

ORDINANCE NO. 39

TOWNSHIP OF BLENDON

An Ordinance adopted to provide for the public peace, health and safety of persons and property in the Township of Blendon by regulating fires within the Township.

THE TOWNSHIP OF BLENDON ORDAINS:

Section 1. Burning within Township. No person shall ignite or otherwise cause to burn any garbage, trash, grass clippings, leaves, weeds, brush, debris or refuse, whether animal, vegetable, mineral, wood or synthetic materials in any open fire or in a receptacle upon any lands within the Township of Blendon except in accordance with the terms of this Ordinance. The provisions of this Section shall not prohibit the burning of wood in a fireplace or stove for the purpose of cooking or providing heat, nor shall the provisions of this Ordinance prohibit the use of outdoor grills.

Section 2. Permit Form. Any person may make application to the Blendon and Olive Fire Department for permission to burn brush, trees and tree limbs. Such application shall be made on a form provided by the Fire Chief.

Section 3. Permit Elements. Any burning permit issued by the Fire Chief or an authorized representative shall state the time, place, and other conditions regarding burning. When issuing a permit consideration shall be give to location, proximity to buildings, weather, safety, smoke, frequency of burning, materials burned, environmental factors and any other factors deemed relevant. All permits shall contain the following minimum requirements:

- A. In the case of permits issued for fires upon residentially used land, or on non-residentially used land within 300 feet of an adjacent residential dwelling, such fires must be completely extinguished between the hours of 7:00 p.m. and 7:00 a.m.
- B. The Fire Department, in its judgment, may determine that any fire deemed hazardous or a nuisance shall be extinguished immediately, or, may dispatch firefighting equipment for that purpose.

C. A person of suitable age and discretion shall remain in constant attendance during the time the fire is burning or smoldering.

D. The person or persons tending the fire shall remain in complete control over the fire at all times and shall ensure that the fire does not threaten surrounding properties.

E. The quantities of materials burned shall not exceed an amount which can reasonably be anticipated to be controlled.

F. Before abandoning the site of the fire or disposing of its remains, the person or persons tending the fire shall take all steps necessary to extinguish any matter still burning, smoking or smoldering.

G. At no time shall any burning occur on or within 40 feet of the surface of any public street in the Township.

H. At no time shall any burning occur on or within 20 feet of a building or property line.

I. At no time shall a person burn or permit the burning of materials which are wet or damp, or otherwise create smoke in an amount or of a nature as to disturb, annoy or harm others.

Section 4. Permissible Burning. Notwithstanding the foregoing:

A. A person may burn leaves, weeds or campfires upon lands within the Township of Blendon without a permit only in accordance with all the following requirements:

1) A person of suitable age and discretion shall remain in constant attendance during the time the fire is burning or smoldering.

2) The person or persons tending the fire shall remain in complete control over the fire at all times and shall ensure that the fire does not threaten surrounding properties.

3) The quantities of materials burned shall not exceed an amount which can reasonably be anticipated to be controlled.

4) Before abandoning the site of the fire or disposing of its remains, the person or persons tending the fire shall take all steps necessary to extinguish any matter still burning, smoking or smoldering.

5) At no time shall any burning occur on or within 40 feet of the surface of any public street in the Township.

6) At no time shall any burning occur on or within 20 feet of a building or property line.

7) At no time shall a person burn or permit the burning of materials which are wet or damp, or otherwise create smoke in an amount or of a nature as to disturb, annoy or harm others.

B. A person may burn brush, trees or tree limbs in an agricultural zone without a permit provided that:

1) Such burning relates to an agricultural use.

2) There is, at the time of burning at least one inch of snow cover on the ground.

3) The burning meets the requirements of Subsections 1 through 7 of Section 4 A. of this Ordinance.

Section 5. Violation Consequences. Any burning in violation of the terms of this Ordinance or in violation of the conditions of the burning permit, shall be a misdemeanor punishable by fine, not exceeding \$500, and by jail, not exceeding 90 days.

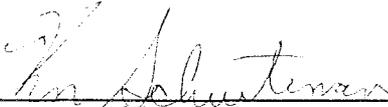
Section 6. Administrative Responsibility. It shall be the duty of the Ordinance Enforcement Administrator and/or Township Supervisor to investigate the origin of fires which are in violation of the terms of this Ordinance and to actively endeavor with the cooperation of the Sheriff's Department or Township Attorney to secure the conviction of all persons violating this Ordinance.

Section 7. Administrative Liability. No officer, agent, or employee of the Township of Blendon shall render himself or herself liable for any damage that may accrue to any person as the result of any act, decision or other consequence or occurrence arising out of the discharge of his or her duties and responsibilities pursuant to this Ordinance.

Section 8. Severability and Captions. This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid, it is hereby declared that the remainder of this Ordinance shall not be affected thereby. The captions included at the beginning of each section are for the convenience only and shall not be considered as part of this Ordinance.

Section 9. Effective Date. This Ordinance was approved and adopted by the Township Board on _____, 1992, and shall be effective 30 days after publication.

TOWNSHIP OF BLENDON

by 
Township Clerk