

**Henrietta Township**  
**OUTDOOR BURNING CONTROL ORDINANCE**  
**ORDINANCE #32**

Adopted May 10, 1995  
Effective June 20, 1995  
Amended February 28, 2002

AN ORDINANCE TO REGULATE AND CONTROL OUTDOOR BURNING

At a Regular meeting of the Township of Henrietta Board of Trustees held on the 10<sup>th</sup> day of May 1995, at 8:00 p.m., the following Ordinance was heard and passed:

THE TOWNSHIP OF HENRIETTA ORDAINS:

ARTICLE I. PREAMBLE

SECTION 1. PREAMBLE

This Ordinance shall be known as the Henrietta Township Outdoor Burning Control Ordinance.

SECTION 2. PURPOSE

The fundamental purpose of this Ordinance is to promote public health, safety and general welfare of the township, and 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 to the township caused by the setting of fires.

ARTICLE II.

SECTION 1. PERMIT REQUIRED

No person, partnership, firm or corporation shall kindle or maintain any bonfire or burn or incinerate any leaves, paper or other combustible material or authorize any such fire to be kindled or maintained on or in any public or private street, alley, road or other public or private ground without a permit or other proper authorization. During construction or demolition of buildings or structures no waste materials shall be disposed of by burning on the premises or in the immediate vicinity without having obtained a permit or other proper authorization.

SECTION 2. LOCATION RESTRICTED

No person shall kindle or maintain any bonfire or burn or incinerate any leaves, paper or other combustible material, or authorize any such fire to be kindled or

maintained on any private land unless the fire is contained in an approved waste burner, as hereinafter defined, located safely not less than fifteen (15) feet from any structure, or ten (10) feet from any property line.

### SECTION 3. APPROVED WASTE BURNERS

The use of wire type baskets for burning is prohibited. All burners must be in enclosed metal containers or burning barrels with a cover of such construction to prevent the dispersal of sparks and other burning material to neighboring or adjacent buildings, structures or property. A burner shall not have any opening larger than one-half (1/2) inch so as to arrest sparks.

### SECTION 4. ATTENDANCE OF OPEN FIRES

All fires permitted under this Ordinance shall be constantly attended by an adult until such time as the fire is extinguished. Said adult shall have at the site adequate means to control or extinguish said fire should the same become necessary. No fire shall be larger than can be attended by and controlled by the number of adults attending the fire.

### SECTION 5. PERMITS – WHERE TO OBTAIN

Permits may be obtained from a duly authorized representative of the Henrietta Township Fire Department. Permits may be cancelled by a duly authorized representative of the Henrietta Township Fire Department at any time when weather conditions merit curtailment. A permit may limit the hours any burning may take place.

### SECTION 6. TOXIC MATERIALS

No person, partnership, firm, association or corporation shall kindle or maintain, or authorize any such fire to be kindled or maintained, of garbage, tires, roofing or any toxic material.

### SECTION 7. OPEN BURNING CAMPFIRES

Open burning campfires are permitted. Property owner is responsible for any injuries, property damage or expense of fire department action caused by campfire.

### SECTION 8. PERMITTED ITEMS FOR BURNING

No such burning shall be done prior to sunrise and must not be continued after sunset on any day, excluding campfires.

## SECTION 9. WEATHER CONDITIONS

No person, partnership, firm, association or corporation shall kindle or maintain any bonfire, or burn or incinerate any leaves, paper or other combustible material, or authorize any such fire to be kindled or maintained when the wind or other weather conditions may create a nuisance or danger to any persons or property in the vicinity thereof.

## SECTION 10. PENALTIES

Pursuant to the adoption of Ordinance #37, effective February 28, 2002 any person, firm, corporation or other organization which violates, disobeys, omits, neglects, or refuses to comply with, any of the provisions of this Ordinance or amendments hereof, commits a municipal civil infraction punishable as follows:

**1<sup>st</sup>** offense – minimum of \$100.00 maximum of \$500.00 fine

**2<sup>nd</sup>** offense (within two years of first offense) minimum of \$200.00 maximum of \$500.00 fine

**3<sup>rd</sup>** offense (within two years of 2<sup>nd</sup> offense) minimum of \$300.00 maximum of \$500.00 fine

Each day that a violation occurs shall constitute a separate offense.

The court may order other relief relative to the infraction(s). This may include reimbursement of actual costs incurred by the Fire Department if a response is required.

## SECTION 11. APPEARANCE TICKETS

Pursuant to the authority conferred by Act 175 of the Public Acts of 1972, Michigan Statutes, hereinafter named, are hereby authorized to issue and serve appearance tickets as defined in said Act, with respect to violations of the Township Ordinances in lieu of taking the persons to whom such appearance tickets are issued to a local criminal court and filing a complaint therein and securing the issuance of a warrant.

Said appearance tickets shall conform to the requirements of said Act shall be followed; provided, however, that all such appearance tickets shall be sworn to before the close of the business day on which the ticket is issued, or if said ticket is issued after business hours, it shall be sworn to on the next business day following the day of issuance. Said ticket shall be sworn to before the chief clerk of the district court having jurisdiction, or such other person as may be designated by said court. Any such appearance ticket, which has been issued, shall be returned to the court even though said ticket is voided.

The following public officials are hereby specifically authorized to issue such tickets with respect to matters within their particular enforcement responsibilities when such officials have reasonable cause to believe that the person to whom the ticket is issued has committed the offense indicated thereon, to wit:

- A. Any Firefighter with the rank of Captain
- B. Fire Chief
- C. Fire Commissioner
- D. Township Supervisor

#### SECTION 12. VALIDITY

If any section, provision or clause of this Ordinance, or the application thereof to any person or circumstance is held invalid, such invalidity shall not effect any remaining portion or application.

#### SECTION 13. EFFECTIVENESS

This Ordinance shall be effective thirty (30) days from the date of publication.

Members present: J. Shaughnessy, S. Keene, S. Dodge, G. Byerly, A. Faist

Members absent: None

Ayes: Five

Nays: Zero

Adopted: May 10, 1995

Effective: June 20, 1995

Sally J. Keene, Clerk

James Shaughnessy, Supervisor