

ORDINANCE NO. 2003-09-01

KEELER TOWNSHIP BURNING ORDINANCE

An ordinance to regulate the setting of fires, and to provide penalties for the violation thereof, and to provide a method for the collection of costs and expenses of the township caused by the setting of fires.

THE TOWNSHIP OF KEELER, VAN BUREN COUNTY, MICHIGAN, 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 Keeler Township.

Section 2: Permits-Hours to Burn

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 Keeler Township, set or cause to be set, burn or cause to be burned, at any time any old building, debris from building torn down, brush, limbs or trees on any lot or parcel of ground within Keeler Township unless such person shall first obtain from the chief or a duly authorized representative of Keeler Township Fire Department or Sister Lakes Fire Department, a permit for such fire or fires. (see Section 8 Domestic Fires).

Section 4; Permits-Request for

Any person, partnership, firm, association or corporation, deciding to set or start a fire must obtain a permit from the Keeler Township Fire Department or Sister Lakes Fire Department which states the name and address of the applicant, the location of the land and premises where such fire is to be set, and the time contemplated for setting such fire.

Section 5: Permits-Special

The Keeler Township Fire Department or Sister lakes Fire Department may grant permission to authorized persons for the burning of trash, rubbish, or similar waste material or for camp fires in open, supervised burning areas.

Section 6: Foul Odors

No person, partnership, firm, association or corporation shall burn garbage, animal carcasses, refuse, trash, rubbish, or like material giving off foul odors, at any time. This section applies to domestic fires, commercial fires, camp fires and industrial fires.

Section 7: Permits-Commercial and Industrial

A. No person, partnership, firm, association or corporation 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 state certified incinerator or fireproof container constructed of metal or masonry with an approved spark arrestor with openings no large than 3/4 of an inch in the following circumstances:

- 1) on commercial or industrial property;
- 2) on property utilized as commercial or industrial; or
- 3) for any commercial or industrial purpose or manner.

B. Hours of commercial and industrial burning shall be from sunrise to not later than 9:00 p.m. Burners of the metal drum or portable type shall not be located less than 15 feet from any building or less than 5 feet from the adjoining property line.

C. Masonry or heavy metal constructed burners or incinerators shall be constructed to withstand the heat of 1200 degrees Fahrenheit and shall be located not less than 3 feet from a combustibile building or property line. Masonry or heavy metal burners or incinerators shall be constructed with or attached to a suitable stack, the top of the stack to be at least 3 feet above the eave line of adjoining building if such building is less than 15 feet from the stack. All stacks are to be properly capped with approved spark arrestors.

Section 8: Domestic Fires

A. A "domestic fire" is any fire around the home, within the curtilage of the dwelling where: 1) the material to be burned includes leaves, cut grass and weeds or brush that originated around the home, within the curtilage of the dwelling; or 2) the material to be burned has been properly placed in a debris burner constructed of metal or masonry with an approved spark arrestor with openings no larger than 3/4 of an inch. Burners of the metal drum or portable type shall not be located less than 15 feet from any building or less than 5 feet from the adjoining property line.

B. No permit shall be required for domestic fires.

Section 9: Campfires

No permit shall be required for wood fires set in a burn pit not to exceed 5 feet in diameter for the purpose of cooking and for providing warmth on campsites or camping grounds.

Section 10: Penalties and Enforcement

A. 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 guilty of a misdemeanor and shall, upon conviction thereof, be subject to a fine or penalty as follows:

1) of not less than \$500.00 or more than \$1,000.00, or by imprisonment in the Van Buren County Jail not exceeding 93 days, or both such fine and imprisonment for violations of Section 7;

2) of not less than \$100.00 or more than \$1,000.00, or by imprisonment in the Van Buren County Jail not exceeding 93 days, or both such fine and imprisonment for any other violations of this ordinance.

B. Keeler Township may bring an action in any court of competent jurisdiction for civil damages, including but not limited to the cost of the Keeler Township Fire Department and/or any other Fire Department that responds to a fire set in violation of this ordinance, and Keeler Township may recover its costs and attorney fees incurred in bringing any civil action under this section.

Section 11: Effective Date

This ordinance shall become effective thirty days after the first publication.

Motion was made by Don Blackmond and seconded by Carl Davis to approve the Ordinance #2003-09-01 as presented. Roll call vote showed Blackmond, Davis, Canfield, Kays, and Daly all in favor of the motion. Motion Passed.

Carl F. Davis, Clerk
Keeler Township
September 10, 2003

Affidavit of publication on October 26, 2003 in The Herald-Palladium.