

ORDINANCE #696
AN ORDINANCE TO AMEND MARQUETTE CITY CODE CHAPTER
26 – FIRE PREVENTION AND PROTECTION, IN ORDER TO
LIMIT OPEN BURNING ON PRESQUE ISLE PARK

INTENT

The purpose of this ordinance is to regulate open burning in the City in order to limit sources of fire in the City's Presque Isle Park.

The City of Marquette Ordains:

SECTION 1. Repeal.

Chapter 26 – Fire Prevention and Protection, Section 26-89 – Open Burning, (c) – Permitting and prohibitions, (1) Open burning; and

Chapter 26 – Fire Prevention and Protection, Section 26-89 – Open Burning, (d) – Exceptions are hereby repealed.

SECTION 2. Adoption, Prohibitions.

New Chapter 26 – Fire Prevention and Protection, Section 26-89 – Open Burning, (c) – Permitting and prohibitions, (1) Open burning is hereby adopted as follows:

(1) *Open burning.* Open burning is prohibited unless specifically permitted by this chapter. Permitted open burning shall be constantly attended and supervised by a competent person of at least 18 years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.

- a. *Open burning of refuse.* Open burning of refuse is prohibited.
- b. *Burning trees, logs, brush, stumps, leaves, and grass clippings.* Open burning of trees, logs, brush, stumps, leaves, and grass clippings is prohibited.
- c. *Patio wood-burning units.* A patio wood-burning unit may be used in the City of Marquette only in accordance with all the following provisions:
 1. The patio wood-burning unit shall burn only clean wood.
 2. The patio wood-burning unit shall be located at least 25 feet from the nearest structure which is not on the same property as the patio wood-burning unit and at least 15 feet from any combustible material, wall, window, or door.
 3. The patio wood-burning unit shall not cause a nuisance to neighbors, as defined under section 22-19, environment.
 4. Patio wood-burning units may only be operated on privately owned property and with the permission of the property owner.

SECTION 3. Adoption, Exceptions.

New Chapter 26 – Fire Prevention and Protection, Section 26-89 – Open Burning, (d) – Exceptions is hereby adopted as follows:

(d) *Exceptions.* This section applies to all open burning within the City of Marquette with the following exceptions:

- (1) In all areas of the City except Presque Isle Park, this section does not apply to grilling or cooking food using charcoal, wood propane or natural gas in cooking or grilling.
- (2) Open burning may only occur in Presque Isle Park when the activity takes place in a City-provided grilling appliance and only when charcoal is used as a fuel source.
- (3) This section does not apply to open 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.
- (4) This section does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.
- (5) The section does not apply to campfires within licensed campgrounds.

SECTION 4. EFFECTIVE DATE.

This ordinance shall take effect ten days after adoption but not before publication.

Jennifer A. Smith, Mayor

Kyle Whitney, City Clerk

Date Adopted: _____

Date Published: _____