

## REVISION II ORDINANCE NUMBER EIGHT

**REVISION No. 2 to ORDINANCE REGULATING OPEN FIRES AND BURNING  
WITHIN THE CITY LIMITS OF THE CITY OF CARSON CITY; AND PROVIDING  
PENALTIES FOR VIOLATIONS THEREOF.**

THE CITY OF CARSON CITY ORDAINS:

### **CHAPTER 8.1 ESTABLISHMENT OF REVISED ORDINANCE**

- 8.101        Short Title. This revised Ordinance shall be known as the "Burning Ordinance" [originally enacted on September 20, 1915 and thereafter partially repealed and otherwise amended on April 29, 1968].
- 8.102        Authority. The authority for this Ordinance is set forth in Chapter 2 Section 2.3(p),(u), and Chapter 7 in general of the City Charter of the City of Carson City.
- 8.103        Purpose. This Ordinance is revised to preserve and protect public health, safety and general welfare of the residents of the City of Carson City by prohibiting certain burnings within the City limits.

### **CHAPTER 8.2 DEFINITIONS**

- 8.201        Ashes/Soot - By products and residue from fire.
- 8.202        Carson City Fire Department Approval. Approval shall mean written approval from the Fire Chief, or Assistant Chief, or designee.
- 8.203        Contained Outdoor Fireplace shall mean a fireplace no larger than three (3) feet wide, three (3) feet deep, and three (3) feet high (exclusive of legs and chimneys) which is capable of fully enclosing the fire by means of screening or other non-combustible materials with sufficiently small openings to contain embers.
- 8.204        Freestanding Solid Fuel Burning Furnace. Shall mean any device or structure that is:
- A.        Designed, intended, or used to provide heat and/or hot water to any residence or any structure;
  - B.        Operated by the burning of wood, wood chips, corn, paper products or other solid fuel; and
  - C.        Not located within the structure for which it is providing the heat or hot water.
- 8.205        Garbage. Shall mean any putrescible animal or vegetable waste resulting from handling, preparation, cooking and consumption of food.

8.206 Refuse. Shall mean any combustible trash, including but not limited to, paper, cartons, boxes plastics, exclusions, furniture, bedding and non-combustible trash including but not limited to, metals, tin cans and glass.

8.207 Yard Waste. Shall mean regular wastes produced from landscaping and gardening activities.

### **CHAPTER 8.3** **BURNING PROHIBITED**

8.301 General Prohibition. It will be unlawful for any person or persons to burn, or cause to burn, assist in burning, permit, continue or permit continuance of the burning of any combustible material within the city limits of Carson City except as prescribed herein.

8.302 Open Burning. No open burning other than recreational fires referred to in Section 8.403, shall be allowed unless a burning permit is issued from City Hall. The permit must be signed by the Fire Chief or his designee. If allowed, all burning shall be carried out in accordance with Fire Department instructions and any other applicable rules that may be adopted by the City of Carson City.

8.303 Refuse. It shall be unlawful to burn any refuse outside any building at any time in the City of Carson City.

8.304 Garbage. It shall be unlawful to burn garbage inside or outside any building at any time in the City of Carson City.

8.305 Yard Refuse. No person shall cause or permit open burning of yard waste, including leaves, grass clippings, vegetable or other garden debris, shrubbery or brush or tree clippings or similar materials, to occur upon any privately owned premises or public place.

8.306 Papers. It shall be unlawful to burn paper, paper products or other materials which may be blown about by the wind or pollute the air anywhere in the City of Carson City unless burned inside a building in a stove, fireplace, furnace or incinerator sufficiently constructed to prohibit the escape of ignited particles provided that the emission of smoke and fumes do not irritate, annoy or constitute a nuisance to others living in the neighborhood.

8.307 Windblown Refuse. It shall be unlawful to deposit or leave any refuse or material in such a place or condition that it would be blown by the wind so as to be scattered; and it shall be unlawful to permit the escape of soot, ashes or other solid materials or refuse so as to be windblown or scattered.

8.308 Streets, Alleys, Highways, Curbs, and Sidewalks. No material of any kind shall be burned or attempted to be burned in any street, alley, highway, or between any curb and the sidewalk adjacent thereto within the City of Carson City.

8.309 Commercial Incinerators. Commercial and industrial type incinerators used for burning of combustible solid waste material are prohibited.

8.310 Free Standing Solid Fuel Burning Furnace. It shall be unlawful to install, use, maintain, or operate a free standing solid fuel burning furnace, and to cause or permit the installation or operation of a free standing solid fuel burning furnace, within the city of Carson City.

8.311 Exception. As long as clean dry wood only is used for combustion a waiver to Section 8.310 is granted to the free standing wood burning furnace located at 120 E. Walnut Street, Carson City, Michigan until such property is sold or otherwise conveyed by the present owners to another person.

#### **CHAPTER 8.4 BURNING USES PERMITTED**

8.401 General. All permitted burning shall insure that the emission of smoke, fumes and any by-products do not cause damage, continue to irritate or constitute a nuisance to others living within 660 feet or approximately two (2) blocks. Burning that violates this section shall be discontinued until the problem is resolved.

8.402 Cooking Fires. Fires are permitted for the cooking and smoking of food provided that such fires are confined to a barbecue grill, barbecue pit, smokehouse or other enclosure, and provided further that the emission of smoke and fumes do not irritate or constitute a nuisance to others living in the neighborhood.

8.403 Recreational Fires. Recreational fires on private property, are permitted and do not need Carson City Fire Department approval when in a pit or pile which does not exceed three (3) feet in diameter provided the following conditions are met:

- A. Fires are attended until extinguished and ashes are cold.
- B. Only clean wood products or commercially produced fuel products are burnt.
- C. The fire does not endanger other buildings or structures.
- D. Atmospheric conditions are favorable.

8.404 Bonfires. Public or private bonfires in which the material would exceed three (3) feet in diameter require a City issued permit and are subject to prior approval of the Carson City Fire Department. Such approval may be granted at the sole discretion of the Fire Department based upon:

- A. The proximity of the proposed fire to dwellings, trees and other structures.
- B. Facilities available for fire management.
- C. Atmospheric conditions.
- D. Type of material to be burnt.
- E. Any other consideration judged by the Fire Department to be required to ensure safe burning.

8.405 Contractor Generated Fires. Fires for the heating of outdoor building sites are permitted provided such fires are confined to so called "salamander" heaters or similar devices. Outdoor fires are permitted when necessary to pursue a business or trade requiring the use of fire, including by the way of example, but not necessarily by way of limitation, the heating, boiling of tar, pitch, or oil or other substances when used by roofers, and other tradesmen.

**CHAPTER 8.5**  
**EXCEPTIONS AND SPECIAL CIRCUMSTANCES**

- 8.501 Open fires are permitted in the performance of an official duty by public officer for fires necessary for one or more of the following reasons or purposes:
- A. For the prevention of a fire hazard which cannot be abated by other means.
  - B. For the instruction of public fire fighters or industrial commercial employees under proper supervision of a qualified instructor.
  - C. For the protection of public health.
  - D. For controlled disposal of refuse and debris as collected by or on behalf of the City as a site owned or operated by the City.

8.502 Special Circumstances. On the sole discretion of the Carson City Fire Department when there exists a circumstances which lacks any other reasonable means of disposing of items which need to be disposed and not addressed here within then the Carson City Fire Department may issue a permit to burn.

**CHAPTER 8.6**  
**REMEDIES AND LIABILITY FOR COST RECOVERY**

8.601 Costs. All costs incurred by the City for enforcement of this Revised Ordinance will be the responsibility of the party in violation of this Revised Ordinance.

8.602 Civil Remedies. The City may pursue any other remedy, or may institute any appropriate action for proceedings in a court with competent jurisdiction or before any administrative agency to collect costs for liability imposed for violation of this Revised Ordinance.

**CHAPTER 8.7**  
**CRIMINAL PENALTIES**

The City may commence and pursue criminal proceedings against responsible parties as defined herein to the extent permitted by law. The penalty for violation of this Revised Ordinance shall upon conviction be a fine up to \$500.00 or imprisonment for up to 90 days, or both such fine and imprisonment. Each separate violation of this Revised Ordinance shall be considered a separate offense.

**CHAPTER 8.8**  
**SEVERABILITY**

If any section, sentence, clause, or phrase of this Revised Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Revised Ordinance.

**CHAPTER 8.9**  
**CONFLICTING ORDINANCES AND AMENDMENTS SUPERSEDED**

8.901 Present Ordinance. On the effective date of the adoption of this Revised Ordinance II, Ordinance Number Eight as originally adopted on September 20, 1915

and amended thereafter on April 8, 1968, and thereafter revised on April 15, 1997, is hereby repealed and totally replaced by this Revision II.

8.902 Conflicts. All other ordinances, amendments, or provisions thereof, which may be inconsistent or in conflict with this Revised Ordinance are hereby repealed.

#### CHAPTER 8.10 EFFECTIVE DATE


This Ordinance shall become effective thirty days after publication of the Ordinance or thirty days after publication of a summary of its provisions in a local newspaper of general circulation.

#### CHAPTER 8.11 PUBLICATION

This Ordinance was published in the Carson City Gazette on May 3, 2004 pursuant to Section 14.2(b) of the Charter of the City of Carson City.

#### CERTIFICATION

We the undersigned, as Mayor and Comptroller of the City of Carson City, Michigan, do hereby certify that Revision II Ordinance Number Eight, was introduced at a regular meeting of the City Council held on March 16, 2004, and was thereafter adopted at a regular meeting on April 20, 2004, by a vote of six (6) for; 0 (0) against; zero (0) abstaining; and zero (0) being absent.

  
\_\_\_\_\_  
Daniel C. Herald, Mayor

  
\_\_\_\_\_  
Janet Kelly, City Comptroller

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June 2003  
Vol 5, Issue 6



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Number of copies printed: 3,000  
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## New DEQ Open Burning Guide

By James Ostrowski, Clean Air Assistance Program, Environmental Science & Services Division,  
Michigan Department of Environmental Quality

It's that time of year again - the birds are singing, the flowers are blooming and yes, your neighbor's yard waste is burning! Open burning yard debris is a spring time ritual for many in Michigan; however, the air pollution created by this activity can irritate eyes and lungs, obscure visibility, soil nearby surfaces, and create annoying odors. It's also a danger to those with respiratory conditions.

There is a lot of confusion about what may and may not be burned. Michigan's open burning rules are very restrictive; only certain material may be burned, and only if specific criteria are

met. What may be burned usually depends on the type of material (e.g., household waste, brush, etc.) and who is doing the burning (e.g., business, household). Following is a summary of the regulations. (Please note, local ordinances may be stricter and take precedence over the state regulations.)

**\* Household waste:** Persons may burn waste material from a one or two family dwelling in an approved container, as long as it is not prohibited by local ordinance and it does not create a smoke or odor nuisance. An approved container is one constructed of metal or masonry



with a metal covering device with openings no larger than 3/4 inch. Although burning household waste is allowed by the state, many local ordinances prohibit this activity because of the nuisance problems it causes.

**\* Commercial/Industrial Waste:** Open burning is NOT an acceptable disposal method for waste generated at commercial and industrial facilities. Neither solid waste nor air quality regulations allow the open

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burning of commercial or industrial wastes. Taking commercial or industrial waste to another location, such as a household, to be burned is also prohibited.

**\* Trees, Brush, Logs, and Stumps:**

The open burning of trees, logs, brush, and stumps is allowed if it meets the following criteria, unless prohibited by local law: (1) The burning is conducted further than 1,400 feet from the boundary of an incorporated city or village. (2) The burning is not in a "priority area." Priority areas are located in parts of Bay, Calhoun, Delta, Genesee, Lapeer, Macomb, Manistee, Midland, Monroe, Muskegon, Saginaw, St. Clair, and Wayne Counties (open burning priority areas can be found at the web site provided at the end of this article); (3) The burning does not violate any other air pollution rules (e.g. burning that causes a smoke or odor nuisance). A burn permit must be obtained from the fire department, municipality, or Department of Natural Resources (DNR) field office whenever the ground is not snow-covered.

**\* Grass Clippings and Leaves:**

The burning of grass clippings

and leaves is prohibited in municipalities with a population of 7,500 or more, unless the local governing body enacts an ordinance authorizing it. If a local government does enact an ordinance authorizing open burning of this material, it must submit a copy of the ordinance to the Michigan Department of Environmental Quality (DEQ), Waste and Hazardous Materials Division and also assume responsibility for enforcement of the ordinance.

**\* Structures:** Structures (e.g. houses, barns, sheds) may not be burned for the purpose of demolition. Air quality regulations allow structures to be intentionally burned for the purpose of fire department training ONLY. In this case, there are specific guidelines developed by the National Fire Protection Association (NFPA) that fire departments must follow when conducting a training exercise. A guidance document for fire departments conducting fire suppression training can be found on the DEQ's new open burning web site (see the address at the end of the article).

**Fire departments must notify the DEQ's Asbestos Coordinator**

**10 working days prior to any practice burn.** The DEQ-Air Quality Division Asbestos Coordinator can be contacted at (517) 373-7064.

**\* Construction and Demolition (C & D) Waste:**

The open burning of any C & D waste is prohibited, even if the burning is to be conducted on the person's own property. A person may NOT take C & D waste to another location, such as a household, to be burned. C & D waste should be reused, recycled, or disposed of in a landfill that accepts C & D waste.

For more information about the open burning regulations, visit the DEQ's NEW open burning web site at [www.michigan.gov/deq](http://www.michigan.gov/deq) (click on "Air," then "Open Burning Information"). At this web site you will be able to view several open burning publications, download the open burning rules, find alternatives to open burning, as well as several helpful web links. You can also call the DEQ's Clean Air Assistance Program at 800.662.9278.

Fire departments must notify the DEQ's Asbestos Coordinator 10 working days prior to any practice burn.

Fire Prevention Week 2003

**'When Fire Strikes: Get Out! Stay Out!'**  
**October 5-11, 2003 Fire Prevention Week Theme Anno**

The National Fire Protection Association (NFPA) announces that the theme for Fire Prevention Week 2003 is "When Fire Strikes: Get Out! Stay Out!" – driving home the message that when the smoke alarm goes off, you should leave right away using one of

your two planned escape routes and not go back inside for any reason.

For more information on 2003 Fire Prevention Week activities, visit the NFPA web site at [www.nfpa.org](http://www.nfpa.org).

