

## **WEST BLOOMFIELD FIRE & EMS SERVICES**

5425 W. Maple Rd. West Bloomfield • MI • 48322

Date: June 22, 2011

To All Concerned:

In recent weeks, members of the West Bloomfield Fire Prevention Division have been in receipt of some questions regarding the open burning ordinance.

Since 1989 the Township Board of the Charter Township of West Bloomfield has found that open burning within the township has, and contributes to creating or furthering, a detrimental effect to the environment, a health hazard, and serious and significant effects on the values of properties within the Charter Township of West Bloomfield.

The Open Burning Ordinance that applies to all communities that are serviced by the West Bloomfield Fire Department (West Bloomfield, Sylvan Lake, Keego Harbor and Orchard Lake) is as follows:

### **OPEN BURNING**

#### **Sec. 11-77. - Definitions.**

(a)

*The term "open burning" means the setting on fire, igniting or combustion of any natural or man-made material, item or thing out-of-doors. Open burning, as defined for the purpose of this article, shall not include the burning and/or use of: candles, lanterns, lamps, bug repellent torches, fireplaces, cigarettes, cigars, pipes, charcoal cookers, braziers, hibachis, grills or any flammable liquid or liquefied petroleum gas-fired stoves or similar devices maintained and used solely for the preparation of food on the premises of the owner or occupant. Controlled fires caused and maintained for the training of authorized firefighters and fires confined to matches used for the purpose of maintaining authorized fires shall be excluded from this article's provisions.*

*Section 11-80. Open-flame cooking devices. Amended to read:*

*Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within ten (10) feet of combustible construction.*

*Exception: Single family dwellings.*

*Section 11-81. Liquefied-petroleum-gas-containers. Added to read:*

*LP-gas containers with a water capacity greater than 2.5 pounds [nominal 1 lb. LP-gas capacity] shall not be located on combustible balconies or within ten (10) feet of combustible construction.*

*Exception: Single family dwellings.*

*Exception: Where such balconies are served by outside stairways and where only such stairways are used to transport the cylinder.*

*Section 11-82. Provisions supplemental to chapter 11, article III. Added to read:*

*The terms of the ordinance shall supplement chapter 11, article III of the West Bloomfield Township Code, as amended, and shall and does hereby repeal and supercede any conflicting provisions of chapter 11, article III, as amended, to the extent of the conflict.*

(b)

*The term "fire chief" means the chief of the West Bloomfield Township Fire Department or his designate.*

(c)

*The term "zoning ordinance" means the Charter Township of West Bloomfield Zoning Ordinance, as amended, as codified under chapter 26 of this Code.*

(d)

Words not expressly defined above shall have the definitions customarily ascribed to them.

(Ord. No. C-245, § 1, 11-20-89; Ord. No. C-372, § 1, 10-19-92; Ord. No. C-645, § 4, 4-14-03)

### **Sec. 11-78. - Prohibitions.**

Except as provided in this article, it shall be unlawful for any person to cause, permit or maintain any open burning of any substance on property situated in a residential zoning classification pursuant to the zoning ordinance.

(Ord. No. C-245, § 1, 11-20-89)

### **Sec. 11-79. - Prohibition on burning of leaves, brush and twigs.**

On all lots and parcels in the township, the township shall not specifically except or authorize the burning of leaves, brush and twigs and, accordingly, the open burning of such materials shall be completely prohibited as provided under section 11-78, and as ultimately contemplated under section 18b of Act 641 of the Public Acts of 1978, as amended.

(Ord. No. C-245, § 1, 11-20-89; Ord. No. C-266, § 1, 4-2-90; Ord. No. C-266-B, § 1, 4-19-93)

### **Sec. 11-80. - Outdoor cooking devices on attached residential premises.**

For reasons of proximity and the potential for fire extension from one residential unit to another, the use of cooking devices exempted from the definition of "open burning" in section 11-79(a) on the premises of a residence physically attached to one or more other residences creates a relatively higher risk of fire damage or injury to property and persons in adjoining residential units than where such devices are used on the premises of a detached residence. Accordingly, where a cooking device is used outdoors on the premises of a residential unit which is physically attached to one or more other residential units, such device shall not be exempt from the definition of open burning and shall be included within the open burning prohibition contained in section 11-78 above, unless all of the following conditions are met:

(1)

A functioning fire extinguisher shall be readily accessible during all times the heat source of the cooking device remains in a heated condition.

(2)

When the heat sources of the cooking device is in a heated condition, the cooking device shall be located a horizontal distance of at least eight (8) feet from all structures constituting a part of a building; provided, if there is a limitation based upon available space which would render it unfeasible or dangerous to establish such eight-foot clearance, the cooking device shall be located as far from building structures as safety and feasibility permit.

(3)

The user of the cooking device shall take steps necessary to extinguish the heat source immediately following use, e.g., discontinue gas transmission to the device, restrict oxygen source to burning charcoal and the like.

(Ord. No. C-372, § 1, 10-19-92)

### **Sec. 11-81. - Provisions supplemental to Ordinance No. 102.**

The terms of the ordinance shall supplement Ordinance No. 102, as amended, and shall and does hereby repeal and supersede any conflicting provisions of Ordinance No. 102, as amended, to the limited extent of the conflict.

The following information will help clarify the intentions of the authors. Basically it was determined that all outdoor open burning in the township emits detrimental by-products into the atmosphere. This ordinance is intended to ban all outdoor open flame devices except those used

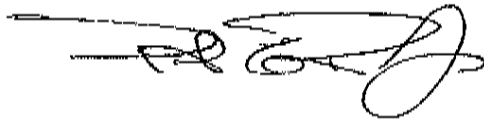
for cooking during food preparation and fireplaces with established chimneys. Devices such as chimneas, aluminum/metal fire-pans (pits) with or without an enclosure screen and any other commercially produced open flame fire device are prohibited. There is an additional restriction that open flame devices shall not be operated within 10 ft. of combustible construction on balconies. (esp. condos and apartments).

The cooking exception is so a person can feed himself or family, although when the food preparation is complete the fire is to be extinguished.

Please review these requirements with your staff as any violations may result in a citation and penalties.

Thank you for your cooperation with this matter and if you have any questions please feel free to contact me at 248-409-1505.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick Riney', with a long horizontal line extending to the left.

Patrick Riney, Fire Marshal