

Ordinance #194

*An ordinance of the City of Bronson establishing certain regulations for fires in order to protect the health, welfare, and property of the residents of the City*

The People of the City of Bronson ordain:

**Section 1: Definitions.**

For purposes of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

**RECREATIONAL FIRE.** A small fire set for recreational purposes kindled from dried, cut wood. A recreational fire does not include the burning of leaves or other lawn refuse or a fire kindled from construction material or household waste.

**APPROVED CONTAINER.** A metal, clay, and/or aggregate container designed for the purpose of holding a recreational fire. The construction of such container shall inhibit the spread of fire and shall include appropriate covers and sides to limit the projection of embers and sparks from the fire. An approved container may not exceed an area of 3 feet by 3 feet.

**FIRE PIT.** A hole or depression below the grade of soil intended to hold a recreational fire. Such pit shall be maintained in such a way to limit the spread of fire and appropriate precautions shall be taken to inhibit the projection of sparks and embers from the fire. Such precautions shall include use of rocks, cement, metal screening, or other approved protective measures. A fire pit may not exceed an area of 3 feet by 3 feet.

**ACCELERANT.** An accelerant is a substance used to enhance a fire and includes lighter fluid, gasoline, kerosene, and any other petroleum based liquid or gel. Any other liquid, gel or substance intended to accelerate the rate of burning is deemed to be an accelerant and may include: alcohol, ethanol, and other chemicals.

**Section 2: Open fires prohibited.**

All open fires, except those which are specifically recreational and properly registered, are prohibited.

**Section 3: Registration required.**

Recreational fires require annual registration. The City Council shall, from time-to-time, establish a fee schedule for said registration. Registrations expire on April 30 of each year. The registration shall be obtained by requesting an inspection of the fire location; the inspection shall be conducted by the Chief of Police or his/her designee. The inspection shall ensure reasonable conformity to recreational fire regulations set forth in this ordinance. An approved registration application shall be signed by the Chief of Police or his/her designee and shall be remitted to the City Treasurer along with the registration fee. A registration may not be issued if an inspection determines the requirements of this ordinance are not satisfied and/or if the property has been the source of frequent alcohol, drug, or fire related complaints and/or for the presence of other unsafe conditions. A registration application shall be created and modified as needed by the City Manager.

**Section 4: Conditions established.**

- A. *Limited number.* Only one recreational fire is permitted per residence or lot, whichever is less.
- B. *Location.* Recreational fires may only be built in an approved container or fire pit. A police officer shall determine if a container meets the conditions for an approved container. Fires should be at least twenty-five (25) feet from property lines, structures, or other combustible material.

- C. *Supervision.* A recreational fire must have a competent and sober adult monitoring the fire at all times. A water source and/or sand must, at all times, be present to extinguish the fire.
- D. *Liability.* The property owner and/or occupant shall be liable for any and all damage caused by a recreational fire on the premises.
- E. *Complaints.* If a police officer observes unsafe conditions at a recreational fire or finds smoke becoming a nuisance to neighboring property owners/occupants, she or he is authorized to direct the fire be completely extinguished. Smoldering embers may be deemed a nuisance and a police officer may require the property owner/occupant to completely extinguish the smoldering embers.
- F. *Prohibitions.* Accelerants shall not be used in kindling or maintaining a recreational fire. Material other than dried, cut timber is prohibited for use in a recreational fire.
- G. *Compliance with other ordinances.* Violations of other City ordinances may be deemed a violation of this ordinance if said violation occurs in a manner related to a recreational fire.

#### Section 5: **Authorization for burning ban.**

Upon the advice of the fire chief and/or other emergency service personnel, the City Manager is authorized to place a ban on any recreational fire at times where weather conditions may make burning particularly unsafe. Such ban shall be filed with the City Clerk, posted publicly at the Bronson City Hall, and shall be conveyed by any method deemed appropriate. To the extent possible, those holding registrations created under this ordinance shall be notified. A burning ban, if issued, shall extend as long as it may be necessary and shall be rescinded by either a notice from the City Manager or by a resolution of the City Council.

#### Section 6: **Penalties established.**

- A. *Violations.* Any person who violates any provision of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50.00 or more than \$500.00, plus costs and other sanctions, for each infraction. Every day that a violation continues shall constitute a separate offense. In addition to any fines so described above, a \$750 fee may be assessed for services of the fire department if service is required to contain or fight a fire under this ordinance.
- B. *Repeat Offenses.* Repeat offenses under this Ordinance shall be subject to increased fines as provided below. As used herein, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of any provision of this Ordinance committed by a person within any one (1) year period and for which the person admits responsibility or is determined to be responsible. The increased fine for repeat offenses shall be as follows:
  - 1. The fine for any offense, which is a first repeat offense, shall be not less than \$100.00, plus costs.
  - 2. The fine for any offense, which is a second repeat offense or any subsequent repeat offense, shall be not less than \$500.00, plus costs.
- C. *Persons Chargeable With a Violation.* Persons chargeable with a violation of this Ordinance and subject to being responsible for a municipal civil infraction may include the following:
  - 1. The owner, agent, lessee, tenant, contractor or any other person using or having control of the land, building or premises where such violation has been committed or shall exist;
  - 2. Any person who knowingly commits, aids and abets, takes part or assists in any such violation;or

3. Any person who owns or maintains any land, building, or premise on which such violation shall exist.

D. *Loss of Burning Privileges.* Any person found responsible for a violation of a municipal civil infraction offense pursuant to this Ordinance shall have their burning privileges suspended for 60 days.

E. *Civil Remedies.* In addition to the municipal civil infraction remedies provided above, the violation of any provision of this Ordinance may be legally enjoined and otherwise abated in any manner provided by law.  
For the purpose of this Ordinance, each day that any person, firm, or corporation shall violate this Ordinance shall be deemed a separate offense.

**Section 7: Severability.**

The invalidity of any clause, sentence, paragraph or part of this ordinance shall not affect the validity of the remaining parts of this ordinance.

**Section 8: Effective date.**

This ordinance shall come into effect in accordance with the Bronson City Charter (section 5.4).

Approved this 9<sup>th</sup> day of July, 2012.

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Thomas J. Rissman, Mayor

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Karen A. Smith, City Clerk