

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF BLOOMFIELD HILLS
ORDINANCE NO. 455

**AN ORDINANCE TO AMEND SECTION 6-6 – OPEN BURNING, OF
ARTICLE I – IN GENERAL OF CHAPTER 6 – FIRE PREVENTION
AND PROTECTION, OF THE BLOOMFIELD HILLS CITY CODE,
AS AMENDED, TO REGULATE OPEN BURNING IN THE CITY**

THE CITY OF BLOOMFIELD HILLS ORDAINS:

Section 1.

Section 6-6 – Open burning, of Article I – In General, of Chapter 6 – Fire Prevention and Protection, of the Bloomfield Hills City Code, as amended, is hereby amended to now read as follows:

Sec. 6-6 – Open burning.

- (1) The City Commission has determined that certain open burning on residential property, including the open burning of waste material, refuse, trash, garbage, construction materials, paper, leaves, brush, grass clippings and yard waste can have a detrimental impact on the environment, can be a health hazard and can potentially cause damage to residences and/or properties in the City and it is the purpose of this Section to regulate open burning in residential areas of the City to promote the public health, safety and welfare of the City and its residents.
- (2) The open burning and/or open incineration of waste material, refuse, trash, garbage, construction materials, paper, leaves, brush, grass clippings, yard waste and other combustible debris, outside of a building or structure is prohibited in all residential areas of the City.
- (3) Outdoor Burning of wood in a Wood-Burning Unit is permitted in all residential areas in the City provided the requirements of items (a) – (f) set forth below are complied with. “Outdoor Burning” shall mean the burning in a Wood-Burning Unit. “Wood-Burning Unit” shall mean a permanent and fixed outdoor fireplace, a permanent and fixed fire pit having sides, chiminea, patio warmer, portable fire pit or other portable wood-burning device used for outdoor recreation and/or heating, which Wood-Burning Unit shall be constructed of steel, metal, concrete, clay, masonry, rock, brick or other non-combustible material. Outdoor Burning of wood in a Wood-Burning Unit shall be conducted in accordance with all of the following requirements:

- (a) The Wood-Burning Unit shall burn only dry and seasoned firewood or dry and seasoned kindling, the length of which firewood and/or kindling shall not exceed four feet.
 - (b) The Wood-Burning Unit shall be located at least 15 feet from the nearest structure or building.
 - (c) Fires in Wood-Burning Units shall be supervised by at least one person who is 18 years of age or older.
 - (d) There shall be a garden hose connected to a reliable water source or a fully functional fire extinguisher located within 20 feet of the Wood-Burning Unit.
 - (e) Outdoor Burning shall only be allowed for an eight-hour period for each occasion of Outdoor Burning and at the end of each occasion of Outdoor Burning, the fire shall be completely extinguished, with no smoldering ashes and/or other smoldering items remaining.
 - (f) The burning space in a Wood Burning Unit shall not exceed any of the following:
 - (i) Four feet in diameter;
 - (ii) Four feet in width;
 - (iii) Four feet in length.
- (4) The prohibition of open burning in this Section 6-6 does not apply to grilling or cooking food using charcoal cookers, propane or natural gas in cooking appliances, barbecue grills, braziers, hibachis, outdoor ovens, outdoor fireplaces or gas-fired stoves and similar semi-enclosed devices on the premises of a one-family dwelling.
- (5) Any person who violates any provision of this Section shall be deemed responsible for a municipal civil infraction punishable by a civil fine of \$200. A person who violates any provision of this Ordinance for a second time or any additional time thereafter shall be deemed responsible for a municipal civil infraction punishable by a civil fine of \$500.
- (6) To the extent that this Section 6.6 is in conflict with any provision of the International Fire Code pertaining to open burning, this Section 6.6 shall control and govern.

Section 2. Repealer.

Any and all Ordinances and resolutions heretofore adopted inconsistent herewith are hereby repealed to the extent that the provisions thereof are inconsistent with the provisions hereof.

Section 3. Severability.

If any one (1) or more provisions of this Ordinance shall ever be held by any Court of competent jurisdiction to be invalid or unenforceable for any reason, the remaining provisions hereof shall nevertheless be continued in full force and effect, it being expressly recited and declared that

such remaining provisions would have been enacted despite the invalidity of such provision or provisions so held to be invalid.

Section 4. Savings.

All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon publication in the manner prescribed by the Bloomfield Hills City Charter.

Section 6. Adoption.

This Ordinance is hereby declared to have been adopted by the City Commission of the City of Bloomfield Hills at a meeting thereof duly called and held on the 13th day of December, 2022, and ordered to be given publication in the manner prescribed by the Charter of the City of Bloomfield Hills.

AYES:5

NAYES:0

ABSTENTIONS:0

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

I, the undersigned, the duly qualified Clerk of the City of Bloomfield Hills, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of Ordinance No. 455 adopted by the City Commission of the City of Bloomfield Hills on the 13th day of December, 2022, the original of which is in my office.

Amy Burton, City Clerk
City of Bloomfield Hills