

## Chapter 13

### FIRE PREVENTION AND PROTECTION\*

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\* **Cross References:** Fire department, § 2-116 et seq.; emergency preparedness, Ch. 12; fire chief's certification for business licensing, § 16-10; fireworks prohibited, § 19-127; fire protection for outdoor assemblies, § 20-29(16); utilities and services, Ch. 34.

**State Law References:** Fire prevention act, MCL 29.1 et seq.; crimes related to fires, MCL 750.240 et seq.; crimes related to explosives and banks, MCL 750.200 et seq.; explosives act, MCL 29.41 et seq.

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#### Art. I. In General, §§ 13-1--13-35

#### Art. II. Fire Prevention Code, §§ 13-36, 13-37

### ARTICLE I.

### IN GENERAL

#### Sec. 13-1. False alarm of fire.

Any person who shall knowingly and wilfully commit any one (1) or more of the following actions shall be guilty of a misdemeanor:

- (1) Raise a false alarm of fire at any gathering or in any public place;
- (2) Ring any bell or operate any mechanical apparatus, electrical apparatus or combination thereof, for the purpose of creating a false alarm of fire;
- (3) Raise a false alarm of fire orally, by telephone or in person.

(Code 1977, § 9.211)

**Cross References:** Offenses affecting governmental functions, § 19-26 et seq.

**State Law References:** Similar provisions, MCL 750.240.

#### Sec. 13-2. Injury to fire equipment.

No person shall wilfully molest, take for his or her own private use, or damage in any manner, any fire fighting equipment or apparatus or anything pertaining to the fire fighting system, or drive any vehicle upon or against any hose or equipment of the fire department.

(Code 1977, § 9.212)

**Cross References:** Offenses against property, § 19-61 et seq.

**State Law References:** Maliciously destroying or injuring personal property of fire department, MCL 750.377b.

#### Sec. 13-3. Obstruction of fire hydrants.

No person shall place any obstruction whatever, nor shall any person responsible for such obstruction permit it to remain, within fifteen (15) feet of any fire hydrant.

(Code 1977, § 9.213)

**Cross References:** Offenses affecting governmental functions, § 19-26 et seq.

#### **Sec. 13-4. Open fires.**

(a) Open fires are prohibited in the city except in accordance with the following provisions:

(1) The following are definitions for the words and phrases used in this section:

*Approved container* is defined as: a container constructed of metal or masonry with a metal covering device with openings no larger than three-quarters (3/4) inch with draft holes near the bottom no larger than three-quarters (3/4) inch.

*Bonfire* is defined as: an outdoor fire exceeding the size of a recreational fire and used for ceremonial purposes.

*Open fire* means any fire outside of a building or structure involving any type of combustible material, whether for cooking, pleasure or any other purpose, located anywhere within the city, on public or private property.

*Outdoor cooking apparatus* means a charcoal grill, camping stove or similar apparatus designed exclusively for cooking food.

*Recreational fire* means any fire such as a campfire contained in a fire pit or portable manufactured fire container for the purpose of recreational and personal enjoyment.

*Fire pit* means a structure with the following components:

- a. The diameter of the pit shall not exceed three (3) feet;
- b. The depth of the pit shall be one (1) to two (2) feet deep; and
- c. The rim of the pit shall be lined with rock, concrete, brick or steel that is six (6) inches wide all around the perimeter.

*Waste material* is defined as: paper and paper products excluding diapers; clean clear unpainted unfinished untreated wood and wood products excluding particle board and similar products; and yard waste.

(b) Incineration of waste material, outside of one- or two-family dwellings in the city, shall be permitted if done in accordance with the following provisions:

(1) No such burning may be within twenty-five (25) feet of an existing structure or property line, nor upon the paved portion of any street. Provided, however, in the case of a lot wherein the above dimensions cannot be met because of the small size of the lot, then the said containers shall be located in the center of the rear of the property an equal distance from the property line and any structure located thereon.

- (2) No such burning shall be done prior to 7:00 a.m., and must not be continued after 7:00 p.m. on any day. No burning shall be done in the city except on Tuesdays and Thursdays. Burning of waste material is prohibited on Monday, Wednesday, Friday, Saturday, and Sunday of each week.
- (3) No such burning shall be done unless under the supervision of a person of mature years and discretion and no burning shall be done where its maximum size is not controllable by such person.
- (4) Incineration of all waste material except yard waste shall occur in an approved container.

(c) Recreational fires outside of one or two family dwellings in the city shall be permitted if done in accordance with the following provisions:

- (1) No recreational fire may be within twenty-five (25) feet of an existing structure or property line. Provided, however, in the case of a lot wherein the above dimensions cannot be met because of the small size of the lot, then the said pits or containers shall be located in the center of the rear of the property an equal distance from the property line and any structure located thereon.
- (2) No such burning shall be done prior to 12:00 noon, and must not be continued after 10:00 p.m. Sunday through Thursday and after 12:00 midnight Friday and Saturday.
- (3) No recreational fires shall occur unless under the supervision of a person of mature years and discretion.
- (4) Material that is acceptable to burn in a recreational fire shall be limited to clean clear unpainted unfinished and untreated wood and wood products excluding particle board and similar products, split firewood, tree limbs and charcoal. No accelerant such as gasoline and kerosene may be used except charcoal lighter fluid.
- (5) A fire extinguisher or water hose shall be connected and available at all times when a recreational fire is active.
- (6) No recreational fire shall exceed three (3) feet in diameter and two (2) feet in height.

(d) Bonfires shall only be allowed by permit issued by the fire chief or his designee pursuant to rules promulgated by the fire chief.

(e) Fires in an outdoor cooking apparatus are permitted in accordance with the provisions of the International Fire Code.

(f) Any person, firm or corporation who violates this section shall be given a written warning and a \$50.00 fine for the first offense if there have been no prior incidents. If, in the judgment of the authorized city official responding to a first offense, a person has displayed gross flaunting of the law, that person shall be fined as a second offense. On the second offense the person, firm, or corporation shall be responsible for a municipal

civil infraction with a fine of \$250.00, plus costs. On the third offense, or any further offense, the person, firm or corporation shall be responsible for a municipal civil infraction with a fine of \$500.00 plus costs and any applicable fee from the fire department. The building inspector, building official, code enforcement officer, all members of the fire department, and all members of the police department are hereby designated as the authorized city officials to issue municipal civil infraction citations and municipal civil infraction violation notices pursuant to this section.

(g) The responding city official shall make an actual visual inspection of the burn site when feasible. If illegal waste materials are in the burning site, this will be considered an offense.  
(Code 1977, § 9.218; Ord. No. 397, § 1, 9-20-82; Ord. No. 551, § 1, 2-20-96; Ord. No. 580, § 1, 5-3-99; Ord. No. 629, § 1, 6-2-03; Ord. No. 652, § 1, 12-1-03; Ord. No. 658, § 1, 5-3-04; Ord. No. 701, § 1, 8-4-08)

### **Sec. 13-5. Obnoxious odors; wind, sparks and embers.**

(a) It shall be a nuisance and unlawful for any person to burn or allow to be burned, at any time or place any materials of any kind which exude obnoxious odors, or when such fire emits excessive smoke, sparks or burning embers upon adjoining, adjacent, neighboring or nearby premises.

(b) No such burning shall be done at any time or place when wind conditions will create or be apt to create a nuisance to anyone or the property of anyone in the vicinity thereof, or be a danger to the property of any person in the vicinity thereof.

(c) Any person, firm or corporation who violates this section shall be given a written warning and a \$50.00 fine for the first offense if there have been no prior incidents. If, in the judgment of the authorized city official responding to a first offense, a person has displayed gross flaunting of the law, that person shall be fined as a second offense. On the second offense the person, firm, or corporation shall be responsible for a municipal civil infraction with a fine of \$250.00, plus costs. On the third offense, or any further offense, the person, firm or corporation shall be responsible for a municipal civil infraction with a fine of \$500.00 plus costs and any applicable fee from the fire department. The building inspector, building official, code enforcement officer, all members of the fire department, and all members of the police department are hereby designated as the authorized city officials to issue municipal civil infraction citations and municipal civil infraction violation notices pursuant to this section.

(d) The responding city official shall make an actual visual inspection of the burn site when feasible. If illegal waste materials are in the burning site, this will be considered an offense.  
(Code 1977, § 9.219; Ord. No. 552, § 1, 2-20-96; Ord. No. 581, § 1, 5-3-99; Ord. No. 629, § 1, 6-2-03; Ord. No. 652, § 1, 12-1-03; Ord. No. 658, § 1, 5-3-04; Ord. No. 701, § 1, 8-4-08)

### **Sec. 13-6. Starting fires by smoking.**

It shall be unlawful for any person in smoking or attempting to light or to smoke a cigarette, cigar or pipe, to set fire to any bed, bedding, furniture, curtains or draperies in any hotel, motels, lodging house or tourist home in the city.  
(Code 1977, § 9.220)

### **Sec. 13-7. Flammable liquids regulations.**

The use, storage and processing of flammable liquids shall conform to the flammable liquids regulations of the state fire marshal, adopted November 29, 1955, effective February 15, 1956. Any person violating any of said regulations or failing to comply therewith, shall be guilty of a violation of this Code.  
(Code 1977, § 9.221)

**Sec. 13-8. Outdoor wood-fired boilers.**

No person or business shall install an outdoor wood-fired boiler within the city limits.  
(Ord. No. 714, § 1, 10-19-09)

**Secs. 13-9--13-35. Reserved.**

**ARTICLE II.**

**FIRE PREVENTION CODE\***

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\* **Editors Note:** Ord. No. 603, § 1, adopted Nov. 20, 2000 repealed §§ 13-36, 13-37 in their entirety and added §§ 13-20--13-24. Former §§ 13-36, 13-37 pertained to the adoption of the Uniform Fire Code and changes to the code, respectively, and derived from the Code of 1977, § 9.223; Ord. No. 405, § 1, adopted Feb. 21, 1983; and Ord. No. 469, §§ 1--3, adopted Dec. 18, 1989. The editor has determined that the new provisions of said ordinance belong in art. III, and has redesignated the provisions as new §§ 13-36, 13-37.

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**Sec. 13-36. Code adopted.**

The International Fire Code, 2000 Edition, is adopted by reference.  
(Ord. No. 603, § 1, 11-20-00)

**Sec. 13-37. Revisions to International Fire Code.**

The following sections of the International Fire Code shall contain the following insertions:

*Section 101.1:* The City of Owosso, Michigan.

*Section 109.3:* \$500.00 and 90 days

*Section 111.4:* \$500.00

(Ord. No. 603, § 1, 11-20-00)