ORDINANCE # 4-1100

OPEN BURNING

THE CITY OF ISHPEMING ORDAINS:

Section 4-1101. Definitions.
As used in the Ordinance, the following definitions shall apply:

(a). "Open burning" shall mean the burning of materials such as paper, cardboard, trees, branches or limbs of trees, brush, grass, leaves, logs, rubbish, trash, rags, furniture, construction materials, cloth of any kind, food containers, or any other combustible material whatsoever, where smoke or other emissions are released into the ambient air without passing through a stack or chimney. Burning in a burning barrel is considered open burning.

(b). "Fire Chief" shall mean the Chief of the City of Ishpeming Volunteer Fire Department and his or her designated representative. Designated representatives may be any Fire Department Officer or Law Enforcement Officer employed by the City of Ishpeming.

(c). "Permit" shall mean a written permit, issued by the Fire Chief, authorizing a specific open burning event. The written permit request shall be made 7 business days prior to the requested specific open burning event.

(d). "Refuse" shall mean any waste material, including construction waste (includes building waste materials including but not limited to shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging and rubble that results from construction, remodeling, repair or demolition operations on a property or structure), except trees, logs, brush, clean wood, stumps, leaves, grass clippings and other vegetative matter.

(e). "Clean wood" means natural wood which has not been painted, varnished or coated; has not been pressure treated with preservatives; and does not contain resins or glues such as are found in plywood or other composite wood products.

Section 4-1102. Open Burning Prohibited:
(a). Open burning anywhere in the City of Ishpeming is hereby prohibited, unless the open burning is done pursuant to a permit issued by the Fire Chief. No person shall engage in, participate in, or start an open burning fire without a permit issued by the Fire Chief.

(b). Open burning of any refuse as described in Section 4-1101, including burn barrels of any construction are not permitted within the city limits.

Section 4-1103. Permit Authorizing Open Burning:
(a). Upon written application to the Fire Chief, open burning may be approved by issuance of a permit, provided that the Fire Chief is satisfied that the open burning will be in compliance with Michigan Department of Environment, Great Lakes and Energy guidelines and will not be unsafe, and will not pose a threat or a hazard to persons or property. The open burning permit may be revoked or withdrawn at any time if the Fire Chief determines that the open burning event would be or is reasonably likely to become unsafe due to the particular circumstance involved including, but not limited to, unfavorable weather conditions.

(b). In the issuance of a permit, the Fire Chief may impose reasonable conditions for the open burning event, such as limitations as to the type of materials to be burned, and limitations or conditions with respect to time of day, duration, quantity of materials, location, and manner of burning.

Section 4-1104. Exceptions:
(a).This ordinance shall not apply to campfires in designated receptacles in campgrounds, to small enclosed fire pits or fireplaces, or to outdoor barbecues where food preparation is the sole purpose of the fire. The Fire Chief is authorized to order any property owner, resident, or any other person to extinguish any fire, including those listed above, within the City of Ishpeming if smoke, odor, or any other condition exists where health, safety or welfare is potentially jeopardized or put in danger or when a local or state issued ban on open burning is in place.

(b). Fire Department live fire training: All live fire suppression training will conform to the guidelines established by the National Fire Protection Association (NFPA) Standard on Live Fire Training Evolutions (NFPA 1403) and the Michigan Department of Environmental Quality, Air Quality Division guidelines

Section 4-1105. Conditions:
(a). All open burning allowed by permit shall be constantly attended by the permit holder until the fire is extinguished and is cold.

(b). The Fire Chief is authorized to order any property owner, resident, or any other person to extinguish any fire within the City of Ishpeming including fires in fire pits, campfires, barbecue grills, fireplaces, outdoor wood furnaces or wood fired furnaces/boilers, regardless of their location and regardless of whether they are within a structure, if, due to smoke, odor, fire, or any other condition, a public nuisance is created or if the public health, safety, or welfare is potentially jeopardized, or put in danger.

(c). Right of entry and inspection. The Fire Chief is authorized to inspect any property or structure for the purpose of ascertaining compliance with the provisions of this Ordinance.

Section 4-1106. Civil Liability:
Every person who engages in open burning without a permit or who creates an unusual smoke or odor or who fails to abide by the order of the Fire Chief to extinguish a fire of any kind (see Sections 4-1104 and 4-1105 above) shall be considered to have created a public nuisance and to have violated the terms of this Ordinance and shall be liable to the City of Ishpeming for reimbursement of all costs and expenses incurred by the City of Ishpeming in dispatching fire apparatus and personnel to extinguish the fire or open burning event, or to investigate the unusual smoke or odor. The rate of reimbursement to the City of Ishpeming shall be as set forth in the City Fee Schedule.

Section 4-1107. Penalty:

(a). Any person who shall violate any of the provisions of this Ordinance shall be guilty of a municipal civil infraction and shall be subject to payment of a civil fine as provided in the City Fee Schedule. In addition, where the violation takes place on private property, the legal owner of the property or structure will be responsible for all Fire Department charges as outlined in Section 4-1106 and Section 4-1107.
(b). Any violation of this ordinance or of any order of the Fire Chief issued under this ordinance shall be considered a public nuisance.

(c). A violation of this Ordinance may be grounds for revocation of a Rental Certificate of Compliance under Ordinance No. 7-500 or of a Short-term Rental Permit under Ordinance No. 7-700.

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