

TOWNSHIP OF PENTWATER
ORDINANCE NO. 11-10-99 ADOPTED November 10, 1999

AN ORDINANCE TO REGULATE THE SETTING OF FIRES, MATERIALS TO BE BURNED, THE HOURS OF BURNING, AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF, AND TO PROVIDE A REMEDY FOR THE COLLECTION OF COSTS AND EXPENSES TO THE TOWNSHIP CAUSED BY THE SETTING OF FIRES.

THE TOWNSHIP OF PENTWATER ORDAINS:

SECTION 1.

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

SECTION 2.

No person, partnership, firm association or corporation, shall within the limits of Pentwater Township, set or cause to be set, burn or cause to be burned, at any time, any building, debris from any razed building or structure, brush, limbs or trees on any lot or parcel of ground within Pentwater Township which endangers or threatens any persons or property as a result of heat, flame, sparks or ash from a fire, or which causes respiratory irritation because of smoke or ash going upon the property of others.

SECTION 3. DNR PERMIT REQUIRED.

Any person who intends to burn anything which requires a DNR/DEQ Burn Permit shall obtain such permit and comply with all State laws and regulations before lighting any fire.

SECTION 4. GENERAL PROVISIONS.

- A. No domestic or other fires are allowed when the Michigan Department of Natural Resources has issued a NO BURN BULLETIN.
- B. Campfires must be contained within a fire ring constructed of masonry, metal, soil or other nonflammable material.
- C. Any burning of leaves, trash or other material shall be attended by a competent person of the age of sixteen (16) years or older, unless the fire is wholly contained within an approved incinerator of non-combustible masonry or metal with an appropriate spark arrester.
- D. The burning of leaves, grass, brush, branches or any dead growth shall only be permitted within the Township between sun-up and sun-down.

- E. No burning shall be permitted at any time or in any location which would be a nuisance, hazard or annoyance to adjoining persons or property by reason of heat, flame, fly-ash, sparks, smoke or odor. The determination of the Pentwater Fire Department shall be conclusive as to whether or not any burning violates this provision.
- F. Highly flammable, toxic or explosive materials shall not be burned in any area within the Township. The burden of proof that any material burned within the Township does not violate the foregoing shall be upon the person, partnership, firm, association or corporation engaged in the burning operation.
- G. When a lot or parcel of land is being cleared for development, all tree trunks and branches over twelve (12") in diameter and any and all tree stumps shall not be burned, but shall be buried on site or physically removed from said site or area. Tree trunks and branches twelve (12") or less in diameter and brush may be burned on site with a valid DNR\DEQ Burning Permit. The size of the burning pile shall not exceed an area of 6' x 6' square x 4' high. There shall be only one (1) such burning pile on site.
- H. There shall be no burning of roofing material, plastics, rubber, hazardous materials or any building material that generates foul odors, poisonous gases or continuous smoke.
- I. All materials and debris from razed buildings or structures shall be physically removed from the property. NO BURNING.
- J. A safe cleared area of thirty (30) feet shall be established around the burn pile.
- K. All fires shall be thirty (30) feet from any dwellings, buildings, structures, neighboring property line, or any public highway or property.

SECTION 6.

Any person, partnership, firm, association or corporation who violates or fails to comply with any portion of this ordinance or even if complying, sets or causes a fire which necessitates calling any fire department, shall pay to Pentwater Township, and to any other responding fire department, all costs and charges incurred by the fire department(s) by reason of calling the Pentwater Township Fire Department or any other fire department. Pentwater Township or any other responding fire department 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 or causes such fire to occur.

SECTION 7. EFFECTIVE DATE.

This ordinance shall become effective twenty (20) days after its publication.

11-10-99

Ordinance No. ____ was adopted on the 10 day of November, 1999, by the Pentwater Township Board as follows:

Motion by: Daniel Ellinger

Seconded by: Janice Siska

Yeas: Ellinger, Siska, Flynn, Cluchey Nays: Burke

Absent: None

Barbara Burke
Barbara Burke, Township Clerk

Daniel Ellinger
Daniel Ellinger, Township Supervisor

I certify that this is a true copy of Ordinance No. 11-10-99 that was adopted at a regular meeting of the Pentwater Township Board on November 10, 1999 and published in the Oceana's Herald Journal on November 24, 1999.

Dated: November 18, 1999

Barbara Burke
Barbara Burke, Township Clerk