

Chapter 37

FIRES AND OPEN BURNING

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[HISTORY: Adopted by the Village Council of the Village of Bellaire 5-7-2003 by Ord. No. 9-2003. Amendments noted where applicable.]

§ 37-1. **Definitions.** [Amended 8-16-2006 by Ord. No. 10-2006]

The following definitions are hereby provided under this chapter:

APPROVED RECREATIONAL FIRE PIT — A hole or indentation in the ground that is surrounded by a noncombustible material (rock, brick, pavers, concrete) that is a least 20 feet from any building or property line.

ASHES/SOOT — By-products and residue from fire.

BONFIRE — Refers to an outdoor fire utilized for ceremonial purposes that exceeds four feet in diameter.

COMMERCIAL REFUSE — Refers to miscellaneous waste materials such as garbage, rubbish, and ashes resulting from commercial operations and premises.

COMPOSTABLES — Consist of substances which, when decomposed, add nutrient value to the land.

CONSTRUCTION WASTE — Refers to waste materials resulting from alteration, repair, demolition, or construction of buildings or structures.

FIREWOOD — Refers to natural wood products that are less than six inches in diameter and no more than two feet in length.

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.

PERSON — Refers to any natural person, firm, and partnership, association, limited liability company, corporation or any other legal entity.

RECREATIONAL FIRE — Refers to an outdoor fire, not to exceed four feet in diameter, utilized to cook or provide warmth.

REFUSE — Refers to any combustible trash, including but not limited to cardboard, plastics, furniture, bedding and noncombustible materials, including but not limited to metals, tin cans and glass.

YARD WASTE — Refers to regular wastes produced from landscaping and gardening.

§ 37-2. 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 Bellaire.

§ 37-3. Permitted burning regulations.

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

- A. Recreational fires are allowed between the hours of 8:00 a.m. and 2:00 a.m. within the Village of Bellaire, so long as it is contained within an approved recreational fire pit. Only firewood shall be used in a recreational fire.

§ 37-4. Recreational fire pits.

- A. Each residential building within the limits of the Village of Bellaire 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.

§ 37-5. Bonfires.

- A. The Bellaire 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 Bellaire Police Department may grant permission to those meeting the following standards. [Amended 8-16-2006 by Ord. No. 10-2006]

- (1) All bonfires shall be between the hours of 2:00 p.m. and 10:00 p.m.
- (2) All bonfires shall be contained in a hole or indentation and surrounded by noncombustible materials (rock, brick, concrete, etc.)
- (3) All bonfires shall be a minimum of 30 feet from any structure or property line.
- (4) All bonfires shall be no more than six feet in diameter and eight feet in height.
- (5) All bonfires shall be organized so as to not create a disturbance to any

reasonable person.

(6) 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 Bellaire 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.

§ 37-6. Fire control measures.

- A. Any and all approved burning within the limits of the Village of Bellaire 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 Bellaire Police Department shall prohibit any burning that will be offensive or objectionable due to smoke or other odor emissions by any reasonable person.

§ 37-7. Exceptions. [Amended 8-16-2006 by Ord. No. 10-2006]

The Village of Bellaire may conduct periodic burnings at its public works facilities to dispose of trees, brush, and compostable materials collected in accordance with its operations. The Bellaire Police Department may allow private burning on site in circumstances that they deem would be a hardship to have to move the materials off site to burn. Such burnings shall conform to all fire control measures listed herein and shall be done at the discretion of the Village of Bellaire, as long as the burning does not occur during a statewide ban.

§ 37-8. 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 Sections 600.101 through 600.9939 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 Bellaire 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 a 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.