

INGHAM TOWNSHIP

Ordinance No. 9

An Ordinance to regulate the setting of outdoor fires, to provide penalties for the violation thereof, to establish charges for Township services in responding to outdoor fires and to provide methods for the collection of such charges (pursuant to Public Act 33 of 1951 as amended: MCLA 41.801 et seq; MSA 5.2640(1) et seq.).

The Township of Ingham, Ingham County, Michigan, ordains:

Section 1: Purpose

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

Section 2: Outdoor Burning, in Fireproof Containers, Without Permit

No individual, partnership, corporation, other legal entity or agent thereof (hereinafter person) shall burn or cause to be burned, out of doors in Ingham Township, any paper, cardboard and small brush unless the fire is confined within a fireproof container with spark arrestor (**holes must be ¾ in hole**). Fireproof containers shall be located more than 25 feet from any building and more than 10 feet from any adjoining property line.

Section 3: Outdoor Burning with Permit

No person shall burn or cause to be burned, outside of a fireproof container in Ingham Township, trees, limbs, brush or leaves, unless such person shall first obtain, from Ingham Township Fire Department, a permit for such fire. **No building materials, building debris, plastics, rubber, rubber products, chemicals, asphalt, treated or painted wood products, other hazardous materials or any other materials aside from trees, limbs, brush or leaves shall be burned.**

1. Hours for burning brush will be from sunrise to sunset, absolutely no burning after dark.
2. All fire must be supervised at all times.
3. You are responsible for controlling your fire. No burning should be done in extreme dry or windy conditions. You should not burn when the wind is in such a direction that smoke will be an annoyance to your neighbors.
4. Your permit may be revoked at any time if environmental conditions for burning are not favorable.
5. Unsupervised and unauthorized fire will be extinguished, and you will be billed for a fire run.
6. If the township you live in allows burning in trash barrels, you do not need a permit for this type of fire. However, law requires that you have a ½ mesh cover on your barrel at the time of burning. Do not place the barrel close to combustibles such as tall grass, leaves or structures. **YOU ARE RESPONSIBLE IF THE FIRE GETS OUT OF CONTROL.**

Section 4: Permits- Requests For

Any person desiring to set an outdoor fire, in Ingham Township, outside of a fireproof container, must first obtain a permit from the Township Fire Department which states the name and address of the applicant, the location of the land where the fire is to be set, the material to be burned, and the time contemplated for setting the fire. If the Ingham Township Fire Chief deems it necessary to inspect the proposed site of the outdoor fire, before the application is acted upon, the applicant shall pay an inspection fee of \$25.00.

Section 5: Regulations for Outdoor Fires with Permits

Any outdoor fire, for which a permit is issued, shall be subject to the following regulations:

- A. A person 18 years or older must be in physical attendance at the fire site at all times.
- B. A source of water must be located at the fire site at all times.
- C. No petroleum products may be used to initiate or sustain the fire.
- D. The smoke emitted from the fire shall not aggravate any medical condition of any resident in the immediate area.
- E. The fire must be located at least ten feet from the permit holder's property line and 25 feet from any combustible object.
- F. No fires shall be set after dark. All fires must be extinguished before dark with the exception of bonfires by 2:00 a.m.
- G. Bonfire permits are issued with the above regulations.

Section 6: Recreational Burning Permits

Recreational burning permits may be acquired from the Ingham Township Fire Department for a time period of 1 year. The permit holder will sign a contract accepting the responsibility and liability involved in the open kindling of this recreational fire. Ingham Township permits these recreational fires only after the proper inspection and authorization of the Ingham Township Fire Chief and is subject to several conditions that follow:

1. "Recreational Fires" are defined as the burning of charcoal, seasoned firewood, or other fuel approved by the fire chief or a designee where the fuel being burned is contained within a device or pit inspected and approved by the fire chief or agent.
2. A permit is required in order to maintain a recreational fire upon payment of \$15.00. The permit fee is one time as long as the pit or burning device remains in the same spot from year to year. Recreational burn permits shall be in effect from January 1 thru December 31. Permit holder is required to notify fire department yearly.
3. An inspection is required to receive a recreational burn permit.
4. Recreational fire shall not exceed 36 inches in diameter and the flame height shall not exceed 36 inches from the bottom of device or pit.
5. Recreational fire burning shall not take place between the hours of 2:00 a.m. and 7:00 a.m.
6. Fires must be attended at all times and extinguishing equipment must be nearby at all times. Permit holder is responsible at all times for fire, and if fire does get out of control permit holder is responsible.
7. All burning is prohibited if:
 - A. Fire Chief or designee deems the conditions to dry due to lack of moisture, making it a hazard to burn in district.
 - B. Wind velocity reaches 10 mph or above.
 - C. If smoke or recreational burn adversely affects any other individuals.
8. Any permit issued may be withheld or suspended by fire chief or agent at any time if officer or agent determines the fire is a hazard or nuisance to persons or property in the vicinity.

Section 7: Foul Odors

No person may, under any circumstances, burn or cause to be burned, in Ingham Township, any garbage, trash, rubbish, animal carcasses or other material which gives off foul odors.

Section 8: Penalties

Any individual, partnership, corporation, other legal entity, or agent thereof who violates any provision of this ordinance shall, upon conviction, be punished by a fine, not to exceed \$100.00, or by imprisonment, not to exceed 30 days, or both.

Section 9: Charges Imposed Upon Responsible Party

Any individual, partnership, corporation, other legal entity, or agent thereof (with or without a permit) sets an outdoor fire in Ingham Township, which is responded to by the Ingham Township Fire Department, shall pay, to Ingham Township, all costs and expenses incurred by the Township, as a result of responding to the fire, including, but not limited to:

- A. The basic fire run charge determined, by the Township Board, on an annual basis;
- B. All personnel-related costs incurred by the Township as a result of responding to the fire. Such costs include, but are not limited to fire run fees paid to on-call fire fighters.
- C. All other costs or expenses incurred by the Township in responding to the fire.

Following the fire, the fire chief shall submit a detailed listing of all known costs and expenses to the Township Clerk who shall prepare an invoice to the responsible party. The invoice shall demand full payment within thirty (30) days of receipt. For any amounts due that remain unpaid after thirty (30) days, the Township shall impose a late charge of one (1%) percent per month, or fraction thereof. The Township may sue, in a court of competent jurisdiction, to collect charges imposed under this Ordinance.

Section 10: Severability

Should any provision or part of this ordinance be declared, by any court of competent jurisdiction, to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this ordinance which shall remain in full force and effect.