

ORDINANCE NO. 17
PROVISION FOR THE CONTROL OF OPEN BURNING
OF CERTAIN COMBUSTIBLE MATERIALS

SECTION 1. NUISANCE

No person, firm or corporation ("person") shall cause or allow the discharge, emission or release into the atmosphere from any source whatsoever of such quantities of air contaminant or other material as may cause injury, endanger health, well-being or safety. Such quantities shall be deemed a public nuisance and subject to penalty as hereinafter provided.

SECTION 2. TRASH BURNING PROHIBITED

No person, shall burn any rubbish, brush, wood, trash, leaves or other combustible materials anywhere in the Township, except during the designated times hereinafter stated. This ordinance shall not be construed to prohibit wood fires in fireplaces, stoves, heaters or furnaces safely designed, constructed and installed for such purposes and complying with all applicable laws and ordinances. This ordinance does not prohibit outdoor wood fires for recreation or for ceremonial purposes. This ordinance does not prohibit burning any material in an incinerator complying with all applicable laws and this ordinance.

SECTION 3. PESTICIDE BURNING PROHIBITED

No person shall dispose of or permit the disposal of any pesticides and/or empty pesticide containers by open burning.

SECTION 4. BURNING RUBBER

It shall be unlawful for any person to burn or use rubber tires, rubber products, tar pitch, tar paper or other refuse for fuel, or otherwise, in any form giving off or producing dense smoke or offensive odors.

SECTION 5. OPEN BURNING OF BRUSH

The burning of trees, brush and/or shrubs in a properly designed, operated and maintained open-pit incinerator is permitted on the premises from which the trees, brush, leaves and shrubs originated during the times hereinafter stated.

SECTION 6. CONDITIONS OF OPEN BURNING

Permitted open burning, as described above, may only take place when located _____ feet from adjoining property lines or _____ feet from an inhabited dwelling, commercial location, or public facility.

SECTION 7. DESIGNATED BURNING TIME

Open burning, as herein provided, shall be permitted only between _____ hours after sunrise and _____ hours before sunset. Additional fuel may not be added to the fire at times outside the limits stated above.

SECTION 8. INSPECTION

The County Health Department/Director, after proper identification, shall not be denied access at

reasonable times in or upon any private or public property except private residences for the purpose of inspecting and investigating any condition which the Director shall have reasonable cause to believe to be an air pollution source. The Director may obtain such court orders as are necessary to obtain access.

SECTION 9. PENALTY

Any person violating any provision of this article shall be fined not less than five dollars nor more than one hundred dollars for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION 10. EFFECT

This ordinance shall take effect 30 days after notice by publication.

AMENDMENT TO ORDINANCE NO. 17

Ordinance No. 17 is amended as follows:

SECTION 9. Amended to include the capitalized words:

SECTION 9. PENALTY

Any person violating any provision of this article shall be fined not less than five dollars nor more than one hundred dollars for each offense PLUS ALL COSTS OF PROSECUTION, INCLUDING ACTUAL ATTORNEY FEES; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

This amendment shall be effective thirty (30) days after its publication.

Ordained this ___ day of February 1999. IRON RIVER TOWNSHIP