

CHAPTER 7

FIRE PREVENTION AND FIRE PROTECTION

Part 1

Open Fires

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Part 1

Open Fires

§101. Title. This Part shall be known and may be cited as the “Clay Township Burning ordinance”. [Ord. 01-11287, 01/12/1987, §1]

§102. Prohibition Against Fires on Public Roads, Streets, Alleys, Sidewalks or Other Public Grounds. It shall be unlawful for any person or persons either directly or indirectly to kindle or maintain any fire or authorize or permit any fire to be kindled or maintained on any public road, street, alley, sidewalk, or other public ground within the Township of Clay. Nothing in this section shall prevent any servant, employee or agent of the Township of Clay from burning trash or brush upon public grounds when such burning is in furtherance of a municipal purpose and is authorized by the Board of Supervisors. [Ord. 01-11287, 01/12/1987, §2]

§103. Limitations on Permitted Outdoor Fires. When permitted, outdoor fires shall be governed by the following additional limitations:

- a. No fire shall be permitted if it is located within one hundred fifty (150) feet of any neighboring residence.
- b. No fire shall be permitted if it is located within fifty (50) feet of any non-residential structure not owned by the property owner on which the fire is being burned.
- c. It shall be unlawful for any person or persons either directly or indirectly to burn garbage, tires, rubber, or any toxic substances in any fire.
- d. It shall be unlawful for there to be visible flames from an open fire between dusk and dawn.

[Ord. 01-11287, 01/12/1987, §3]

§104. Exceptions to Prohibition. Except as to the provisions of Section 103 (c) (which shall apply to the following) nothing herein provided shall prohibit or regulate:

- a. Any fires or incineration so long as such activities are carried on wholly within the confines of a permanent structure intended for the habitation of human beings.
- b. Any fire, the sole purpose of which is to cook or prepare food, provided that said fire is confined in a fireproof container.
- c. Any ceremonial fire or fires during camping.

[Ord. 01-11287, 01/12/1987, §4]

§105. Violations and Penalties. Any person, firm, or corporation, whether as principal, agent or employer, or otherwise, who shall violate or assist the violating of any

of the provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than Three Hundred (\$300.00) Dollars. Every day that a violation of this Part continues shall constitute a separate offense. [*Ord. 01-11287, 01/12/1987, §5*]

§106. Validity. Should any section of this Part be held invalid, by a court of competent jurisdiction, the remaining sections shall be severable and shall continue to be in full force and effect. [*Ord. 01-11287, 01/12/1987, §6*]