

## **CHAPTER 92: BURNING**

### Section

- 92.01 Burning prohibited
- 92.02 Requirements for permitted burning
- 92.03 Administration and enforcement
- 92.04 Administrative liability
- 92.05 Violations; civil fines

### ***Cross-reference:***

*Parks and recreation; fires; cooking, see § 94.11*

### **§ 92.01 BURNING PROHIBITED.**

No person shall ignite or otherwise cause to burn any garbage, trash, leaves, yard wastes, grass clippings, grass, weeds, brush, trees, tree branches, tree limbs, tree stumps, debris or refuse, whether animal, vegetable, mineral, wood or synthetic materials, in any open fire or in a receptacle upon any lands within the municipal boundaries of the city. The provisions of this section shall not prohibit the burning of wood in a fireplace or stove for the purpose of cooking or providing heat and shall not prohibit the burning of firewood in a bonfire or campfire in accordance with § 92.02.

(Ord. 110, passed 10-25-89; Am. Ord. 118, passed 11-28-90; Am. Ord. 170, passed 5-18-98)  
Penalty, see § 10.99

### **§ 92.02 REQUIREMENTS FOR PERMITTED BURNING.**

An owner of property, or a person authorized by the owner of property, may burn firewood in a bonfire or campfire on his or her property, provided that such shall meet the following requirements:

- (1) A person 18 years of age or older shall remain in constant attendance during the time the fire is burning or smoldering.
- (2) The person or persons tending the fire shall remain in complete control over the fire at all times and shall ensure that the fire does not threaten surrounding properties or create a nuisance.
- (3) The amount of firewood to be burned shall not exceed an amount which can reasonably be anticipated to be controlled.
- (4) Before abandoning the site of the fire or disposing of its remains, the person or persons tending the fire shall take all steps necessary to extinguish any materials still burning, smoking or smoldering.
- (5) At no time shall any bonfire or campfire occur on or within ten feet of the surface of any public street, public sidewalk, or public bike path in the city.

(6) At no time shall any bonfire or campfire occur within 20 feet of a building.  
(Ord. 110, passed 10-25-89; Am. Ord. 118, passed 11-28-90; Am. Ord. 170, passed 5-18-98)  
Penalty, see § 10.99

***Statutory reference:***

*Air pollution control standards generally, see M.C.L.A. §§ 324.5501 et seq.*

**§ 92.03 ADMINISTRATION AND ENFORCEMENT.**

It shall be the duty of the Fire Chief of the city or his designee to investigate fires which are in violation of the terms of this subchapter, and to cause them to be extinguished, and to actively endeavor with the cooperation of the Spring Lake-Ferrysburg Police Department to secure the conviction of all persons violating this subchapter.

(Ord. 110, passed 10-25-89; Am. Ord. 118, passed 11-28-90; Am. Ord. 170, passed 5-18-98)

**§ 92.04 ADMINISTRATIVE LIABILITY.**

No officer, agent, or employee of the city shall render himself or herself liable for any damage that may accrue to any person as the result of any act, decision or other consequence or occurrence arising out of the discharge of his or her duties and responsibilities pursuant to this subchapter.

(Ord. 110, passed 10-25-89; Am. Ord. 118, passed 11-28-90; Am. Ord. 170, passed 5-18-98)

**§ 92.05 VIOLATIONS; CIVIL FINES.**

A violation of this chapter is a civil infraction subject to a fine. Increased civil fines will be imposed for repeated violations that occur within a six month period. The civil fine for a first offense is \$50. The civil fine for the first repeat offense is \$250. The civil fine for a second repeat offense is \$500.

(Ord. 170, passed 5-18-98)