

CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN

ORDINANCE NO. O-20-698

AN ORDINANCE TO ADD SECTION 42-6, CHAPTER 42, ARTICLE I, OPEN BURNING, OF THE CODE OF ORDINANCES, CITY OF OAK PARK.

THE CITY OF OAK PARK, MICHIGAN ORDAINS:

Chapter 42- Fire Prevention and Protection
Article I - In General

Sec. 42-6- Open Burning

- (a) This section applies to all outdoor burning and open burning and is intended to promote and safeguard the public health, safety and welfare of the citizens of the City of Oak Park by regulating the air pollution and fire hazards of open burning and outdoor burning.
- (b) This section shall not apply to:
 - (1) Grilling or cooking food using charcoal cookers, propane or natural gas in cooking or filling appliances, braziers, hibachis, grills, outdoor fireplaces or gas-fired stoves and similar semi-enclosed devices on the premises of a one-family detached dwelling.
 - (2) Burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.
 - (3) The use of propane, acetylene, nature gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.
 - (4) The use of non-ash producing fuels not less than 15 feet from combustible materials, when used in metal containers for the heating of building materials or for the warmth of workers.
 - (5) This article does not apply to open burning being used by the fire department in connection with training and performance of its duties.
- (c) Definitions. The following definitions shall apply to this section:

Campfire means a small outdoor fire with a diameter of less than four feet enclosed by non-combustible materials intended for recreation or cooking but not including a fire intended for disposal of waste, wood or refuse.

Clean wood means natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.

Construction and demolition waste means building waste materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring,

plastics, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on a house, commercial or industrial building, or other structure.

Department means the City of Oak Park Public Safety

Open burning means kindling or maintaining a fire where the products of combustion are omitted directly into the ambient air without passing through a stack or a chimney.

Outdoor burning means open burning or burning in a portable outdoor fireplace.

Portable outdoor fireplace means a solid-fuel-burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a small chimney or chimney opening in the top.

Recreational fire means any outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth, or similar purposes.

Refuse means putrescible and nonputrescible solid waste, including incinerator ash, incinerator residue, street cleanings and solid market and industrial wastes and including ashes, garbage, rubbish and yard wastes.

- (d) General prohibition on open burning. Open burning, outdoor burning, recreational fires and campfires are prohibited in the City of Oak Park unless the burning is specifically permitted by this section.
- (e) Portable outdoor fireplaces may be installed and used in the City of Oak Park without a permit on single family, residential lots only in accordance with all of the following provisions:
 - (1) The portable outdoor fireplace shall not be used to burn refuse.
 - (2) The portable outdoor fireplace shall burn only clean wood.
 - (3) The portable outdoor fireplace shall be located at least 25 feet from the nearest structure which is not on the same property as the portable outdoor fireplace and at least 15 feet from the nearest structure on the same property as the portable outdoor fireplace.
 - (4) The portable outdoor fireplace shall not cause a nuisance to neighbors.
 - (5) Operational hours for any portable outdoor fireplace shall be limited to the time between 11:00 a.m. and 1:00 a.m. Eastern Standard Time.
 - (6) The use of a portable outdoor fireplace shall be supervised by at least one person who is 18 years of age or older.

(7) There shall be at minimum a garden hose connected to a reliable water supply, or a 2a10BC rated fire extinguisher within 20 feet of any use of a portable outdoor fireplace.

- (f) Permits. No person shall maintain any campfire, open burning or recreational fire without a burning permit issued by the Department of Public Safety. The fee for the annual burning permit shall be an amount established by council by resolution, and shall be submitted to the department for issuance of a burning permit, along with an application on a form to be established and maintained by the department. An annual permit expires on December 31 of each year. Campfires, open burning or recreational fires under this section may be used on single family, residential lots in accordance with all of the following requirements:

(1) Open burning, campfires, and recreational fires shall burn only clean wood.

(2) All open burning, campfires, and recreational fires shall be located at least 20 feet from the nearest structure which is not on the same property as the portable outdoor fireplace and at least 15 feet from the nearest structure on the same property as the portable outdoor fireplace.

(3) The open burning, campfire, and recreational fires shall not cause a nuisance to neighbors.

(4) Operational hours for any open burning, campfires, and recreational fires shall be limited to the time between 11:00 a.m. and 1:00 a.m. Eastern Standard Time.

(5) All burning shall be supervised by at least one person who is 18 years of age or older.

(6) There shall be at minimum a garden hose connected to a reliable water supply, or a 2a10BC rated fire extinguisher within 20 feet of any use of any open burning, campfire, and recreational fire.

- (g) All forms of open burning, including use portable outdoor fireplaces, are prohibited on days when the Southeast Michigan Council of Government (SEMCOG) has declared an air quality or ozone action day.
- (h) The fire inspector or any authorized officer, agent, employee or representative of the City of Oak Park that presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this article.
- (i) Enforcement and penalties. The fire inspector and his or her public safety department designee, any City of Oak Park public safety officers, and any representative of the Department of Technical and Planning are authorized to enforce the provisions of this article. Failure to comply with a this section shall constitute a nuisance in violation of Chapter 38, Article III of the Code of Ordinances. A violator shall pay costs which may include all expenses, direct and indirect, that the City has incurred in connection with the violation. In addition,

the City shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this section. Each day that a violation of this section exists shall constitute a separate violation of this section.

Effective Date

This Ordinance shall become effective ten (10) days from the date of its passage and shall be published as required by the Charter of the City of Oak Park.

MADE, PASSED AND ADOPTED by the Council of the City of Oak Park on this 3rd day of August, 2020.

T. Edwin Norris
McClellan

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T. EDWIN NORRIS
City Clerk

MARIAN McCLELLAN
Mayor

I, T. Edwin Norris, duly authorized Clerk of the City of Oak Park, Michigan do hereby certify that the foregoing Ordinance was adopted by the Council of the City of Oak Park at its regular meeting held on August 3, 2020.

First Reading:	July 20, 2020
Second Reading:	August 3, 2020
Adopted:	August 3, 2020
Published	August 9, 2020