

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

**324.11522 Open burning of grass clippings or leaves; open burning of household waste; materials; violation; extension of prohibition to materials not listed in subsection (3); open burning of wooden fruit or vegetable storage bins constructed from untreated lumber; requirements; effect of local ordinance; burning of United States flag.**

Sec. 11522. (1) The open burning of grass clippings or leaves is prohibited in any municipality having a population of 7,500 or more, unless specifically authorized by local ordinance, which ordinance shall be reported to the department of natural resources within 30 days of enactment.

(2) Subsection (1) does not permit a county or municipality to authorize open burning of grass clippings or leaves by an ordinance that would otherwise be prohibited under part 55 or rules promulgated under that part.

(3) Beginning 180 days after the effective date of the amendatory act that added this subsection, 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) Sections 11546 and 11549 do not apply to an individual who violates subsection (3) by open burning of waste from that individual's household. Such an 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) This part, part 55, or rules promulgated under this part or 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 336.1310 of the Michigan administrative code.

(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 penalty for violating a state law or local ordinance pertaining to open burning of materials or substances.

**History:** 1994, Act 451, Eff. Mar. 30, 1995;—Am. 2012, Act 102, Imd. Eff. Apr. 19, 2012.

**Popular name:** Act 451

**Popular name:** NREPA

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

**324.11546 Action for appropriate relief; penalties for violation or noncompliance; restoration; return; civil action.**

Sec. 11546. (1) The department or a health officer may request that the attorney general bring an action in the name of the people of the state, or a municipality or county may bring an action based on facts arising within its boundaries, for any appropriate relief, including injunctive relief, for a violation of this part or rules promulgated under this part.

(2) In addition to any other relief provided by this section, the court may impose on any person who violates any provision of this part or rules promulgated under this part or who fails to comply with any permit, license, or final order issued pursuant to this part a civil fine as follows:

(a) Except as provided in subdivision (b), a civil fine of not more than \$10,000.00 for each day of violation.

(b) For a second or subsequent violation, a civil fine of not more than \$25,000.00 for each day of violation.

(3) In addition to any other relief provided by this section, the court may order a person who violates this part or the rules promulgated under this part to restore, or to pay to the state an amount equal to the cost of restoring, the natural resources of this state affected by the violation to their original condition before the violation, and to pay to the state the costs of surveillance and enforcement incurred by the state as a result of the violation.

(4) In addition to any other relief provided by this section, the court shall order a person who violates section 11526e to return, or to pay to the state an amount equal to the cost of returning, the solid waste that is the subject of the violation to the country in which that waste was generated.

(5) This part does not preclude any person from commencing a civil action based on facts that may also constitute a violation of this part or the rules promulgated under this part.

**History:** 1994, Act 451, Eff. Mar. 30, 1995;—Am. 2004, Act 41, Imd. Eff. Mar. 29, 2004;—Am. 2006, Act 56, Imd. Eff. Mar. 13, 2006.

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**NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)**  
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**324.11549 Violation as misdemeanor; violation as felony; penalty; separate offenses.**

Sec. 11549. (1) A person who violates this part, a rule promulgated under this part, or a condition of a permit, license, or final order issued pursuant to this part is guilty of a misdemeanor punishable by a fine of not more than \$1,000.00 for each violation and costs of prosecution and, if in default of payment of fine and costs, imprisonment for not more than 6 months.

(2) A person who knowingly violates section 11526e is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$5,000.00, or both.

(3) Each day upon which a violation described in this section occurs is a separate offense.

**History:** 1994, Act 451, Eff. Mar. 30, 1995;—Am. 2006, Act 58, Imd. Eff. Mar. 13, 2006.

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NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)

Act 451 of 1994

**324.301 Definitions.**

Sec. 301. Except as otherwise defined in this act, as used in this act:

- (a) "Commission" means the commission of natural resources.
- (b) "Department" means the director of the department of natural resources or his or her designee to whom the director delegates a power or duty by written instrument.
- (c) "Department of natural resources" means the principal state department created in section 501.
- (d) "Director" means the director of the department of natural resources.
- (e) "Local unit of government" means a municipality or county.
- (f) "Michigan conservation and recreation legacy fund" means the Michigan conservation and recreation legacy fund established in section 40 of article IX of the state constitution of 1963 and provided for in section 2002.
- (g) "Municipality" means a city, village, or township.
- (h) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.
- (i) "Public domain" means all land owned by the state or land deeded to the state under state law.
- (j) "Rule" means a rule promulgated pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

**History:** 1994, Act 451, Eff. Mar. 30, 1995;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

**Compiler's note:** Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

**Popular name:** Act 451

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