

CHAPTER 7 FIRES & OPEN BURING

AN ORDINANCE TO ADD A NEW CHAPTER 7 TO THE VILLAGE OF CENTRAL LAKE CODE REGARDING FIRES AND OPEN BURNING

THE VILLAGE OF CENTRAL LAKE ORDAINS:

Section 1. Addition of new Chapter 7.

A new chapter 7 is hereby added to the Central Lake Village Code which shall read in its entirety as follows:

7.1 Definitions:

The following are hereby provided under this chapter.

- (a) “Approved Recreational Fire Pit” a hole or indentation in the ground that is surrounded by a noncombustible material (rock, brick, pavers, concrete) that is at least 10 feet from any building or property line.
- (b) “Ashes/Soot” by-products and residue from fire.
- (c) “Bonfire” refers to an outdoor fire utilized for ceremonial purposes that exceeds four feet in diameter.
- (d) “Commercial Refuse” refers to miscellaneous waste materials such as garbage, rubbish, and ashes resulting from commercial operations and premises.
- (e) “Compostable” consist of substances which, when decomposed, and nutrient value to the land.
- (f) “Construction Waste” refers to waste materials resulting from alteration, repair, demolition, or construction of building or structures.
- (g) “Firewood” refers to natural wood products that are less than six inches in diameter and no more than two feet in length.
- (h) “Garbage” rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that are related to the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables.
- (i) “Person” refers to any natural person, firm, and partnership, association, limited liability company, corporation or any other legal entity.
- (j) “Recreational Fire” refers to an outdoor fire, not to exceed four feet in diameter, utilized to cook or provide warmth.

- (k) “Refuse” refers to any combustible trash, including but not limited to cardboard, plastic, furniture, bedding and noncombustible material, including but not limited to metals, tin cans and glass.
- (l) “Yard Waste” refers to regular wastes produced from landscaping and gardening.

7.2 Prohibitions on burning:

It shall be unlawful for any person to burn any refuse, yard waste, garbage, commercial or construction waste in any Village street, right-of-way, or public alley within the Village limits. Except as otherwise permitted in this chapter, all other open burning is prohibited within the limits of the Village of Central Lake.

7.3 Permitted burning regulations:

The following regulations shall govern all permitted burning within the Village of Central Lake.

- (a) Recreational fires are allowed within the Village of Central Lake, so long as it is contained within an approved recreational fire pit. Only firewood shall be used in a recreational fire.

Chapter 7, Section 7.3 of the Central Lake Village Code is hereby amended to add a new subsection (b), which shall read in its entirety as follows:

- (b) All controlled burns conducted by the Central Lake Township Fire Department are allowed within the Village of Central Lake.

7.4 Recreational fire pits:

- (a) Each residential building within the limits of the Village of Central Lake shall be allowed to have one approved recreational fire pit. Said fire pit is to be no more than four feet in diameter, is to be located a minimum of 20 feet from any property line, and is to be surrounded by noncombustible materials (rock, brick, pavers, concrete, etc.).
- (b) Only firewood, as herein defined, is to be burned in an approved recreational fire pit.

7.5 Bonfires:

- (a) The Central Lake Police Department may grant permits for authorized bonfires. To receive a permit for an authorized bonfire, a person shall submit a request in writing that will include the date, time, place and all fire control

measures that will be used on site for said bonfire. The Central Lake Police Department may grant permission to those meeting the following standards.

- 1) All bonfires shall be contained in a hole or indentation and surrounded by noncombustible materials (rock, brick, concrete, etc.)
 - 2) All bonfires shall be a minimum of 20 feet from any structure or property line
 - 3) All bonfires shall be no more than six feet in diameter and eight feet in height
 - 4) All bonfires shall be organized so as to not create a disturbance to any reasonable person
 - 5) Provide sufficient water to extinguish the fire at any time
- (b) No fees shall be associated with said permits. All permits shall be issued within five business days. At the discretion of the Central Lake Police Department, reasonable time and size restrictions may be placed on the permitted bonfire. Any rejected requests for a permit shall be stated in writing and include a stated reason for denial.

7.6 Fire control measures:

- (a) Any and all approved burning within the limits of the Village of Central Lake shall be constantly attended until the fire is extinguished. On-site extinguishing equipment, such as water, dirt, sand, garden hose or water truck, shall be available for immediate utilization.
- (b) Any authorized official from the Central Lake Police Department shall prohibit any burning that will be offensive or objectionable due to smoke or other odor emission by any reasonable person.

7.7 Penalties and enforcement:

- (a) Any person who violates any provision of this chapter shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Section 600.101 through 600.99399 of Michigan Compiled Laws, and shall be subject to a fine of not more than \$500. Each day this chapter is violated shall be considered as a separate violation.
- (b) Officers of the Central Lake Police Department, and other Village officials designated by resolution of the Village Council, are hereby authorized to issue

municipal civil infractions under this chapter directing offenders to appear in court. A violation of this chapter is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety and welfare.

- (c) In addition to enforcing this chapter through the use of municipal civil infraction proceeding, the Village may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this chapter.

Section 2. Severability.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any remaining portion or application of this Ordinance, which can be given effect without the invalid portion or application.

Section 3. Effective Date.

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