

ORDINANCE NO. 2019- 02

CITY OF ALGONAC

COUNTY OF ST. CLAIR, MCHIGAN

AN ORDINANCE OF THE CITY OF ALGONAC, ST. CLAIR COUNTY, MICHIGAN TO AMEND CHAPTER 20 "FIRE PROTECTION AND PREVENTION," ARTICLE III "OPEN BURNING," SECTION 51 FROM "EXEMPTIONS" TO "CAMPFIRE EXEMPTIONS."

THE CITY OF ALGONAC ORDAINS:

SECTION 1. AMENDMENT

Chapter 20, Article III, Section 51 is hereby amended to read as follows:

Sec. 20-51. – Campfire Exemptions.

Nothing in this article shall be held to prohibit private individuals from setting a campfire for the purpose of the preparation of food or for recreation, subject to the following conditions:

- (1) Said campfire is set in an adequate container or in a fire bowl of earth or other noncombustible materials that must be capable of containing all burned material, no larger than 30 inches in diameter and at least 4 inches in depth and no more than 24 inches in depth;
- (2) Said campfire is set far enough away from weeds, grass, or other combustible materials so as to present no hazard;
- (3) Said campfire is set at least ten feet (10') from any structure and ten feet (10') from any property line;
- (4) Said campfire is prohibited on balconies and covered patios;
- (5) Said campfire is made using only seasoned dry firewood;

(6) Said campfire shall be constantly attended by the person initiating it until such time as it is completely extinguished, and may never be left unattended;

(7) Said campfire shall be conducted in a safe, nuisance-free manner, when wind and weather conditions minimize adverse effects and do not create a health hazard for property owners or residents in the vicinity;

(8) There must be a portable fire extinguisher with a minimum OSHA rating of 4-A, or other on-site fire extinguishing materials such as dirt, sand, a water barrel, a water truck, or a garden hose attached to a water source, in proximity to said campfire available for immediate use at all times;

(9) Any member of the Fire, Police or Sheriff Department may order any open burning fire to be extinguished due to hazards, excessive smoke or odor, for violation of the parameters of this ordinance, or for any related ordinance or statute violation including but not limited to loud noise;

(10) Said campfire may not be permitted during such periods that the county is under emergency fire regulations of the State Department of Natural Resources banning outdoor campfires or when necessary as determined by the Fire Chief;

(11) Any person who sets an open fire which necessitates the city fire department or any other fire department to respond shall pay the city all costs and charges incurred. The city may sue for civil damages and may recover such costs and expenses incurred from any person who sets such an open fire; and

(12) Sky lanterns (any airborne paper lantern, also known as a Kongming Lantern or Chinese Lantern, Sky Candle or Fire Balloon) which are constructed from oiled rice paper on a bamboo frame and contain a small candle or fuel cell composed of waxy flammable material, which when lit the flame heats up the air

inside the lantern and causes the lantern to rise into the air or any similar device, are prohibited.

Persons wishing to have a campfire for the purpose of food preparation or recreation are not required to obtain a written permit from the fire department. It shall be a violation of this article if such a campfire escapes or spreads and sets fire to grass, weeds, brush or any other property of any kind.

SECTION 2. SEVERABILITY

This Ordinance and each of the various parts, sections, subsections, sentences, phrases, and clauses hereof are declared to be severable. If any part, section, subsection, sentence, phrase, or clause is determined to be invalid or unenforceable by a court of competent jurisdiction, it is hereby provided that the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect.

SECTION 3. REPEAL OF ORDINANCES IN CONFLICT HEREWITH

Any and all Ordinances of the City of Algonac or any parts or provisions thereof, to the extent that they are contrary to or inconsistent with the provisions of the within Ordinance, are hereby expressly repealed.

SECTION 4. RATIFICATION

All other provisions of the code of Ordinances of the City of Algonac, Michigan except as herein modified or amended are hereby expressly ratified and affirmed.

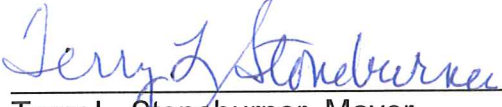
SECTION 5. PUBLICATION

This Ordinance shall be published in accordance with the terms, provisions, and requirements of the City Charter of the City of Algonac, Michigan, and in accordance with and to the extent required by the statutes of the State of Michigan.

SECTION 6. EFFECTIVE DATE

This Ordinance shall take immediate effect upon publication in accordance with the provisions and requirements of the City Charter of the City of Algonac.

ORDINANCE DECLARED ADOPTED.



Terry L. Stoneburner, Mayor
City of Algonac, Michigan

CERTIFICATION

The foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of Algonac, County of St. Clair, State of Michigan, at a regular meeting of the City Council held on the 5th day of March, 2019, and public notice of said meeting was given pursuant to and in accordance with the requirements of Act No. 267 of the Public Acts of 1976, as amended, being the Open Meetings Act, and the Minutes of said meeting have been or will be made available as required by said Act.

Members Present: Bembas, Blair, Gillis, Martin, Meldrum, Skarbeck, Stoneburner

Members Absent: None

It was moved by Member Bembas and supported by Member Gillis to adopt the Ordinance.

Members voting yes: all

Members voting no: none

The Ordinance as declared adopted by the Mayor and has been recorded in the Ordinance book of the City of Algonac.

Sandra Boelke
Sandra Boelke, City Clerk
City of Algonac, Michigan

INTRODUCED: 2.19.19
ADOPTED: 3.5.19
PUBLISHED: 3.13.19
EFFECTIVE: 3.23.19