

ORDINANCE NO. 389

**VILLAGE OF SPRING LAKE BURNING ORDINANCE AMENDMENT**

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES ADOPTED BY THE VILLAGE OF SPRING LAKE, COUNTY OF OTTAWA, STATE OF MICHIGAN, AMENDING CHAPTER 135 CONCERNING OPEN BURNING AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

THE VILLAGE OF SPRING LAKE, COUNTY OF OTTAWA AND STATE OF MICHIGAN ORDAINS:

**Section 1. Amendment of Chapter 135, Section 135-2.** Chapter 135, Section 135-2 of the Code of Ordinances adopted by the Village of Spring Lake, Ottawa County, State of Michigan is hereby amended to state in its entirety as follows:

**§135-2. Definitions.** The following words, terms, and phrases when used in this chapter, shall have the meanings ascribed in this section, except where the context clearly indicates a different meaning.

**BONFIRE** – An outdoor fire utilized for ceremonial purposes.

**FIRE CHIEF** – The Chief of Spring Lake Fire Department or other person designated by the Fire Chief.

**Portable Outdoor Fireplace** – A portable outdoor solid fuel burning fireplace that may be constructed of steel, concrete, clay, or noncombustible material. A portable outdoor fireplace may be open in design or maybe equipped with a small hearth opening and a short chimney or chimney opening at the top.

**Recreational Fire** – An outdoor fire burning material other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill, or barbeque pit and has an area of 3 feet or less in diameter and 2 foot or less in height for pleasure, religious, ceremonial, cooking, warmth, or similar purposes.

**ROADWAY, SIDEWALK, STREET, VEHICLE and MOTOR VEHICLE** – Shall have the definitions given to them in Michigan Vehicle Code, being Public Act No. 300 of 1949 (MCLA § 257.1 et seq.).

**SUPERVISING ADULT** – A person who is an adult (i.e., at least 18 years of age) and who is the person responsible to supervise a fire.

**Section 2. Amendment of Chapter 135, Section 135-3.** Chapter 135, Section 135-3 of the Code of Ordinances adopted by the Village of Spring Lake, Ottawa County, State of Michigan is hereby amended to state in its entirety as follows:

**§135-3. Unlawful Burning.**

**A.** No person shall ignite or otherwise cause to burn any garbage, trash, grass clippings, brush, debris or refuse, whether animal, vegetable, mineral, wood or synthetic in any open fire, in a bonfire, in a receptacle or in any other manner within the lands of the Village, except as may be permitted by Subsection B or C of this section.

**B.** A bonfire shall not be conducted closer than 50' of a structure or combustible material and only when expressly permitted by the Village Council.

- (1) Requests for bonfires shall be considered for a permit by the Village Council if:
  - (a) The bonfire is sponsored by governmental agency or nonprofit corporation;
  - (b) The proposed site of the bonfire and safety plans have been evaluated by the Fire Chief, or designee, and have been found to be reasonable;
  - (c) A supervising adult must constantly attend the fire. The person shall have readily available for use such fire extinguishing equipment as may be necessary for total control of the fire (i.e., fire extinguisher, garden hose, dirt, sand.) The fire must be totally extinguished before the supervising adult leaves the scene;
  - (d) The Fire Chief has determined that the proposed location is safely removed from any building, structure or other material which could ignite or which could create a public health or safety problem due to smoke or heat;
  - (e) If any recreational fire or bonfire gets out of control and the Fire Department is called, the supervising adult shall be liable for costs incurred by the Fire Department pursuant to the cost recovery provisions pursuant to Chapter 152.
  - (f) The fuel for such fire shall consist of dry wood.
- (2) Requests for bonfires shall be submitted to the Village Manager in time to be reviewed in advance of submission to the Village Council for their consideration.

C. A recreational fire may be set on private property by the owner of the property. The fire must be contained to an enclosed pit or fire-retaining and have a total fuel area of three feet or less in diameter and two feet or less in height.

- (1) The fire shall not be conducted within 25 feet of a structure or combustible material and a supervising adult must be present at all times. A recreational fire must be totally extinguished before the supervising adult leaves the scene. Recreational fires are limited to clean wood which is not rotted or rotting, or construction wood which is not treated.
- (2) Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet of a structure or combustible material, not including decks.

D. No person within the municipal boundaries of the Village shall ignite or otherwise cause to burn any leaves and yard waste, and no leaves and yard waste shall be permitted to be placed in any receptacle, or otherwise picked up by a disposal service, for delivery to a Type II sanitary landfill. All leaves and yard waste shall be disposed of by utilization on the premises from which the leaves and yard waste were gathered or otherwise in conformity with this section. Such leaves and yard waste may at all times be placed, in accordance with a resolution of the Village Council, directing the manner, time, place and fees for use, in an alternative solid waste composting disposal area licensed and maintained on behalf of the Village, in conformity with part 113 of Public Act No. 451 of 1994 (MCL 324.19501 et seq., MSA 13A.19501 et seq.) and the solid waste alternative program administrative rules promulgated under that act.

**Section 3. Administrative Liability.** No officer, agent, or employee of the Village shall be personally liable for any damages the Village may accrue to any person as a result of any act required or permitted in the discharge of duties under and in the enforcement of this Ordinance.

**Section 4. Severability and Captions.** This Ordinance and its various sections, subsections, sentences, phrases, and clauses are declared to be severable. If any section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid, the remainder of this Ordinance shall not be affected. Pronouns shall be read as masculine, feminine, or neuter as may be appropriate. Captions appearing at the beginning of any section shall not be deemed as part of this Ordinance and shall have no independent significance.

**Section 5. Repeal.** All ordinances or parts of ordinances which are in conflict in whole or in part with any of the provisions of this Ordinance as of its effective date are repealed to the extent of such conflict.

**Section 6. Effective Date.** This Ordinance shall take effect upon publication.

VILLAGE OF SPRING LAKE

Dated: December 19, 2023

By: \_\_\_\_\_  
Mark Powers  
Its: President

By: \_\_\_\_\_  
Marvin Hinga  
Its: Clerk