

**NOTICE TO CITY OF HANCOCK RESIDENTS
PROPOSED ORDINANCE**

**CITY OF HANCOCK
ORDINANCE NO.
REGULATING OPEN FIRES AND
BURNING WITHIN THE CITY LIMITS
OF THE CITY OF HANCOCK**

The City of Hancock Ordains:

Section 1: PURPOSE

1.0 Purpose.

This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the City of Hancock, State of Michigan, by regulating the air pollution and fire hazards of open burning and outdoor burning.

Section 2: APPLICABILITY

2.0 Applicability.

This ordinance applies to all outdoor burning and open burning within the City of Hancock.

- 2.1** This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- 2.2** This ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.
- 2.3** This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

Section 3: SEVERABILITY

3.0 Severability.

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

Section 4: DEFINITIONS

4.0 Definitions.

- 4.1** "Open burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney.
- 4.2** "Outdoor burning" means open burning or burning in an outdoor setting.
- 4.3** "City" means the City of Hancock (hereinafter "City").
- 4.4** "City Manager" means the City Manager or his or her designee.

- 4.5 “Garbage” means any animal or vegetable waste resulting from handling, preparation, cooking, and consumption of food.
- 4.6 “Refuse” means any trash, including, but not limited to, plastic, exclusions, furniture, bedding, metals, tin, glass, and discarded building and household decorative materials.
- 4.7 “Stack or Chimney” means a flue, conduit, or duct designed to direct an effluent into ambient air.
- 4.8 “Yard Waste” means regular wastes produced from landscaping, gardening activities, trimming, pruning, mowing, and the maintenance of grounds.
- 4.9 “Clean wood” means natural wood which 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 products.
- 4.10 “Construction and demolition waste” means building waste materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair and demolition operations on a house, commercial or industrial building, or other structure.

Section 5: GENERAL PROHIBITION ON OUTDOOR BURNING AND OPEN BURNING

5.0 General prohibition on outdoor burning and open burning.

Open burning and outdoor burning are prohibited in the City of Hancock unless the burning is specifically permitted by this Ordinance, or is located at the city campground.

Section 6: RECREATIONAL FIRES

6.0 Recreational fires

Recreational fires on private property are permitted so long as they all the following requirements:

- 6.1 The fire pit or receptacle does not exceed three (3) feet in diameter.
- 6.2 Fires are attended until extinguished and ashes are cold by a competent person of at least eighteen (18) years of age.
- 6.3 Only clean wood products or commercially produced fuel products are burned.
- 6.4 Recreational fires shall be located at least twenty feet (20) from the nearest neighbor structure which is not on the same property as the recreational fire.
- 6.5 Fire does not threaten trees, shrubs or branches that may ignite
- 6.6 Atmospheric conditions are favorable.
- 6.7 Fire is in a pit or receptacle that inhibits the spread of a fire.
- 6.8 Prohibit emission of smoke or fumes which irritate, annoy, or constitute a health nuisance to others living in the neighborhood.
- 6.9 No fires will be allowed from midnight to 6:00 a. m.

6.10The fire does not endanger other buildings or structures.

Section 7: BONFIRES

7.0 Bonfires: Public or private bonfires in which the material wood exceed three feet in diameter require prior approval of the City Manager and/or the Fire Chief.

Section 8: NO BURNING ORDERS

8.0 No burning may be conducted on days when the Dept. or Environmental Quality, Dept. of Natural Resources, or Governor of Michigan has issued a ban applicable to the area.

Section 9: PENALTY:

9.0 Failure to abate a violation of this ordinance as prescribed by the City Manager, Code Enforcement Officer, Police Officer or other City Authorized Representative shall result in a fine of up to \$100.00 for each day during which the property owner is in violation of this ordinance and or up to 90 days in jail.

The foregoing proposed Ordinance was introduced in writing at the regular meeting of the Hancock City Council held on Wednesday, November 19, 2014 at 7:30 p.m.

A Public Hearing is scheduled for Wednesday, December 17, 2014 at 7:30 p.m. in the Council Chambers prior to the regular meeting. Copies of this proposed ordinance are available at the Clerk's Office Monday-Friday 8am to 5pm.

This proposed ordinance will be presented to the Hancock City Council for adoption or rejection at the regular meeting of the Hancock City Council to be held on Wednesday, December 17, 2014, at 7:30 p.m.

Karen Haischer, CMC
City Clerk