

ORDINANCE #2018-7

AN ORDINANCE TO REGULATE OPEN BURNING IN THE CITY OF MUNISING

The City of Munising Ordains:

Section 1. Purpose

Purpose. The purpose of this Ordinance 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 Munising by regulating the air pollution and fire hazards of outdoor burning.

Section 2 Definitions.

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 Munising City Fire Department or other person designated by the fire chief.

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.

Logs do not include pieces of wood, split or unsplit, cut to fireplace, woodstove, or patio wood burning unit length of 18" to 24".

Section 3. Permitting and Prohibitions.

1. *Open burning.*

Open burning is prohibited unless specifically permitted by this Section. Permitted open burning shall be constantly attended and supervised by a competent person of at least 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 Munising 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.

- d. Operating saunas is not prohibited.

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. All asbestos must be removed by a licensed abatement contractor and in compliance with all applicable laws.
- c. A notification of the demolition must be submitted to the Michigan Department of Environmental Quality, Air Quality Division at least ten business days prior to burning a standing structure. The notification must be submitted using Form EQP 5661 "Notification of Intent to Renovate/Demolish, or any current replacement of that form"
- 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. *Right of entry and inspection.*

The fire chief or any authorized officer, agent, employee or representative of the City of Munising 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 Munising 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 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.

Section 5. Enforcement and penalties.

The fire chief or any authorized officer, agent, employee or representative of the City of Munising 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 section 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 ten days after the date this Ordinance is published.

Rod DesJardins, Mayor

Sue Roberts, Clerk

Introduced: November 19th, 2018

Adopted: December 17th, 2018

Published: December 26th, 2018

Effective: January 5th, 2019