

**CITY OF ITHACA, MICHIGAN
ORDINANCE No. 2023-02**

**ORDINANCE AMENDING CHAPTER 16 OF
THE ITHACA CODE OF ORDINANCES**

Chapter 16: FIRE PREVENTION AND PROTECTION

An Ordinance to Amend Chapter 16 of the Code of Ordinances of the City of Ithaca, by Amending Article II: Burning; §16-33 and Adding §16-35 and §16-36.

THE CITY OF ITHACA ORDAINS:

SECTION 1. Chapter 16: *Fire Prevention and Protection*; Article II: Burning is hereby amended to replace §16-33 and Adding §16-35 and §16-36 to read as follows, in its entirety:

**ARTICLE II
Burning**

§ 16-31. Where permitted. [Code 1968, § 8-401]

No person shall burn any trash upon any premises within the City unless such burning shall take place in a furnace, fireplace, stove or incinerator within a dwelling or other building.

§ 16-32. Permitted burning within building. [Code 1968, § 8-404]

Trash or garbage may be burned in an incinerator within a building, provided the combustion chamber is completely enclosed and vented through an approved chimney or stack, and the incinerator is designed and constructed to prevent emission of noxious odors and will not emit smoke, fly ash or other air contaminants in unreasonable quantity or to such an extent as to be detrimental to the health or welfare of the City.

§ 16-33 Leaves, Grass Clippings, Dead Grass, Hedges, Weeds. [Code 1968, § 8-405]

No person shall burn or cause to be burned the following types of materials: leaves, grass clippings, hedges, weeds and other similar types of materials.

§ 16-35 Recreational Fires

Recreational fires are permitted and shall be confined to a fire pit, ring, or other wood burning device.

§ 16-36 Outdoor Furnaces

Definition. "Outdoor furnace" means any equipment, device, appliance or apparatus, including boilers, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuels to produce heat or energy used as a component of the heating system providing heat for an interior space or water source.

Prohibition. No person shall install an outdoor furnace in the city after the effective date of this section, or use or operate an outdoor furnace installed after the effective date of this section.

Violation. Any person who shall violate the provisions of this section shall be deemed to be responsible for a municipal civil infraction. Each day that such violation continues shall constitute a separate municipal civil infraction. A person found responsible shall be subject to a

civil fine in accordance with the schedule of civil fines appearing under Chapter 1. Section 7.

[Code 1968, §§ 1-109, 1-110]

(a) In this section, the term "violation of this Code" means any of the following:

(1) Doing an act that is prohibited or made or declared unlawful, an offense or a violation by ordinance or by rule or regulation authorized by ordinance.

(2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance.

(3) Failure to perform an act if the failure is prohibited or is made or declared unlawful, an offense or a violation or by ordinance or by rule or regulation authorized by ordinance.

(b) Any provision of this Code that is made or declared to be a misdemeanor, civil infraction or municipal civil infraction is a violation of this Code.

(c) In this section, the term "violation of this Code" does not include the failure of a City officer or City employee to perform an official duty unless it is specifically provided that the failure to perform the duty is to be punished as provided in this section.

(d) Except as specifically provided otherwise by state law or City ordinance, all violations of this Code are misdemeanors. Except as otherwise provided by law or ordinance, a person convicted of a violation of this Code that is a misdemeanor shall be punished by a fine not to exceed \$500, and costs of prosecution or by imprisonment for a period of not more than 90 days, or by both such fine and imprisonment. However, unless otherwise provided by law, a person convicted of a violation of this Code which substantially corresponds to a violation of state law that is a misdemeanor for which the maximum period of imprisonment is 93 days, is punishable by a fine not to exceed \$500 and costs of prosecution, or by imprisonment for a period of not more than 93 days, or by both such fine and imprisonment.

(e) Except as otherwise provided by law or ordinance, with respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense. As to other violations, each violation constitutes a separate offense.

(f) The imposition of a penalty does not prevent suspension or revocation of a license, permit or franchise or other administrative sanctions.

(g) Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent injunctive relief or civil or quasi-judicial enforcement.

This ordinance is hereby adopted by action of the City Council dated this 15th day of August, 2023.

Ayes: (7) Jerome, Koppleberger, Andrew, Endter, Gruesbeck, Hubbard, Baublitz

Nays: (0) None

Absent: (0) None

Abstain: (0) None

Introduced: 07/18/2023

Public Hearing: 08/15/2023

Adopted: 08/15/2023

Published: 08/24/2023

Effective: 09/04/2023

Cathy Cameron

Cathy Cameron, City Clerk