

**CITY OF CLAWSON
COUNTY OF OAKLAND
ORDINANCE NO. 651**

**AN ORDINANCE TO AMEND CHAPTER 62 SECTION 39
BURNING WITH THE DELETION OF CERTAIN
LANGUAGE AND AMEND CHAPTER 46 OFFENSES &
MISCELLANEOUS PROVISION BY ADDING A NEW
SECTION 46-11 OUTDOOR BURNING PROHIBITED TO
PERMIT RECREATIONAL FIRES IN RESIDENTIAL
AREAS, DEFINING RESTRICTIONS, SETTING HOURS
AND DISTANCE REQUIREMENTS, REQUIRING PERMITS
AND PROVIDING FOR VIOLATIONS.**

NOW, THEREFORE, the City of Clawson ordains the following:

Section 62-39 shall be deleted and replaced with the following language to be consistent with the recent ordinance adding Section 46-11.

Section 62-39 Burning.

It shall be unlawful for any person to burn any garbage, food containers, rubbish, leaves, waste or other material except for that allowed in Section 46-11.

There shall be a new Section 46-11 Outdoor Burning Prohibition, Exceptions reading as follows:

Section 46-11 Outdoor Burning Prohibited, Exceptions.

- (a) Except as provided herein, open burning of any wood, leaves, grass, trash, plastic or other material is prohibited within the City of Clawson except as permitted herein. Any person found violating this Section shall be charged with a civil infraction and also may be responsible for any cost and expense of enforcement of the civil infraction.
- (b) The use of an outdoor grill or barbeque is permitted provided a fire suppression device is nearby when the equipment is in use.
- (c) The open burning of fires other than outdoor grilling of food is also permitted under the following circumstances;
 - (1) The fire is contained within an outdoor burning device such as a chimenea, commercial fire pit, fire bowl or similar manufactured device;
 - (2) The fire is within a pit located in the ground and surrounded by brick tile, or other materials at least 8 inches in height, with a diameter no larger than 48 inches;
 - (3) The combustible material is untreated wood or charcoal;
 - (4) The location of the fire is no less than ten (10) feet from any structure and no less than eighteen (18) feet from any boundary or property line;
 - (5) The fire will be attended at all times by an adult;
 - (6) There must be a fire suppression device or extinguisher nearby and available for immediate use;
 - (7) All fires must be extinguished by midnight. Fires shall not be allowed to smolder;
 - (8) A permit shall have been obtained from the city clerk.

- (d) The city clerk shall issue permits for the fires authorized herein and may charge a fee for the issuance thereof which fee amount shall be determined from time to time by resolution of the city council. The permit shall be effective for a period of five (5) years after date of issuance and must be renewed upon expiration.
- (e) Any violation of this ordinance can result in the following: a 30 day suspension of the permit for a first violation, a civil infraction for a second violation and the imposition of costs of prosecution on a fire conducted without any permit. Any fire extinguished by the fire department will result in the assessment of costs against the owner of the property or occupant upon which the fire was located and extinguished.

DATE OF EFFECT.

The Clawson City Clerk shall certify to the adoption of this Ordinance and cause the same to be published as required by law; and this Ordinance shall take full force and effect ten (10) days after the date of publication.

STATE OF MICHIGAN)
)
COUNTY OF OAKLAND)

I do hereby certify that the above is a true copy of an ordinance made, passed and adopted by the Council of the City of Clawson at a regular meeting held in the Council Chambers, 425 N. Main Street, Clawson, MI on Tuesday, August 15, 2006 at 7:30 p.m.; further this Ordinance was duly published in the August 24, 2006 edition of the Daily Tribune, a newspaper of general circulation in the City of Clawson.

Lisa L. Dwyer, Mayor

G. Machele Kukuk, City Clerk

Dated: _____

Dated: _____