

PART II - CODE OF ORDINANCES
Chapter 9 - FIRE PREVENTION AND PROTECTION

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Sec. 9-91. - Purpose.

This article 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 Ferndale by regulating the air pollution and fire hazards of open burning and outdoor burning.

(Ord. No. 1134, Pt. I, 10-8-12)

Sec. 9-92. - Applicability.

This article applies to all outdoor burning and open burning within the City of Ferndale.

- (1) This article does not apply to grilling or cooking food using charcoal cookers, propane or nature gas in cooking or filling appliances, braziers, hibachis, grills, outdoor fireplaces or gas-fired stoves and similar semi-enclosed devices on the premises of a one-family detached dwelling.
- (2) This article 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.
- (3) This article does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.
- (4) This article does not apply to the use of non-ash producing fuels being used, not less than 15 feet from combustible materials, when used in metal containers for the heating of building materials or for the warmth of workers.
- (5) This article does not apply to open burning being used by the fire department in connection with training and performance of its duties.

(Ord. No. 1134, Pt. I, 10-8-12)

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Sec. 9-93. - Definitions.

Campfire means a small outdoor fire with a diameter of less than four feet enclosed by non-combustible materials intended for recreation or cooking but not including a fire intended for disposal of waste, wood or refuse.

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.

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.

Department means City of Ferndale Fire Department.

Fire chief means the Chief of the City of Ferndale Fire Department or such person in the fire department designated by the fire chief.

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.

Outdoor burning means open burning or burning in a patio wood-burning unit.

Patio wood-burning unit means a chimnea, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.

Refuse means any form of waste as defined in [section 10-1](#) of the Ferndale Code.

(Ord. No. 1134, Pt. I, 10-8-12)

Sec. 9-94. - General prohibition on open burning.

Open burning, outdoor burning and campfires are prohibited in the City of Ferndale unless the burning is specifically permitted by this article.

(Ord. No. 1134, Pt. I, 10-8-12)

Sec. 9-95. - Open burning of refuse.

Open burning of refuse is prohibited including the burning of brush, leaves, and grass clippings.

(Ord. No. 1134, Pt. I, 10-8-12)

Sec. 9-96. - Patio wood burning units; campfires.

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

- (1) The patio wood-burning unit or campfire shall not be used to burn refuse.
- (2) The patio wood-burning unit or campfire shall burn only clean wood.
- (3) The patio wood-burning unit or campfire shall be located at least 20 feet from the nearest structure which is not on the same property as the patio wood-burning unit and at least 15 feet from the nearest structure on the same property as the patio wood-burning unit.

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- (4) The patio wood-burning unit or campfire shall not cause a nuisance to neighbors.
- (5) Operational hours for any patio wood-burning unit or campfire shall be limited to the time between 11:00 a.m. and 1:00 a.m.
- (6) All fires shall be supervised by at least one person who is 18 years of age or older.
- (7) There shall be at minimum a garden hose connected to a reliable water supply, one-gallon bucket of water, or a 2a10BC rated fire extinguisher within 20 feet of any open burning.

(Ord. No. 1134, Pt. I, 10-8-12)

Sec. 9-97. - Burning permits.

No person shall maintain any patio wood-burning unit or campfire without a burning permit issued by the department. The fee for an annual burning permit shall be \$25.00, or such amount as established by council by resolution, and shall be submitted to the department for issuance of a fire permit, along with an application on a form to be established and maintained by the department. An annual permit expires on December 31 of each year.

(Ord. No. 1134, Pt. I, 10-8-12)

Sec. 9-98. - Liability.

A person utilizing or maintaining outdoor burning shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

(Ord. No. 1134, Pt. I, 10-8-12)

Sec. 9-99. - Right of entry and inspection.

The fire chief or any authorized officer, agent, employee or representative of the City of Ferndale who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this article.

(Ord. No. 1134, Pt. I, 10-8-12)

Sec. 9-100. - Enforcement and penalties.

The fire chief and his or her fire department designee and any City of Ferndale police officers are authorized to enforce the provisions of this article. Any person, firm, association, partnership, corporation, or governmental entity who violates any of the provisions of this article or fails to comply with a duly authorized order issued pursuant to this article shall be deemed to be responsible for a civil infraction. Any third offense within a 12-month period shall be a misdemeanor.

A violator shall pay costs which may include all expenses, direct and indirect, which the city has incurred in connection with the municipal infraction. In addition, the city shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this article. Each day that a violation of this article exists shall constitute a separate violation of this article.

(Ord. No. 1134, Pt. I, 10-8-12)

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FOOTNOTE(S):

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Editor's note— Ord. No. 1134, Pt. I, adopted Oct. 8, 2012, amended the Code by adding provisions designated as Art. IV, §§ 9-50—9-59. In order to avoid conflicts in the numbering of provisions the editor has redesignated the provisions added by Ord. No. 1134 as set out herein. ([Back](#))