

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF SYLAN LAKE
ORDINANCE NO. 367-2024

AN ORDINANCE TO AMEND THE CITY OF SYLVAN
LAKE CODE OF ORDINANCES, CHAPTER 30,
“ENVIRONMENT,” ARTICLE II, “OPEN BURNING” IN ITS
ENTIRETY.

THE CITY OF SYLVAN LAKE ORDAINS:

Section 1 of Ordinance. Ordinance Amendment.

Chapter 30, “Environment,” of the City of Sylvan Lake Code of Ordinances is hereby amended to replace Article II, “Open Burning,” in its entirety to read as follows:

ARTICLE II. OUTDOOR AND OPEN BURNING

Sec. 30-36. Intent.

The CityCity of Sylvan Lake has found that outdoor and open burning on property within the City without appropriate regulation can result in detrimental environmental effects, health risks, and unintended fire hazards. Therefore, this ordinance is intended to regulate outdoor and open burning within the City to promote public health, safety and welfare, limit air pollution, and minimize the risk of fire hazards due to outdoor and open burning.

Sec. 30-37. Definitions.

Bonfire means a large outdoor controlled fire for ceremonial, entertainment, social, or celebration purposes, typically as a special event for a crowd of people.

Clean wood means natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with a preservative, does not contain any resin or glue, and does not include a plywood or other composite wood product. Clean wood includes dry firewood prepared from the trunk or branch of a tree.

Construction and demolition waste means building waste materials, including but not limited to shingles, insulation, treated wood, painted wood, wiring, plastics, packaging, rubble or other material that results from construction, remodeling, repair, or demolition of any building or structure.

Fire Chief means the Chief of the West Bloomfield Fire Department or other person designated by the Chief.

Fire code official means the Fire Chief or designee.

Extinguished means that the fire is no longer capable of self re-ignition.

Fire extinguisher means a minimum 5 lb. Type ABC fire extinguisher.

Fire pit means: 1) an area on or dug into the ground on property which shall be lined with stone, brick, a metal fire pit ring, or similar non-combustible material that is designed to keep a fire contained to a specific area, is designed to prevent it from spreading, and is designed to be readily identified as a fire pit area; or 2) an open or enclosed portable fuel burning device used out-of-doors for recreational fire and/or heat purposes using clean dry wood as fuel.

Fireplace means a non-combustible structure with an open recess for burning a fire at the base of a chimney or stack usually made of stone, brick or other masonry material used out-of-doors for recreational fire and/or heat purposes.

Manufactured burning unit means an open or enclosed portable fuel burning device used out-of-doors for recreational fire and/or heat purposes using natural gas or propane as fuel.

Open burning means the ignition, combustion, or setting on fire of any natural or man-made material, item, or fuel out-of-doors that is emitted directly into the ambient air without passing through a stack or chimney, except it does not include the burning of candles, lanterns, lamps, bug repellent torches, cigarettes, cigars, or pipes.

Outdoor burning means the ignition, combustion, or setting on fire of natural gas, propane, clean dry wood out-of-doors in an approved fireplace, outdoor stove, fire pit, or manufactured burning unit as permitted in this Article.

Outdoor stove means a boiler, stove, oven, or furnace that is located out-of-doors, is not located within a building, and that uses natural gas, propane, or clean wood for fuel.

Recreational fire means outdoor burning for recreation, religious, ceremonial, or warmth purposes, with a total fuel area that shall not exceed three feet (3') in diameter and two feet (2') in height.

Refuse means any solid waste material such as garbage, rubbish, and animal waste as defined by the Natural Resources and Environmental Protection Act, Part 115 of Public Act No. 451 of 1994, MCL 324.11501 et seq., as amended, also commonly referred to as trash or garbage. Refuse does not include leafless firewood prepared from the trunk or branches of a tree.

Yard clippings means leaves, grass clippings, lake weeds, vegetable or other garden debris, shrubbery, brush, or plant and/or vegetation trimming. Yard clippings do not include leafless firewood prepared from the trunk or branches of a tree.

Sec. 30-38. Prohibited Open and Outdoor Burning.

- a) *General prohibition.* It shall be unlawful for any person to cause, permit, or maintain any outdoor or open burning on private property situated within the City except as specifically permitted by this Article.
- b) *Refuse.* It shall be unlawful for any person to cause, permit, or maintain any outdoor or open burning of refuse as defined in this Article on property situated within the City.
- c) *Yard clippings.* It shall be unlawful for any person to cause, permit, or maintain any outdoor or open burning of yard clippings as defined in this Article on property situated within the City.
- d) *Rooftops and balconies.* Outdoor and open burning shall be prohibited on building roofs and on exterior balconies located above the first floor.
- e) *Nuisance.* No outdoor or open burning, whether permitted or prohibited, shall cause a nuisance to adjacent nearby properties as set forth below. Any outdoor or open burning that causes a nuisance to adjacent nearby properties shall be immediately extinguished upon direction of the fire code official, a police officer, or code enforcement officer. Outdoor or open burning is a nuisance to nearby properties upon the occurrence of the following:
 - 1. *Odors.* Noxious odors have emanated from the outdoor or open burning; or
 - 2. *Dust or ash.* Excessive dust or ash emanating from the outdoor or open burning has spread to nearby properties.

Sec. 30-38. Permitted Outdoor Burning.

Outdoor burning of natural gas, propane, charcoal or clean dry wood is permitted as specified below in an outdoor fireplace, stove, manufactured burning unit, or fire pit only in compliance with the following regulations:

- a) *Outdoor Fireplace/Outdoor Stove.* Installation and use of an outdoor fireplace or outdoor stove shall comply with the following:

1. A building permit shall be obtained prior to installation of an outdoor fireplace or stove. The application for building permit shall include construction plans.
 2. An outdoor fireplace or stove shall be setback at least twenty-five feet (25') from the nearest building which is not on the same property as the outdoor fireplace or stove.
 3. An outdoor fireplace or stove shall be setback at least fifteen feet (15') from all structures constituting part of a building.
 4. An outdoor fireplace or stove shall have a stack or chimney that extends at least eight feet (8') above the ground surface. The Fire Chief may approve a lesser height on a case-by-case basis provided that: i) it is necessary to comply with manufacturer's recommendations, and ii) the smoke from the lower chimney height will not create a nuisance for adjoining properties.
 5. A fire in an outdoor fireplace or stove shall be constantly attended until the fire is extinguished.
 6. A functioning fire extinguisher shall be readily accessible to users of the outdoor fireplace or stove.
- b) *Fire Pits.* Outdoor burning of charcoal or clean dry wood is permitted in an outdoor fire pit installed on the ground provided that it is lined with stone, brick, metal, or similar non-combustible material that is designed to keep a fire contained to a specific area, is designed to prevent it from spreading, and is designed to be readily identified as a fire pit area. In addition, the outdoor burning in a fire pit shall be in compliance with the following regulations:
1. Where a dwelling is physically attached to one or more other dwellings, it creates a relatively higher risk of fire damage or injury to property and persons in adjoining residential units than in detached dwelling units. Accordingly, if a fire pit is used in a multiple family attached residential development, the fire pit shall be setback at least twenty-five feet (25') from an attached dwelling unit.
 2. A fire pit shall be setback at least twenty-five feet (25') from the nearest building which is not on the same property as the fire pit.
 3. A fire pit shall be setback at least fifteen feet (15') from all structures constituting part of a building.
 4. The total fuel area shall not exceed three feet (3') in diameter and two feet (2') in height.
 5. A fire in a fire pit shall be constantly attended until the fire is extinguished.
 6. A functioning fire extinguisher shall be readily accessible to users of the fire pit.
 7. An outdoor fire pit that uses natural gas or propane as its fuel source is permissible in accordance with the regulations of this subsection provided that a building permit is obtained prior to installation. The application for a building permit shall include construction plans.
- c) *Manufactured Burning Unit.* Outdoor burning of natural gas or propane, is permitted in an outdoor manufactured burning unit in compliance with the manufacturer's specifications. In addition the following regulations apply:
1. Where a dwelling is physically attached to one or more other dwellings, it creates a relatively higher risk of fire damage or injury to property and persons in adjoining residential units than in detached dwelling units. Accordingly, if a manufactured burning unit is used in a multiple family attached residential development, the unit shall be setback at least twenty-five feet (25') from an attached dwelling unit. In addition, natural gas or propane containers with a water capacity greater than 2.5

lbs. shall be prohibited on balconies or within ten (10) feet of any combustible construction in a multiple family attached residential developments.

2. A fire in an outdoor manufactured burning unit shall be constantly attended until the fire is extinguished.
3. A functioning fire extinguisher shall be readily accessible to users of the outdoor manufactured burning unit.

Sec. 30-39. Outdoor Burning Suspension.

- a) Strict compliance. Outdoor and open burning is permitted only in strict compliance with the regulations set forth in this Article. Any open or outdoor burning that does not comply with this ordinance shall be extinguished immediately upon direction of a fire code official, a police officer, or code enforcement officer.
- b) Outdoor burning suspension. The Fire Chief, or the Chief's designee, may temporarily suspend all outdoor burning when weather conditions warrant it or when other conditions exist which the Fire Chief or the designee, deems could pose a threat to public health, safety or welfare. Notice of outdoor burning suspension shall be posted on the City website and Civic Center TV.

Section 30-40. Bonfires.

A bonfire is a large outdoor controlled fire for ceremonial, entertainment, social, or celebration purposes, typically as a special event for a crowd of people and is permitted as follows:

- a) The bonfire shall be contained within a fire pit with a diameter that is two times (2x) the diameter of the fuel area of the bonfire.
- b) A permitted bonfire shall not exceed a fuel area diameter greater than six feet (6').
- c) A permitted bonfire shall not exceed four feet (4') in height.
- d) A bonfire shall not be conducted within fifty feet (50') of a structure or other combustible material.
- e) Any condition which could cause a fire to spread within fifty feet (50') of a structure shall be eliminated prior to ignition.
- f) No bonfire shall be conducted if the wind is greater than ten (10) miles an hour.

Section 30-41. Fire Suppression Training Fires.

Structures and other materials may be burned for fire suppression training only in strict compliance with all of the following provisions:

- a) *Purpose.* The training fire must be exclusively for fire suppression training. The training fire shall not be used as a means to dispose of waste material of any kind, including tires and other hazardous materials.
- b) *Inspection.* Notification. Any standing structure that will be used in a fire suppression training shall be inspected by both the fire code official and a licensed asbestos inspector. Notification of this inspection shall be submitted to the Michigan Department of Environmental Quality, Air Quality Division at least ten (10) business days prior to burning a standing structure. The notification must be submitted using Form EQP 5661 "Notification of Intent to Renovate/Demolish."
- c) *Notice.* Residents within five hundred feet (500') of the proposed site of the planned fire suppression training fire shall be notified at least fifteen (15) days before the date of the planned fire suppression training.
- d) *Asbestos.* All asbestos shall be removed prior to conducting the fire suppression training. If the structure is a residential dwelling, the owner may remove the asbestos or have it removed

by a licensed asbestos abatement contractor. If it is a commercial building, all asbestos shall be removed by a licensed asbestos abatement contractor.

- e) *Asphalt. Siding.* All asphalt shingles, and asphalt or plastic siding shall be removed prior to the fire suppression training fire unless the Fire Chief determines that they are necessary for the fire practice.
- f) *Ash.* All ash shall be disposed of in an approved landfill or at an alternate location approved by the Michigan Department of Environmental Quality.
- g) *Procedures.* All fire suppression training should conform to the guidelines established by the National Fire Protection Association Standard on Live Fire Training Evolutions (NFPA 1403).

Sec. 30-42. Liability and Cost Recovery.

A person responsible for igniting or maintaining an outdoor fire in violation of the provisions of this Article shall be responsible for all costs the City incurs to respond and remediate any danger, any damage to private or public property, any injury to a person, or to suppress any fire. All costs shall be recovered pursuant to the provisions of the Emergency Cost Recovery Ordinance set forth in Chapter 2, Article VI, Division 2 of the Code of Ordinances.

Sec. 30-43. Protection of Public Health, Safety, and Welfare.

Whenever any condition constitutes a risk to the health, safety, and welfare of the public, and where the delay of notification would serve to further endanger the health, safety, and welfare of the public, the City may enter the premises without notification to the owner or occupant for the protection of the health, safety, and welfare of the public.

Sec. 30-44 to 30-65. Reserved.

Section 2 of Ordinance. Repealer.

All ordinances, parts of ordinances, or sections of the City of Sylvan Lake Code of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3 of Ordinance. Severability.

Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 4 of Ordinance. 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 of Ordinance. Effective Date.

This ordinance shall be effective upon publication in the manner prescribed by law.

Section 6 of Ordinance. Enactment.

This Ordinance is declared to have been enacted by the City Council of the City of Sylvan Lake at a meeting called and held on the 8th day of May, 2024, and ordered to be given publication in the manner prescribed by law.

Ayes: Zubrzycki, Buchanan, Clarke, Cowper, Segal

Nays: None

Abstentions: None

Absent: None

Adopted: May 8, 2024
Published: May 22, 2024
Effective: May 18, 2024
Posted: City Hall, Police Dept, Community Center

Dennise Dryden, City Clerk
City of Sylvan Lake