



## **CHARTER TOWNSHIP OF INDEPENDENCE MEDICALLY BASED BURN PERMIT RESTRICTIONS POLICY**

It shall be the policy of Independence Township to prohibit the issuance of any open burn permits, or revoke previously issued permits, within 400 feet of any residence whose occupants have a documented serious medical condition that is aggravated or triggered by the exposure to smoke from open burning, unless allowed under the provisions of this policy. The Independence Township Fire Department, as the issuing body for burn permits, shall adhere to this policy when issuing burn permits. This authority is already comprehended under Chapter 20, Fire Prevention and Protection, Article III, Open Burning, subsections 20-59(c)(6) and (d)(4)b, to prohibit burning in certain circumstances even after a permit has been issued. **SPECIAL NOTE:** This new burn policy does not apply to or prohibit recreational fires in chiminaes or fire pots as long as the recreational fires are consistent as showcased on Attachment 1.

### **Burn Permit Restriction Requirements:**

Residents are required to submit documentation (Attachment 2) from a medical doctor to the Fire Department supporting the diagnosis of a medical condition that is serious and aggravated or triggered by exposure to smoke from open burning. This evidence must be provided annually and will be kept on file with the Fire Department. After filing, all requests for open burning permits will be rejected except for the exemptions highlighted below.

### **Guidelines for Recreational Fires:**

Recreational fires shall be allowed if contained in a chiminea or fire pot similar to the examples shown on Attachment 1.

### **Exemptions to the Burn Policy:**

The Fire Department may at its discretion issue permits as exceptions to this policy on a case by case basis if evidence is provided that circumstances warrant the dispensation.

### **Exemption Example:**

Mr. Smith wishes to burn leaves and brush. Mr. Jones has a residence within 400 feet of the planned burn location and has filed a medical notice of a serious health condition with the Fire Department. Mr. Smith is informed by the Fire Department that a permit cannot be issued. Mr. Smith contacts Mr. Jones and the residents agree upon a date when Mr. Jones is out of town for the burning of leaves. This agreement between the two neighbors is put in writing, dated, co-signed and presented to the Fire Department. The Fire Department has the discretion to issue a limited permit in these circumstances.

### **Effective Date and Prior Policy:**

This policy shall be effective immediately upon adoption by the Board of Trustees and the policy formerly adopted by the Board on September 10, 2013, is hereby amended by this policy and any of its terms in conflict with the policy as written above are of no further force or effect.

**Motion #2013-09-175**