

Burning 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 to the township caused by the setting of fires.

THE CHARTER TOWNSHIP OF MADISON ORDAINS:

Section 1. Applicability

This ordinance is adopted in the interest of public safety, and is intended to promote the general health, safety and welfare of the Charter Township of Madison.

Section 2. Permit

No person shall set or caused to be set any fire on any lot or parcel of ground within the Charter Township of Madison unless such person shall first comply with the provisions of this ordinance.

Section 3. Fires Requiring a Permit

Any person wishing to burn any paper, leaves, cut grass or weeds in a manner other than that specified in section 4 below or any person wishing to burn any materials other than paper, leaves, cut grass or weeds must first obtain a burning permit for such fire from the chief of the Charter Township of Madison Fire Department or his duly authorized representative.

Section 4. Fires Not Requiring a Permit

Any person wishing to burn any paper, cut grass, leaves or weeds may do so, without a burning permit so long as the fire is contained within a fire proof container constructed of metal or masonry with a approved spark arrestor with openings no larger than 3/4ths of an inch. Hours of burning shall be from sunrise to not later than 9:00 p.m. The approved fire proof container shall be located not less than 15 feet from any building and not less than 5 feet from any adjoining property line.

Section 5. Contents of Permit

The burning permit referred to section 3 above shall state with particularity the name and address of the applicant, the location of the premises where the fire is to be set, the time contemplated for setting such fire and the materials to be burned. The granting of such a permit shall be only within the discretion of the Charter Township of Madison Fire Chief or his duly authorized representative.

Section 6. Criminal Penalties

Any person who shall set or start a open fire contrary to the provisions of this ordinance or in violation of the terms contained in the fire permit shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine or penalty not less than \$500.00 or imprisonment in the County Jail of Lenawee County not to exceed 90 days or both such fine and imprisonment.

Section 7. Civil Liability

The Charter Township of Madison is authorized to institute the civil proceedings against any person violating the terms of this ordinance or the conditions contained in any fire permit for all costs incurred as a consequence of such violation, including but not limited to any and all costs incurred by the Charter Township of Madison Fire Department in responding to any fire call as a consequence of such violation and any and all attorney fees incurred in pursuing the suit for civil damages.

Section 8. Construction

Wherever the word "person" is used in this ordinance it shall also be deemed to include all firms, associations, organizations, partnerships, trust companies and/or corporations as well as individuals; wherever the singular is used it shall also include the plural; wherever the masculine is used it shall also include the feminine and neuter.

Section 9. Effective Date

This ordinance shall become effective 30 days after its adoption.

YEAS: (5) Williams, Holtz, Dennis, Smith and Neill
NAYS: (0) None
ABSENT: (2) Eaton and Godfrey

Ordinance declared adopted on February 11, 1992.

Richard D. Williams
Township Supervisor for the
Charter Township of Madison

CERTIFICATION OF ADOPTION AND PUBLICATION

I, James O. Holtz, the duly elected Clerk of the Charter Township of Madison certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of the Charter Township of Madison on February 11, 1992 and published in the Adrian Daily Telegram, a newspaper circulated in the Charter

Township of Madison on February 20, 1992.

James O. Holtz
Township Clerk for the
Charter Township of Madison