

CITY OF BANGOR

Adopted 01-2-01

ORDINANCE # 254

AN ORDINANCE TO AMEND TITLE IX, GENERAL REGULATIONS, CHAPTER 93: FIRE PREVENTION OF THE GENERAL PROVISIONS OF THE CITY OF BANGOR MICHIGAN, CODE OF ORDINANCES, TO PROHIBIT BURNING OF GRASS, WEEDS, OPEN LAND, RUBBISH, WOOD, PAPER, PAPER GOODS, CARDBOARD, BRUSH AND LEAVES IN THE CITY OF BANGOR; AUTHORIZE PRIOR APPROVAL FROM THE FIRE CHIEF FOR CERTAIN FIRES; AND ESTABLISH PENALTIES FOR SAME.

THE CITY OF BANGOR ORDAINS:

93.10 TITLE

This ordinance shall amend the City Code of Ordinances; Title IX, Chapter 93.

93.20 INTERPRETATION

This amendment shall be constructed as an amendment to Chapter 93 of Title IX of the General Provisions of the City of Bangor, Michigan Code of Ordinances to read as herein contained. This amendment shall prohibit burning of grass, weeds, open land, rubbish, wood, paper, paper goods, cardboard, brush and leaves in the City of Bangor corporate limits. This amended ordinance shall establish penalties as set forth specifically herein, by reference to Title I, Chapter 10, Section 10.99, or by those penalties and fees as adopted by Ordinance 250, Title I, Chapter 11 of the General Provisions of the Code of Ordinances for the City of Bangor.

93.30 SEVERABILITY

If any provision or section of this ordinance may later be amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provisions or applications.

93.40 REFERENCE TO OTHER SECTIONS

This ordinance, sections of this ordinance, or any of the parts of this amendment take precedence over other sections of this code. The Bangor City Council automatically amends affected sections of this code upon proper adoption, from time to time, of subsequent amendments.

93.50 FIRE PREVENTION CODE ADOPTED, AMENDMENTS

(A) The BOCA National Fire Prevention Code, 1999 Edition, and subsequent editions as they are published by the Building Officials Code Administrators International, Inc. be and are hereby adopted as the Fire Prevention Code for the City of Bangor, for the control of buildings, structures and premises as herein provided; and each and all and subsequent regulations, provisions, penalties, conditions and terms of the BOCA National Fire Prevention Code are hereby referred to, adopted and made a part hereof, as if fully set out in this section, with additions, deletions, and changes, if any, prescribed in division (B) or (C) of this section or other sections of this Chapter.

(B) The Boca National Fire Prevention Code is amended and changed in the following respect:

- (1) Section F101.1 Insert: City of Bangor.
- (2) Table F-107.2.3 Insert: All permits, permit fees, inspection fees shall be bought and paid for according to the jurisdiction in charge of these permits, permit fees and inspection fees.
- (C) Other provision included in this ordinance are included under 93.50 General Provisions.

93.50 GENERAL PROVISION

(A) It shall be unlawful to light or maintain any fire in any section of the city within 15 feet to any building or structure or flammable material other than that to be burned as to cause a fire hazard.

(B) The term fire, as used in this section, shall not construed to mean or include a fire in a furnace, stove, boiler, home grill or home barbecue pit, fireplace, or incinerators properly licensed by County, State or Federal statute, provided any approved fire may be extinguished by fire or city personnel at the discretion of the fire or city personnel. The term fire, as used in this section, shall not apply to approved camp fire and recreational fires which are contained and monitored,

(C) It shall be unlawful to burn grass, weeds, open land, rubbish, wood, lumber, paper goods, cardboard, brush or leaves anywhere in the city. However, wood, lumber, brush, paper, paper goods and cardboard may be burned under the following conditions:

- (1) Prior approval of the Fire Chief for the ABB Fire District whom shall approve the site or area of the proposed burn, the method of the proposed burn; the type of incinerator including size, height, and cover; the location of the incinerator; the materials proposed to be burned, the time and any other criteria or conditions which the Fire Chief shall deem appropriate.

- (2) The Fire Chief and/or the ABB Fire District are authorized to establish any rules, time limits, fees, penalties, application and approval process or other conditions in implementing 93.03 (C), (1) as deemed necessary and appropriate for the prevention of fires within the City of Bangor and within rules and regulations of the BOCA National Fire Protection Code as adopted and amended by the City of Bangor.
 - (3) No fire of any sort shall be approved by the Fire Chief of the ABB Fire District if it is built or allowed to be burned within one (1) foot of any paved or improved street or alleyway in the City of Bangor.
 - (4) No fire shall be built or allowed to be burned in any park land owned by the City except those for the cooking of foods for picnics, reunions, outings and other such occasions. Such fires shall be in acceptable grills burning wood, charcoal or other usual and customary materials as the fire source. Such fires shall not need prior approval from the Fire Chief.
 - (5) Contractor fires for debris or heat require prior approval from the Fire Chief for the ABB Fire District.
 - (6) The ABB Fire District may approve and conduct fire training fires in the City of Bangor.
- (D) No burning of grass, weeds, open land, or leaves shall be allowed under any condition in any B-1 or B-2 zoned sections of the City unless they are burned in proper incinerators licensed under County, State or Federal statute. However, fires defined under 93.05 (B) are allowed.

93.60 PENALTIES

Violations of any portion of this ordinance are subject to Title I, Chapter 10 and Chapter 11 of the Code of Ordinances for the City of Bangor, or as established specifically herein below.

- (A) Violations of this ordinance shall warrant increasing penalties as herein established:

First Offense: Verbal or Written warning.

Second Offense: \$35.00 fine payable to the City of Bangor.

Third Offense: \$ 90.00 fine payable to the City of Bangor City.

Fourth and repeating offenses: A fine not to exceed \$500 or imprisonment not more than 90 days, or both fine and imprisonment.

- (B) A separate offense shall be deemed committed upon each day during which a violation occurs.

- (C) Both A and B above are City penalties. The Fire Chief of the ABB Fire District may add additional penalties.

*References: Violation of ordinances, maximum penalty authorized, see M.C.L.A. 117.4I(k).
Authority of City Council to provide punishment for violations, see Charter
Section 8.5.*

93.70 EFFECTIVE DATE

This ordinance shall become effective 20 calendar days after its adoption and publication.

93.80 RECORD

This ordinance was voted upon at a regular meeting of the City Council on the 2nd day of January, 2001.

AYES: G. Sink, N. Johnson, B. Johnson, D. Foot, A. Kriesten

NAYES: R. Sutherby, P. Wiles

PRESENTED: December 4, 2000

ADOPTED: January 2, 2001

PUBLISHED: January 8, 2001

EFFECTIVE DATE: February 6, 2001

CERTIFICATION

I, Adeline Starks, the duly appointed Clerk of the City of Bangor, do hereby certify that the above is a true and exact copy of a Resolution, passed by the Bangor City Council, on January 2, 2001, the original of which is on file at the Bangor City Hall.

Adeline Starks, City Clerk