

ORDINANCE NO. 11
THE TOWNSHIP OF THREE OAKS
BERRIEN COUNTY, MICHIGAN

FIRE 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 THREE OAKS, 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 Three Oaks.

Section 2. Permit--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.

No person, partnership, firm, association or corporation, shall within the limits of the Township of Three Oaks, 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 the Township of Three Oaks unless such person shall first obtain from the chief of the fire department or a duly authorized representative, a permit for such fire or fires. (See Section 7 Domestic Fires).

Section 4. Permits--Requests For.

Any person, partnership, firm, association or corporation, deciding to

set or start a fire must obtain a permit from the fire chief 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. Foul Odors.

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

Section 6. Permits--Commercial and Industrial.

No person, partnership, firm, business, 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 fireproof container constructed of metal or masonry with an approved spark arrestor with openings no larger than three-fourths of an inch. Burners of the metal drum or portable type shall not be located less than fifteen feet from any building or less than five feet from the adjoining property line.

Masonry or heavy metal constructed burners or incinerators shall be constructed to withstand the heat of twelve hundred degrees Fahrenheit and shall be located not less than three feet from a combustible 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 three feet above the eave line of adjoining building if such building is less than fifteen feet from the stack. All stacks are to be properly capped with approved spark arrestors. No permit shall be required for burning which complies with this section.

Section 7. Domestic Fires.

A "domestic fire" is any fire 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 arrestor with openings no larger than three-fourths of an inch. Burners of the metal drum or portable type shall not be located less than fifteen feet from any building or less than five feet from the adjoining property line. No permit shall be required for domestic fires.

Section 8. Hours of Burning.

Hours of burning, for all types of burning, shall be from sunrise to sunset.

Section 9. Penalties.

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, of not less than \$25.00 or more than \$500.00 or by imprisonment in the County Jail of Berrien County not exceeding ninety (90) days, or both such fine and imprisonment; or who sets an open fire which necessitates calling the Three Oaks Township Fire Department, or any other fire department, shall pay to Three Oaks Township all costs and charges incurred by said Township by reason of calling the Three Oaks Township Fire Department, or any other fire department. And the Township of Three Oaks may sue in any court of competent jurisdiction for civil damages and may recover such costs and expenses incurred by them from any person, partnership, firm, association or corporation who sets such an open fire.

Section 10. Enactment.

This ordinance was enacted on the 2nd day of March, 1981, by the Three

Oaks Township Board and ordered to be published in the Galien River Gazette on the 19th day of March, 1981, being within thirty (30) days of its enactment and ordered to be made effective on the 18th day of April, 1981, being thirty (30) days after publication thereof.

Marjorie Drier, Clerk
Three Oaks Township

Attest:

Donald Hadley, Supervisor
Three Oaks Township

CERTIFICATION

I, the undersigned, hereby certify that the above and foregoing is a true and accurate copy of Ordinance No. 11, enacted by the Three Oaks Township Board on the 2nd day of March, 1981. That the vote on the foregoing ordinance was as follows:

<u>Members of Township Board</u>	<u>Yes</u>	<u>No</u>
Robert Martin	<u>X</u>	_____
William Donner	<u>X</u>	_____
Kenneth Williams	<u>X</u>	_____
Marjorie Drier	<u>X</u>	_____
Donald Hadley	<u>X</u>	_____

I further certify that the foregoing Ordinance was published in the Galien River Gazette on the 19th day of March, 1981.

Dated: _____

Marjorie Drier, Clerk
Three Oaks Township