

CITY OF ROMULUS

ORDINANCE NO. 11-355

AN ORDINANCE TO AMEND CHAPTER 12 OF THE CITY OF ROMULUS CODE OF ORDINANCES, BY WAY OF ADDITION OF A NEW ARTICLE VIII, "OUTDOOR AND OPEN BURNING", PROVIDING FOR THE REGULATION OF OUTDOOR AND OPEN BURNING, SO AS TO MINIMIZE AIR POLLUTION AND FIRE HAZARDS POSED BY THE SAME.

THE CITY OF ROMULUS, WAYNE COUNTY, MICHIGAN, HEREBY ORDAINS:

THE CODE OF ORDINANCES OF THE CITY OF ROMULUS, MICHIGAN, CHAPTER 12, FIRE PREVENTION AND PROTECTION, IS HEREBY AMENDED BY WAY OF ADDITION OF THE FOLLOWING ARTICLE VIII:

ARTICLE VIII. OUTDOOR AND OPEN BURNING

Sec. 12-171. 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 and guests of the City of Romulus by regulating outdoor and open burning so as to minimize air pollution and fire hazards posed by the same.

Sec. 12-172. Applicability.

This ordinance applies to all outdoor burning and open burning within the City of Romulus. Unless otherwise specified herein, this ordinance does not apply to the following:

- (a) Grilling or cooking food using charcoal, wood, propane, or natural gas in cooking or grilling appliances,
- (b) 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, or
- (c) The use of propane, acetylene, natural gas, gasoline, or kerosene in a device intended for heating, construction, or maintenance activities.

Sec. 12-173. 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.

Sec. 12-174. Definitions.

The following words or phrases, as used in this Article VIII, shall have the following meanings:

- (a) "Agricultural burning" shall mean open burning of weeds, brush, and/or crop stubble on agricultural and/or farming lands. Agricultural burning is a form of "open burning," as defined herein.
- (b) "Bonfire" shall mean an outdoor burning put on by a recognized community, educational, or religious organization for a specified ceremonial purpose.
- (c) "Campfire" shall mean a small outdoor fire intended for recreation or cooking but not including a fire intended for disposal of waste wood or refuse.
- (d) "Clean wood" shall mean 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.
- (e) "Construction and demolition waste" shall mean 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.
- (f) "Green wood" shall mean trees or brush that is freshly cut and has not had time to "season" or dry out and which tends to cause significant smoke that is a nuisance to others.
- (g) "Fire Chief" shall mean the Chief of the City of Romulus Fire Department or other person designated by the Fire Chief.
- (h) "Municipality" shall mean a county, township, city, or village.
- (i) "Open burning" shall mean 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. This includes, but is not limited to, burning in a burn barrel.
- (j) "Outdoor burning" shall mean open burning or burning in an outdoor wood-fired furnace or patio wood-burning unit.
- (k) "Outdoor wood-fired furnace" shall mean a wood-fired furnace, stove, or boiler that is not located within a building intended for habitation by humans or domestic animals.
- (l) "Patio wood-burning unit" shall mean a chimney, patio warmer, or other enclosed, portable wood-burning device used for outdoor recreation and/or heating.
- (m) "Permit" shall mean a written permit obtained after proper application to and approval from the City of Romulus Fire Department and after meeting all

requirements set forth by the Fire Department and payment of all applicable fees.

- (n) "Recreational fire pit" shall mean a man-made enclosure above or below grade no larger than 3' (feet) in diameter and no more than 18" (inches) in depth.
- (o) "Refuse" shall mean any waste material except trees, logs, brush, stumps, leaves, grass clippings, or other vegetative matter, newspaper, cardboard, or similar paper products.

Sec. 12-175. General Prohibition on Outdoor Burning and Open Burning.

Unless specifically permitted by this ordinance, open burning and outdoor burning are hereby prohibited within the City of Romulus.

Sec. 12-176. Prohibition of Open Burning of Refuse.

Open burning of refuse is prohibited within the City of Romulus.

Sec. 12-177. Prohibition of Open Burning of Trees, Brush, Stumps, Leaves, and Grass Clippings.

Open burning of trees, brush, stumps, leaves, and grass clippings is prohibited within the City of Romulus. Provided that all other requirements of this Article are met, open burning of logs, sticks, and branches shall be permitted.

Sec. 12-178. Agricultural Burning.

Agricultural burning is allowed upon prior application and prior approval of a permit from the City of Romulus Fire Department and if otherwise conducted in accordance with the provisions of this section and other applicable provisions of this ordinance:

- (a) Such agricultural burning shall be conducted only between the hours of 8:00AM and 4:00PM, Monday – Saturday only. Prior notification shall be provided to the Romulus Police / Fire Dispatch center at (734) 941-8400.
- (b) Such agricultural burning shall be conducted not less than 500 feet from the nearest structure.
- (c) Approval of a permit for such agricultural burning may also be dependant upon weather conditions and other factors deemed relevant by the Fire Chief or his designee.

Sec. 12-179. Outdoor Wood-Fired Furnaces.

An outdoor wood-fired furnace may be installed and used in the City of Romulus only in accordance with all of the following provisions:

- (a) The outdoor wood-fired furnace may be installed and used only in an area used for agricultural purposes; provided that an outdoor wood-fired furnace

may be used in an area not used for agricultural purposes only if it provides the primary means of heating a household,

- (b) The outdoor wood-fired furnace shall not be used to burn refuse,
- (c) The outdoor wood-fired furnace shall be located at least 300 feet from the nearest building which is not on the same property as the outdoor wood-fired furnace, or as depicted within the operating guidelines from the manufacturer, and
- (d) The outdoor wood-fired furnace shall have a chimney that extends at least as high as 2 feet above the peak of the roofs of the adjacent structure and all neighboring structures on the same property, as well as neighboring properties, or as depicted within the operating guidelines from the manufacturer.

Sec. 12-180. Patio Wood-Burning Units.

A patio wood-burning unit may be installed and used in the City of Romulus only in accordance with all of the following provisions:

- (a) The patio wood-burning unit shall not be used to burn refuse or yard waste,
- (b) The patio wood-burning unit shall burn only clean wood,
- (c) The patio wood-burning unit shall be located at least 25 feet from any structure or lot line, or as depicted within the operating guidelines from the manufacturer.
- (d) The patio wood-burning unit shall not cause a nuisance by way of unreasonable light, heat, smoke, odor, or other manner,
- (e) The patio wood-burning unit shall not be used on any combustible surface, including, though not limited to, a wood, composite, or plastic deck,
- (f) The patio wood-burning unit must be enclosed, by ¼" (inch) metallic meshing or otherwise, so as to ensure that burning materials are contained within the unit.
- (g) The fire shall be attended to at all times by an adult over the age of 18 who must also be a resident of that property,
- (h) There shall be at least one suitable of means of fire extinguishment available near the fire. These can include a 40bc rated fire extinguisher, a garden hose hooked up to a water supply ready for use (not frozen or otherwise obstructed), or dirt / sand and shovels,
- (i) The fire shall be completely extinguished after each use and before retiring for the night, and
- (j) The patio wood-burning unit shall be utilized in rear yards only.

Sec. 12-181. Recreational Fire Pits.

A recreational fire pit may be used in the City of Romulus only in accordance with all of the following provisions:

- (a) The recreational fire pit shall not be used to burn refuse or yard waste,
- (b) The recreational fire pit shall only burn clean wood,

- (c) The recreational fire pit shall be located a minimum of 50' (feet) away from any structure or lot line,
- (d) The recreational fire pit shall not cause a nuisance by way of unreasonable light, heat, smoke, odor, or other unreasonable manner to neighbors,
- (e) The recreational fire pit shall not be located within 25' (feet) of any utility line, including, but not limited to, overhead or underground power lines or communication cable and natural gas service lines. Prior to installation, it is the property owner or occupier's responsibility to contact MISDIG to ensure same with respect to underground utility lines,
- (f) The recreational fire pit shall be no larger than 3' (feet) in diameter,
- (g) The recreational fire pit shall be no more than 18" (inches) in depth,
- (h) The lid of the recreational fire pit shall be completely enclosed by steel meshing with openings no larger than ¼" (inch) openings,
- (i) When in use, the recreational fire pit shall be completely enclosed with the steel mesh screening,
- (j) The fire shall be attended to at all times by an adult over the age of 18 who must also be a resident of that property,
- (k) There shall be at least one suitable of means of fire extinguishment available near the fire. These can include a 40bc rated fire extinguisher, a garden hose hooked up to a water supply ready for use (not frozen or otherwise obstructed), or dirt / sand and shovels,
- (l) The fire shall be completely extinguished after each use and before retiring for the night, and
- (m) The recreational fire pit shall be located in rear yards only.

Sec. 12-182. Bonfires.

- (a) Applications for permits for bonfires shall be submitted to the Fire Department and reviewed on a case-by-case basis. Prior approval of the Fire Department shall be required before the commencement of any bonfire.
- (b) Minimal requirements for the issuance of a bonfire permit shall include the requirements of Section 12-187, as well as each of the following:
 - (1) The Fire Department must be notified of the proposed beginning and ending time of the bonfire,
 - (2) No bonfire shall be lit or allowed to burn without the Fire Department on the premises, unless extinguishing agents sufficient to safely extinguish any such fire are on the premises and have been previously approved by the Fire Department,
 - (4) The bonfire shall not be used to burn refuse or yard waste,
 - (5) The bonfire shall only burn clean wood,
 - (6) The recreational fire pit shall be located a minimum of 50' (feet) away from any structure or lot line,
 - (7) The bonfire shall not cause a nuisance by way of unreasonable light, heat, smoke, odor, or other unreasonable manner to neighbors,
 - (8) The bonfire shall be attended to at all times by an adult over the age of 18 who must also be a resident of that property,

- (9) There shall be at least one suitable of means of fire extinguishment available near the bonfire. These can include a 40bc rated fire extinguisher, a garden hose hooked up to a water supply ready for use (not frozen or otherwise obstructed), or dirt / sand and shovels,
- (10) The bonfire shall be completely extinguished after each use and before retiring for the night, and
- (11) The bonfire shall be located in rear yards only, and
- (12) The Fire Department may establish additional bonfire permit requirements as the circumstances of the proposed bonfire may dictate.

(c) All non-permitted or otherwise non-compliant bonfires will be considered “just cause” for extinguishment by the fire department and subject the property owner / occupier and/or other responsible party to the issuance of a court appearance ticket and subject to reimbursement of the City’s costs for such response, extinguishment, prosecution, and any and all other applicable liabilities and penalties.

Sec. 12-183. Fire Prevention and Suppression Training.

Notwithstanding the other provisions of this ordinance, structures and other materials may be burned by the City of Romulus Fire Department for fire prevention and suppression training only in accordance with all of the following provisions:

- (a) The burn must be exclusively for fire prevention or suppression training. The burning shall not be used as a means to dispose of waste material, including tires and other hazardous materials,
- (b) Any standing structure that will be used in fire prevention or suppression training must be inspected by a licensed asbestos inspector. A notification of this inspection must be submitted to the Michigan Department of Environmental Quality, Air Quality Division, at least 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) All asbestos must be removed prior to conducting the fire prevention or suppression training. If the structure is a residential dwelling, the owner may remove the asbestos or have it removed by a licensed abatement contractor. If it is a commercial building, all asbestos must be removed by a licensed abatement contractor,
- (d) All ash shall be disposed of in an approved landfill or at an alternate location approved by the Michigan Department of Environmental Quality,
- (e) Asphalt shingles and asphalt or plastic siding shall be removed prior to the practice burn unless the Fire Chief determines that they are necessary for the fire practice,
- (f) At least 48 hours before a planned practice burn, residents within 1,000 feet of the site of the proposed burn shall be notified, and
- (g) All fire suppression training should conform to the guidelines established by the National Fire Protection Association (NFPA) Standard on Live Fire Training Evolutions (NPA 1403).

Sec. 12-184. Additional Requirements for Permissible Burning.

In addition to the requirements set forth herein, for burning permitted under this ordinance, the following shall be required:

- (a) All burning shall be conducted in a safe, nuisance-free manner, when wind and weather conditions minimize adverse effects and do not create a health hazard or a visibility hazard on roadways, highways, railroads or airfields,
- (b) No materials shall be burned on any street, curb, gutter, sidewalk, city right of way or on the ice of a lake, pond, stream or other body of water,
- (c) No open or outdoor burning may be conducted on days when the Department of Environmental Quality has declared an "air quality action day" applicable to the county of Wayne,
- (d) Should the City of Romulus experience a drought, water conservation period, or other unspecified emergency, open and/or outdoor burning may be prohibited at the sole discretion of the Fire Chief,
- (e) No items shall be brought into the City of Romulus for open or outdoor burning by any licensed or unlicensed contractor, including without limitation, for demolition, tree service, or lawn service,
- (f) The fire load will be limited up to 2 cords of wood. All wood shall comply with all City ordinances regarding the storage of firewood,
- (g) Under no circumstances shall gasoline be used to start any fire,
- (h) Agricultural burning and/or bonfires may also be prohibited due to the close proximity to the airport and their flight paths. If such burning is approved by the Fire Department, the applicant shall provide sufficient advance notice to the Fire Department in order to allow the proper notification to the Detroit Metropolitan Airport, and
- (i) The Fire Chief shall retain discretion to require additional conditions or restrictions, should the circumstances of a particular proposed open or outdoor burning so require.

Sec. 12-185. Liability.

In addition to any other penalties and liabilities set forth in this Article or pursuant to other applicable laws or ordinances, any person engaging in any outdoor burning or open burning shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

Sec. 12-186. Continuing Effect of Other Local and State Laws.

Nothing in this ordinance shall negate any requirements of other applicable local or state laws. Activity permitted under this ordinance must also comply with all other applicable state and local laws.

Sec. 12-187. Permit requirements.

- (a) Any person proposing to engage in outdoor and/or open burning in the form of agricultural burning or a bonfire shall first apply for and obtain a written permit from the City of Romulus Fire Department. A minimum of seven (7) days is required from the submittal of a request to the date of each proposed burn for review by the Fire Department to determine if the request is within the guidelines of this Article.
- (b) Such application shall set forth, at a minimum, the following:
 - (1) Name, address, and phone number of applicant,
 - (2) The type of burning proposed (agricultural burning or bonfire),
 - (3) A description of the apparatus in which materials would be burned, including all safety accessories, such as tops and screens,
 - (4) A description of the available fire suppression means,
 - (5) A description of the surface on which such burning is proposed, and
 - (6) A description of the surrounding structures, environment, and properties, including distances from the proposed burning area.

Sec. 12-188. Right of Entry and Inspection.

The Fire Chief or any authorized officer, agent, employee, or representative of the City of Romulus who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

- (a) Nothing in this section or this ordinance shall constitute a waiver of immunity or other imposition of liability upon the City of Romulus resulting from such entry and/or inspection or lack thereof.
- (b) All provisions of 1941 Public Act 207 (MCL 29.1, et seq), as amended, pertaining to the Fire Department's right of entry and as otherwise applicable, shall apply.

Sec. 12-189. Enforcement and Penalties.

- (a) The Fire Chief, his designee, or any officer of the Romulus Police Department, Romulus Ordinance Department, or other representative of the City of Romulus authorized by the Romulus City Charter or by Romulus Ordinance, are authorized to enforce the provisions of this ordinance and to issue appearance tickets to those in violation of this ordinance.
- (b) The penalty for violation of any portion of this ordinance shall be as follows:
 - (1) A first violation shall be a written warning, as well as immediate extinguishment of the fire by the violator or the Fire Department.
 - (2) Any second or subsequent violation shall be a misdemeanor, punishable pursuant to the provisions of Chapter 1-13 of the Romulus Code of Ordinances, as well as immediate extinguishment of the fire by the violator or the Fire Department.
 - (3) Such penalties shall be in addition to any other civil or criminal liabilities which may be imposed pursuant to other applicable laws or ordinances.

- (c) In the event any open or outdoor burning is deemed a nuisance by way of unreasonable light, heat, smoke, odor, or other manner, or which is deemed a hazard by the City, the Fire Department shall cause the resident to extinguish the fire or the Fire Department may extinguish the fire. Notification of such will be forwarded from the shift lieutenant via electronic mail or other means to the fire chief and/or fire marshal for a follow-up with the resident(s) for the issuance of the appropriate warning or ticket.


Savings Clause: Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding pending in any court or administrative body, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any Act or Ordinance hereby repealed by this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.


Severability: Should any word, sentence, phrase, or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by an state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such word, sentence, phrase or any portion of the Ordinance held to be so invalid and shall not be construed as affecting the validity of any of the remaining words, sentences, phrases, or portions of this Ordinance.

Conflicting Ordinances: All prior existing ordinances adopted by the City of Romulus inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

Readings: This Ordinance shall be given a first reading on November 28, 2011, shall be enacted on December 05, 2011 and shall be published on or before December 22, 2011 and shall be effective December 22, 2011.

ADOPTED, APPROVED, AND PASSED by the City Council of the City of Romulus this 5th day of December 2011.


Alan Lambert, Mayor


Ellen Craig-Bragg, City Clerk

I hereby certify that the foregoing is a true copy of the Ordinance as passed by the City Council of the City of Romulus at a regular Council Meeting held in the City Council Room at City Hall in the City of Romulus on the 5 th day of December 2011.


Ellen Craig-Bragg, City Clerk

I further certify that the foregoing was published in the Romulus Roman, a newspaper printed in the City of Romulus, on the 22 nd day of December 2011.


Ellen Craig-Bragg, City Clerk

INTRODUCED: November 28, 2011
ADOPTED: December 05, 2011
PUBLISHED: December 22, 2011

Within forty-five (45) days after the publication of any ordinance duly passed by the Council, a petition may be presented to the Council protesting against such ordinance continuing in effect. Said petition shall contain the text of such ordinance and shall be signed by not less than six (6%) of the registered electors registered at the last preceding election at which a Mayor of the City was elected. Said ordinance shall thereupon and thereby be suspended from operation and the Council shall immediately reconsider such ordinance.