

CHARTER TOWNSHIP OF DELTA  
7710 West Saginaw Highway  
Lansing MI 48917  
517/323-8500

**ADOPTION OF CODE OF ORDINANCE AMENDMENT 14-86  
CHAPTER 16 FIRE PREVENTION AND PROTECTION, ARTICLE III OPEN BURNING  
ORDINANCE**

The Delta Township Board introduced the following Code of Ordinance Amendment at its regular meeting scheduled for 6:00 p.m. on October 6, 2014.

The Delta Township Board adopted the following Code of Ordinance Amendment at its regular meeting schedule for 6:00 p.m. on Monday, October 20, 2014.

THE CHARTER TOWNSHIP OF DELTA ORDAINS TO AMEND THE CODE OF ORDINANCE OF DELTA TOWNSHIP AS FOLLOWS:

1. ARTICLE III. OPEN BURNING [2]

Sec. 16-44. Definitions.  
Sec. 16-45. Violations and penalties.  
Sec. 16-46. Purpose.  
Sec. 16-47. Prohibited activities.  
Sec. 16-48. Regulated activities.  
Sec. 16-49. Supplemental rules and regulations.  
Sec. 16-50. Discretion of fire chief regarding burning.  
Secs. 16-51—16-73. Reserved.  
Sec. 16-44. Definitions.

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

Open burning means the outdoor burning of any type of combustible materials, except for such burning which is contained within outdoor grills or barbecues, and is intended and commonly used for purposes of food preparation.

Permit means the authorization granted by the fire chief or his designee, pursuant to the criteria established in this article, consideration of weather conditions, and any other basis relative to health, safety and welfare of township residents.

Recreational fire means an open fire set on the ground and fueled only by wood, brush or charcoal. The materials fueling such a fire are limited to an area of three feet by three feet by three feet.

Training burn means any fire set by the fire chief, or his designee, for the purpose of training members of the fire department in techniques of fire control, management or prevention.

Yard waste means lawn clippings, leaves, twigs and branches (excluding stumps) not more than three inches in diameter and not more than four feet in length, weeds, brush, shrub clippings, and other plant matter which do not emit a foul or offensive odor when burned.

(Code 1992, § 7-47; Ord. No. 95-1, 3-20-1995; Ord. No. 99-1, 2-15-1999)

Sec. 16-45. Violations and penalties.

- (a) Persons found to be in violation of the Ordinance shall be subject to response fees as identified in the Delta Township Fire Department Emergency Services and Haz-Mat fee Schedule. At the discretion of the fire chief or their designee, the response fee for a 1st time offense not requiring fire department suppression, may be waived.

Sec. 16-46. Purpose.

The purpose of this article is to provide for the regulation of open burning within the township.

(Code 1992, § 7-46; Ord. No. 95-1, 3-20-1995; Ord. No. 99-1, 2-15-1999)

Sec. 16-48. Regulated and prohibited activities.

(a) Areas Zoned Residential:

- 1. A permit is required for all burning in Delta Township; residents must call beforehand to ensure appropriate weather conditions as instructed on the permit.

Burning barrels are NOT allowed in areas zoned residential.

- 3. Only recreational fires are allowed in areas zoned residential. The material to be burned shall consist of natural firewood ONLY. No construction materials, yard waste, brush, leaves, rubbish, etc. may be burned at any time.
- 4. Permits are issued annually and expire on December 31st of the calendar year for which it is obtained.
- 5. A burning permit shall only be issued to the property owner. Renters must receive permission to burn from the property owner.
- 6. Recreational burning permits are valid from sunrise to 12:00 AM (midnight).
- 7. There shall be no burning within 25 feet of any structure or combustible material.
- 8. The burning area must be at least 5 feet within your property line.

9. The burning area may not exceed three feet in diameter and two feet in height.
10. Firewood shall be smaller than four (4) inches in diameter. NO STUMPS, LOGS OR BUILDING MATERIALS SHALL BE BURNED.
11. The burning area shall be constantly attended by an individual over the age of 18 years old and knowledgeable in the use of fire extinguishing equipment. The attendant shall supervise the fire until it has been extinguished. A source of water must be near the fire.
12. You shall not use any petroleum products to start the fire or keep it going.
13. The fire chief and/or his/her authorized representative have the authority to discontinue the permit if the smoke creates a nuisance or hazardous condition.
14. The fire chief and/or his/her authorized representative reserve the right to enter the premises to ensure proper compliance to the Burning Rules and Regulations.
15. The resident is responsible to provide the burning permit for inspection and/or surrender upon request.

Areas Zoned Agricultural:

1. Burning of Yard Waste may be permitted in all areas of the township zoned A-1 or A-2 any time during the calendar year between the hours of sunrise and sunset.

A permit is required for all burning in Delta Township, Permits are issued annually and expire on December 31st of the calendar year for which it is obtained. Residents must call beforehand to ensure appropriate weather conditions as instructed on the permit.

3. The burning permit may be obtained on-line or in-person between the hours of 8:00 AM – 5:00 PM at Fire Station No. 1 Monday through Friday (excluding holidays).
4. Permits are issued annually; the resident is responsible to provide the burning permit for inspection and/or surrender upon request.
5. You must be physically in attendance at the fire at all times. The permit is valid from sunrise to sunset.
6. You must burn in your own yard, at least five feet from the property line and a minimum of 25 feet from any structure or combustible material.
7. You shall not use any petroleum products to start the fire or to keep it going.
8. You shall burn only what grows in your own yard (yard waste).

9. A source of water must be near the fire.
10. The brush shall be smaller than four (4) inches in diameter. NO STUMPS, LOGS OR BUILDING MATERIALS SHALL BE BURNED.
11. The brush pile cannot be any larger than 4' x 4' x 4'.

#### BURNING BARRELS

1. Burning barrels are allowed only in agriculturally zoned areas (A-1 or A-2).  
  
The container must be fire proof, constructed of metal or masonry, with an approved spark arrester or screen with openings not more than 3/4" in diameter.
3. The container must be at least five feet from the property line and fifteen feet from any combustible object.
4. You can only burn on your own property.
5. You may burn only Class A (paper, cardboard and yard waste) products. No food, plastics, diapers, cans or garbage can be burned at any time.
6. You may burn only yard waste that is grown or has originated on your own property. No material may be brought in from another residence or location to be burned in Delta Township.
7. You may burn only between the hours of sunrise and sunset. The fire must be completely out by dark.
8. You shall not use any petroleum products to start the fire or keep it going.

#### Special Activities

1. Training burns may be permitted at any time during the calendar year at the discretion of the fire chief or his designee.  
  
The fire chief may issue a permit for open burning on any public or private property being cleared for the purpose of development, or in cases deemed emergencies by the fire chief or his designee.

#### Sec. 16-49. Supplemental rules and regulations.

The chief is authorized to render interpretations of this Code and to make and enforce rules and supplemental regulations in order to carry out the application and intent of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this Code and shall be available to the public during normal business hours.

(Code 1992, § 7-49.5; Ord. No. 99-1, 2-15-1999)

Sec. 16-50. Discretion of fire chief regarding burning.

All burning of any kind may be curtailed under extreme conditions as determined by the fire chief.

(Code 1992, § 7-50; Ord. No. 95-1, 3-20-1995; Ord. No. 99-1, 2-15-1999)

Secs. 16-51—16-73. Reserved.

**SEVERABILITY.** If any clause, sentence, paragraph, or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confirmed in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

**REPEAL.** All ordinances or parts of ordinances of the Charter Township of Delta inconsistent herein are hereby repealed so far as they may be inconsistent with the provisions of this Ordinance.

**EFFECTIVE DATE.** This Ordinance shall take effect upon final publication as required by law.

Copies of this ordinance may be purchased or inspected in the office of the Township Clerk from 8:00 a.m. to 5:00 p.m., Monday through Friday except holidays.

CHARTER TOWNSHIP OF DELTA

MARY R. CLARK, CLERK

KENNETH FLETCHER, SUPERVISOR

I, Mary Clark, Clerk of the Charter Township of Delta, Eaton County, Michigan hereby certify that the foregoing is a complete ordinance adopted by the Township Board at their regular meeting on Monday, October 20, 2014.

CHARTER TOWNSHIP OF DELTA

MARY R. CLARK, TOWNSHIP CLERK

Introduced by Township Board	October 6, 2014
Published following first reading:	
Grand Ledge Independent	October 12, 2014
Delta Waverly Community News	October 12, 2014
Adopted by the Township Board	October 20, 2014
Published following final reading:	
Grand Ledge Independent	October 26, 2014
Delta Waverly Community News	October 26, 2014