

## ORDINANCE #656

### AN ORDINANCE TO AMEND MARQUETTE CITY CODE CHAPTER 26, FIRE PREVENTION AND PROTECTION; ARTICLE IV. – FIRE AND EXPLOSIVES BY ADOPTING A NEW SECTION 26-88. – OPEN BURNING

The City of Marquette Ordains:

#### Section 1. Purpose.

The purpose of this section is 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 Marquette by regulating the air pollution and fire hazards of outdoor burning.

#### Section 2. Definitions.

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

*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.

*Fire Chief* means the Chief of the Marquette City Fire Department or other person designated by the Fire Chief.

*Fire Inspector* means the fire department personnel appointed by the Fire Chief, who are charged with the administration and enforcement of this article, authorized by the Fire Chief under section 26-82.

*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.

*Patio wood-burning unit* means a chimenea, patio warmer, or other portable wood-burning device.

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

*Sky lantern* means an airborne lantern typically made of paper with a wood frame containing a candle, fuel cell composed of waxy flammable material, or other open flame which serves as a heat source to heat the air inside the lantern to cause it to lift into the air. Sky candles, fire balloons, airborne paper lanterns, and Chinese lanterns mean the same as sky lanterns.

#### Section 3. Permitting and Prohibitions.

##### 1. Open burning.

Open burning is prohibited unless specifically permitted by this chapter. Permitted open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.

##### a. Open burning of refuse.

Open burning of refuse is prohibited.

##### b. Burning trees, logs, brush, stumps, leaves, and grass clippings.

Open burning of trees, logs, brush, stumps, leaves, and grass clippings is prohibited.

**c. Patio wood-burning units.**

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

- i. The patio wood-burning unit shall burn only clean wood.
- ii. The patio wood-burning unit shall be located at least 25 feet from the nearest structure which is not on the same property as the patio wood-burning unit and at least 15 feet from any combustible material, wall, window, or door.
- iii. The patio wood-burning unit shall not cause a nuisance to neighbors, as defined under Section 22-19, Environment.

**2. Fire suppression training.**

Structures and other materials may be burned for fire prevention training only in accordance with all the following provisions:

- a. The burn must be exclusively for fire prevention training.
- 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.
- e. All fire suppression training should conform to the guidelines established by the National Fire Protection Association (NFPA) Standard on Live Fire Training Evolutions (NFPA 1403).

**3. Burning permits.**

Open burning for religious, cultural, or traditional activities, including the use of sky lanterns, are allowed by permit in accordance with all the following provisions:

- a. No person shall start or maintain any open burning covered under this section without a burning permit issued by the Fire Inspector.
- b. When weather conditions warrant, the Fire Chief may suspend issuing burning permits and may suspend previously issued burning permits for open burning.
- c. A burning permit issued under this section shall require compliance with all applicable provisions of this ordinance and any additional special restrictions deemed necessary to protect public health and safety.
- d. Any violation of the conditions of a burning permit shall be deemed a violation of this ordinance. Any violation of this ordinance or the burning permit shall void the permit.
- e. The fee for each burning permit shall be set in the City fee schedule.
- f. Sky lanterns must be tethered in a safe manner to prevent them from leaving the area and must be constantly attended until extinguished.

**4. Right of entry and inspection.**

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

**Section 4. Exceptions.**

This ordinance applies to all open burning within the City of Marquette with the following exceptions:

1. This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
2. This ordinance does not apply to open 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.
3. 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.
4. This ordinance does not apply to campfires within licensed campgrounds.

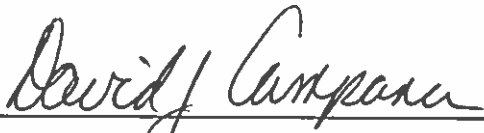
**Section 5. Enforcement and penalties.**

The Fire Chief or any authorized officer, agent, employee or representative of the City of Marquette is authorized to enforce the provisions of this ordinance.

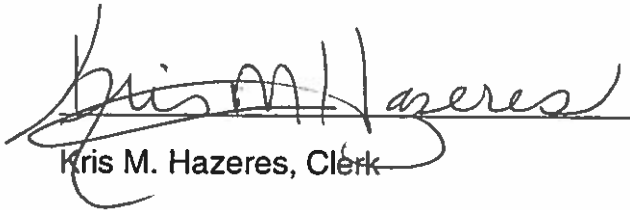
Any person, firm, association, partnership, corporation, or governmental entity who violates any of the provisions of this ordinance or fails to comply with a duly authorized order issued pursuant to this ordinance shall be responsible for a municipal civil infraction.

**Section 6. Publication.**

This Ordinance shall take effect within ten days, but not before publication.



David J. Campana, Mayor



Kris M. Hazeres, Clerk

Adopted:

June 26, 2017

Published:

June 29, 2017