

**Henrietta Township  
Fire Ordinance/Burning of Rubbish  
Ordinance #5**

Adopted June 5, 1967  
Effective July 7, 1967  
Amended February 28, 2002

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 to the Township caused by the setting of fires.

THE TOWNSHIP OF HENRIETTA 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 Henrietta.

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 – WHERE TO OBTAIN

No person, partnership, firm, association or corporation, shall within the limits of the Township of Henrietta, 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 Henrietta unless such person shall first obtain from the Chief of the Fire Department or a duly authorized representative at any Henrietta Township Fire Station, a permit for such fire or fires. (See Section 8 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. Said permit to be in accordance with Section 7, Act 143, of the Public Acts of 1923, as amended.

## SECTION 5. PERMITS – SPECIAL

The Township Board of the Township of Henrietta may grant permission to authorized persons for the burning of trash, rubbish or similar waste material in open, supervised burning areas.

## SECTION 6. 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 7. PERMITS – COMMERCIAL AND INDUSTRIAL

No person 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. Hours of burning shall be from sunrise to not later than nine o'clock p.m. 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.

## SECTION 8. 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 9. 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:

**Civil fines**

**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, but is not limited to, reimbursement of actual costs incurred by the Township to attain compliance of this ordinance.

**SECTION 10. EFFECTIVE DATE**

This Ordinance shall become effective the seventh day of July A.D., 1967.

This Ordinance adopted by the Township Board of the Township of Henrietta on the fifth day of June A.D., 1967.

Beatrice Kinch, Township Clerk