

ORDINANCE #32

AN ORDINANCE PRESCRIBING REGULATIONS GOVERNING CONDITIONS
HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION

SECTION 32.1 TERMINOLOGY

The term "person" used herein refers to individuals, partnerships, firms, businesses, corporations, organizations, schools, churches, and institutions. The term "open fire" includes, but is not limited to, bonfires, rubbish and brush fires and these fires not contained within an approved waste burner/incinerator.

SECTION 32.8 NUISANCES

It shall be a nuisance and unlawful for any person to burn or allow to be burned, at any time or place any material of any kind exuding smoke which endangers the safety, health, comfort or repose of the public, or causes noxious odors, or when such fire emits sparks or burning embers upon adjoining, adjacent, neighboring or nearby premises.

SECTION 32.9 OPEN FIRES

The burning of certain waste material outside of building or structure shall be permitted if done in accordance with the following rules:

32.9.1 OPEN BURNING

No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained on or in any public street, alley, road or other public ground without a permit from the fire department. During construction or demolition of buildings or structures no waste materials or rubbish shall be disposed of by burning on the premises or in the immediate vicinity without having obtained a permit from the fire department.

32.9.2 BURNING ON PRIVATE LAND

No person shall kindle or maintain any open fire or authorize any such fire to be kindled or maintained on any private land without first having obtained a permit from the fire department. Nor shall any fire be kindled or maintained in any outdoor container unless such container has been approved by and a permit issued by the fire department. The burning of garbage or refuse that smolders or gives off noxious odors is prohibited.

32.9.3 PROHIBITION OF FIRES

The chief of the Fire Department may prohibit any and all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous.

32.9.4 BURNING OF GARBAGE

It shall be unlawful to burn any garbage, or other organic refuse, outside of any building at any time in the township.

32.9.5 PAPER BURNING

It shall be unlawful to burn papers, excelsior or other material which may be blown about by the wind anywhere in the Township unless the same is burned in a stove, fireplace or furnace or in an incinerator sufficiently fine to prevent the escape of ignited particles.

32.9.6 HOURS OF BURNING

It shall be unlawful to burn at any time except between the hours of sunrise and sunset.

32.9.7 LEAF BURNING

It shall be unlawful to deposit or leave any refuse or material in such a place or condition that it can be blown by the wind so as to be scattered or cause clouds of dust or particles; and it shall be unlawful to permit the escape of soot, ashes or other solid products or results of combustion so as to be wind-blown or scattered.

32.9.8 WATER AVAILABILITY

No burning shall be done unless an adequate water supply or fire extinguisher is available at the burning site to control the fire.

32.9.9 SUPERVISION OF BURNING

No burning shall be done unless under the supervision of a person of mature years and discretion.

SECTION 32.10 BURNER-INCINERATOR FIRES

Incineration of waste material, refuse, leaves, paper or other combustible debris, outside of a building or structure, shall be permitted if done in accordance with the following rules:

32.10.1 BURNING CONTAINERS

All such burning must be done in a metal or masonry container having a suitable metal cover and so constructed as to prevent the dispersal of sparks and burning material to neighboring or adjacent buildings or premises. Wire mesh burners or baskets are prohibited.

The burner cover or stack shall not have any perforation or openings larger than one_half (1/2) inch.

32.10.2 BURNING PERIMETERS

No such burning may be done within fifteen (15) feet of an existing building or within fifteen (15) feet of a property line without the consent of the adjoining property owner.

32.10.3 HOURS OF BURNING

It shall be unlawful to burn at any time except between the hours of sunrise and sunset on any day.

32.10.4 WIND CONDITIONS

No such burning shall be done at any time or place when wind conditions will create or be apt to create a nuisance to anyone or the property of anyone in the vicinity thereof, or be a danger to the property of any person in the vicinity thereof.

32.10.5 BURNING SIZE

No such burning shall be done where its maximum size is not controllable by one person of mature years and discretion.

SECTION 32.11 PENALTIES

Any person who shall kindle or maintain or who causes to be kindled or maintained any fire without a permit, or use of a burner/incinerator which does not meet the minimum specifications established by this ordinance shall be deemed guilty of a misdemeanor. Upon conviction thereof, the person is subject to a fine or penalty or not less than twenty_five (\$25.00) dollars or more than (\$100.00) dollars or by imprisonment in the County Jail of Jackson County not exceeding ninety (90) days or both such fine and imprisonment. Any person who shall kindle or maintain or who causes to be kindled or maintained any fire which necessitates control or extinguishment by the Blackman Township Fire Department shall be liable to the Township for all costs and charges incurred by the Township for the control or extinguishing of such fire. The aforesaid

costs and charges may be collected by the Township of Blackman by suit in any Court of record.

SECTION 32.12 BLASTING

No person shall blast or carry on any blasting operation without first having obtained a written permit from Blackman Township. Before any such permit is issued, the applicant therefor shall file with the Township Clerk a bond or policy of insurance in the amount specified by the Township, which amount shall be reasonably commensurate with the risk of damage to property and injury or death to persons arising out of the proposed blasting operation. Such policy or insurance shall indemnify the applicant and such bond shall be conditioned upon payment by the applicant of all sums which the applicant shall become obligated to pay by reason of the liability imposed upon him by law, for damages because of bodily injury, including death at any time resulting therefrom, or for damages to property, or both, sustained by any person and arising out of the blasting operation.

SECTION 32.13 EFFECTIVE DATE

This Ordinance shall be published in the manner provided by law and shall take effect and be in force from and after the earliest date allowed by law. Said ordinance shall become effective 30 days after publication.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Adopted: September 2, 1975
Effective: October 11, 1975

Robert H. Pickell, Clerk