

## **Eaton Rapids Township Burning Permit Guide**

**For Burning Permits contact the Fire Department (517-663-3955)**

**For the full Burning Ordinance contact the Township Hall (517-663-7407) Tues or Thurs**

Please adhere to these directions regarding setting of fires and burning various items in Eaton Rapids Township, Eaton County, Michigan.

This will decrease the accidental spread of fire and hazardous byproducts that can obscure visibility, negatively impact nearby soils, create foul odors, pose health threats, or create nuisance conditions. The township recognizes the traditional use of open burning in the practice of agriculture and horticulture, and this is not intended to diminish that use when performed according to these requirements.

### **BURNING PERMIT INFORMATION REQUIRED:**

1. Before burning, apply for and obtain a burning permit from the Eaton Rapids Township Fire Department (517-663-3955).
2. Burning permit applications must state the name and address of the applicant, applicant's telephone number, the location of the real property where the proposed burning will occur, the proposed time for the burning, reasons for the desired burning, the person responsible for the burning, the number of days (up to 4) of the proposed burning, the type of material to be burned, and any other information applicant deems relevant or the Fire Chief deems necessary.

### **DEFINITIONS:**

**Burning:** Starting and/or maintaining a fire where the products of combustion are emitted directly into the air without passing through a stack or chimney.

**Campfire:** A fire primarily for cooking, warmth, or recreational purposes, involves only wood products, the fire pit is no larger than 5 feet in diameter, is controlled by a person at least 18 years old, does not endanger other buildings, and does not produce a nuisance.

**Person:** An individual, partnership, firm, corporation, company, association, or other entity.

**Fire Chief:** means the Fire Chief (or the Chief's duly authorized agents or representatives) of the Eaton Rapids Township Fire Department.

### **BURNING PERMIT:**

Unless expressly exempt under this Ordinance from the burning permit requirement, a person may only burn or cause to be burned the following with a burning permit from the Eaton Rapids Township Fire

Department if this does not create a nuisance:

1. Brush, leaves, grass clippings.
2. Any trees, tree limb, tree branch.
3. Agricultural Burning: Open burning of weeds, brush, and crop stubble on agricultural lands is permitted with a permit if conducted in accordance with generally accepted agricultural management practices.

**BURNING ALWAYS PROHIBITED:**

(even in situations otherwise exempt under the Burning Ordinance):

- 1 Burning of garbage, animal carcasses, refuse trash, rubbish, or material that gives off foul odors.
2. Burning of highly flammable, toxic, or materials, such as explosive batteries, pesticides, household chemicals, motor or engine oil, gasoline, paint, varnishes, or solvents.
3. Burning building materials, dimensional lumber processed for construction purposes; or treated with creosote, wolmanized pressure treated. or otherwise painted, stained, or varnished.
4. Burning refuse from a commercial or industrial establishment.
5. Tires, furniture, or appliances (or parts of).
6. Plastic materials, such as nylon, PVC, ABS polystyrene or urethane foam, and synthetic fabrics, plastic films, and plastic containers.
7. Burning on property covered by a Michigan Department of Environmental Quality (MDEQ) burning ban.
8. Burning on a day when the MDEQ has issued  
an Air Quality Action Day.
9. Burning that creates a nuisance. For purposes of this Ordinance, a nuisance means burning that creates a hazard or annoyance to a reasonable person of ordinary sensitivities in the area of the burning due to heat, flame, flying ashes, sparks, smoke, or odor.
10. Burning that this Ordinance does not expressly allow or exempt from the permit process.

## **GRANTING OR DENIAL OF BURNING PERMITS:**

In evaluating any burning permit, the Fire Chief may inspect the premises where the burning is proposed.

## **TERMS OF THE BURNING PERMIT:**

Unless the burning permit states to the contrary, the following conditions apply:

1. Burning may only occur in open, supervised areas.
2. Burning must be attended by the person responsible for the fire named in the application (who must be a competent person of at least 18 years of age or older) and who is responsible for ensuring the fire is completely extinguished before leaving the location.
3. Burning may occur only sunrise to sunset.
4. If the Fire Chief determines the burning gives off foul odors or creates a nuisance, this is a violation of the burning permit.
5. The owner of the real property for which the permit was issued consents, upon the showing of credentials, to the Fire Chief(s) entry onto that real property to verify compliance with permit conditions and the Burning Ordinance.
6. Violation(s) of the permit - voids the permit.
7. The Fire Chief may revoke the permit if circumstances Occur that the Fire Chief believes poses a risk to the public health, safety, and welfare.

## **EXEMPT BURNING:**

The following are permitted without obtaining a permit:

1. Cooking and Grilling. Use of cooking or grilling appliances to cook or grill food using charcoal, wood, propane, or natural gas.
2. Outdoor Campfires. Outdoor campfires and bonfires for cooking, ceremonies, or recreation which do not constitute nuisance.
3. Generating heat in a stove, furnace, fireplace, or other heating device within a building used for human or animal habitation or public use.
4. Burning through use of materials (such as propane, acetylene, natural gas, gasoline, or kerosene) in a device intended for heating, construction, or maintenance purposes.

## **EXEMPT BURNING ONLY IF ADDITIONAL CONDITIONS EXIST:**

Single and Two-Family Dwelling Open Burning.

Open burning of refuse on property where a single or two-family dwelling is located, is permitted without a permit if:

1. The burning does not create a nuisance, nor give off a foul or offensive odor.
2. The burning is conducted in a container built of metal or masonry that has a metal cover or spark arrester device with 3/4" holes. The container must be placed at least 25 feet from the nearest combustible building materials, wall, or property line (15 feet).
3. The burning occurs at least 25 feet from the nearest building on adjacent property.

## **EXEMPT BURNING ONLY IF ADDITIONAL**

### **CONDITIONS EXIST (Cont):**

4. The burning is constantly attended and supervised by a competent person of at least 18 years of age until the fire is extinguished.

The person must have readily available, equipment for use of fire extinguishing as is necessary to control the fire.

### **REVOCAION OF BURNING PERMIT: If there is a violation of the Ordinance or any term of the burning permit, the Fire Chief may:**

1. Issue a stop burning order to the owners or occupants of the real property on which the burning is occurring. Any person receiving a stop burning order must immediately extinguish the fire and stop further burning unless the Fire Chief expressly approves such.

It is a violation of this Ordinance to re-ignite or allow the re-ignition of a fire covered by a stop burning order without the Fire Chief's express consent.

2. Take actions to personally extinguish any burning (whether covered by a permit or not or exempt under this Ordinance) if a nuisance or hazard to public health, safety, and welfare.

Where this occurs, the owner of the real property on which the burning occurred is responsible for the costs of the Fire Department in doing so, and, if unpaid, the costs may be collected as a lien on the real property through tax collection.

VIOLATIONS of the Burning Ordinance are a misdemeanor. Fines, fees, court and suppression costs may be assessed. Other costs, penalties and actions may also be taken, as appropriate. Refer to the Eaton Rapids Township Burning Ordinance for full details, (May 2017)