

Excerpt of Chapter 13

FIRE PREVENTION AND PROTECTION

Sec. 13-4. Open fires.

(a) Open fires are prohibited in the city except in accordance with the following provisions:

(1) The following are definitions for the words and phrases used in this section:

Approved container is defined as: a container constructed of metal or masonry with a metal covering device with openings no larger than three-quarters (3/4) inch with draft holes near the bottom no larger than three-quarters (3/4) inch.

Bonfire is defined as: an outdoor fire exceeding the size of a recreational fire and used for ceremonial purposes.

Open fire means any fire outside of a building or structure involving any type of combustible material, whether for cooking, pleasure or any other purpose, located anywhere within the city, on public or private property.

Outdoor cooking apparatus means a charcoal grill, camping stove or similar apparatus designed exclusively for cooking food.

Recreational fire means any fire such as a campfire contained in a fire pit or portable manufactured fire container for the purpose of recreational and personal enjoyment.

Fire pit means a structure with the following components:

- a. The diameter of the pit shall not exceed three (3) feet;
- b. The depth of the pit shall be one (1) to two (2) feet deep; and
- c. The rim of the pit shall be lined with rock, concrete, brick or steel that is six (6) inches wide all around the perimeter.

Waste material is defined as: paper and paper products excluding diapers; clean clear unpainted unfinished untreated wood and wood products excluding particle board and similar products; and yard waste.

(b) Incineration of waste material, outside of one- or two-family dwellings in the city, shall be permitted if done in accordance with the following provisions:

- (1) No such burning may be within twenty-five (25) feet of an existing structure or property line, nor upon the paved portion of any street. Provided, however, in the case of a lot wherein the above dimensions cannot be met because of the small size of the lot, then the said containers shall be located in the center of the rear of the property an equal distance from the property line and any structure located thereon.
- (2) No such burning shall be done prior to 7:00 a.m., and must not be continued after 7:00 p.m. on any day. No burning shall be done in the city except on Tuesdays and Thursdays. Burning of waste material is prohibited on Monday, Wednesday, Friday, Saturday, and Sunday of each week.

- (3) No such burning shall be done unless under the supervision of a person of mature years and discretion and no burning shall be done where its maximum size is not controllable by such person.
 - (4) Incineration of all waste material except yard waste shall occur in an approved container.
- (c) Recreational fires outside of one or two family dwellings in the city shall be permitted if done in accordance with the following provisions:
- (1) No recreational fire may be within twenty-five (25) feet of an existing structure or property line. Provided, however, in the case of a lot wherein the above dimensions cannot be met because of the small size of the lot, then the said pits or containers shall be located in the center of the rear of the property an equal distance from the property line and any structure located thereon.
 - (2) No such burning shall be done prior to 12:00 noon, and must not be continued after 10:00 p.m. Sunday through Thursday and after 12:00 midnight Friday and Saturday.
 - (3) No recreational fires shall occur unless under the supervision of a person of mature years and discretion.
 - (4) Material that is acceptable to burn in a recreational fire shall be limited to clean clear unpainted unfinished and untreated wood and wood products excluding particle board and similar products, split firewood, tree limbs and charcoal. No accelerant such as gasoline and kerosene may be used except charcoal lighter fluid.
 - (5) A fire extinguisher or water hose shall be connected and available at all times when a recreational fire is active.
 - (6) No recreational fire shall exceed three (3) feet in diameter and two (2) feet in height.
- (d) Bonfires shall only be allowed by permit issued by the fire chief or his designee pursuant to rules promulgated by the fire chief.
- (e) Fires in an outdoor cooking apparatus are permitted in accordance with the provisions of the International Fire Code.
- (f) Any person, firm or corporation who violates this section shall be given a written warning and a \$50.00 fine for the first offense if there have been no prior incidents. If, in the judgment of the authorized city official responding to a first offense, a person has displayed gross flaunting of the law, that person shall be fined as a second offense. On the second offense the person, firm, or corporation shall be responsible for a municipal civil infraction with a fine of \$250.00, plus costs. On the third offense, or any further offense, the person, firm or corporation shall be responsible for a municipal civil infraction with a fine of \$500.00 plus costs and any applicable fee from the fire department. The building inspector, building official, code enforcement officer, all members of the fire department, and all members of the police department are hereby designated as the authorized city officials to issue municipal civil infraction citations and municipal civil infraction violation notices pursuant to this section.
- (g) The responding city official shall make an actual visual inspection of the burn site when feasible. If illegal waste materials are in the burning site, this will be considered an offense.

Sec. 13-5. Obnoxious odors; wind, sparks and embers.

- (a) It shall be a nuisance and unlawful for any person to burn or allow to be burned, at any time or place any materials of any kind which exude obnoxious odors, or when such fire emits excessive smoke, sparks or burning embers upon adjoining, adjacent, neighboring or nearby premises.
- (b) No such burning shall be done at any time or place when wind conditions will create or be apt to create a nuisance to anyone or the property of anyone in the vicinity thereof, or be a danger to the property of any person in the vicinity thereof.
- (c) Any person, firm or corporation who violates this section shall be given a written warning and a \$50.00 fine for the first offense if there have been no prior incidents. If, in the judgment of the authorized city official responding to a first offense, a person has displayed gross flaunting of the law, that person shall be fined as a second offense. On the second offense the person, firm, or corporation shall be responsible for a municipal civil infraction with a fine of \$250.00, plus costs. On the third offense, or any further offense, the person, firm or corporation shall be responsible for a municipal civil infraction with a fine of \$500.00 plus costs and any applicable fee from the fire department. The building inspector, building official, code enforcement officer, all members of the fire department, and all members of the police department are hereby designated as the authorized city officials to issue municipal civil infraction citations and municipal civil infraction violation notices pursuant to this section.
- (d) The responding city official shall make an actual visual inspection of the burn site when feasible. If illegal waste materials are in the burning site, this will be considered an offense.

I hereby certify that the foregoing document is a true copy of an ordinance adopted by the Owosso City Council at the regular meeting of August 4, 2008.



Amy K. Kirkland, City Clerk