

## Port Sanilac – General Regulations

### CHAPTER 90: FIRE PREVENTION AND PROTECTION; FIREWORKS

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## ***GENERAL PROVISIONS***

### **§ 90.01 FALSE ALARMS.**

Any person who knowingly and willfully commits any one or more of the following actions shall be guilty of a misdemeanor:

(A) Raise a false alarm of a fire at any gathering or in a public place;

(B) Ring any bell or operate any mechanical apparatus or combination thereof, for the purpose of creating a false alarm of fire; and/or

(C) Raise a false alarm of fire orally, by telephone or in person.

(1989 Code, § 31.01.01) (Ord. 08-10, passed 1-20-2009) Penalty, see § 90.99

*Statutory reference: Related provisions, see M.C.L. § 750.240*

### **§ 90.02 INJURY TO FIRE EQUIPMENT.**

No person shall willfully molest, take for his or her own private use or damage in any manner any firefighting equipment system, apparatus or any thing pertaining to firefighting, or drive any vehicle upon or against any hose or equipment of the Fire Department.

(1989 Code, § 31.01.02) (Ord. 08-10, passed 1-20-2009) Penalty, see § 90.99

*Statutory reference:*

*Maliciously destroying or injuring personal property of fire department, see M.C.L. § 750.377B*

### **§ 90.03 OBSTRUCTION OF FIRE HYDRANTS.**

No person shall place any obstruction whatsoever, nor shall any person responsible for such obstruction permit it to remain, within 15 feet of a fire hydrant.

(1989 Code, § 31.01.03) (Ord. 08-10, passed 1-20-2009) Penalty, see § 90.99

## ***OPEN BURNING***

### **§ 90.15 PURPOSE.**

To preserve and protect the public health, safety and general welfare of the citizens of the village, the following general provisions of this subchapter shall apply.

(1989 Code, § 31.02.01) (Ord. 08-10, passed 1-20-2009)

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### § 90.16 BURNING AND BURYING TRASH AND THE LIKE.

No person shall throw any trash, garbage or other non-yard waste refuse upon the grounds or bury the same on any premises, public or private, or burn the same in any manner that may menace the public health, cause a nuisance of smoke ash or offensive odors, or burn the same in any manner that may constitute a fire hazard. It is prohibited to burn garbage of any kind.

(1989 Code, § 31.02.01) (Ord. 08-10, passed 1-20-2009) (Ord. 11-01, passed 5-3-2011) Penalty, see § 90.99

### § 90.17 YARD WASTE.

*YARD WASTE* means leaves, grass and/or grass clippings, vegetable or other garden debris, shrubbery or brush, tree clippings or other similar materials, which can be converted into compost humus. No person shall be allowed to burn any yard waste from April 30 to November 1.

(1989 Code, § 31.02.01) (Ord. 08-10, passed 1-20-2009) (Ord. 11-01, passed 5-3-2011) Penalty see § 90.99

### § 90.18 COOKING FIRES.

Fires are permitted for the cooking and smoking of food; provided that, such fires are confined to a barbecue grill, barbecue pit, smokehouse or other enclosure; and, provided further that, the emission of smoke and fumes do not irritate, annoy or constitute a nuisance to others living in close proximity.

(1989 Code, § 31.02.01) (Ord. 08-10, passed 1-20-2009) Penalty, see § 90.99

### § 90.19 RECREATIONAL FIRES.

(A) Recreational fires on private property are permitted and do not need Fire Department permission when in a pit or pile which does not exceed three feet in diameter and three feet in height only when the following conditions are met:

- (1) Fires are attended until fully extinguished and ashes are cold;
- (2) Only clean wood products or commercially-produced fuel products are burnt; no construction materials;
- (3) The fire does not endanger other buildings or structures;
- (4) Atmospheric conditions are favorable;
- (5) Prohibit emission of smoke or fumes which irritate, annoy or constitute a nuisance to others living in proximity of such fire; and
- (6) State, federal or county restrictions imposed during high fire hazard periods.

(B) Recreational fires are strictly prohibited on any public property within the village. (1989 Code, § 31.02.01) (Ord. 08-10, passed 1-20-2009) Penalty, see § 90.99

## **§ 90.20 CONTRACTOR-GENERATED FIRES.**

Fires for the heating of outdoor building sites are permitted; provided, such fires are confined to so called “salamander” heaters or similar devices. Outdoor fires are permitted when necessary to pursue a business or trade requiring the use of fire, including, by way of example, but not necessarily by way of limitation, the heating, boiling of tar, pitch or oil or other substances when used by roofers and other tradesmen.

(1989 Code, § 31.02.01) (Ord. 08-10, passed 1-20-2009) Penalty, see § 90.99

## **§ 90.21 EXCEPTIONS AND SPECIAL CIRCUMSTANCES.**

Open fires are permitted in the performance of an official duty by public officer for fires necessary for one or more of the following reasons or purposes:

(A) For the prevention of a fire hazard, which cannot be abated by other means;

(B) For the instruction of public firefighters or industrial commercial employees under the proper supervision of a qualified instructor;

(C) For the protection of public health; and/or

(D) For controlled disposal of refuse and debris as collected by or on behalf of the village as a site owned or operated by the village.

(1989 Code, § 31.02.01) (Ord. 08-10, passed 1-20-2009)

## ***FIREWORKS***

### **§ 90.35 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACT 256.** The State Fireworks Safety Act, Public Act 256 of 2011, being M.C.L. §§ 28.451 et seq., as it may be amended from time to time.

**CONSUMER FIREWORKS.** As that term as defined in Act 256.

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***FIREWORK*** or ***FIREWORKS***. As that the term as defined in Act 256.

***RETAILER***. As that the term as defined in Act 256.

***WHOLESALE***R. As that the term as defined in Act 256.

(Ord. 14-01, passed 2-4-2014)

### **§ 90.36 COMPLIANCE WITH APPLICABLE ORDINANCES AND CODES.**

Unless otherwise provided in this subchapter, a retailer or wholesaler of fireworks located within the village must also comply with the requirements of the village's Zoning Ordinance, as well as all building codes and regulations and state and federal law.

(Ord. 14-01 passed 2-4-2014) Penalty, see § 90.99

### **§ 90.37 USE OF CONSUMER FIREWORKS PROHIBITED.**

No person shall ignite, discharge or use consumer fireworks in the village, except this prohibition shall not preclude any person from igniting, discharging or using consumer fireworks within the village of the day proceeding, the day of or the day after a national holiday. Consumer fireworks shall not be used, discharged and/or ignited in the village between the hours of 1:00 a.m. and 8:00 a.m. on the day before, the day of and the day after a national holiday. (Ord. 14-01, passed 2-4-2014)

Penalty, see § 90.99

### **§ 90.38 POSSESSION OF FIREWORKS BY MINORS.**

A minor shall not possess consumer fireworks.

(Ord. 14-01, passed 2-4-2014) Penalty, see § 90.99

### **§ 90.39 DETERMINATION OF VIOLATION; SEIZURE.**

If an enforcement officer determines that violation of this subchapter has occurred, the officer may seize the fireworks as evidence of the violation.

(Ord. 14-01, passed 2-4-2014)

### **§ 90.40 FIREWORKS SAFETY.**

No person shall recklessly endanger the life, health, safety or well-being of any person by the igniting, discharge or use of consumer fireworks.

(Ord. 14-01, passed 2-4-2014) Penalty, see § 90.99

**§ 90.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Violation of §§ 90.15 through 90.21 of this chapter constitutes a civil infraction, Grade 3, Level 1.  
(1989 Code, § 31.02.01)

(C) (1) The Village President, Department of Public Safety, Code Enforcement Officer and their designees are authorized to enforce §§ 90.35 through 90.40 of this chapter.

(2) A violation shall be enforced as a municipal civil infraction under § 10.99(B) of this code of ordinances. The enforcing person may issue a notice of violation or proceed directly to a Municipal civil infraction citation within his or her discretion. Nothing in §§ 90.35 through 90.40 of this chapter shall prohibit filing other cause of action including criminal prosecution or a request for injunctive relief or other relief as allowed by law in a court of competent jurisdiction.

(3) The penalties and fines for violation of §§ 90.35 through 90.40 of this chapter are as follows.

(a) A notice violation shall be considered a Grade 3 offense as described in § 10.99(B) of this code of ordinances.

(b) A municipal civil infraction violation processed in a court of jurisdiction shall be not more than \$500 for each violation plus costs, fees, attorney fees and injunctive relief as allowed by the Revised Judicature Act of 1961, Public Act 236 of 1961, Ch. 87, being M.C.L. §§ 600.8701 through 600.8737, as amended, municipal civil infractions and as allowed under the state's Rules of Court.

(Ord. 08-10, passed 1-20-2009; Ord. 11-01, passed 5-3-2011)