

City of Montrose Burn Permit

Montrose Township Police and Fire
11444 N. Seymour Rd. Montrose, MI 48457
Police Phone # (810) 639-5400
Fire Phone # (810) 639-7777
www.montrosetownship.org

City of Montrose Offices
139 S. Saginaw St.
Montrose, MI 48457
Office Phone # (810) 639-6168
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www.cityofmontrose.us

PERMIT HOLDER IS ALSO RESPONSIBLE TO VISIT THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES, (DNR WEBSITE) AT <http://www.michigan.gov/dnr> TO VIEW PRESS RELEASES FOR ANY POTENTIAL BURNING BANS PRIOR TO ANY FIRE.

NOTE: THIS PERMIT MUST BE RENEWED ANNUALLY ON JANUARY 1ST OF EACH YEAR

Name of Property Owner: _____

Name of Renter: _____

Address of Burn: _____

Drivers License #: _____ Email: _____

Approved Person(s) to Start or Attend: _____

Contact # for Owner: _____ Approved Person(s) #: _____

Initial in each box to acknowledge you have read and understand each regulation and the penalty.

- 1. No person shall start or have any open fire without first obtaining a permit.
- 2. No person shall start or have any open fire whenever there is a danger of the fire spreading outside the control of the person attending/responsible.
- 3. No person shall have or start an open fire and leave the fire unattended until the fire has been completely extinguished.
- 4. No fire (open burn or campfire) shall produce a nuisance or hazard as determined by the police department.
- 5. You shall NOT burn any construction material, any household trash, any toxic and/or Chemical materials, such as tires, paint, or plastics.
- 6. Have received, read and understand the City of Montrose Ordinance on Open Burning and Fire Prevention.

ANY PERSON VIOLATING THE ABOVE PROVISIONS SHALL BE GUILTY OF A MISDEMEANOR AND SHALL, UPON CONVICTION, BE PUNISHED WITH A FINE OF NOT TO EXCEED \$500 AND THE COST OF PROSECUTION, OR BY IMPRISONMENT IN THE GENESEE COUNTY JAIL FOR A PERIOD NOT TO EXCEED 90 DAYS, OR BY BOTH FINE AND IMPRISONMENT IN THE DISCRETION OF THE COURT.

Signature of Person Obtaining Permit Date

Signature of Receiving City Employee Date

**All information above is in compliance with attached City Ordinance No. 411, 423, 433 & 441
Fire Prevention and Outdoor Burning Regulations.**

ARTICLE II. - FIRE PREVENTION AND OUTDOOR BURNING PROTECTION REGULATIONS

Footnotes:

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Editor's note— Ord. No. 411, §§ 1—12, adopted Aug. 11, 2011, amended art. II in its entirety to read as herein set out. Former art. II, §§ 26-19—26-23, was entitled "Open Burning", and derived from Ord. No. 68, §§ 2—5, 7, adopted May 9, 1967; and Ord. No. 246, §§ 1—4, adopted Sept. 13, 1994.

State Law reference— Open burning prohibited in certain municipalities, MCL 324.11522.

Sec. 26-19. - Purpose.

The purpose of this article is to promote the public health, safety and welfare of people and property, to safeguard the health, comfort, living conditions, safety and welfare of the City of Montrose and to protect public health and safety due to air pollution and fire hazards from open burning and outdoor burning.

(Ord. No. 411, § 1, 8-11-2011)

Sec. 26-20. - Definitions.

The following words, terms, and phrases, when used in this article, have the meaning ascribed to them in this section, except where the content clearly indicates a different meaning:

Allowed burning means in the rear or side yard of residential used properties and the container shall be a minimum of 15 feet away from any building or property line.

Campfire means a small outdoor fire intended for recreation or cooking, but not including a fire for disposal of waste wood or refuse, with a maximum size not to exceed 12 square feet.

Clean wood means natural wood which has not been painted, varnished or coated with a similar preservative material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.

Construction and demolition waste means building waste materials, including but not limited to, waste shingles, insulation, lumber, treated wood, painted wood, varnished wood, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair, and demolition operations of a house, commercial or industrial building, or other structure.

Nuisance means a use of property or course of conduct that interferes with the legal rights of others by causing damage, annoyance, or inconvenience.

Open burning or fire means kindling or maintaining any outdoor fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney when such burning is done in a container constructed of steel, brick or masonry with proper venting at the base and screening with openings no larger than three-fourths inch in size over the top for the purpose of cooking food or recreational bonfires, as permitted.

Outdoor wood-fired boiler means a wood-fired boiler, stove, or furnace that is not located within a building intended for habitation by humans or domestic animals.

Patio wood-burning unit means a chimnea, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.

Refuse means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.

(Ord. No. 411, § 2, 8-11-2011)

Sec. 26-21. - Applicability.

This article applies to all outdoor burning within the City of Montrose except:

- (1) This article does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.

- (2) This article does not apply to burning in a stove, furnace, fireplace or other device within a building used for human or animal habitation.
- (3) This article does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

(Ord. No. 411, § 3, 8-11-2011)

Sec. 26-22 - General prohibition on outdoor burning and open burning

Open burning and outdoor burning are prohibited in the City of Montrose unless the burning is specifically permitted by ordinance. In no instance shall an outdoor burning fire cause or create a nuisance to neighbors, such as, but not limited to, sparks, smoke, noxious fumes, etc.

(Ord. No. 411, § 4, 8-11-2011)

Sec. 26-23 - Burning of refuse prohibited

Burning of all refuse is prohibited.

(Ord. No. 411, § 5, 8-11-2011)

Sec. 26-24 - Burning of other prohibited materials

Burning of other prohibited materials are the follows:

- (1) Construction and demolition waste.
- (2) Hazardous substances including, but not limited to, batteries, household chemicals, pesticides, used oil, gasoline, paints, varnishes, and other solvents.
- (3) Furniture and appliances.
- (4) Tires.
- (5) Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and containers.
- (6) Newspaper and all other paper containing print.
- (7) Corrugated cardboard, container board, and office paper.
- (8) Treated or painted wood including, but not limited to, plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

(Ord. No. 411, § 6, 8-11-2011; Ord. No. 423, 7-10-2014)

Sec. 26-25 - Burning of trees, logs, brush, stumps, leaves and grass clippings

(a) Burning leaves and grass clippings is only allowed from sunrise to sunset on every Saturday and Sunday during the months of April, May, October and November. Burning leaves and grass clippings at all other times is prohibited.

(b) Burning of trees, logs, brush, and stumps is allowed only in accordance with all of the following provisions:

- (1) Outdoor campfires for cooking, ceremonies, or recreation are allowed if a burn permit was issued by the city office and the campfire is maintained in accordance with fire permit regulations of the fire department, Genesee County and the Michigan Department of Natural Resources and Environment.
- (2) Outdoor fires shall be constantly attended and supervised by a competent person of at least 18 years of age under the supervision of the named permit holder until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control and/or extinguishing of the fire.
- (3) No fire or materials shall be burned upon any city owned property, public right-of-way, street, curb, gutter or sidewalk or on any body of water including ice.
- (4) No fire shall be burned upon any woodlands, wetlands, grasslands, or vacant fields within the City of Montrose.
- (5) Except for charcoal, wood, propane or natural gas cooking or grilling appliances barbeques, no burning shall be within 15

feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless it is a campfire authorized via permit issued by the city office.

- (6) No outdoor fires shall be conducted on days when the Michigan Department of Natural Resource and Environment has declared an air quality action day applicable to Genesee County or at any times when the State of Michigan or Genesee County has banned outdoor fires via public notice.
- (7) All allowed outside open burning shall be conducted in a safe, nuisance-free manner, when wind and weather conditions minimize adverse effects and do not create a health hazard or a visibility hazard on roadways, railroads or airfield. Open burning shall be conducted in conformance with all local and state fire protection regulations.

(Ord. No. 411, § 7, 8-11-2011; Ord. No. 423, 7-10-2014; Ord. No. 433, 5-16-2017; Ord. No. 441, 2-20-2020)

Sec. 26-26. - Outdoor wood-fired boilers.

An outdoor wood-fired boiler may be installed and used in the City of Montrose only in accordance with all of the following provisions:

- (1) The outdoor wood-fired boiler shall be placed on a lot of no less than 2½ acres.
- (2) The outdoor wood-fired boiler shall be located, at a minimum, at least 250 feet from the nearest principal structure which is not on the same property parcel as the outdoor wood-fired boiler.

(Ord. No. 411, § 8, 8-11-2011)

Sec. 26-27. - Patio wood-burning units.

A patio wood-burning unit may be installed and used in the City of Montrose only in accordance with all of the following provisions:

- (1) The patio wood-burning unit shall not be used to burn refuse.
- (2) The patio wood-burning unit shall burn only clean wood.

(Ord. No. 411, § 9, 8-11-2011)

Sec. 26-28. - Burn permits.

No person shall start or maintain any outdoor fire or allowed burning without first obtaining a burn permit from the City of Montrose office or designee. Permits are issued on an annual, calendar year basis, to the designated individual permit holder of responsibility.

(Ord. No. 411, § 10, 8-11-2011)

Sec. 26-29. - Enforcement.

State of Michigan certified and sworn police officers and the zoning administrator are authorized to enforce the provisions of this article.

(Ord. No. 411, § 11, 8-11-2011)

Sec. 26-30. - Penalties.

Any person, firm, association, partnership, corporation, or governmental entity that violate the provisions of this article may be deemed guilty of a misdemeanor and shall, upon conviction, be punished with a fine of not to exceed \$500.00 and cost of prosecution, or by imprisonment in the Genesee County Jail for a period not to exceed 90 days in accordance with the laws of the State of Michigan, or by both, such fine and imprisonment in the discretion of the court.

In addition, the violator shall pay costs which may include all expenses, direct and indirect, which the City of Montrose has incurred in connection with the misdemeanor. In addition, the City of Montrose shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this article. Each day that a violation of this article exists shall constitute a separate violation of this article.

(Ord. No. 411, § 12, 8-11-2011)