

ORDINANCE 21-004

**CHAPTER 346 - FIRE PREVENTION - RECREATIONAL FIRES
AND PORTABLE OUTDOOR FIREPLACES**

An Ordinance to adopt Chapter 346, Fire Prevention - Recreational Fires and Portable Outdoor Fireplaces, of the Code of the City of Monroe.

THE CITY OF MONROE ORDAINS:

§ 346-1. Purpose. This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the City of Monroe by regulating the hazards of outdoor burning.

§ 346-2. Applicability. This ordinance applies to all outdoor burning within the City of Monroe

A. This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.

B. This ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.

C. This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

§ 346-3. Severability. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

§ 346-4. Definitions.

A. "Campfire" means a small outdoor fire intended for recreation or cooking but not including a fire intended for disposal of waste wood or refuse.

B. "Clean wood" means natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.

C. "Construction and demolition waste" means building waste materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on a house, commercial or industrial building, or other structure.

D. "Fire Chief" means the Chief of the Fire Department of the City of Monroe or other person designated by the Fire Chief.

E. "Municipality" means a county, township, city, or village.

F. "Open burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney. This includes burning in a burn barrel.

G. "Outdoor burning" means open burning or burning in a Portable Outdoor Fireplace.

H. "Portable Outdoor Fireplace" means a Underwriters Laboratories listed and/or certified chimnea, patio warmer, or other portable wood-burning device used - in accordance with all manufacturer recommendations - for outdoor recreation and/or heating located at the site of a single-family detached residence.

I. "Refuse" means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.

§ 346-5. General Prohibition on Open Burning. Open burning is prohibited in the City of Monroe unless the burning is specifically permitted by this ordinance.

§ 346-6. Open Burning of Refuse. Open burning of refuse is prohibited.

§ 346-7. Opening burning of trees, unseasoned logs, brush, stumps, leaves, and grass clippings. Open burning of trees, unseasoned logs, brush, stumps, leaves and grass clippings is prohibited.

§ 346-8. Prescribed burning.

A. "Prescribed Burn" means the burning, in compliance with a prescription and to meet planned fire or land management objectives, of a continuous cover of fuels. A "prescription" means a written plan establishing the criteria necessary for starting, controlling, and extinguishing a burn.

B. Fires set for forest, prairie, and wildlife habitat management are allowed only if conducted in accordance with Part 515 of the Natural Resources and Environmental Protection Act, MCL 324.51501 et seq. with the prior express written approval of the Fire Chief.

C. Prior to conducting any Prescribed Burn, the Fire Chief shall have the right to determine any and all additional costs to the City of Monroe that may be necessitated by the requested Prescribed Burn and the prepayment of such costs may be required by the Fire Chief as a condition of the approval of the Prescribed Burn.

§ 346-9. Campfires. No person shall use or maintain a campfire in the City of Monroe except that campfires contained within a metal ring no greater than three feet wide with a log pile of no greater than two-feet high shall be permitted within any campground with a validly issued license from the State of Michigan for operation pursuant to Part 125 of Act 368 of 1978 of the Public Health Code of the State of Michigan

§ 346-10 Portable Outdoor Fireplaces. A Portable Outdoor Fireplace may be installed and used in the City of Monroe only in accordance with all of the following provisions:

A. The Portable Outdoor Fireplace shall not be used to burn refuse.

B. The Portable Outdoor Fireplace shall burn only clean wood.

C. The Portable Outdoor Fireplace shall not be used on any deck or patio made of wood or other combustible material.

C. The Portable Outdoor Fireplace shall be located at least 15 feet from any structure or combustible material.

D. The Portable Outdoor Fireplace shall not cause a nuisance to neighbors.

§ 346-11. Fire suppression training. Notwithstanding any other provision of this ordinance, structures and other materials may be burned for fire prevention training only in accordance with all of the following provisions.

A. The burn must be exclusively for fire prevention training. The burning shall not be used as a means to dispose of waste material including tires and other hazardous materials.

B. All asbestos must be removed prior to conducting the fire suppression training. If the structure is a residential dwelling, the owner may remove the asbestos or have it removed by a licensed abatement contractor. If it is a commercial building, all asbestos must be removed by a licensed abatement contractor.

C. A notification of the demolition must be submitted to the Michigan Department of Environmental Quality, Air Quality Division at least 10 business days prior to burning a standing structure. The notification must be submitted using Form EQP 5661 "Notification of Intent to Renovate/Demolish."

D. All ash and demolished materials must be disposed of in an approved landfill or at an alternate location approved by the Michigan Department of Environmental Quality.

§ 346-12. Attendance Requirements, Conditions and Suspension.

A. Any burning permitted by this ordinance shall be constantly attended by an adult until the fire is extinguished. The supervising adult must have fire extinguishing equipment readily available as may be necessary for total control of the fire during all burning (including not fewer than one portable fire extinguisher with a minimum 4-A rating or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose, or water truck sufficient to fully extinguish the fire).

B. When conditions (including, but not limited to weather, environmental, ozone, or drought) warrant, the Fire Chief may suspend any burning otherwise permitted by this Ordinance.

C. Any burning otherwise permitted by this Ordinance shall be prohibited when the State of Michigan Department of Environment, Great Lakes and Energy has declared an air quality or ozone action day or when the Department of Natural Resources issues a burning ban due to dangerous fire conditions.

§ 346-13. Liability. A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

§ 346-14. Right of entry and inspection. The Fire Chief or any authorized officer, agent, employee or representative of the City of Monroe who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

§ 346-15. Enforcement and penalties.

A. The Fire Chief and any of his/her designees are authorized to enforce the provisions of this ordinance.

B. The Fire Chief and any of his/her designees shall have the right to extinguish any fire not conducted, attended, supervised, or otherwise allowed to burn in accordance with this Ordinance.

C. Any person, firm, association, partnership, corporation, or governmental entity who violates any of the provisions of this ordinance or fails to comply with a duly authorized order issued pursuant to this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by civil fine determined pursuant to Section 1-27(E) of the Code of the City of Monroe. In addition, the City of Monroe shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this ordinance. Each day that a violation of this ordinance exists shall constitute a separate violation of this ordinance.

§ 346-16. Repealer and Savings Clause.

All ordinances and portions of ordinances inconsistent with this Chapter are hereby repealed. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they are/were commenced.

§346-17. Effective Date.

This Chapter shall be in full force and effect Twenty (20) days after final passage and publication.

First Reading
Public Hearing
Second Reading
Adoption
Publication

Michelle J. LaVoy
City Clerk-Treasurer

Robert E. Clark
Mayor