

HOPKINS VILLAGE

ALLEGAN COUNTY, MICHIGAN

HOPKINS VILLAGE ORDINANCE NO. 62 (1 of 2025)

Adopted: March 10th, 2025

Effective: April 10th, 2025

ORDINANCE ADDRESSING OUTDOOR BURNING WITHIN THE VILLAGE OF HOPKINS

An Ordinance to regulate the setting of fires and to provide penalties for the violation thereof, and to provide a method for the collection of costs and expenses to the Village of Hopkins caused by setting of fires.

THE VILLAGE OF HOPKINS ORDAINS:

SECTION I PURPOSE

This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Village of Hopkins by regulating the air pollution and fire hazards of outdoor burning.

SECTION II APPLICABILITY

This ordinance applies to all outdoor burning within the Village of Hopkins.

2.1. This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.

2.2. This ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.

2.3. This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

SECTION III SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION IV DEFINITIONS

The following terms when used in this ordinance shall have the meanings set forth in this Section.

1. "Village" means the Village of Hopkins, Allegan County, Michigan.
2. "Campfire" means a small outdoor fire intended for recreation or cooking but not including a fire intended for disposal of waste wood, yard waste, garbage, trash, or refuse.
3. "Clean wood" means natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.
4. "Construction and demolition waste" means building waste materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on a house, commercial or industrial building, or other structure.
5. "Fire Chief" means the Chief of the Hopkins Area Fire Department or other person designated by the Fire Chief.
6. "Municipality" means a county, township, city, or village.
7. "Open burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney. This includes burning in a burn barrel.
8. "Outdoor burning" means open burning or burning in an outdoor wood furnace or patio woodburning unit.
9. "Outdoor wood furnace" also known as an outdoor wood-fired boiler, outdoor wood-burning appliance, or hydronic heater, means a fuel-burning device that is designed to burn clean wood or other approved solid fuels and is not located within a building intended for habitation by humans or domestic animals; and heats building space and/or water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.
10. "Patio wood-burning unit" means a chimney, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.
11. "Refuse" means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.
12. "Yard Waste" means trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.

SECTION V
GENERAL PROHIBITION ON OPEN BURNING

Open burning is prohibited in the Village of Hopkins unless the burning is specifically permitted by this ordinance.

SECTION VI
OPEN BURNING OF REFUSE

Open burning of refuse, trash, and garbage including but not limited to furniture, household goods, and mattresses is prohibited within the Village of Hopkins.

SECTION VII
OPEN BURNING OF YARD WASTE

Open burning of trees, logs, brush, stumps, leaves, and grass clippings is prohibited within the Village of Hopkins.

SECTION VIII
AGRICULTURAL BURNING

Open burning of weeds, brush, and crop stubble on agricultural lands is prohibited within the Village of Hopkins.

SECTION IX
PRESCRIBED BURNS

"Prescribed Burn" means the burning, in compliance with a prescription and to meet planned fire or land management objectives, of a continuous cover of fuels. A "prescription" means a written plan establishing the criteria necessary for starting, controlling, and extinguishing a burn.

SECTION X
OUTDOOR WOOD FURNACES

After the effective date of this ordinance, no person shall install, use, or maintain an outdoor wood furnace in the Village of Hopkins.

SECTION XI
PATIO WOOD-BURNING UNITS

A patio wood-burning unit may be installed and used in the Village of Hopkins only in accordance with all of the following provisions:

- 11.1. The patio wood-burning unit shall not be used to burn refuse.
- 11.2. The patio wood-burning unit shall burn only clean wood.
- 11.3. The patio wood-burning unit shall be located at least 50 feet from the nearest structure which is not on the same property as the patio wood-burning unit.
- 11.4. The patio wood-burning unit shall be located at least 25 feet from the nearest structure which is on the same property as the patio wood-burning unit.
- 11.5. The patio wood-burning unit shall not cause a nuisance to neighbors.

SECTION XII
CAMPFIRES & COOKING FIRES

Campfires are allowed in accordance with the following provisions:

- 12.1. The campfire shall not be used to burn refuse.
- 12.2. The campfire shall burn only clean wood.
- 12.3. The campfire shall be contained by a fire ring, firepit, or other non-flammable containment device including but not limited to metal, brick, or concrete not to exceed a size of 2 feet by 2 feet.

12.4. Except for barbecue, gas, and charcoal grills, no open burning shall be undertaken during periods when the Governor of Michigan has issued a burning ban applicable to the area.

12.5. All allowed Campfires shall be conducted in a safe, nuisance-free manner, when wind and weather conditions minimize adverse effects and do not create a health hazard or a visibility hazard on roadways, railroads or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.

12.6. Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.

12.7. No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or waterbody.

12.8. Burning is prohibited between the hours of 10 PM and 7 AM.

SECTION XIII **FIRE SUPPRESSION TRAINING**

Notwithstanding sections 5 and 6 of this ordinance, structures and other materials may be burned for fire prevention training only in accordance with all of the following provisions.

12.1. The burn must be exclusively for fire prevention training. The burning shall not be used as a means to dispose of waste material including tires and other hazardous materials.

12.2. All asbestos must be removed prior to conducting the fire suppression training. If the structure is a residential dwelling, the owner may remove the asbestos or have it removed by a licensed abatement contractor. If it is a commercial building, all asbestos must be removed by a licensed abatement contractor. A listing of accredited individuals and companies licensed by the Department of Licensing and Regulatory Affairs Asbestos Program can be accessed at www.dleg.state.mi.us/asbestos_program.

12.3. A notification of the demolition must be submitted to the Michigan Department of Environmental Quality, Air Quality Division at least 10 business days prior to burning a standing structure. The notification must be submitted using Form EQP 5661 "Notification of Intent to Renovate/Demolish."

12.4. The owner of the property is responsible for the disposal of all ash and demolished materials in an approved landfill or at an alternate location approved by the Michigan Department of Environmental Quality.

12.5. The owner of the property is responsible for site clean up including but not limited to the removal of all trash, refuse, and garbage, the demolition and removal of all non-burned building materials, and the removal of and back-filling of all structures below ground level.

12.6. Asphalt shingles and asphalt or plastic siding shall be removed prior to the practice burn unless the Fire Chief determines that they are necessary for the fire practice.

12.7. At least seven (7) days before a planned practice burn, residents within 1,000 feet of the site of the proposed burn shall be notified.

12.8. All fire suppression training should conform to the guidelines established by the National Fire Protection Association (NFPA) Standard on Live Fire Training Evolutions (NFPA 1403).

SECTION XIV **BURNING PERMITS**

13.1. No person shall start or maintain any open burning covered under this section without a burning permit issued by the Fire Chief of the Hopkins Area Fire Department or a duly authorized representative.

13.2. Any person responsible for burning leaves, brush, clean wood or other vegetative debris under Section 7 of this ordinance shall obtain a one-time burning permit before starting the fire. The fee for each one-time

burning permit shall be determined by resolution of the Hopkins Area Fire Board.

13.3. A campfire does not require a permit provided that the fire complies with all other applicable provisions of this ordinance.

13.4. When weather conditions warrant, the Fire Chief may temporarily suspend issuing burning permits and may temporarily suspend previously issued burning permits for open burning.

13.5. A burning permit issued under this section shall require compliance with all applicable provisions of this ordinance and any additional special restrictions deemed necessary to protect public health and safety.

13.6. Any violation of the conditions of a burning permit shall be deemed a violation of this ordinance. Any violation of this ordinance or the burning permit shall void the permit.

SECTION XV **LIABILITY**

A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

SECTION XVI **RIGHT OF ENTRY AND INSPECTION**

The Fire Chief or any authorized officer, agent, employee or representative of the Village of Hopkins who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

SECTION XVII **ENFORCEMENT AND PENALTIES**

16.1. The Fire Chief, Village President, and any officers authorized by the Village of Hopkins to enforce ordinances are authorized to enforce the provisions of this ordinance.

16.2. Any person, firm, association, partnership, corporation, or governmental entity who violates any of the provisions of this ordinance or fails to comply with a duly authorized order issued pursuant to this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by civil fine determined in accordance with the following schedule:

First Offense	\$100.00
Second Offense	\$200.00
Within two (2) years of the most recent Offence	
Third or Subsequent Offense	\$500.00
Within two (2) years of the most recent Offence	

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Village of Hopkins has incurred in connection with the municipal civil infraction. In no case, however, shall costs of more than \$500.00 be ordered by the Village.

Remedial Action. Any violation of this Ordinance shall constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this Ordinance and enforce the provisions thereof.

SECTION XVIII
REPEAL

This ordinance repeals all conflicting ordinances, specifically Village of Hopkins Ordinance 62 of Part 101.

SECTION XIX
EFFECTIVE DATE

This ordinance shall become effective upon its adoption and publication as provided by Village Charter.

Moved by _____, with support by _____, that Ordinance 62 (1 of 2025) be adopted as read.

YEAS:

NAYS:

ABSENT:

Adoption Date: March 10th 2025

Effective Date: April 10th 2025

SECTION XX
CERTIFICATE

The undersigned, being the duly qualified and acting Clerk of the Village of Hopkins, Michigan, does hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Council of the Village of Hopkins, at a regular meeting of the City Council on the March 10th 2025, at which meeting a quorum was present and remained throughout, and that the original of said Ordinance is on file in the records of the Village of Hopkins. I further certify that the meeting was conducted and public notice was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

Dated: March 10th 2025

Mike Alberda
Village of Hopkins Clerk