

# Milan Area Fire Dept.

## Fire Marshal Division

*Prevention, Protection and Education*

45 Wabash Milan, Mi 48160 734-439-2843

Fire Marshal Martin K Ritchie

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### **OPEN BURNING**

AN ORDINANCE TO REGULATE AND CONTROL THE BURNING OF WASTE MATERIALS, GARBAGE, REFUSE, RUBBISH, LEAVES, PAPER AND OTHER COMBUSTIBLE DEBRIS WITHIN THE BOUNDARIES OF THE MILAN AREA FIRE DEPARTMENT AND TO PROVIDE A PENALTY FOR VIOLATION THEREOF AND ITS ENFORCEMENT.

#### **THE MILAN AREA FIRE DEPARTMENT HEREBY ORDAINS:**

##### **SECTION 1 SHORT TITLE**

This Ordinance shall be known and cited as the Milan Area Fire Department Open Burning Ordinance.

##### **SECTION 2 PURPOSE**

The fundamental purpose of this Ordinance is to promote the health, safety and general welfare of the residents and property owners serviced by the Milan Area Fire Department; to limit and restrict the outdoor open burning of garbage, refuse and rubbish which may cause foul odors within the boundaries of the Milan Area Fire Department; to prohibit all open burning upon public rights of way, and public property; to regulate and restrict open burning so as to avoid conditions that may be hazardous to life and property and to prevent ill effects upon adjoining residents and property owners caused by smoke, odors, ash, and other byproducts of the uncontrolled burning of garbage, refuse, rubbish, and other materials and debris.

##### **SECTION 3 DEFINITION**

For the purpose of this Ordinance the following terms shall have the following meanings:

- (a) PERSON is any person, firm, partnership, association, corporation, company or organization of any kind.
- (b) GARBAGE is food waste including animal, fruit and vegetable wastes or materials used in cooking, serving or storing of food.
- (c) REFUSE is all solid waste including garbage and rubbish.
- (d) RUBBISH is solid wastes consisting of both combustible and non-combustible wastes, such as metal, plastics, glass, bedding, building materials, tires, synthetics and other similar materials.
- (e) BURNING CONTAINER is a fireproof masonry or metal container covered by mesh screen spark and ash arrester with an opening not larger than 3/4 of an inch in diameter or 3/4 of an inch in length and width.

##### **SECTION 4 PROHIBITED OPEN BURNING**

No person shall permit or cause the open burning of any substance which releases toxic emissions including, by way of example and not as a limitation, the burning of tires, paint and paint products, motor

oil, plastics, carpet or foam. Except as otherwise specifically permitted herein, no person shall permit or cause the burning of garbage, animal carcasses, refuse, trash, rubbish or other like material that emits foul odors, at any time.

## **SECTION 5 PAPER AND WOOD PRODUCTS**

Paper, cardboard and wood products may be burned within a burning container provided:

- (a) All burned paper, cardboard and wood products shall be free of garbage, rubbish or refuse materials.
- (b) The burning container shall be located at a safe distance from any structure, not less than 15 feet from a neighboring house or structure, and not less than 5 feet from any boundary line.
- (c) The burning shall at all times be attended and supervised to ensure that the fire is controlled;
- (d) Determination by Fire Official. The fire official may prohibit any or all container fires when atmospheric conditions or local circumstances make such fires hazardous or whenever such fires are (or could be) offensive or objectionable due to smoke or odor emissions. The fire official shall order the extinguishment, by the land holder or the fire department, of any container fire which creates a nuisance or which either creates or adds to a hazardous or objectionable situation.

## **SECTION 6 LEAVES, YARD CLIPPINGS, WOOD LOT MANAGEMENT PERMIT REQUIRED**

For domestic purposed only, the open burning of leaves, yard clippings, wood lot management, and bonfires may be permitted subject to the following provisions:

- (a) Application shall be made and a permit obtained in accordance with procedures and the payment of any permit fees as may be established by the Milan Area Fire Department Executive Board resolution.
- (b) The location of open burning in accordance with a permit issued under this section shall be located a safe distance from any structures and combustibles, and shall be so located so as not to be a nuisance to an adjacent property owner.
- (c) Open burning shall at all times be attended and supervised to ensure that the fire is controlled;
- (d) There shall be no burning allowed in or on any public road right-of-way or on any paved surface.
- (e) Determination by Fire Official. The fire official may prohibit any or all open fires when atmospheric conditions or local circumstances make such fires hazardous or when ever such fires are (or could be) offensive or objectionable due to smoke or odor emissions. The fire official shall order the extinguishment, by the land holder or the fire department, of any open fire which creates a nuisance or which either creates or adds to a hazardous or objectionable situation.

The open burning for any commercial, industrial, or business purpose of any leaves, yard clippings, wood lot management, yard waste, bonfires, and the burning of wastes related to landscape and lawn care businesses is strictly prohibited.

## **SECTION 7 EXCEPTIONS**

The following are not circumstances of open burning as regulated under this Ordinance and shall be exceptions from the requirements herein:

- (a) Open burning shall not include the burning and/or use of candles, lanterns, lamps, bug repellent torches, fireplaces, cigarettes, cigars, pipes, charcoal cookers, braziers, hibachis, barbecue grills or any flammable liquid or liquefied gas fire stoves or similar devices maintained and used solely for the preparation of food on the premises of the owner or occupant.
- (b) Open burning shall not include controlled fires caused and maintained for training of fire fighters by local fire department.
- (c) Camp fire.

## **SECTION 8 BURNING HOURS**

No outdoor burning or fires shall be permitted within the boundaries of the Milan Area Fire Department except between the hours of 8:00 a.m. and 8:00 p.m.

## **SECTION 9 APPROVALS AND VARIATIONS**

In the event that the regulations and prohibitions set out in this Ordinance create special or peculiar undue hardships because of unforeseen circumstances, locations, or conditions, the Fire Department, or duly authorized representative, is hereby given authority to grant written permission to an applicant to set or start a specific fire or engage in burning contrary to the provisions hereof provided that no adjoining property owner is adversely affected thereby and the spirit and purpose of this Ordinance is substantially observed.

## **SECTION 10 VIOLATIONS DECLARED A NUISANCE**

Any setting or starting of a fire or burning activity contrary to the provisions of this Ordinance shall constitute a violation of this ordinance subject to the fines and penalties provided for herein, and such unauthorized fires are hereby declared to be a public nuisance which may be enjoined or which may subject the violator to civil damages.

## **SECTION 11 CONSTRUCTION**

The requirements of this Ordinance shall be in addition to any other laws, ordinances and regulations of the Milan Area Fire Department.

## **SECTION 12 SEVERABILITY**

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any Court of competent jurisdiction, it shall not affect any portion of the Ordinance other than said part or portion thereof.

## **SECTION 13 PENALTY**

The owner and/or any person who violates the provisions of this Ordinance, or knowingly permits a violation hereof is responsible for a Municipal Civil Infraction. For any general violation of the terms of this Ordinance the following schedule of fines shall apply:

- Fifty (\$50.00) dollars for any first offense, plus costs;
- One hundred (\$100.00) dollars for a first repeat offense, plus costs;

- Two hundred and fifty (\$250.00) dollars for a second repeat offense, plus costs; and
- Five hundred (\$500.00) dollars for any third or subsequent repeat offenses, plus costs.

In addition to the penalties provided for herein, any person who violates or fails to comply with any provision of this Ordinance or who sets an open fire which necessitates an emergency response by the Milan Area Fire Department shall pay to the Milan Area Fire Department all costs and charges incurred by the Milan Area Fire Department by reason of such response from the Milan Area Fire Department, and the Milan Area Fire Department Executive Board may sue in any court of competent jurisdiction for civil damages and may recover all such costs and expenses incurred from any person who caused or permitted such open burning.

#### **SECTION 14 DEMOLITION/PRACTICE BURN PERMIT REQUIREMENTS**

The controlled burning of a structure is permitted only in accordance with this Section. If a controlled burn is conducted by the Milan Area Fire Department for the purpose of practice and training of firefighters, any required permit fee, if any, shall be waived. The following requirements shall apply to the burning of any structure or part thereof.

- (a) The owner of the property must apply for and obtain the Demolition/Burn Permit in accordance with standards and procedures as may be established by resolution of the Milan Area Fire Department Executive Board. A representative of the owner may apply if determined to be a proper agent of the owner with authority to permit destruction of the structure, and there is a notarized letter from owner authorizing such destruction.
- (b) The house shall not be a historical building.
- (c) There must be verification that all utilities have been disconnected-verification must come from the appropriate utility company involved-water, sewer, electric, gas and any other utility that may apply.
- (d) Proof that there is not a current insurance policy covering the property.
- (e) Upon completion of the burn, all foundations and basements shall be completely removed from the property, properly disposed and not buried on the property.
- (f) All septic vaults shall be emptied of any contents, broken open and filled with sand.
- (g) Any open well must be sealed and grouted as per county specifications.
- (h) Basement hole must be properly filled, and compacted using acceptable fill.
- (i) Site must be kept safe and secure after the burn and during the clean up process.
- (j) A permit issued under this Section must be approved by the Zoning Administrator.
- (k) No burn shall be commenced nor permit issued under this Section until the owner presents evidence that an asbestos inspection has been performed in conjunction with the request for permit, or immediately preceding the request, and that all asbestos has been successfully removed from the property and structures to be burned.

Any permit issued under this Section may include a requirement that a bond, letter of credit or cash deposit sufficient to secure performance of all relevant requirements of this Section be posted and deposited with the Milan Area Fire Department Executive Board. Any security required under this Section shall be in a form and amount as approved by the Milan Area Fire Department Executive Board.

#### **SECTION 15 ADMINISTRATION AND ENFORCEMENT**

The provisions of this Ordinance shall be administered and enforced by the Chief of the local Fire Department or by such members of his department as he may delegate to enforce this Ordinance, by a local fire marshal, local law enforcement, and the zoning or building official for Municipality having jurisdiction.

#### **SECTION 16 EFFECTIVE DATE**

This Ordinance shall take effect after the publication thereof. All ordinances in conflict are hereby repealed.

**ADOPTED:** , 2006

**PUBLISHED:** , 2006

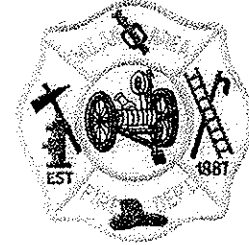
**EFFECTIVE:** , 2006

# Milan Area Fire Department Standard Operating Guideline

Number:

## Burn Permits

Effective Date: Immediately  
Expiration Date: Indefinitely  
Total Pages: 1



Approved By: \_\_\_\_\_ Date: \_\_\_\_\_

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**Purpose:** To establish a procedure for requesting a **BURN PERMIT** within the boundaries of the Milan Area Fire Department for residents of the Milan Area Fire Department response area.

**Scope:** To be followed by all city and township residents in order to ensure proper authority to burn within the legal jurisdiction of the Milan Area Fire Department Districts, Also known as the response area.

**Guideline:** Please contact the Milan Area Fire Department dispatch center they can be reached at the following telephone number **734-439-1551 City of Milan Police Department.**

This number will reach the dispatched center for the Milan Area Fire Department. The dispatcher will take all pertinent information including, type of requested burning to be done and size within the guidelines of the Milan Area Fire Department burn ordinance. The dispatch shall notify the Fire Department of permits issued via FAX using the authorized attached form.