21	\$1,447.00	0012407332	
21-0173	ROWE,TERRANCE	03/07/21	\$400.00	0012407329	
<b>Total Accounts</b>	<b>4</b>	<b>Average Age at Listing</b>	<b>154</b>	<b>Total Amount Assigned</b>	<b>\$4,741.00</b>

We highly appreciate your business, and will consider it our goal to provide you with the most effective, and ethical service available.

Universal Credit Services, Inc.



# **NEW BUSINESS #1**

Discuss removing the burn permit requirement from the Open Burning Ordinance and fee schedule.

RESOLUTION #~~2111xx171201~~

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.

**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 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.

Commented [MC1]: Remove Section 6.2.5

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 1<sup>st</sup> through May 31<sup>st</sup> and September 15<sup>th</sup> through November 30<sup>th</sup> in certain zoning districts. **Open burning of leaves and grass clippings is prohibited in the R-2, LK-1, and MHP Zoning Districts. Open burning of leaves and grass clippings is allowed in the R-1, PUD, FR and RE Zoning Districts on parcels of 3 ACRES OR MORE (Please see attached Zoning Map).**

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. **Open burning is prohibited when sustained winds are greater than 9 miles per hour.**
- 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.

7.1.14 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

## 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.

## 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. 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. **Open burning is prohibited when sustained winds are greater than 9 miles per hour.**
- 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 10 will be removed.

Commented [MC2]: remove section 10.1

Commented [MC3]: Remove Section 10.2

Commented [MC4]: Remove Section 10.3

Commented [MC5]: Remove Section 10.4

This part will be added to Section 7.

Commented [MC6]: Remove Section 10.6

Commented [MC7]: Remove Section 10.8

10.9 If a valid permit exists and the property is sold or transferred, the permit will stay with the property until the expiration date. It is the responsibility of the new owner to have the valid permit amended in the new owner's name and to be provided with a set of current burn rules and regulations.

Commented [MC8]: Remove Section 10.9

**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.

**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

Commented [MC9]: Remove this language

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:

Commented [MC10]: Remove Permit Language section 10.5 and place in section 7.1.14

Municipal Civil Infraction	Fine
1 <sup>st</sup> Offense within 3-year period*	\$100.00

2 <sup>nd</sup> Offense within 3-year period*	\$300.00
3 <sup>rd</sup> 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.

**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 Walker

**SUPPORTED BY:** Supervisor Cunningham

**VOTE:** Pool, no; Eden, yes; Husted, yes; Cunningham, yes; Walker, yes; Pedersen, no; Schultz, yes.

Adoption Date: December 5, 2017

Publication Date: December 10, 2017

Effective Date: January 9, 2018

**CERTIFICATION OF THE CLERK**

The undersigned, being the duly qualified and acting Clerk of Tyrone Township, Livingston County, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of a resolution adopted by the Township Board at a regular meeting, held on December 5, 2017, at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records in my office, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended) and (4) minutes of such meeting were kept and will be or have been made available as required thereby.



\_\_\_\_\_  
 Marcella Husted  
 Tyrone Township Clerk

**REVISIONS:**

2009 JUNE - Adopted

2016 AUGUST – Added Subsection 10.9. (Resolution #160801).

2017 DECEMBER - Revised 7.1.5., 10.5. wind speed stipulations; Revised 7.1.3. extended date, defined burning in zoning districts (Resolution #171201).

# **NEW BUSINESS #2**

Update on American Rescue Plan Act funds.

## Marcella Husted

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**From:** Casey Zaski  
**Sent:** Wednesday, October 20, 2021 9:11 AM  
**To:** Marcella Husted

The Township is still evaluating and researching (attending update sessions from Treasury and talking to other municipalities) the U.S Treasury Interim Final Rule to determine which grant expenditures are allowable and applicable to the Township as it relates to the response to the public health emergency and its negative economic impact.

## Terri Medor

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**From:** Terri Medor  
**Sent:** Tuesday, October 26, 2021 3:29 PM  
**To:** Terri Medor  
**Subject:** FW: ARPA Update

**From:** Casey Zaski <[czaski@tyronetownship.us](mailto:czaski@tyronetownship.us)>  
**Sent:** Tuesday, October 26, 2021 3:20 PM  
**To:** Mike Cunningham <[mcunningham@tyronetownship.us](mailto:mcunningham@tyronetownship.us)>; Marcella Husted <[mhusted@tyronetownship.us](mailto:mhusted@tyronetownship.us)>; Jennifer Eden <[jeden@tyronetownship.us](mailto:jeden@tyronetownship.us)>  
**Subject:** ARPA Update

I sat in on the treasury update call for the ARPA funds and here are my major takeaways:

- 1) The Michigan Treasury said at least 10 times that everyone is a Direct recipient from the federal government and therefore the Feds would have the final say on if expenditures are eligible
- 2) The rules are still Interim and not final as of yet; and to keep checking the website for final rules and for updates
- 3) One slide said no expenses besides Public Safety and Water/Sewers items; then another slide says Roads are ok
- 4) Best reference is neighboring communities/your lawyer and you auditor

# **NEW BUSINESS #3**

Office holiday schedule.



# Office Hours - December 2021

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20 <b>OPEN</b>	21 <b>OPEN</b>	22 <b>CLOSED</b>	23 <b>CLOSED</b>	24 Christmas Eve	25 Christmas Day
26	27 <b>OPEN</b>	28 <b>CLOSED</b>	29 <b>CLOSED</b>	30 <b>CLOSED</b>	31 New Year's Eve	
<b>Regular Business Hours January 3</b>						