

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

***** 324.11539.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 29, 2023 *****

324.11539.amended Open burning of yard waste or leaves; prohibition; effect of local ordinance and part 55; open burning of household waste, materials; application of subpart 7; violations and penalties; open burning of certain storage bins; disposal of unserviceable flag.

Sec. 11539. (1) The open burning of yard waste or leaves is prohibited in any municipality having a population of 7,500 or more, unless specifically authorized by local ordinance. Within 30 days after adoption of such an ordinance, the clerk of the municipality shall notify the department of its adoption.

(2) Subsection (1) does not permit a county or municipality to authorize open burning of yard waste or leaves by an ordinance that is prohibited under part 55 or rules promulgated under part 55.

(3) A person shall not conduct open burning of household waste that contains plastic, rubber, foam, chemically treated wood, textiles, electronics, chemicals, or hazardous materials.

(4) Subpart 7 does not apply to an individual who violates subsection (3) by open burning of waste from that individual's household. The individual is responsible for a state civil infraction and is subject to the following:

- (a) For a first offense within a 3-year period, a warning by the judge or magistrate.
- (b) For a second offense within a 3-year period, a civil fine of not more than \$75.00.
- (c) For a third offense within a 3-year period, a civil fine of not more than \$150.00.
- (d) For a fourth or subsequent offense within a 3-year period, a civil fine of not more than \$300.00.

(5) Notwithstanding section 5512, the department shall not promulgate or enforce a rule that extends the prohibition under subsection (3) to materials not listed in subsection (3).

(6) Part 115, part 55, or rules promulgated under part 55 do not prohibit a person from conducting open burning of wooden fruit or vegetable storage bins constructed from untreated lumber if all of the following requirements are met:

- (a) The burning is conducted for disease or pest control.
- (b) The burning is not conducted at any of the following locations:

(i) Within a priority I area as listed in table 33 or a priority II area as listed in table 34 of R 336.1331 of the MAC.

(ii) In a city or village.

(iii) Within 1,400 feet outside the boundary of a city or village.

(7) Subsections (5) and (6) do not authorize open burning that is prohibited by a local ordinance.

(8) A congressionally chartered patriotic organization that disposes of an unserviceable flag of the United States by burning that flag is not subject to regulation or sanction for violating state law or a local ordinance pertaining to open burning.

History: 1994, Act 451, Eff. Mar. 30, 1995;—Am. 2018, Act 640, Imd. Eff. Dec. 28, 2018;—Am. 2022, Act 247, Eff. Mar. 29, 2023.

Popular name: Act 451

Popular name: NREPA

Popular name: Solid Waste Act

Administrative rules: R 299.4101 et seq. of the Michigan Administrative Code.