

**CITY COUNCIL
CITY OF CEDAR SPRINGS
Kent County, Michigan**

Councilor _____, supported by Councilor _____, moved the adoption of the following ordinance:

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 42, ARTICLE I OF THE CODE OF
ORDINANCES OF THE CITY OF CEDAR SPRINGS, MICHIGAN

THE CITY OF CEDAR SPRINGS ORDAINS:

Section 1. Amendment. Chapter 42, Article I, "In General", of the Code of Ordinances of the City of Cedar Springs, Michigan, is amended to read as follows:

Sec. 42-1. Open burning prohibited.

(a) Except as otherwise provided in sections 42-2 and 42-3 of this article, no person shall have, start, use or contribute to any fire or knowingly allow a fire to continue with the person's consent or under the person's supervision or direction or in any place fully or partially possessed or controlled by that person if the fire is used for the destruction of any thing or substance, including but not limited to leaves, needles, brush, grass, paper, trash, garbage or refuse.

(b) A violation of this section shall be punishable as a municipal civil infraction.

Sec. 42-3. Permitted open fires.

(a) The following open fires are allowed:

(1) Charcoal cookers, braziers, hibachis, grills, chimneas, patio warmers, outdoor fireplaces or gas-fired stoves and similar semi-enclosed devices on the premises of a single-family detached residential dwelling provided that:

(A) Such device is located at least 25 feet from the nearest structure which is not on the same property.

(B) The fires within such devices are gas lit or consist of only charcoal or clean wood, defined as natural, dried and seasoned wood that 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 product with the exception of a small amount of paper product used for the initial igniting of the fire.

(C) For purposes of this section a "semi-enclosed device" shall mean a free standing device specifically designed and manufactured for the burning of wood or charcoal with a lid, door or cover that may be securely closed.

(D) Open fires permitted by this subsection (1) may not exceed 9 sq ft in area with flames no higher than 3' measured from the bottom of the device or fire box.

(2) Charcoal cookers, braziers, hibachis, grills and similar devices on the ground level of any apartment building, townhouse, condominium, or similar occupancy provided that:

(A) Such device is used solely for the preparation of food.

(B) Such device is located not less than 8 feet from every part of the building, including any portion of any balcony, overhang, or protrusion.

(C) The fires within such devices are gas lit or consist of charcoal.

(D) It shall be a violation of this subsection to use such devices on balconies above ground level in any apartment building, townhouse, condominium or similar occupancy.

(E) Open fires permitted by this subsection (2) may not exceed 9 sq ft in area with flames no higher than 3' measured from the bottom of the device or fire box.

(3) Fires confined to a fireplace or woodstove built or installed in compliance with applicable building code requirements located inside a completely enclosed building.

(4) Controlled fires caused and maintained for the training of authorized firefighters.

(5) Fires required for the prevention or control of disease or pests caused and maintained by the fire department or an appropriate state or federal agency.

(6) Campfires, bonfires and other outdoor fires for which a permit has been issued by the fire department, provided that the fire does not exceed 9 sq ft in area with flames no higher than 3' measured from the surface of the ground or bottom of the fire box, and provided that the fire consists of only clean wood, defined as natural, dried and seasoned wood that 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 product with the exception of a small amount of paper product used for the initial igniting of the fire.

(A) Applications for permits under this subsection shall be made upon a form provided by the fire department.

(B) The city council may by resolution establish a fee for such permit to cover the costs of administration.

(C) Permits may be issued, with or without conditions, or denied at the discretion of the city fire chief or the fire chief's designee based upon relevant public safety criteria.

(D) Only 1 open fire permitted pursuant to this subsection (6) shall be allowed on the same parcel of property at the same time.

(b) Open fires permitted under subsections (1), (2), (3), (4) and (5) above do not require a permit.

(c) Open fires permitted by this section shall be constantly attended and supervised by a competent person of at least 18 years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the open fire.

(d) Open fires permitted by this section are allowed between the hours of 7:00 a.m. and 12:00 a.m.

(e) Open fires permitted by this section shall not generate noxious odors or smoke.

(f) The city fire chief, or the fire chief's designee, or any police officer, may require any open fire permitted by this section to be extinguished upon a determination that the open fire endangers persons or property or may endanger persons or property, and may cancel or revoke a previously issued permit at any time if a permittee violates this section or other applicable city ordinance or state law, or for disorderly conduct.

(g) Except for charcoal or gas fires used for cooking purposes, open fires are prohibited on air quality "Ozone Action Days", as determined by the National Weather Service or the Michigan Department of Environmental Quality, or its successor agency.

(h) Except for charcoal or gas fires used for cooking purposes, open fires are prohibited during dry weather conditions when the Michigan Department of Natural Resources or its successor agency has issued a burn advisory prohibiting open fires.

(i) A violation of this section shall be punishable as a municipal civil infraction.

Section 2. Effective Date. This Ordinance shall take effect upon its publication in *The Cedar Springs Post*, a newspaper of general circulation in the City of Cedar Springs.

YEAS: Councilor(s) _____

NAYS: Councilor(s) _____

ABSTAIN: Councilor(s) _____

ABSENT: Councilor(s) _____

CERTIFICATION

I certify that this Ordinance was adopted by the City Council of the City of Cedar Springs at a regular meeting of the City Council on _____, 2009, and published in *The Cedar Springs Post*, a newspaper of general circulation in the City of Cedar Springs, on _____, 2009.

Date: _____, 2009

Linda Branyan, City Clerk

Introduced: _____, 2009

Adopted: _____, 2009

Published: _____, 2009

Effective: _____, 2009