

ORDINANCE NO 36

AN ORDINANCE TO REGULATE THE SETTING OF FIRES, TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF, AND THE RECOVERY OF COSTS AND EXPENSES INCURRED BY TOWNSHIP OF PLAINFIELD CAUSED BY THE IMPROPER SETTING OR BURNING OF FIRES.

The Township of Plainfield ordains:

Section 1.

This ordinance is adopted in the interest of public safety, health, and morals and is designated to promote the general peace, health, safety and welfare of the Township of Plainfield in regard the regulation of the setting and burning of fires in Plainfield Township.

Section 2.

This ordinance shall be known as the Plainfield Township Fire Ordinance.

Section 3.

As used herein, the following words and/or phrases are intended to mean as follows:

- a) The term “person” shall include all natural persons, firms, co-partnerships, corporations, and all associations of natural persons, incorporated or unincorporated, whether acting by themselves, or by servant, agent or employee. All persons who violate any provision of this ordinance, whether as owner, occupant, lessee, agent, servant, or employee shall be equally liable as principals.
- b) The term “Chief Enforcing Officer” shall mean either the Township Fire Chief within the Township, or the Sheriff of Iosco County, including duly appointed deputies, or any other person so designated by Plainfield Township
- c) “Domestic Fire” shall mean a properly contained and attended campfire and/or other properly contained and attended fires which are intended to burn leaves, debris and/or flammable items where the material has been confined as aforementioned. A “Domestic Fire” shall include any fire lit in a building and properly contained as defined herein used for purposes of providing heat and/or light and/or being utilized for the purposes of cooking. The phrase “properly contained fire” shall mean a fire within the confines of a commercially available fire burning receptacle including furnace, fireplace, air tight stove, or similar receptacle or a barrel of not less than 50 gallon capacity covered with a wire screen grate with opening not to exceed one inch square.

Section 4.

It shall be unlawful for any person within the boundaries of the Township of Plainfield, when the ground is not snow covered, to start, set or cause to be set, or have an open fire, except for domestic purposes without permission of the Township Fire Chief, or other authorized agent of the Township of Plainfield.

Section 5.

Any person desiring to set or start a fire, except for domestic purposes as herein defined, shall make application to the Township Fire Chief or other person authorized by the Plainfield Township Board, the aforesaid application shall state the name and residence of the applicant, the location of the lands and premises where such fire is to be set and the time contemplated for setting such fire. Such application shall also state the reason for setting such fire. Such application shall also state the reason for setting such fire and give such other information as the Township Board may from time to time require.

Section 6.

If any application pursuant to section 5 if approved, the Township Fire Chief or his assigned agent shall forthwith issue a permit to said applicant. Such permit shall be in accordance with Public Act 329, 1969 (MCLA 320.21 to 320.38)

Section 7.

Any person, who shall set or start an open fire without a permit as required by this ordinance, shall be guilty of a misdemeanor and shall upon conviction thereof, be subject to a fine of not less than one hundred (\$100.00) dollars nor more than five hundred (\$500.00) dollars, or by imprisonment in the county jail of Iosco County, said imprisonment not to exceed ninety (90) days, or both such fine and imprisonment in the discretion of the District Court.

Section 8.

Any person who fails to comply with any provision of this ordinance, or who starts, sets or causes to set an open fire with or without a permit which necessitates calling the Plainfield Township Fire Department or any other fire department on behalf of Plainfield Township, shall be deemed guilty of a misdemeanor as aforesaid and in addition shall be responsible for any costs incurred as a result of a fire found to be in violation of this ordinance. Costs shall include any and all expensed incurred by Plainfield Township as calculated by the Fire Chief for Plainfield Township and/or his designee. The Township of Plainfield may sue in any court of competent jurisdiction for civil damages and may recover such costs and expenses incurred by it from any persons, firm, partnership, association or corporation, who sets such an open fire.

Section 9.

The chief of the Plainfield Township Fire Department, or any Plainfield Township fireman so designated by the chief, or any police officer employed by the Township, or any other person designated by the Plainfield Township Board may request the Township Ordinance Enforcement Officer to issue a summons or appearance ticket to the persons who have violated this ordinance.

Section 10.

Any person who burns garbage, animal carcasses, refuse, animal waste, or any material giving off foul odor, at any time, shall be guilty of a misdemeanor and shall upon conviction thereof be subject to a fine and penalty of not less than one hundred (\$100.00) dollars nor more than five hundred (\$500.00) dollars, or by imprisonment in the County Jail of Iosco County and not to exceed ninety (90) days, or both such fine and imprisonment in the discretion of the Court. The prohibited action of this section shall apply to domestic fires and to fires set or started with or without permits.

Section 11.

Any violations of Section 10 of this ordinance shall be deemed a nuisance per se and the Plainfield Township Board, its agents, or Law Enforcement Officers may in any court or competent jurisdiction, take action to abate such nuisance.

Section 12.

Should any section, clause or provision of this ordinance be declared by any court to be invalid, the same shall not affect the validity of the remaining portions of such section of this ordinance or any part thereof other than the part so declared to be invalid.

Section 13.

Upon this ordinance taking effect, any prior Plainfield Township ordinance covering the same or substantially similar subject is hereby repealed to the extent they provide for rules and regulations which are inconsistent with this ordinance.

Section 14.

This ordinance shall take effect thirty (30) days from and after the date of its publication.

Section 15.

This ordinance was adopted by the Township Board of the Township of Plainfield, Iosco County, Michigan at a Special meeting on April 6, 1994.

(signed Beverly S. Bernard)

Beverly S. Bernard

Plainfield Township Clerk

Please publish once.