

ORDINANCE NO. 2114

**CITY OF MADISON HEIGHTS,
OAKLAND COUNTY, MICHIGAN**

AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by Amending Chapter 12, of the Code of Ordinances to provide for a Fire Department and Fire Prevention and Protection and to adopt by reference the 2015 Edition of the International Fire Code, including Appendix Chapters B, C, D, E, F, and G, as published by the International Code Council, to protect the public health, safety, welfare and property within the City of Madison Heights.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. Amendment.

That Chapter 12, Section 12-1 through 12-144, of the Code of Ordinances, City of Madison Heights, Michigan, is hereby repealed in its entirety and replaced as follows:

**CHAPTER 12. FIRE DEPARTMENT AND FIRE PREVENTION AND PROTECTION
ARTICLE I. IN GENERAL**

Sec. 12-1. Creation.

There is hereby created, in accordance with the Charter of the City of Madison Heights, and the Home Rule Cities Act, P.A. 279 of 1909, as amended, a Fire Department of the City of Madison Heights.

Sec. 12-2. Powers and Duties of the Fire Chief.

The Fire Department, and its personnel, shall be under the administration and supervision of the Fire Chief, who shall have charge of all activities relating to the prevention and extinguishment of fires, the protection of life and property against fire, the removal of fire hazards and hazardous material incidents and emergency medical services. The Fire Chief shall be responsible for the maintenance and care of all property owned by the Fire Department. The Fire Chief and his designated representatives are the fire code officials responsible for fire prevention inspection activities and code enforcement of building and occupancies as related to the risk of fire or explosion and are designated as Code Officials under this ordinance. The Fire Chief and his or her designated representatives are the fire code officials and shall be responsible for compliance by the Fire Department with all duties and requirements of the statutes of the State of Michigan and the Ordinances of the City of Madison Heights regarding fire prevention and fire protection and for the enforcement of those laws.

Sec. 12-3. Compliance with state law required.

No person shall violate any state law or any rule or regulation adopted by any duly authorized state agency or department relative to fire prevention.

Sec. 12-4. Vehicles crossing fire hose.

A vehicle shall not be driven or propelled over any fire hose of the Fire Department when laid down on any street, alleyway, private drive or property or any other vehicular roadway without the consent of the Fire Chief or his duly authorized representative in command of said operation.

Sec. 12-5. Unlawful boarding or tampering with Fire Department emergency equipment.

A person shall not, without proper authorization from the Fire Chief or his duly authorized representative in charge of said Fire Department emergency equipment, cling to, attach himself to, climb upon or into, board or swing upon any Fire Department emergency vehicle, whether the same is in motion or at rest, or sound the siren, horn, bell or other sound-producing device thereon, or to manipulate or tamper with, or attempt to manipulate or tamper with any levers, valves, switches, starting devices, brakes, pumps, or any equipment or protective clothing on, or a part of, any Fire Department emergency vehicle.

Sec. 12-6. Damage or injury to Fire Department equipment or personnel.

It shall be unlawful for any person to damage or deface, or attempt or conspire to damage or deface any Fire Department emergency vehicle or equipment at any time, or to injure or attempt to injure or conspire to injure Fire Department personnel while performing departmental duties.

Sec. 12-7. False alarms.

It shall be unlawful for any person to summon, in any way, the Fire Department unless a valid reason for their response is present. Chapter 7, Article XI, of this Code of Ordinances, shall apply to the activation of an alarm system causing a sound or visual signal through mechanical failure, faulty equipment, malfunction, improper installations, lack of testing and/or lack of prudent maintenance, or the negligence of an alarm user or of his, her, or its employees, agents, guest, residents, or invitees.

Sec. 12-8. Activation of fire alarm systems.

A person shall not activate a fire alarm system in any building or place within the City of Madison Heights unless a valid fire emergency exists within that building or place. A fire alarm system is any system which upon activation warns the occupants of the building or place that a fire emergency exists.

Exceptions:

1. A fire alarm system may be operated for the purpose of conducting a scheduled fire drill.
A fire alarm system may be operated for the purpose of testing a water flow or fire alarm system.
3. The owner of the structure in which any supervised alarm system is located, or the licensed contractor working on any supervised alarm system shall notify, and receive approval from, the Fire Department to conduct a fire drill, or to test or operate the fire alarm system.

Sec. 12-9. Open buildings due to fire.

The Fire Chief or his duly authorized representative is empowered to order the securing of fire damaged buildings and structures. If the owners of the affected building are present, this order shall be given to them. If no owner or owners representative of the building are present, or if the owner refuses to secure said building or structure, the Fire Chief, or his duly authorized representative, may have the building secured. The expense of securing the structure shall be a debt to the city from the owner in fee and shall be collected as any other debt to the city and shall be enforced as a special assessment as provided in the City Charter and Code.

Sec. 12-10. Fire suppression system; permit required.

Before any fire suppression system or component is installed, enlarged, extended or modified, a permit shall be obtained from the city. This shall include any device or relay connected to or controlled by the fire suppression system. All work must be performed by a qualified installer who is properly licensed or certified to perform such work, as determined by the fire code official. Construction documents shall be reviewed by the fire code official prior to the issuance of the permit.

Sec. 12-11. Fire alarm or detection system; permit required.

Before any fire alarm or detection system or component is installed, enlarged, extended or modified, a permit shall be obtained from the city code official. This shall include auxiliary devices such as magnetic locks, electronic locks, or any device or relay connected to or controlled by the fire alarm or detection system. All work must be performed by a qualified installer who is properly licensed or certified to perform such work, as determined by the fire code official. Construction documents shall be reviewed by the fire code official prior to the issuance of the permit.

Sec. 12-12. Conflicts.

Where conflicts occur between the provisions of this Code and any referenced codes or standards, the provisions that establish the higher standard, for the promotion of the health, safety and welfare of the public, shall apply.

Sec. 12-13. Penalty; each day a separate offense.

(a) A violation of any of the provisions of this chapter shall constitute a misdemeanor punishable as provided in Section 1-7 of this Code of Ordinances.

(b) A separate offense shall be deemed committed upon each day during which or when a violation occurs or continues.

Secs. 12-14 through 12-25. Reserved.

ARTICLE II. FIRE PREVENTION

Sec. 12-26. Adoption of fire prevention code.

A certain document, a copy of which is on file in the office of the City Clerk of the City of Madison Heights, being marked and designated as the 2015 Edition of the International Fire Code, including Appendix Chapters B,C,D,E,F, G, and H, as published by the International Code Council, is hereby adopted by reference as the code of the City of Madison Heights for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Madison Heights and providing for the issuance of permits for fire suppression systems, fire alarm systems and other uses or operations; and each and all of the regulations, provisions, conditions and terms of such International Fire Code, 2015 edition, published by the International Code Council, on file in the office of the City Clerk are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.

Sec. 12-27. Amendments to the 2015 Edition of the International Fire Code.

The following sections of the 2015 Edition of the International Fire Code are amended, deleted, supplemented or additional sections added as follows:

Section 101.1 Title. Amended to read:

These regulations shall be known as the *Fire Prevention Code of The City of Madison Heights*, hereinafter referred to as “this code.”

Section 105.1.1(a) Failure to obtain required permit. Added to read as follows:

Any person, company, firm, corporation, association, or other entity that takes any action requiring a permit under this section and fails to obtain a permit required under this section, shall be assessed an investigative fee equal to the permit fee in addition to any required permit and administrative fees.

Section 105.6. Required Operational Permits. Amended as follows:

The code official is authorized to issue operational permits for the operations set forth in sections 105.6 through 105.6.47. The code official is authorized to waive any permit requirements under this section.

Section 109.2.1.1. Notice Waived. Added to read as follows:

The requirement for written notice of violation shall be waived where the code official deems the violation to be an imminent danger to the public health, safety or welfare.

Section 109.3. Violation penalties. Amended as follows:

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the code official, or of a permit or certificate used under provisions of this code, shall be guilty of a Misdemeanor, punishable by a fine of not more than \$500.00 or by imprisonment not exceeding 90 days, or both. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 111.4. Failure to comply. Amended as follows:

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a Misdemeanor, punishable by a fine of not more than \$500.00 or by imprisonment not exceeding 90 days, or both. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 307. Open Burning, Recreational Fires and Portable Outdoor Fireplaces. Deleted and Amended in its entirety as follows:

Section 307. Outdoor burning.

Section 307.1 Definitions.

"Campfire" means a small outdoor fire with a diameter of less than four feet enclosed by non-combustible materials intended for recreation or cooking but not including a fire intended for disposal of waste wood or refuse.

"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.

"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.

"Fire Chief" means the Chief of the Madison Heights Fire Department or his duly authorized representative.

"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.

"Outdoor burning" means a campfire, open burning, burning in a portable outdoor fireplace or burning in a permanent outdoor fireplace.

“Permanent Outdoor Fireplace” means a permanent outdoor structure designed and built, to applicable codes, with appropriate non-combustible materials equipped with a chimney intended for recreation, cooking or heating.

“Portable Outdoor Fireplace” means a commercially produced chiminea, portable fire pit, portable fireplace, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.

“Refuse” means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.

Section 307.2 General.

A person shall not kindle or maintain or authorize to be kindled or maintained any, campfire, open burning or outdoor burning unless conducted in accordance with this Section.

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

307.2.2 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 and approved for human habitation.

307.2.3 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.

307.2.4 The ordinance does not apply to burning conducted by the Fire Department in connection with training or the performance of its duties.

Section 307.3. Extinguishment authority.

The Fire Chief, or his authorized representative, and the Police Department are authorized to order the extinguishment by the property owner, another responsible person or the fire department of outdoor burning when it creates or adds to a hazardous situation or is determined to constitute a health hazard or a nuisance.

Section 307.4. Outdoor burning of refuse.

Burning of refuse and construction or demolition waste is prohibited including the burning of brush, leaves, grass clippings and yard waste.

Section 307.5 Outdoor burning.

All outdoor burning shall occur in a permanent outdoor fireplace, a portable outdoor fireplace or in a fire pit with a diameter of less than four feet enclosed by non-combustible materials, such as a fire ring, fire brick or fire block and covered by a spark arrestor which prevents the emission of flammable debris from the fire.

All outdoor burning shall be done with only clean, seasoned and dry hardwood.

All outdoor burning shall be located at least 20 feet from the nearest structure which is not on the same property as the outdoor burning and at least 15 feet from the nearest structure on the same property as the outdoor burning.

All outdoor burning shall be attended at all times by at least one person who is 18 years of age or older.

There shall be at a minimum a garden hose connected to a reliable water supply, one-gallon bucket of water, or a 2A10BC rated fire extinguisher within 20 feet of any outdoor burning.

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

No outdoor burning may be conducted on days when there has been declared an "air quality or ozone action day" applicable to the City of Madison Heights.

All burning shall be conducted in a safe, nuisance-free manner, when wind and weather conditions minimize adverse affects and do not create a fire hazard, health hazard or a nuisance.

Section 506.1. When required. Amended as follows:

Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, or where an alarm signaling system or device is installed that may summon the fire department, key boxes shall be installed in accessible locations. All key boxes shall be a "Knox Box" brand, manufactured by the Knox Company, 17672 Armstrong, Irvine, CA 42614. Orders for all such boxes shall be made on forms provided by the Madison Heights Fire Department. The Madison Heights Fire Department shall approve the number and location of any required key box and all boxes shall contain keys to gain access to all areas of the structure. This section shall apply to the following Occupancy Classifications, as defined by Section 202 of the International Fire Code, currently adopted by the City of Madison Heights: Assembly Group A; Business Group B; Educational Group E; Factory Industrial Group F; High-hazard Group H; Institutional Group I; Mercantile Group M; Storage Group S; Miscellaneous Group U; Residential Group R-1 and Residential Group R-2.

Section 507.5.4.1 Vehicles. Added to read as follows:

Vehicles, trailers, or other equipment shall not be parked or placed within fifteen (15) feet of fire hydrants, fire department inlet connections or fire protection system control valves, unless in approved parking areas shown on an approved site plan. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

Section 507.5.5. Clear space around hydrants. Amended as follows:

Posts, fences, growth, trash, landscaping, storage and other materials or objects shall not be placed within ten (10) feet of fire hydrants, fire department inlet connections or fire protection system control valves in a manner that would prevent such equipment or fire hydrant from being immediately discernable and accessible. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

Section 507.5.7. Fire hydrant use and maintenance. Added to read as follows:

- (a) A fire hydrant shall not be placed into, or removed from service until approved by the Fire Chief or his duly authorized representative.
- (b) If, upon the expiration of the time mentioned in a notice of violation pursuant to Section 508.5.4, obstructions or encroachments are not removed, the Fire Chief or his duly authorized representative shall immediately proceed to remove the same by any necessary means. All expenses incurred shall be a debt to the city from the responsible person or business entity and shall be collected as any other debt to the city and shall be enforced as a special assessment as provided in the Charter.
- (c) A person shall not use or operate any fire hydrant intended for use of the Fire Department for fire suppression purposes unless such person first secures a permit for such use from the City of Madison Heights Department of Public Services.
- (d) A person shall not obstruct, remove, tamper with or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provisions of the fire prevention code, except for the purpose of extinguishing fire, training or testing purposes, recharging, or making necessary repairs, or when permitted by the Fire Chief or his duly authorized representative. Whenever a fire appliance is removed as herein permitted, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished. Defective and non-approved fire appliances or equipment shall be replaced or repaired as directed by the Fire Chief or his duly authorized representative.

Section 511. Fire Lanes. Added to read as follows:

**SECTION 511
FIRE LANES**

511.1 Authority; criteria for determining necessity.

The Fire Chief or his duly authorized representative shall be responsible for establishing fire lanes on private property within the city. The following criteria shall be used in determining the necessity of said fire lanes:

1. Fire lanes shall be established as deemed necessary at all types of structures and uses except one and two family detached dwellings as defined by the Michigan Residential Code.

The necessity of access into the above areas from public thoroughfares.

3. The necessity of traffic lanes free from parked vehicles, and other obstructions, both to and around the above enumerated establishments capable of handling city fire vehicles.

511.1.1 Determination.

This determination shall be made whenever the Fire Chief or his duly authorized representative deems such lanes are necessary for the safety of occupants and property of the above enumerated establishments or after a petition by a private landowner or his authorized representative to have said fire lanes established on his or her own property is filed. The Department may declare fire lanes thereon in accordance with the above criteria.

511.2 Applicability; notification of owners of property whereon lanes established.

This article shall apply to all such existing facilities within the city. For fire lanes at new construction sites or modification of existing structures, this article shall also apply and be administered by the Fire Department through the site plan review process as set forth in the Madison Heights Zoning Ordinance. It shall be the duty of the Fire Chief, or his duly authorized representative, to notify the landowner of any such property whereon fire lanes are established by mailing notice of the same to the address of the owner as found in the records of the city assessor

511.3 Posting, uniformity, responsibility.

All fire lanes shall be conspicuously posted with uniform fire lane signs in compliance with the standards established in the *Michigan Manual of Uniform Traffic Control Devices*, and located as prescribed by the Fire Chief or his duly authorized representative, and erected no further than 100 feet apart, and in conformance with 511.3.1, in all areas designated as fire lanes. The erection and maintenance of said signs shall be the responsibility of the property owner.

Any owner who, upon notification that a fire lane has been established on his property and within 30 days thereof, fails to erect uniform fire lane signs shall be in violation of this article and subject to punishment as provided herein. Further, when said signs are not erected within 30 days of notification, the Fire Chief or his duly authorized representative may direct that said signs are to be erected and the cost thereof assessed against the property and collected as prescribed in the Charter for the collection of special assessments. When such fire lanes are adjacent to a parking lot, such fire lanes shall be clearly outlined with curbing, posts or other markings raised above the grade sufficiently so they will not be obscured by snow or other materials.

Exception:

The Fire Chief or his duly authorized representative may grant permission for parking of certain vehicles, objects or trailers in designated fire lanes for limited periods where such parking will not interfere with the usage of the fire lane by emergency vehicles. Whenever such permission is granted, the driver or operator must be present at all times to provide immediate removal of such obstructions when necessary.

511.3.1 Signage Specifications.

All roads, lanes or drives required for emergency access shall be posted as required by 1998 NFPA 1141, Section 4.4 with the following exceptions:

1. Entryways and drives shall be posted with signs reading "No Standing - Fire Lane".

Main drives adjacent and parallel to structures shall be posted with signs reading "No Standing - Fire Lane" or "No Parking - Fire Lane" on the side adjacent to the building and the opposite side shall be posted with signs reading "No Stopping - Standing - Parking - Fire Lane". Parking shall be prohibited on one side of all main isles.

3. Paved areas on the sides and rear of buildings which are less than thirty (30) feet wide shall be posted "No Parking - Fire Lane" on both sides of the paved area.

Signs shall be installed with their faces perpendicular to the roadway, six feet, eight inches (6'8") high, facing the direction of travel, and shall be located so that at least one sign is clearly readable from any location on the posted road, lane or drive.

Exception:

Where a hardship exists due to sidewalk width or architectural considerations the Fire Chief may approve signs mounted on the face of the structure.

511.4 Enforcement.

(a) When any administrative officer of the Fire Department, ordinance officer, code official or any member of the city police department shall observe any vehicle, trailer or other object in a posted fire lane herein established and such vehicle, trailer or other object is in violation of the regulations set forth under Section 511.3, above, any of the foregoing may issue a violation notice or a citation and affix it to said vehicle, trailer or other object.

(b) If any vehicle, trailer or other object is located within a fire lane at the time the Fire Department is responding to an alarm for reason which necessitates the use of such a lane, then any member or members of the police department or Fire Department may move, or cause the same to be moved, by any means possible, without liability for any damage being incurred by the City or any officer, agent or employee thereof.

511.5 Appeal.

If any property owner is aggrieved by any decision as to the establishment of fire lanes, he shall, within thirty (30) days of the date of mailing of the fire lane establishment notice, as provided for in Section 511.2 of this article or of denial of a petition to establish a fire lane, file with the Fire Chief or his duly authorized representative a written exception to such decision together with the reasons for same. Within ten days from the date of receipt of such exception by the Fire Chief or his designated representative, shall, after consideration of the reasons for such exceptions, affirm, modify, or rescind his original decision. If the aggrieved party is still without satisfaction, he may file an appeal with the City Council through the office of the City Clerk. City Council may affirm, modify, or rescind the decision.

Section 903.3.5. Water supplies. Amended as follows:

Water supplies for automatic sprinkler systems shall comply with this section and the standards referenced in Section 903.3.1. The potable water supply shall be protected against backflow in accordance with the requirements of this Section, the Michigan Plumbing Code, and the rules of the Michigan Department of Public Health. The City of Madison Heights cannot control the volume or pressure in the municipal water system and can not guarantee that the pressures observed during flow testing can be maintained during peak use periods. For this reason fire protection systems in the City of Madison Heights shall be designed using the lowest recorded sustained residual water pressure (seasonal low) as determined by the Madison Heights Water Department and approved by the Fire Chief or Fire Marshal. It shall be the obligation of all contractors to obtain the current design pressure from the Fire Chief or Fire Marshal.

Section 903.3.7. Fire department connections. Amended as follows:

The location of the fire department connection shall be approved by the fire code official. Fire department connections shall be a five inch (5") Storz connector, or an approved equivalent, and shall be within one hundred forty (150) feet of a public fire hydrant. The Fire Department connection shall be a minimum of ten feet from any gas or electric service and clearly visible from the adjacent roadway or driveway. If visibility is obstructed a sign shall be placed above

the connection, in a location approved by the Fire Department, reading “Fire Department Connection” in a size and location acceptable to the Fire Department.

Section 2205.6 is amended as follows by adding item 8.:

8. The person shall remain in attendance outside of the vehicle and in view of the nozzle.

Section 3205.1.1.1. Location. Amended as follows:

The storage of flammable cryogenic fluids in stationary containers shall be prohibited in all areas of the City of Madison Heights except the M-1 (Light Industrial) and M-2 (Heavy Industrial) zoning districts.

Section 3404.2.9.6.1. Locations where above-ground tanks are prohibited. Amended as follows:

The storage of Class I and Class II liquids in above-ground tanks outside of buildings shall be prohibited in all areas of the City of Madison Heights except the M-2 (Heavy Industrial) zoning district.

Section 3406.2.4.4. Locations where above-ground tanks are prohibited. Amended as follows:

The storage of Class I and Class II liquids in above-ground tanks shall be prohibited in all areas of the City of Madison Heights except the M-2 (Heavy Industrial) zoning district. Exception: Not more than two hundred fifty (250) gallons of Class I or II liquids may be stored on a construction site with approval of the Fire Department.

Section 3804.2. Maximum capacity within established limits. Amended as follows:

The storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas and shall be permitted only as follows:

R-2 & R-3 (Residential), R-T (Two Family), H-M (Mobile Home) zoning districts – not more than two (2) twenty (20) pound cylinders per residence;

R-M (Multiple Family) zoning district – Not more than one (1) twenty (20) pound cylinder per dwelling unit;

B-2 (Planned Business) and B-3 (General Business) zoning districts - not more than seven hundred fifty (750) gallons by water volume capacity;

M-1 (Light Industrial) zoning district - not to exceed five thousand (5,000) gallons water volume capacity; and M-2 (General Industrial) zoning district - within the limits prescribed in this Chapter.

Appendix C, Section C103.2. Additional hydrants. Is added to read as follows:

For all buildings with a sprinkler or standpipe system equipped with a Fire Department connection, a fire hydrant must be placed within one hundred forty (140) feet of the Fire Department connection.

Secs. 12-28 – 12-60. Reserved.

**ARTICLE III.
FLAMMABLE LIQUIDS**

Sec. 12-61. - 12.62 Reserved.

Sec. 12-63. Containers in passenger vehicles; restrictions on filling and transporting.

- (a) No container shall be filled with flammable liquid while inside a passenger-carrying vehicle. Containers shall be removed from the interior of passenger cars and from the cab or enclosed portion of other vehicles during filling.
- (b) No portable container or containers holding in excess of a total of six (6) gallons of gasoline shall be filled for transportation from a service station in a passenger vehicle.

Sec. 12-64. Labeling and construction of containers; unlawful to fill any container of certain persons.

- (a) Containers filled or sold containing gasoline shall be bright red and shall be lettered with the word "gasoline."
- (b) No kerosene, fuel oil, turpentine, mineral spirits or similar-type liquids shall be sold or put into containers painted bright red and labeled "gasoline."
- (c) Containers shall be of approved construction, having a tight closure with screwed or spring cover, and approved by the Fire Chief
- (d) It shall be unlawful for any person to deliver flammable liquids into any type of container to any other person who is in his judgment not of sufficient age or sufficiently responsible to understand the proper use of the product or when he has reason to believe that the intended use of the flammable liquid would constitute a hazard to life and property

Sec. 12-65. Storage for private use; restrictions.

- (a) Storage of flammable liquids, such as ether, or gasoline, and all similar type liquids, having a flash point below one hundred (100) degrees Fahrenheit, shall not be used or stored in a cellar, basement, pit or living area of any residential building.
- (b) Flammable liquids with a flash point below one hundred (100) degrees Fahrenheit, when used or stored on residential property, must be remote from any dwelling, in an enclosure with direct ventilation to the outside and away from flame or open fire.
- (c) Storage of flammable liquids for residential use and having a flash point below 100 degrees Fahrenheit shall be limited to not more than a total of six gallons.

- (d) Storage of flammable liquids with a flash point above one hundred (100) degrees Fahrenheit and used in residences for necessary maintenance and decorating of the premises shall be limited to not more than a total of ten gallons.
- (e) Storage of chain saws, lawn mowers, lawn equipment and any two and four-cycle engines powered by gasoline shall not be stored in a basement, cellar or living area of any residential building.
- (f) No person shall store flammable liquids for private use unless such flammable liquids are stored, handled and used as set forth in this section.

Sec. 12-66. Regulations and prohibitions on storage or handling.

- (a) The storage or handling of flammable liquids above or below ground shall be in accord with rules and regulations as prescribed and authorized in Sections 4 and 5 of Act 207 of the Public Acts of 1941, as amended and supplemented.
- (b) The use of any facilities for the handling of gasoline or flammable liquids or the filling of any containers with such flammable liquids in any basement or sub-basement is prohibited.
- (c) No person shall place or cause to be placed any gasoline or any flammable liquids in any sewer or drain leading to sewers, nor shall any person permit such liquids to flow or drain into such sewers.
- (d) The use or storage of flammable liquids in any hotel, rooming house, lodging house, multiple dwelling or place of assembly is prohibited except as is otherwise authorized by law.

Secs. 12-67 – 12 71. Reserved.

ARTICLE IV. FIREWORKS

Sec. 12-72. - Ignition, discharge and use of consumer fireworks.

- (a) A person shall not ignite, discharge or use consumer fireworks except on the day before, the day of, or the day after the following national holidays: New Year's Day; Martin Luther King, Jr. Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans Day; Thanksgiving Day and Christmas Day, and such ignition, discharge or use of consumer fireworks shall be prohibited between the hours of 12:00 Midnight and 8:00 a.m. and between the hours of 1:00 a.m. and 8:00 a.m. on New Year's Day, as provided in the Michigan Fireworks Safety Act, Public Act 256 of 2011, as amended. A person that violates this subsection is responsible for a civil infraction and may be ordered to pay a civil fine of not more than \$500.00.

- (1) *Exception.* The city, upon application in writing on forms provided by the city and payment of a fee set by council, if any, may grant a permit for the ignition, discharge or use of consumer fireworks within the city, on days other than the day before, the day of, or the day after one of the listed national holidays. After a permit has been granted, use of consumer fireworks, for the purposes described in the permit only, may be made in conformance with this section. A permit granted under this subsection is not transferable and shall not be issued to a minor.
 - (i) Before a permit for consumer fireworks ignition is issued, the person, firm, or corporation applying for the permit shall furnish proof of insurance in an amount, character, and form deemed necessary by the city to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the person, firm, or corporation or an agent or employee of the person, firm, or corporation, to protect the public health, safety and welfare.
 - (ii) The city shall rule on the competency and qualifications of the applicant as required under NFPA 1123, and on the time, place, and safety aspects of the ignition, discharge or use of consumer fireworks, before granting a permit.
- (b) A person shall not ignite, discharge or use consumer fireworks on public property, school property, church property, or the property of another person without that organization's or person's express permission to use those fireworks on those premises. A person that violates this subsection is responsible for a civil infraction and may be ordered to pay a civil fine of not more than \$500.00.
- (c) A person shall not use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance. A person that violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 30 days or a fine of not more than \$500.00, or both.
- (d) A person under the age of 18 shall not possess, ignite, discharge or use consumer fireworks without the direct supervision of an adult who is present and directing the ignition, discharge or use of consumer fireworks.
- (e) The area selected for the discharge of aerial shells shall be located so that the trajectory of the shells shall not come within 25 feet of any overhead object. A person that violates this subsection is responsible for a civil infraction and may be ordered to pay a civil fine of not more than \$250.00.
- (f) A person should wear head, eye and hearing protection and should wear cotton, wool, or similarly flame-resistant clothing during the ignition, discharge or use of consumer fireworks, unless remotely detonated.
- (g) A person shall not ignite, discharge or use consumer fireworks without having, readily available for immediate use, a fire extinguisher or hose of sufficient rating or capacity to extinguish a fire caused by a consumer firework. A person that violates this subsection is responsible for a civil infraction and may be ordered to pay a civil fine of not more than \$250.00.

Sec. 12-73. - Use and display permits.

- (a) A permit from the city shall be required for the use of agricultural or wildlife fireworks, articles pyrotechnic, display fireworks, or special effects manufactured for outdoor pest control or agricultural purposes, or for public or private display within the city by municipalities, fair associations, amusement parks, or other organizations or individuals approved by the city. Application shall be made in writing to the fire department on forms provided by the fire chief or his designated representative, and shall include payment of a fee established by resolution of city council. After a permit has been granted, sales, possession transportation, use or display of fireworks only for the purposes described in the permit may be made. A permit granted under this subsection is not transferable and shall not be issued to a minor.
- (b) Before a permit for articles pyrotechnic or a display fireworks ignition is issued, the person, firm, or corporation applying for the permit shall furnish proof of financial responsibility by a bond or insurance in an amount, character and form as established by resolution of city council to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the person, firm, or corporation or an agent or employee of the person, firm, or corporation, and to protect the public.
- (c) A permit shall not be issued under this act to a nonresident person, firm, or corporation for ignition of articles pyrotechnic or display fireworks in this state until the person, firm, or corporation has appointed in writing a resident member of the bar of this state or a resident agent to be the legal representative upon whom all process in an action or proceeding against the person, firm, or corporation may be served.
- (d) The local governing authority shall rule on the competency and qualifications of articles pyrotechnic and display fireworks operators as required under NFPA 1123, as the operator has furnished in his or her application form, and on the time, place, and safety aspects of the display of articles pyrotechnic or display fireworks before granting permits.

Secs. 12-74 - 12-101. - Reserved.

**ARTICLE V. RECOVERY OF COSTS AND EXPENSES FOR EMERGENCY
RESPONSE**

Sec. 12-102. Definitions.

- (a) Costs and expenses of response shall include, but is not limited, to the following:

(1) The costs and expenses incurred by the City of Madison Heights in making an emergency response, including salaries, wages, overtime wages, fringe benefits or any other compensation of all fire department personnel, law enforcement personnel, emergency medical personnel, department of public service personnel, department of community development personnel, contractors and subcontractors or special personnel or companies or organizations called to the scene to assist in the response.

(2) The costs and expenses for equipment used and supplies lost or expended during the response, but said costs and expenses include those costs and expenses directly arising because of the response to a particular incident.

(3) The costs and expenses to inspect, secure, test, clean and restore the site of an emergency response to the pre-existing condition or a safe and secure condition.

(b) Hazardous materials shall mean explosives, pyrotechnic, flammable gas, flammable compressed gas, non-flammable compressed gas, flammable liquid, combustible liquid, oxidizing material, poisonous gas, poisonous liquid, irritating material, etiologic material, radioactive material, corrosive material, or liquefied petroleum gas or any other hazardous material as defined under the Fire Prevention Code, MCLA 29.1 et seq. and the Hazardous Waste Management Act MCLA 299.501 et seq.

(c) Hazardous materials incident shall mean an explosion, spill, leak, release, accident or related occurrence involving the transportation, storage, handling, sale, use or processing of hazardous materials by an entity, firm, person or vehicle.

(d) Responsible party shall mean any person, individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity that owns, operates, maintains, occupies, controls any building, premises, property, or vehicle where an emergency response incident arises.

(d) Technical rescue shall mean complex rescue incidents requiring specially trained personnel or special equipment to complete the rescue, which includes, but is not limited to, "trench rescues", "confined space rescue", and "high angle rescue".

(e) Utility shall mean any public or private utility company, person, individual, firm, corporation, association, authority, partnership, commercial entity, consortium, joint venture, government entity or other legal entity, including, but not limited to telecommunication, cable, water, sewer, electric, gas, lighting and other fuel providers.

(e) Utility incident shall mean any event requiring an emergency response by the City of Madison Heights that involves any public or private utility property and requires the emergency responders to remain at the incident to protect the health, safety and welfare of the public until the utility responds to the incident and takes corrective measures.

Sec. 12-103. Cost recovery authorization.

(a) The City of Madison Heights shall be entitled to recover all assessable costs and expenses of response from a responsible party when emergency equipment, personnel or services are provided to persons or property in response to a request or report of the need for emergency equipment, personnel or services.

(b) When an emergency response by the City involves a utility incident and a necessary response by the associated utility company, the costs and expenses of response shall not be assessed for the first 1 (one) hour of response after notification by the City. The utility shall be responsible for all costs and expenses of response exceeding 1 (one) hour of response if no utility personnel have responded to the incident.

(c) Any costs and expenses of response collected pursuant to this Article shall be supplemental to other methods of financing emergency response, including but not limited to general fund appropriations, ad valorem taxation, grants and other sources permitted by law.

Sec. 12-104. Calculation of Costs.

The costs and expenses of response shall be calculated as follows:

(a) Equipment. The cost of the equipment shall be invoiced by the quarter ($\frac{1}{4}$) hour, using the fully calculated formula of \$1 (one) dollar per quarter ($\frac{1}{4}$) hour for each \$1000 (one thousand) dollars in value as established by each city department responding to an incident.

(b) Expendable Items. Actual replacement cost for reasonable and customary items necessary in making an emergency response.

(c) Personnel. The costs of personnel shall be commensurate with the established City FOIA rate and fringe benefits associated with each individual responder and shall be billed in quarter ($\frac{1}{4}$) hour increments.

Sec. 12-105. Billing

(a) Once the amount of a responsible party's liability for the costs and expenses of response has been determined, that amount shall be billed to the responsible party by a department or agent of the City, as designated and provided in a resolution and contract approved by the City Council.

(b) When a particular emergency service directly benefits more than one responsible party, each responsible party so benefited shall be jointly and severally liable for the expense of the emergency response. For the purposes of an emergency response involving a motor vehicle, occupants other than the operator and the registered owner shall not be liable for the expense of the emergency response. For purposes of an emergency response involving real property, occupants other than the owner, lessor, lessee and operator shall not be liable for the expense of the emergency response.

(c) The costs and expenses of response shall constitute a debt of the responsible party and is collectible by the City in the same manner as in the case of an obligation under a contract, express or implied. If, in fact, the costs and expenses of response are recoverable under an insurance policy, it shall be the duty of the responsible party to notify the City within 30 (thirty) days of the incident of the name and address of the insurance company issuing the policy and the policy number.

Secs. 12-106 - 12-135. Reserved.

**ARTICLE VI.
REPEALED**

Secs. 12-136 – 12-144 Reserved.

Section 3. Repealer.

All ordinances, or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Severability.

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 5. Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 6. Effective Date.

This ordinance as ordered shall take effect Ten (10) days after its adoption and upon publication.

Section 7. Enactment.

A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 11:30 a.m. and between 12:30 p.m. and 4:30 p.m. on regular business days.