

Chapter 14

FIRE PREVENTION AND PROTECTION*

* **Cross References:** Buildings and building regulations, ch. 6; emergency services, ch. 10.

State Law References: Fires and fire departments, MCL 70.1 et seq., MSA 5.1397 et seq.; fire prevention code, MCL 29.1 et seq., MSA 4.559(1) et seq.; fire protection act, MCL 41.801 et seq., MSA 5.2640(1) et seq.; crimes related to fires, MCL 750.240 et seq., MSA 28.437 et seq.

Sec. 14-1. Open burning.

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(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Incinerator means a device specifically designed for the destruction, by burning, of garbage or other combustible refuse or waste material.

Open burning means a fire from which the products of combustion are emitted directly into the open air without passing through a stack or chimney.

(b) *Prohibited generally.* No person shall cause or permit, except as stipulated in this section, any open burning of garbage or other combustible refuse or waste material, including by way of descriptions, but not by way of limitation, paper, leaves, tree trimmings and grass. This subsection shall not be construed to prohibit fires of charcoal or nonash-producing fuels when used on private property or in public recreation areas, relative to consumption of food, nor to prohibit open burning by employees of the village while in the course of their employment by the village.

(c) *Exceptions.*

(1) The burning of trees, branches, bushes, shrubbery, plants and leaves, exclusive of any other combustible refuse or waste material, shall be permitted for the purpose of clearing a site for new construction, provided that such burning takes place on the site being cleared and is supervised at all times by a responsible person during the period of such burning, and provided further that a burning permit for such burning shall first be obtained from the fire chief or his designee, setting forth the location to be cleared and the nature of the intended new construction, which permit shall expire as noted on the permit upon its issuance.

(2) Enclosed devices (metal-with gating or ceramic) where fire is fueled by charcoal or seasoned dry wood are permitted in all residential areas with the follow conditions: (i) The approved container must be a minimum of fifteen (15) feet from any structure, including a deck, garage, or storage building; (ii) The fire must be attended by an adult until it is completely extinguished; (iii) The approved container must rest on an impervious, nonflammable base; (iv) **the use of dug-out or below grade fire pits not exceeding 48” in width are permitted;** and (v) All open fires are prohibited between the hours of 12:00 am (midnight) and 7:00 am.

(d) *Incinerators.* No person shall install an incinerator in the village after the effective date of the ordinance from which this section derives.

(e) *Penalties.* Any person or other entity or anyone acting on their behalf who shall violate any of the provisions of this section shall be guilty of a civil infraction and punished in accordance with section 1-12. (Ord. No. 90-5, §§ 1--3, 9-5-1990)

State Law References: Open burning of leaves or grass clippings prohibited, MCL 324.11522, MSA 13A.11522; authority of village council to regulate the making of fires in the streets and open spaces in the village, MCL 67.1(l), MSA 5.1285.