

ORDINANCE NO. 4-1100

AN ORDINANCE TO PROHIBIT THE OPEN BURNING OF  
DESIGNATED MATERIALS WITHOUT A SPECIAL PERMIT

Section 4-1101. Definitions. As used in this 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 or any other wood product, cloth of any kind, food containers, or any other combustible material whatsoever, where smoke or other emissions are released directly into the air without passing through a chimney or stack, and includes burning any of the foregoing items in a residential fireplace. "Open burning" also includes the use of burn barrels for the burning of any substance and the burning of any substance in incineration devices that do not control the combustion air to maintain an adequate temperature and sufficient residence time for complete combustion.
- (b) "Fire Chief" shall mean the Chief of the City of Ishpeming Volunteer Fire Department and his or her designated representative.
- (c) "Permit" shall mean a written permit, issued by the Fire Chief, authorizing a specific open burning event.

Section 4-1102. Open Burning Prohibited.

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.

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 Environmental Quality 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 The open burning permit may be revoked or withdrawn at any time if the Fire Chief determines that the open burning event would be or is reasonably likely to become unsafe due to the particular circumstances 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 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 campgrounds, to small, enclosed backyard fire pits or fireplaces, or to outdoor barbecues where food preparation is the sole purpose and use of fire generating materials.

- (b) This Ordinance shall not apply to outdoor fireplace structures or wood stoves that are designed and constructed to burn wood for the sole purpose of providing a primary or secondary heating source for a residential or commercial structure.
- (c) Bonfires may only be lighted after issuance of a permit in accordance with the provisions of Section 4-1103 above.

Section 4-1105. Conditions.

- (a) All open burning allowed by permit shall be constantly attended by the permit holder until the fire is extinguished.
- (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 if, due to smoke, fire, or any other condition, a public nuisance is created or if the public health, safety, or welfare is jeopardized or put in danger.

Section 4-1106. Civil Liability.

Every person who engages in open burning in violation of the terms of this Ordinance 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. The rate of reimbursement to the City of Ishpeming shall be:

- (i) \$100/hour (or fraction thereof for the first hour or less) for each piece of fire department apparatus dispatched to extinguish the open burning; plus
- (ii) The current hourly rate, plus FICA and Worker's Comp, for the first hour or fraction thereof, for each firefighter dispatched to the scene,
- (iii) Charges after the first hour shall be billed in no less than one hour increments, at the above rates, for the fire department apparatus and fire department personnel,

all of which charges shall be computed on a portal-to-portal basis.

Section 4-1107. Penalty.

Any person who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed Five Hundred (\$500.00) Dollars, plus costs, or by imprisonment in the County Jail for a period of not to exceed ninety (90) days, or by both such fine and imprisonment. Punishment under this Section 4-1107 shall be in addition to any reimbursement ordered under Section 4-1106 herein, and the City of Ishpeming may seek civil penalties and criminal penalties under this Ordinance.

Adopted as an Emergency Ordinance: May 3, 2006  
Amended: February 4, 2009  
Amended: January 7, 2015