

CHAPTER 692

OUTDOOR AND OPEN BURNING

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CROSS REFERENCES

CHAPTER 692 – Amended by Ordinance 2009-2 (June 18, 2009)

692.01 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 Evert by regulating the air pollution and fire hazards of open burning and outdoor burning.

692.02 APPLICABILITY

This ordinance applies to all outdoor burning and open burning within the City of Evert.

- (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 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.

692.03 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.

692.04 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 Evert Joint Area Fire Department, or other person designated by the Fire Chief.

(e.) "Municipality" means a county, township, city, or village.

(f.) "Outdoor burning" means open burning or burning in an outdoor wood-fired boiler or patio wood burning unit.

(g.) "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.

(h) "Outdoor wood-fired boiler" means a wood-fired boiler, stove or furnace that is not located within a building intended for habitation by humans or domestic animals.

(i) "Patio wood-burning unit" means a chimnea, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.

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

692.05 GENERAL PROHIBITION ON OUTDOOR BURNING AND OPEN BURNING

Open burning and outdoor burning are prohibited in the City of Ewart unless the burning is specifically permitted by this ordinance.

692.06 OPEN BURNING OF REFUSE

- a. Open burning of refuse is prohibited.
- b. Open burning of the following materials is prohibited.
 1. Construction and demolition waste.
 2. Hazardous substances including but not limited to batteries, household chemicals, pesticides, used oil, gasoline, paints, varnishes, and solvents.
 3. Furniture and appliances.
 4. Tires
 5. Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 6. Newspaper.
 7. Corrugated cardboard, container board, office paper.
 8. Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

692.07 CAMPFIRES

Camp Fires are permitted within the City of Evert in accordance with all of the following provisions:

- (a.) The fire should be built on mineral soil or if available a fire ring.
- (b.) Your fire should be at least 10 feet away from any logs, stumps trees or forest debris that might catch fire and 30 feet away from any structure.
- (c.) The space above the fire should be free from any overhanging branches.
- (d.) Start by scraping away a 3 foot space for your campfire right down to mineral soil. Then remove all pine needles, dead grass, leaves twigs and combustible material in a 10 foot circle. Have the right equipment handy to control the fire. A pail of water and a shovel is ideal.

692.08 OUTDOOR WOOD-FIRED AND COAL-FIRED BOILERS

No person shall install, use, or maintain an outdoor wood-fired or coal-fired boiler in the City of Evert

692.09 PATIO WOOD-BURNING UNITS

A patio wood-burning unit may be installed and used in the City of Evert only in accordance with all of the following provisions:

- (a.) The patio wood-burning unit shall not be used to burn refuse.
- (b.) The patio wood-burning unit shall burn only clean wood.
- (c.) The patio wood-burning unit shall be located at least 15 feet from the nearest structure which is not on the same property as the patio wood-burning unit.
- (d.) The patio wood-burning unit shall not cause a nuisance to neighbors.

692.10 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.

692.11 RIGHT OF ENTRY AND INSPECTION

The Fire Chief or any authorized officer, agent, employee or representative of the City of Evert, who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

692.99 ENFORCEMENT AND PENALTIES

- (a.) The Fire Chief and City Manager are authorized to enforce the provisions of this ordinance.
- (b.) 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 in accordance with the following schedule:

	<u>Fine</u>
1 st Offense within 1-year period*	\$100.00
2 nd Offense within 1-year period*	\$200.00
3 rd Offense within 1-year period*	\$300.00
4 th or More Offense within 1-year period*	\$500.00

*Determined on the basis of the date of commission of the offense(s)

- (c.) The violator shall pay costs which may include all expenses, direct and indirect, which the City of Evert, or the Evert Joint Area Fire Department, has incurred in connection with the municipal infraction. In no case, however, shall costs be less than \$100.00, nor more than \$1,000.00, be ordered. In addition, the City of Evert 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.