

ST. JAMES TOWNSHIP WOOD MOVEMENT ORDINANCE

Ordinance No. 1 of 2019

AN ORDINANCE REGULATING AND BANNING THE MOVEMENT OF FIREWOOD, LOGS, LUMBER, AND WOOD PALLETS THAT ARE IMPORTED INTO ST. JAMES TOWNSHIP FROM THE MAINLAND WHICH ARE NOT BARK FREE AND/OR PROCESSED IN SUCH A MANNER AS IT IS FREE OF INSECTS AND WOOD DISEASES.

THE TOWNSHIP OF ST. JAMES ORDAINS:

Section 1 - Title

This Ordinance shall be known as the St. James Township Wood Movement Ordinance.

Section 2 - Definitions

As used in this Ordinance the following terms shall have the meanings prescribed in this section.

1. "Bark" means the natural bark of a tree, including the ingrown bark around knots and an additional ½ inch of wood.
2. "Firewood" means tree parts cut into lengths shorter than four (4') feet whether split or unsplit.
3. "Insects" include the following: (a) Asian Gypsy Moth, (b) Asian Longhorned Beetle, (c) Emerald Ash Borer, (d) European Gypsy Moth, (e) Hemlock Woolly Adelgid, (f) Nun Moth, (g) Spotted Lantern Fly, (h) Smaller Japanese Cedar Longhorned Beetle, (i) Walnut Twig Beetle, (j) White Pine Weevil, and/or (k) Beech Scale
4. "Log" means tree parts cut into lengths of four (4') feet or longer.
5. "Lumber" means timber sawed into boards, planks or other structural members treated and processed in such a manner that it is free of insects and pests.
6. "Mainland" means any location other than Beaver Island proper and the Beaver Island Archipelago.
7. "Move" or "Movement" means shipped, held for shipment, received for shipment, transferred or offloaded, transported, carried, or allowed to be moved or shipped.

8. "Wood Diseases" includes the following: wood containing (a) Beech bark disease; (b) Dutch Elm disease; (c) Oak wilt; (d) Thousand Cankers Disease of Walnut and/or (e) White Pine Blister Rust.
9. "Wood Pallet" means a portable platform made partially or entirely of wood used for moving cargo or freight.

Section 3 - Regulations

No person shall move to St. James Township ("Township") whether by ship, yacht, boat, air or any other means the following:

- A. Firewood other than firewood certified as heat-treated by the United States Department of Agriculture's Animal and Plant Health Inspection Services (USDA-APHIS), the Michigan Department of Agriculture and Rural Development or other state agricultural official which is packaged and bears an appropriate compliance stamp and clearly marked with the producer's name and address.
- B. Logs other than those that are entirely free of bark.
- C. Lumber other than that which is treated and/or processed in such a manner that it is free of insects and wood diseases.
- D. Wood pallets other than pallets that are entirely bark free.

Section 4 - Violations and Penalties.

Any person who shall violate any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation. Any action taken under this Section shall not prevent civil proceedings for abatement or termination of the prohibited activity.

Section 5. Enforcement Officials.

The Township Ordinance Enforcement Officer and police officers of the Charlevoix County Sheriff's Department are hereby designated as the authorized officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

Section 6 - Nuisance Per Se.

A violation of this Ordinance is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety and welfare.

Section 7 - Separate Court Action.

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding or a criminal prosecution, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 8 - Miscellaneous.

This Ordinance does not regulate or prohibit the movement of firewood, logs, lumber and wood pallets which originated and/or was manufactured on Beaver Island and the Beaver Island Archipelago.

Section 9 - Validity.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not effect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

Section 10 - Effective Date.

This Ordinance shall become effective thirty (30) days after its first publication.

TOWNSHIP OF ST. JAMES

By:

By:

Julie Gillespie, Clerk

Kathleen McNamara, Supervisor