

**THE TOWNSHIP OF EAGLE
CLINTON COUNTY, MICHIGAN**

ORDINANCE NO: 3

AN ORDINANCE TO REGULATE THE SETTING OF CERTAIN FIRES, TO PROVIDE FOR FIRE PERMITS, TO PROVIDE FOR THE COLLECTION OF COSTS AND EXPENSES TO THE TOWNSHIP OF EAGLE CAUSED BY SETTING OF CERTAIN FIRES, AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

THE TOWNSHIP OF EAGLE ORDAINS:

SECTION 1. This Ordinance is adopted in the interest of and is designed to promote the Public Health, Safety and Welfare of the Township of Eagle.

SECTION 2. No person, partnership, association, corporation or other entity, or employee or agent thereof, shall, within the limits of the Township of Eagle, start, set, or cause to be started or set, an open fire, except a "Domestic, commercial or industrial fire" as defined herein, without a written permit from the Fire Chief of the City of Portland or the Fire Chief of the City of Grand Ledge, or the authorized agent of either.

SECTION 3. Any person, partnership, association, corporation or other entity, or employee or agent thereof, desiring to start or set an open fire, except a "domestic, commercial or industrial fire" as defined herein, shall make application for a written permit to the Fire Chief of the City of Portland or the Fire Chief of the City of Grand Ledge, or the authorized agent to either, which application shall state the name and residence of the applicant, the location of the premises where such fire is to be set, the time contemplated for setting such fire, the reason for setting such fire, and such other information as the Township Board may from time to time require.

SECTION 4. If such application is approved, the Fire Chief of the City of Portland, the Fire Chief of the City of Grand Ledge, or the authorized agent of either, shall forthwith issue a written permit to said applicant, provided that such a permit does not conflict with the provision of any applicable state or federal law.

SECTION 5. Any persons, partnership, association, corporation or other entity, or employee or agent thereof, who shall start or set an open fire, without a written permit as required by this Ordinance, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be subject to a fine of not less than Ten (\$10.00) Dollars or more than One Hundred (\$100.00) Dollars or imprisonment in the County Jail of Clinton County for not to exceed ninety (90) days or both such fine and imprisonment in the discretion of the Court.

SECTION 6. Any person, partnership, association, corporation or other entity, or employee or agent thereof, who violates or fails to comply with any provision of this Ordinance or who starts, sets or causes to be started or set, an open fire which necessitates calling the Portland Fire Department or the Grand Ledge City Fire Department, or any other Fire Department, on behalf of Eagle Township, shall pay to Eagle Township all costs and expenses incurred by the Township by reason thereof, and the Township may sue in any court of competent jurisdiction for civil damages and to recover such costs and expenses. This remedy shall be in addition to that provided in Section 5 above.

SECTION 7. As used herein, a "domestic, commercial or industrial fire" is any fire around or within a building, where the material to be burned has been placed in a fireproof container, constructed of metal or masonry, with an approved spark arrestor, and the openings not larger than three-fourths of an inch. Such burners shall be located not less than Fifteen (15) feet from any building nor less than five (5) feet from any adjoining property line. Such fires shall be burned only between the hours of sunrise and sunset.

SECTION 8. No person, partnership, association, corporation or other entity, or employee or agent thereof, shall burn garbage, animal carcasses, animal waste, or any material giving off foul odors at any time. The provisions of this Section shall also apply to "domestic, commercial and industrial fires" as defined herein.

SECTION 9. Any violation of this Ordinance shall be deemed a nuisance per se and the Eagle Township Board, its agents or law enforcement officers, may take action to abate such nuisance in any Court of competent jurisdiction.

SECTION 10. Should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the Ordinance as a whole or any other part thereof, other than the part so declared to be invalid.

SECTION 11. This Ordinance shall take effect thirty (30) days from and after the date of its publication.

Adopted by the Township Board of Eagle Township of Eagle, Clinton County, Michigan the 3rd day of April, 1978.

s/

Kenneth Briggs, Supervisor

s/

Alice Sullivan, Clerk