

20.800

**RECREATIONAL FIREPIT ORDINANCE
VILLAGE OF MANCELONA, MICHIGAN**

ord. no. 35-2006 eff. July 29, 2006, amend. ord. no. 110 of 202 eff. July 24, 2020

THE VILLAGE OF MANCELONA HEREBY ORDAINS:

20.801 Section 1. **TITLE.**

This Ordinance shall be known as the Village of Mancelona Recreational Fire Pit Ordinance.

(ord. no. 35-2006 eff. July 29, 2006, amend. ord. no. 110 of 202 eff. July 24, 2020)

20.802 Section 2. **PURPOSE.**

The purpose of this Ordinance is to protect the people and property within the Village against safety hazards caused by the outdoor burning of combustible material and to promote the health and general welfare of the community by regulating the methods of and permitted areas in which outdoor burning will be allowed.

(ord. no. 35-2006 eff. July 29, 2006)

20.803 Section 1. **DEFINITIONS.** As used in this Ordinance,

“Accelerant” means a substance or liquid, including but not limited to gasoline, kerosene, diesel fuel, charcoal lighter fluid, turpentine, paint thinners, liquid butane, grain alcohol, and aerosol sprays used or intended to be used to start or intensify a fire.

“Commercial Waste” means all types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, including but not limited to solid waste from multiple residences, hotels and motels, campgrounds, picnic grounds, and day-use recreation areas.

“Construction and demolition waste” means waste building materials, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on houses, commercial or industrial buildings, and other structures, including trees and stumps which are removed from property during construction, maintenance, or repair.

“Household waste” means any solid waste that is derived from single households, but does not include any of the following: (i) commercial waste; (ii) industrial waste; or (iii) construction and demolition waste.

“Industrial waste” means solid waste which is generated by manufacturing or industrial processes or originates from an industrial site.

“Nuisance” means burning that because of dense smoke, noxious odors, or other factors naturally tends to create danger to persons or property or naturally tends to disturb the comfort of, or inflict injury on, a reasonable person of normal sensitivities.

“Recreational Fire Pit” means a hole or indentation in the ground that is surrounded by a noncombustible material (rock, brick, pavers, concrete).

“Person” means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity.

(ord. no. 35-2006 eff. July 29, 2006, amend. ord. no. 110 of 202 eff. July 24, 2020)

20.804 Section 4. **OUTDOOR BURNING PROHIBITED; EXCEPTIONS.**

- (a) No person shall start, use, or maintain or permit another person to start, use, or maintain an outdoor fire, except as provided in this Section.
- (b) An outdoor fire shall be permitted within an recreational fire pit, as defined in this Ordinance, when all of the following regulations are met:
 - (1) The recreational fire pit shall be located no closer than fifteen (15) feet from any building, no closer than fifteen (15) feet from any adjoining property line, and no closer than fifteen (15) feet from any public or private right-of-way.
 - (2) The fuel burned in the recreational fire pit shall consist of only dry firewood from the trunk and branches of trees and ignited with a small quantity of dry paper.
 - (3) No leaves, dead grass, grass clippings, hedge clippings, weeds, plastics, paints, treated lumber, household waste, commercial waste, construction and demolition waste, and industrial waste, construction and demolition waste shall be burned in a recreational fire pit.
 - (4) No accelerant shall be used to start or maintain a fire in a recreational fire pit.
 - (5) A fire within a recreational fire pit shall not cause a nuisance to adjoining property owners or other persons within the Village.
 - (6) A garden hose attached to a spigot or other reliable water source, a fire extinguisher, or other means to extinguish the fire shall be present or readily available at all times when a fire is burning within an outdoor fireplace.
 - (7) A fire within a recreational fire pit shall not be left unattended, but shall be under the direct supervision of a competent person of mature age and discretion, such person being no less than eighteen (18) years of age.
 - (8) A fire within a recreational fire pit shall be fully extinguished when no longer attended.

- (9) Notwithstanding anything contained herein to the contrary, no fire shall be permitted within an outdoor fireplace when wind or dry conditions exist such that an outdoor burning ban is in effect.
- (c) An outdoor fire for the sole purpose of food preparation shall be permitted within a barbecue grill or other apparatus designated and constructed for open flame food preparation.
- (d) An outdoor fire under the supervision of the fire chief, of his designee, shall be permitted for training, educating, or instructional purposes related to fire safety, fire control, fire fighting, life saving and rescue services, and/or fire prevention.
- (e) An outdoor fire started or permitted to be started by organizations or groups shall be permitted when all the following regulations are met.
 - (1) The organization or group shall obtain the prior permission of the Village Council.
 - (2) The outdoor fire shall be part of a festival or event officially sanctioned by the Village Council.
 - (3) The outdoor fire shall be under the direct supervision of an adult.
(ord. no. 35-2006 eff. July 29, 2006, amend. ord. no. 110 of 202 eff. July 24, 2020)

20.805 Section 5 **VIOLATIONS AND PENALTIES.**

- (a) Any person who violates any provision of the Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101 – 600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation.
- (b) Police officers of the Mancelona Police Department are hereby designated as the authorized officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.
- (c) A violation of this Ordinance is here by declared to be a public nuisance or a nuisance per se and is declared to be offensive to the public health, safety and welfare.
- (d) In addition to enforcing this Ordinance through the use of municipal civil infraction proceedings, the Village may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.
(ord. no. 35-2006 eff. July 29, 2006)

20.806 Section 6. **SEVERABILITY.**

If any provision or Section of this Ordinance should be held invalid for any reason, such holdings will not affect the validity of the remaining provisions of this Ordinance. It is the legislative intent that this Ordinance shall remain valid despite the invalidity of any such provision or section.

(ord. no. 35-2006 eff. July 29, 2006)

20.807 Section 8. **EFFECTIVE DATE.**

This Ordinance shall become effective Twenty (20) days after its enactment.