

ORDINANCE NO. 14

An ordinance to regulate and provide penalties for the setting of fires.

THE TOWNSHIP OF PERRY ORDAINS:

Section 1. Applicability.

This ordinance is adopted in the interest of public safety, and is designed to promote the general peace, health, safety and welfare of the Township of Perry.

Section 2. Purpose.

This ordinance provides for the control of fires, burning of trash and rubbish, obtaining of permit, hours to set fires and the prevention of foul odors caused by burning.

Section 3. Permits – where to obtain.

No person, partnership, firm, association or corporation shall, within the limits of the Township of Perry, set or cause to be set, burn, or cause to be burned, at anytime any old building, debris from building that was torn down, brush, limbs, or trees on any lot or parcel of ground with the Township of Perry unless such person shall first obtain from the duly authorized representative of the Township of Perry, a permit for such fire or fires. The authorized representatives are the officers and employees of the Perry Township Fire Department as may be from time to time designated by the chief of the Perry Township Fire Department.

Section 4. Permits – form.

Any person, partnership, firm, association or corporation deciding to set or start a fire must obtain a permit from a duly authorized representative of the Perry Fire Department. The permit shall state the name and address of the applicant, the location of the land and premises where such fire is to be set, the name of the owner(s) of such property, and the time the fire(s) is to be set. An occasional fire that is contained, and intended only for recreational or cooking purposes, such as an outdoor fireplace, barbeque grill, or in-ground fire-pit shall be exempt from the requirement of obtaining a permit.

Section 5. Foul odors and toxic fumes.

No person shall burn at any time any garbage, animal carcasses, refuse, trash, rubbish, or like material that gives off foul odors or toxic fumes. This section applies to domestic, commercial, and industrial fires.

Section 6. Permits – restrictions on burning.

No person shall set or cause to be set, burn or cause to be burned, any paper, trash, rubbish, leaves, cut grass, or weeds unless confined within a fireproof container constructed of metal or masonry with an approved spark arrestor with openings no larger than three-fourths ($\frac{3}{4}$) of an inch in diameter. Hours of burning shall be from sunrise to nine o'clock (9:00) PM. Burners of the metal drum or portable type shall not be located less than five (5) feet from an adjoining property line.

Masonry or heavy metal burners, or incinerators shall be constructed to withstand heat of twelve hundred (1200) degrees Fahrenheit and shall not be located less than five (5) feet from a combustible building or an adjoining property line.

Masonry or heavy metal burners or incinerators shall be constructed with or attached to a suitable stack, the top of which is to be at least three feet above the eave line of adjoining buildings if such buildings are less than fifteen feet from the stack. All stacks are to be properly capped with approved spark arrestors.

Section 7. Domestic fires.

A domestic fire is any fire occurring in or around the home, within the curtilage of the dwelling where the material to be burned has been properly placed in a debris burner constructed of metal or masonry with an approved spark arrester with an opening no larger than three-fourths (¾) in diameter. Burners of the metal drum or portable type shall not be located less than fifteen (15) feet from any building or less than five (5) feet from any adjoining property line. This section excludes Forest Green Estates and the metes and bounds description bearing tax roll #014-19-100-004 bounded by Beardslee Road and Lots 56,57,64,65 and 66 of Forest Green Subdivision. All open burning (excluding patio or grill-type cook-outs) is prohibited within the boundaries of Forest Green Subdivision and the aforesaid metes and bounds description.

Section 8. Penalties and enforcement.

Any person, partnership, firm, association or corporation who shall set or start an open fire without a permit as required by this ordinance shall be deemed responsible for a municipal civil infraction, punishable by a fine not exceeding five hundred dollars (\$500) together with costs.

Any person, partnership, firm, association or corporation who sets an open fire that necessitates the calling of the Perry Township Fire Department, or any other fire department, shall pay to the Township of Perry all costs and charges incurred by the Township by reason of the calling of the Township Fire Department. Additionally, the Township may sue in any court of competent jurisdiction to recover civil damages, including costs and expenses, from any person who sets a fire in violation of this ordinance.

Any employee or agent of Perry Township Fire Department is authorized, pursuant to MCL 764.9c, to issue and serve appearance tickets with respect to violations of these provisions.

Section 9. Repealer.

The "Fire Ordinance" previously adopted by the Township of Perry on October 5, 1972 shall be repealed as of the effective date provided by Section 10.

Section 10. Effective date.

This ordinance adopted by the Township Board of the Township of Perry on 3rd day of Sept., 2003 and is effective thirty (30) days after the first publication in a newspaper circulated within the township.

I hereby certify that the above ordinance was published in the Argus Press on Sept. 12, 2003.

Sandra Mitchell
Township Clerk.