

CHAPTER 30: FIRE PREVENTION AND PROTECTION

Article

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ARTICLE I: OPEN BURNING

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§ 30.101 TITLE.

Sections 30.102 through 30.105 of this Code, inclusive, shall be known as and may be cited as the "City of Clio Open Burning Ordinance."
(Ord. 317, passed 1-8-01)

§ 30.102 PURPOSE.

To preserve and protect the public health, safety and general welfare of the citizens of the city, this article is to prohibit certain types of open burning within the city and to regulate and control certain limited types of open burning within the city subject to restrictions as set forth in this article.
(Ord. 317, passed 1-8-01)

§ 30.103 PROHIBITED OPEN BURNING.

No person shall dispose of any refuse within the city other than by means of an approved incinerator, use of recycling, an approved garbage disposal unit, or a private refuse collector duly licensed by the city. The following types of open burning are expressly prohibited within the city. No person or entity shall burn or cause to be burned outside the following types of materials unless otherwise permitted under § 30.104.

(A) The open burning of leaves, dead grass, grass clippings, hedge clippings, weeds and similar types of materials.

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(B) The open burning of trees, logs, tree trimmings, branches, stumps, brush and similar types of materials unless burned in a bonfire regulated and permitted under § 30.104 and with a valid permit therefor.

(C) The open burning of building debris or construction debris by a general contractor, sub-contractor, property owner, or their agents or employees, or by any other person or entity.

(D) The open burning or burying of rubbish, refuse, trash, waste, paper, garbage, or other types of waste materials on any premises, public or private.

(E) The open burning of any materials by a general contractor, sub-contractor, property owner, their agents or employees, or by any other person or entity for the purpose of melting, thawing or warming the sand or ground around, at or near a construction site. The use of a propane tank/flame shall be permitted for such melting, thawing or warming purposes.

(F) The open burning of all other materials not permitted under § 30.104.
(Ord. 317, passed 1-8-01) Penalty, see § 30.199

§ 30.104 PERMITTED OPEN BURNING; RESTRICTIONS; PERMITS; FEES.

The following types of limited open burning shall be permitted within the city subject to the restrictions set forth herein.

(A) Open burning within an outside grill or barbecue for the express limited purpose of food preparation.

(B) Open burning by the use of safety flares for the protection of motorist and to assist motorist by calling attention to an accident or disabled vehicle.

(C) Heating for the warmth of workers and similar occupational needs. Open burning shall be allowed after obtaining a permit or other proper authorization from the Fire Chief, or their designees for heating for warmth of outdoor workers and heating for similar occupational needs.

(D) Fires for the heating of outdoor building sites are permitted provided such fires are confined to so called "salamander" heaters or similar devices. These outdoor fires are permitted when necessary to pursue a business or trade requiring the use of fire, including by the way of example, but not necessarily by way of limitation, the heating, boiling of tar, pitch, or oil or other substances when used by licensed roofers, and other licensed tradesmen.

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(E) Commercial and industrial type incinerators used for burning of combustible solid waste material (non-garbage) are permitted provided that the emission of smoke and fumes do not irritate, annoy or constitute a nuisance to others living in the neighborhood. They shall be provided with approved spark arresters or other effective means for arresting sparks and flying particles. Furthermore, the operation of such incinerator shall meet all emissions limits as set forth by state and federal regulations. State of Michigan permits are required before and during the operations of such incinerators.

(F) Open burning of bonfires for recreational purposes only, provided that any such bonfire shall be no more than five feet (1524 mm) in diameter, five feet in height, shall not burn longer than three hours, and shall be at least 30 feet from all property lines and 50 feet from all structures. No such bonfires shall be done prior to 7:00 a.m., and must not be continued after 10:00 p.m. on any day. Bonfires shall be permitted only after application to the city for a permit therefor and after issuance of a valid written permit by the city for such bonfire. The permit issued in such instances shall indicate the date(s) and time(s) when such bonfire(s) will be permitted. All bonfires shall be under the direct and constant supervision and control of a person at least 18 years of age. Fire extinguishing equipment shall be available for immediate use. The City Commission may establish by resolution a permit fee to be paid to the city prior to the issuance of any permit under this section.

(1) Materials used for open burning for bon-fire(s) shall consist only of seasoned dry firewood and be ignited with a small quantity of paper. The use of refuse, waste, trash, garbage, tires, stumps, cardboard, lumber, furniture, grass, leaves, brush, evergreens, roof covering, flammable liquids, fabric, cloth or other material not approved by the Fire Chief, Code Enforcement Officer, or their designees as fuel is prohibited.

(2) The fire extinguisher shall be a minimum of a 4-A rating or two portable fire extinguishers with a minimum 2-A rating each. Other approved on-site fire extinguishing equipment may be required. This would include, but would not be limited to: dirt, sand, water barrel, garden hose or water truck, and other agents authorized by the Fire Chief, Code Enforcement Officer, or their designees and these items shall be available for immediate utilization.

(G) The open burning of structures and/or materials by the Clio Area Fire Authority, the Fire Chief, members of the Clio Area Fire Authority, and by trainees or other persons under the direct supervision and control of the Clio Area Fire Authority, the Fire Chief or members of the Clio Area Fire Authority when such open burning is for training, educational or instructional purposes related to fire safety, fire control, fire fighting, life saving, and/or fire prevention.

(H) The use of a device specifically designed to allow for the burning of seasoned dry firewood on a deck or patio shall be allowed. Such device shall be pre-manufactured and have passed all safety specifications needed for sale to the general public. This section applies to such devices as a patio hearth with fire screens, chimenea, and other similar products.

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(I) Outdoor fireplaces are permitted for open burning. Seasoned dry firewood and natural gas/propane are the only materials allowed to burn inside air outdoor fireplace.

(J) Any future device that is sold to the general public, meeting all necessary fire codes, that expressively complies with the spirit of this article upon approval from the Code Enforcement Officer and the Fire Chief.

(K) Open burning permitted under this section shall not result in the emitting of burning sparks or burning embers upon adjoining, adjacent, neighboring or nearby properties or premises.

(L) Open burning limitations: Open burning is prohibited when atmospheric conditions or local circumstances make such fires hazardous. Open burning deemed to be offensive or objectionable by the Code Enforcement Officer, police officer, Fire Chief or their designees due to smoke or odor emission shall be prohibited.

(M) All open burning permitted under this section shall be conducted and performed in such a manner so as not to endanger the health, safety or welfare of the public or to endanger public or private property.

(N) Extinguishment; revocation of permit: Any open burning in violation of this code shall be extinguished by the permit holder or the fire department (Authority), and the permit shall be revoked. The permit holder and all other parties involved are subject to § 30.199.

(O) With regard to this section, the Code Enforcement Officer, Fire Chief, or a police officer shall have full discretion with regard to whether or not the material being used is considered seasoned dry wood.

(Ord. 317, passed 1-8-01) Penalty, see § 30.199

§ 30.105 COMPLIANCE WITH FEDERAL AND STATE LAW.

Notwithstanding anything set forth in this article, all open burning permitted under the terms and provisions of this article shall also be conducted and performed in compliance with all federal and state laws, statutes, rules and regulations applicable thereto.

(Ord. 317, passed 1-8-01)

§ 30.199 VIOLATIONS; MUNICIPAL CIVIL INFRACTIONS; AUTHORIZED CITY OFFICIALS; CIVIL, FINES AND SANCTIONS.

Any violation of any provision of this article or of any permit granted hereunder, or of any lawful order of the Fire Chief, Code Enforcement Officer, police officer, or their designees issued in pursuance

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of this article shall be and shall constitute a municipal civil infraction. A "violation" includes any act which is prohibited or made or declared to be unlawful or any offense by this article and any omission or failure to act where the act is required by this article.

(A) The sanction for any violation of this article, which constitutes a municipal civil infraction, shall be a civil fine as provided hereunder, plus any costs, damages, expenses and other sanctions, as authorized and permitted under Chapter 87 of the Public Acts of 1961, Act No. 236, as amended, being M.C.L.A. § 27a.8701 et seq., and under other applicable laws.

(1) Any person, individual, firm, partnership, co-partnership, corporation, company, association, club, joint venture, and any other group, entity or association acting as a unit, and the individuals constituting such group, entity or unit, who, as a result of violating any provision of this article, is responsible for a municipal civil infraction, shall pay a civil fine of not less than \$50 nor more than \$500, plus costs and other sanctions as authorized and permitted by law, for each municipal civil infraction.

(2) Repeat violations shall be subject to increased civil fines as set forth below. As used in this section, "repeat violation" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision of this article committed by a violating party within any 12-month period and for which the violating party admits responsibility or is determined to be responsible. The increased civil fine for a repeat violation under this article shall be as follows:

(a) The civil fine for any violation which is a repeat violation shall be no less than \$250 plus costs and other sanctions as authorized and permitted by law.

(b) The civil fine for any violation which is a second repeat violation or any subsequent repeat violation shall be no less than \$500 plus costs and other sanction as authorized and permitted by law.

(B) (1) A person, individual, firm, partnership, co-partnership, corporation, company, association, club, joint venture, and any other group, entity or association, acting as a unit, and the individuals constituting such group, entity or unit, who, as a result of violating any provision of this article, receives a municipal civil infraction violation notice, upon a determination of responsibility thereon, shall pay a civil fine at the City Municipal Ordinance Violations Bureau as follows:

(a) \$50 for the first violation.

(b) \$250 for the first repeat violation.

(c) \$500 for the second repeat violation and for any subsequent repeat violation.

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(2) The establishment of municipal civil infractions, the handling and processing of municipal civil infraction violations, the establishment and operation of the City Clio Municipal Ordinance Violations Bureau, the establishment and collection of civil fines and costs and other sanctions for municipal civil infraction violations, and the handling and administration of all matters incident to municipal civil infractions shall be expressly subject to and governed by the provisions of Public Acts of 1961, Act 236, as amended, being M.C.L.A. § 27a.8701 et seq., and all other applicable state statutes related to municipal civil infractions.

(C) The Code Enforcement Officer or his/her designee, and all police officers of the city are the authorized city officials authorized to issue municipal civil infraction violation notices for violations of this article.

(Ord. 317, passed 1-8-01)

ARTICLE II: FIREWORKS

Section

- 30.201 Title
- 30.202 Definitions
- 30.203 Furnishing fireworks to minors prohibited
- 30.204 Adult permitting minor to possess or use fireworks constitutes violation
- 30.205 Possession or use of fireworks by minor prohibited
- 30.206 Use of any fireworks device prohibited during certain hours
- 30.207 Use of fireworks device prohibited in certain areas
- 30.208 Use of fireworks device within 25 feet of another person prohibited

- 30.299 Violations; penalties

Statutory reference:

State fireworks regulations, see M.C.L.A. §§ 750.243a et seq.

Cross-reference:

Fireworks licensing regulations, see §§ 45.901 et seq.

§ 30.201 TITLE.

Sections 30.202 through 30.208 of this Code, inclusive, will be known and cited as the “City of Clio Fireworks Regulations.”

(Ord. 166, passed 6-19-78; amended by Codification Ordinance)

§ 30.202 DEFINITIONS.

For the purpose of these regulations, the following definitions apply unless the context clearly indicates or requires a different meaning:

FIREWORKS. Toy torpedoes, railway torpedoes, firecrackers, salutes, exhibition display pieces, aeroplane flares, illuminating projectiles, incendiary projectiles, incendiary grenades, smoke projectiles, or bombs containing expelling charges or bursting charges, flash powders in inner units, flash sheets in interior packages, flash powder or spreader cartridges, sky rockets, Roman candles, daygo bombs, bottle rockets, rockets, and other similar devices containing an explosive or inflammable compound or a tablet or other device commonly used and sold as fireworks containing nitrates, chlorates, oxalates, sulphides of lead, barium, antimony, arsenic, mercury, nitroglycerine, phosphorus, or a compound containing these or other modern explosives. The term **FIREWORKS** shall not mean flat paper caps containing not more than 0.25 of a grain of explosive content per cap, in packages labeled to indicate the maximum

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explosive content per cap; sparklers containing not more than .0125 pounds of burning portion per sparkler; flitter sparklers in paper tubes not exceeding 1/8 inch in diameter; toy snakes not containing mercury; or highway signal flares.

(Ord. 166, passed 6-19-78; amended by Codification Ordinance)

§ 30.203 FURNISHING FIREWORKS TO MINORS PROHIBITED.

It shall be unlawful for any person in the city to sell, give, or furnish any fireworks device to any person under the age of 18 years of age.

(Ord. 166, passed 6-19-78; amended by Codification Ordinance) Penalty, see § 30.299

§ 30.204 ADULT PERMITTING MINOR TO POSSESS OR USE FIREWORKS CONSTITUTES VIOLATION.

It shall be unlawful for any adult, having the supervision or control of a minor under 18 years of age, to permit such minor to possess or use any fireworks device within the city.

(Ord. 166, passed 6-19-78; amended by Codification Ordinance) Penalty, see § 30.299

§ 30.205 POSSESSION OR USE OF FIREWORKS BY MINOR PROHIBITED.

It shall be unlawful for any minor to possess or use any fireworks device within the city.

(Ord. 166, passed 6-19-78; amended by Codification Ordinance) Penalty, see § 30.299

§ 30.206 USE OF ANY FIREWORKS DEVICE PROHIBITED DURING CERTAIN HOURS.

It shall be unlawful for any person, whether an adult or a minor, to use any fireworks device intended to produce an audible effect between the hours of 10:00 p.m. and 6:00 a.m. in the city, except as authorized under a permit issued by the City Administrator.

(Ord. 166, passed 6-19-78; amended by Codification Ordinance) Penalty, see § 30.299

§ 30.207 USE OF FIREWORKS DEVICE PROHIBITED IN CERTAIN AREAS.

It shall be unlawful for any person, whether an adult or a minor, to use any fireworks device, unless such use is authorized under a permit issued by the City Administrator, in the following areas or places:

(A) Within 300 feet of any structure used as a residence or any public building;

(B) Within any public park;

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(C) On any public street or sidewalk;

(D) In any enclosed building;

(E) In any area public or private where three or more persons are gathered within a radius of 100 feet.

(Ord. 166, passed 6-19-78; amended by Codification Ordinance) Penalty, see § 30.299

§ 30.208 USE OF FIREWORKS DEVICE WITHIN 25 FEET OF ANOTHER PERSON PROHIBITED.

(A) It shall be unlawful for any person, whether an adult or a minor, to use any fireworks device within 25 feet of a person other than the user.

(B) All permits issued by the City Administrator pursuant to this article shall prominently display the following warning:

“NO FIREWORKS SERVICE SHALL BE USED WITHIN 25 FEET
OF A PERSON OTHER THAN THE USER.”

(Ord. 166, passed 6-19-78; amended by Codification Ordinance) Penalty, see § 30.299

§ 30.299 VIOLATIONS; PENALTY.

Any person, partnership, firm or corporation, who violates any provision of the City of Clio Fireworks Regulations shall be responsible for a municipal civil infraction and subject to the penalties and sanctions provided by this Code.

(Ord. 166, passed 6-19-78; amended by Codification Ordinance)

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ARTICLE III: FIRE CODE

Section

- 30.301 Adoption of International Fire Code
- 30.302 Additions, insertions and changes

§ 30.301 ADOPTION OF INTERNATIONAL FIRE CODE.

That a certain document, three copies of which are on file in the office of the City Clerk, being marked and designated as the International Fire Code, 2012 edition, as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Clio, in the State of Michigan regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, material and devices, and from conditions hazardous to life or property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the City of Clio are hereby referred to, adopted, and made a part thereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in § 30.302 of this article.
(Ord. 452, passed 9-17-12)

§ 30.302 ADDITIONS, INSERTIONS, AND CHANGES.

That the International Fire Code 2012 is amended and revised in the following sections:

- (A) 101.1 insert: "City of Clio."
- (B) 109.4 insert: "Misdemeanor," "\$500," and "90 days."
- (C) 111.4 insert: "\$250" and "\$500."
- (D) A101.2.1 delete.
- (E) A101.2.2 delete.

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(F) A101.2.3 delete.

(G) A101.2.4 delete.

(H) A101.2.5 delete.

(Ord. 452, passed 9-17-12)