

DELHI CHARTER TOWNSHIP  
INGHAM COUNTY, MICHIGAN

ORDINANCE NO. 70.12

PREAMBLE

AN ORDINANCE TO AMEND ORDINANCE NO. 70 OF DELHI CHARTER TOWNSHIP (AS AMENDED), THE SAME BEING CHAPTER 6 OF THE CODE OF ORDINANCES OF DELHI CHARTER TOWNSHIP; TO AMEND OPEN BURNING, RECREATIONAL FIRE, SEASONAL RECREATIONAL BURN PERMITS, TO DELETE THE INTERNATIONAL FIRE CODE OF 2003 AND TO ADOPT THE INTERNATIONAL FIRE CODE OF 2012 AND CERTAIN PROVISIONS THEREOF PERTAINING TO OPEN BURNING, RECREATIONAL FIRE, SEASONAL RECREATIONAL BURN PERMITS, AND DELETE SECTION 111.5, TO AMEND DEFINITIONS, TO DELETE CERTAIN VIOLATIONS, TO PROVIDE FOR VIOLATIONS AND PENALTIES, TO AMEND THE FIRE PREVENTION BUREAU, DEFINITIONS, APPEALS, DELETE SECTIONS 6-32, 6-33, 6-34, TO ESTABLISH FEES, TO DELETE SECTION 6-41, TO AMEND TRAFFIC CONTROL, TO DELETE ARTICLE IV SMOKE DETECTORS, TO AMEND ARTICLE VI FIREWORKS AND PYROTECHNIC PROGRAMS, INSPECTIONS, CLEAN-UP COSTS, FEES, TO AMEND ARTICLE VII ENFORCEMENT, VIOLATIONS, FINES, AND PENALTIES; TO SAVE AND PRESERVE PENDING PROSECUTIONS; TO REPEAL CONFLICTING ORDINANCES; AND TO PROVIDE AN EFFECTIVE DATE HEREOF.

The Charter Township of Delhi, Ingham County, Michigan, ordains:

***Section 1. Amendments to Chapter 6, Article I, Section 6-1.*** Code Section 6-1 shall be and is deleted in its entirety and is hereby amended to read as follows:

OPEN BURNING is defined as “the burning of materials where smoke and other emissions are released directly into the air without passing through a chimney or stack”. Common materials burned include paper, tree limbs, brush, and other non-hazardous combustible debris. The following restrictions apply to open burning:

- (A) A permit is required to open burn.
- (B) No more than six (6) open burning permits may be issued to a particular address per calendar year. Permit fees of fifteen dollars (\$15.00) per open burning permit shall be collected prior to issuance of permit. Open burning permits shall be issued for two (2) consecutive days after issuance.
- (C) Shall comply with the International Fire Code.
- (D) Must be 50 feet from property lines.
- (E) Will be restricted to one (1) acre lots or larger.
- (F) Must have 1,400 feet clearance of a city or village boundary.
- (G) Open burning of grass clippings, leaves, and construction materials are prohibited.
- (H) Open burning shall be limited to a ten (10) x ten (10) x ten (10) foot area.
- (I) No open burning shall be permitted when the wind velocity exceeds ten (10) mph as indicated at the Delhi Charter Township Fire Department Station No. 1.
- (J) The Fire Chief or his/her authorized agent is authorized to restrict any/all burning based on dry vegetation conditions.
- (K) Any additional requirements may be instituted by Fire Department personnel and complied with prior to burning.

RECREATIONAL FIRE is defined as an outdoor fire burning charcoal, seasoned firewood or materials other than rubbish contained within a device inspected and approved by the Delhi Charter Township Fire Department. These devices include, but are not limited to, outdoor fireplaces, barbecue grills or barbecue pits. This does not include cooking fires. Recreational fire also includes an outdoor fire burning materials 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 a total fuel area of three (3) feet (914 mm) or less in diameter and two (2) feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.” The following restrictions apply to recreational fire:

- (A) A permit is required to have a recreational fire.
- (B) Limited to single family dwellings.
- (C) There is no charge for a recreational burn permit.
- (D) Shall comply with the International Fire Code.
- (E) Subject to inspection.

SEASONAL RECREATIONAL BURN PERMITS may be granted to state licensed campgrounds for recreational fires at approved campsites. Seasonal permit fees are two hundred seventy-five dollars (\$275.00) and are valid from April 1 through October 1 for the year issued. The following restrictions apply to seasonal recreational burn permits:

- (A) Shall comply with the International Fire Code.

**Section 2. Adoption of International Fire Code of 2012.** Section 1 of Ordinance No. 70 as amended, amendment to Chapter 6, Article II, shall be and is hereby amended to delete “2003” and amended to read as follows:

Section 6-26. ADOPTION OF THE INTERNATIONAL FIRE CODE. A certain document entitled "International Fire Code 2012," three (3) copies of which are on file with the office of the Clerk of Delhi Charter Township, which Code is published by the International Code Council, shall be and is hereby adopted as the Fire Code of Delhi Charter Township, said adoption being for the purpose of regulation of conditions and conduct hazardous to life and property related to fire, life safety, or explosion within Delhi Charter Township, which Code in its entirety with all appendices, except as modified herein, shall be and is hereby incorporated and made a part hereof as if fully set forth.

***Section 3. Amendments to Chapter 6, Article II, Section 6-27.***

Delhi Charter Township, Code Section 6-27 entitled "Amendments" shall be and is hereby amended to delete "2003". All previous amendments to the International Fire Code 2003 as codified in the Township Code shall remain except where deleted and amended by this Ordinance.

- A. Delhi Charter Township, Code Section 6-27, Section 105.6.31 shall be and is deleted in its entirety.
- B. Delhi Charter Township, Code Section 6-27, Section 111.5 shall be and is deleted in its entirety.

***Section 4. Amendments to the International Fire Code 2012 and the Delhi Charter Township, Code Section 6-27 entitled "Amendments"*** The International Fire Code 2012 and the sections set forth below are hereby amended as follows:

- A. Section 202 "General Definitions." The following definitions for the purpose in this code shall be modified as follows:

Bon Fire. Is hereby deleted.

Open Burning. See definition in section 6-1.

- B. Section 302.1 "Definitions." The following words and terms shall, for the purposes of this section and as used elsewhere in this Code, have the meanings as shown herein.

Open Burning. The burning of materials where smoke and other emissions are released directly into the air without passing through a chimney or stack.

Powered Industrial Truck. Is hereby deleted. See definition in the International Fire Code.

Recreational Fire. Is hereby deleted. See definition in section 6-1.

- C. Section 307.2 “Permit Required.” A permit shall be obtained from the Fire Department in accordance with Section 105.6.30 prior to kindling any fire. This shall not include cooking fires.
- D. Section 307.2.1 “Authorization” shall be and is hereby amended to read as follows: No open burning shall be permitted when the wind velocity exceeds ten (10) mph as indicated at the Delhi Charter Township Fire Department Station No. 1. The Chief or his/her authorized agent is authorized to restrict any/all burning based on dry vegetation conditions.
- E. Code Section 6-27, subsection 307.1.1 “Prohibited Opening Burning” is hereby deleted.
- F. Section 307.4.1 “Bonfires” shall be and is hereby deleted.
- G. Code Section 6-27, subsection 307.3.2 “Recreational Fires” is hereby deleted and amended to read as follows:

See Section 307.4.2 of the International Fire Code.

- H. Section 503 phrase “Fire Apparatus Access Roads” in the International Fire Code is hereby deleted and amended to read as follows:

Section 503 “Fire Apparatus Access Roads/Fire Lanes”.

Section 503 is hereby amended to add the following provisions (1)-(2) before Section 503.1 of the International Fire Code:

(1) Purpose. This section is to be interpreted as the standard of care necessary to protect both people and property in case of a fire or similar emergency in any of those establishments herein defined through the use of controlled fire lanes.

(2) Authority. The fire code official shall be responsible for establishing fire lanes on both public and private property. The following criteria shall be used in determining the necessity of fire lanes:

(A) Fire lanes shall be established by the fire code official as deemed necessary at the following locations. This list shall not be deemed to be exclusive, but shall be deemed to be a guide to the type of establishment where necessary:

- (1) Apartment complexes;
- (2) Auditoriums and all like places of public assembly;
- (3) Churches;
- (4) Hospitals, convalescent homes and nursing homes;
- (5) Hotels, motels and boarding houses;
- (6) Manufacturing sites;
- (7) Multiple private residential areas; and
- (8) Shopping centers.

(B) The necessity of access into the above enumerated areas from public thoroughfares shall be considered when establishing fire lanes.

(C) The necessity of traffic lanes that are free from parked vehicles, both to and around the above enumerated establishments, and that are capable of handling fire vehicles, shall also be considered. This determination shall be made whenever the fire code official deems that such lanes are necessary for the safety of occupants and property of such establishments or when, after being petitioned by a private land owner to have fire lanes established on his or her property, the fire code official declares fire lanes thereon in accordance with the above criteria. This section shall apply to all such existing facilities within the jurisdiction. The fire code official or designated representative shall notify the land owner of any such property whereon fire lanes are established, by mailing notice of the same to the address of the owner as identified in the records of the Township Assessor.

- I. Section 503 shall be and is hereby amended to add Section 503.7 "Permitted parking", to read as follows:

Section 503.7 Permitted parking. The fire code official 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 use of the fire lane by emergency vehicles. Whenever such permission is granted, a record of the same shall be kept by the Fire Prevention Bureau. In conjunction with such permission, the Bureau shall furnish a sign to be posted conspicuously on the vehicle, object or trailer stating that permission to so park has been granted and stating the duration that it may remain so parked.

- J. Section 507.4 "Hidden Rooftop HVAC Equipment," shall be and is hereby recodified as Section 316.4.1 and added to read as follows:

Section 316.4.1 "Hidden Rooftop HVAC Equipment." On all buildings wherein rooftop heating, ventilation or other mechanical equipment is provided on the roof, a plain sign with the letters "HVAC" in six (6) inch high red letters on a white background shall be installed which will be in plain view to arriving fire units.

- K. Section 109, "Violations," subsections 109.1-109.3.1 shall be and are hereby deleted in their entirety and Section 109 is hereby amended to add subsections 109.1, 109.2, 109.2.1, 109.2.2, 109.2.3, 109.2.4, 109.2.5, and 109.2.6, to read as follows:

Section 109.1 "Unlawful Acts." It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this Code, or cause

same to be done, in conflict with or in violation of any of the provisions of this Code.

Section 109.2 "Violation Penalties" Misdemeanor - Any person, partnership, firm, association or corporation who shall violate, neglect or refuse to comply with any of the provisions of this Ordinance shall, upon violation of this Ordinance, be guilty of a misdemeanor, unless such violation is designated as a civil infraction. For all violations not designated as civil infractions, penalties may be imposed of up to ninety (90) days incarceration in the Ingham County Jail and/or fines not exceed five hundred dollars (\$500.00).

Section 109.2.1 Abatement of Violation. In addition to the imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

Section 109.2.2 "Penalties; Civil Infraction." Civil - Penalties may be imposed for violations designated as civil infractions by a fine not to exceed five hundred dollars (\$500.00) plus court costs, which costs may include all expenses, direct or indirect, which the Township has incurred in connection with the infraction. The court or magistrate may also impose any and all other remedies applicable to municipal civil infractions provided for under state law. Each day of such violation, whether designated a civil infraction or misdemeanor, shall constitute a separate offense.

Section 109.2.3 Modification of Fines and Penalties - All fines and changes levied hereunder, including charges levied in connection with the issuance of a permit, may be amended from time to time by Resolution of the Delhi Charter Township Board or by amendatory ordinance.

Section 109.2.4 Other Civil Remedies; Abatement of Violation - In the discretion of the Township, appropriate legal action may be instituted to prevent further violation hereof and/or to abate existing violations by pursuit of equitable relief, such as issuance of mandatory injunctions and restraining orders.

Section 109.2.5 Authority - The Fire Chief, fire code official, or approved personnel have the authority to enforce the provision of this ordinance.

Section 109.2.6. Except as expressly provided above, all other provisions of Section 109 shall be and are hereby deleted.

***Section 5. Amendments to Chapter 6, Article II, Section 6-28.***

Delhi Charter Township, Code Section 6-28 entitled "Fire prevention bureau" shall be and is hereby amended to read as follows:

- A. There is hereby established a fire prevention bureau and fire code official within the Fire Department of the township and such fire prevention bureau shall be subject to, and operated under, the supervision of the chief of the township Fire Department. The Chief of the township Fire Department shall serve as the fire code official in the absence of an appointed fire code official. The title of Fire Marshal shall be the title of the appointed fire code official.
- B. The chief of the Fire Department may detail such employees and members of the Fire Department to the fire prevention bureau as he deems necessary from time to time. Such employees and members shall perform such duties as may be designated from time to time by the fire chief.
- C. The personnel of the fire prevention bureau shall have such duties and exercise such authority as permitted in the International Fire Code as specified by the fire chief.

***Section 6. Amendments to Chapter 6, Article II, Section 6-29.***

Delhi Charter Township, Code Section 6-29 entitled "Definitions" shall be and is hereby amended to read as follows:

- A. The word "jurisdiction", as used in the International Fire Code, shall mean Delhi Charter Township.
- B. Whenever the term "legal counsel" is used in the International Fire Code, it shall mean the Delhi Charter Township Attorney.

***Section 7. Amendments to Chapter 6, Article II, Section 6-30.***

Delhi Charter Township, Code Section 6-30 entitled "Establishment of limits of districts in which storage of flammable or combustible liquids and bulk storage of same and storage of explosives and blasting agents prohibited" shall be and is hereby amended to read as follows:

- A. For purposes of explosives and fireworks of the International Fire Code, storage of explosive and blasting agents is restricted to those districts within Delhi Charter Township zoned industrial as such zone is defined in Ordinance No. 39 of Delhi Charter Township, as amended, or is approved by the fire code official and meets all safety requirements of the Michigan Building Code and International Fire Code.
- B. For purposes of Class I flammable liquids of the International Fire Code, the storage of Class I flammable liquids in above ground tanks outside the building shall be prohibited in all areas of Delhi Charter Township other than those districts zoned industrial as such zones are defined in Ordinance No. 39 of Delhi Charter Township, as amended, or is approved by the fire code official and meets all safety requirements of the Michigan Building Code and International Fire Code.

- C. For purposes of the construction of new bulk plants, bulk storage, bulk terminals or bulk transfer for flammable or combustible liquids of the International Fire Code shall be limited to districts within Delhi Charter Township zoned industrial as defined in Ordinance No. 39 of Delhi Charter Township, as amended, or is approved by the fire code official and meets all safety requirements of the Michigan Building Code and International Fire Code.
- D. For purposes of bulk storage of liquefied petroleum gas of the International Fire Code is restricted to those districts within Delhi Charter Township zoned industrial as such zones are defined in Ordinance No. 39 of Delhi Charter Township, as amended, or is approved by the fire code official and meets all safety requirements of the Michigan Building Code and International Fire Code.

***Section 8. Amendments to Chapter 6, Article II, Section 6-31.***

Delhi Charter Township, Code Section 6-31 entitled “Appeals” shall be and is hereby amended to read as follows:

Whenever the chief or the fire prevention bureau shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the International Fire Code do not apply or the true intent and meaning of the Code may have been misconstrued or wrongly interpreted, by the chief or the fire prevention bureau, the applicant may appeal the decision to the board of appeals within thirty (30) days from the date of the decision which forms the subject matter of the appeal.

***Section 9. Amendments to Chapter 6, Article II, Section 6-32.***

Delhi Charter Township, Code Section 6-32 entitled “New materials, processes or occupancies which may require permits” shall be and is hereby deleted in its entirety and is hereby amended to read as follows:

Section 6-32. Reserved for future use.

***Section 10. Amendments to Chapter 6, Article II, Section 6-33.***

Delhi Charter Township, Code Section 6-33 entitled “Penalties” shall be and is hereby deleted in its entirety and is hereby amended to read as follows:

Section 6-33. Reserved for future use.

***Section 11. Amendments to Chapter 6, Article II, Section 6-34.***

Delhi Charter Township, Code Section 6-34 entitled “Provisions pertaining to fire prevention in housing projects for elderly persons” shall be and is hereby deleted in its entirety and is hereby amended to read as follows:

Section 6-34. Reserved for future use.



**Section 12. Amendments to Chapter 6, Article II, Section 6-36.**

Delhi Charter Township, Code Section 6-36 entitled "Fee established" shall be and is hereby amended to read as follows:

- A. There is hereby established a fee, the amount of which is to be set, from time to time by resolution of the Delhi Township Board of Trustees, to be charged to any person or persons, corporations or other entities who apply for any permit required under this chapter. The board may set reasonable limits on the number and duration of permits granted under this section.
- B. A fee shall also be charged to any person, corporation or other entity who requires or necessitates the use of any emergency medical care provided by the Delhi Township Fire Department, whether said services occur within or without the corporate limits of Delhi Charter Township.
- C. A fee may be charged to any person, corporation or other entity who requires or necessitates the use of any emergency fire services, whether said services occur within or without the corporate limits of Delhi Charter Township, except no fee will be charged for routine fire runs made within the township on behalf of residents of Delhi Charter Township. Said fees shall reimburse the township for any and all expenses incurred as a result of fire services provided, including hazardous materials responses under the "Hazardous Substance Cleanup," Ordinance No. 96, sections 6-75 through 6-77, and shall include the actual cost of equipment operated and personnel dispatched by or in cooperation with the Delhi Charter Township Fire Department.

D. The following fee structure is hereby adopted:

Fire Code Board of Appeals, per hearing.....\$500.00

Liquor license inspections.....\$250.00

New commercial/industrial inspections, final occupancy inspection.....\$100.00

Specialized plan review/inspection.....Cost + 15%

Existing commercial/industrial inspections.... \$50.00

Multiple-family housing inspections.....No charge

Single-family/two-family inspections.....No charge

Commercial/residential development burning permits, per day (no maximum number).....\$100.00

One-family open burning permits, per two (2) consecutive days. Maximum of six (6) open burning permits may be issued to a particular address per calendar year.....\$15.00

State licensed campgrounds burning permits for recreational fires at approved campsites, per season valid from April 1 through October 1 for the year issued.....\$275.00

Automatic fire suppression systems permits/inspections.....See Chart below:

Fire/life safety alarm system permits/inspection.....See Chart below:

TYPE	COST
Final Inspection	\$100
Suppression / Standpipe Plan Review	\$125.00
Fire Suppression (0 – 40 heads)	\$30.00 flat fee
Fire Suppression (41 + heads)	\$.75/head
Alarm Review (each)	\$125.00
Alarm/Life Safety Devices (1 -10)	\$75.00
Alarm/Life Safety Devices (11-20)	\$150.00
Alarm/Life Safety Device (21+)	\$7/device
Sprinkler/Alarm Inspection	\$100

Annual Michigan Firefighter Right-to-Know Review (Material Safety Data Sheets—MSDS).....No charge

Nonresident, fire/rescue incidents, per hour.....\$300.00

***Section 13. Amendments to Chapter 6, Article II, Section 6-41.***

Delhi Charter Township, Code Section 6-41 entitled “Regulations on open burning permits” shall be and is hereby deleted in its entirety and is hereby amended to read as follows:

Section 6-41. Reserved for future use.

***Section 14. Amendments to Chapter 6, Article III, Section 6-52.***

Delhi Charter Township, Code Section 6-52 entitled “Traffic control” shall be and is hereby amended to read as follows:

No motor vehicle, motorcycle or other motorized device designed for conveyance of persons and/or property shall be parked in, obstruct access to, or the use of, a posted fire lane within Delhi Charter Township.

Law enforcement or approved Fire Department personnel are authorized to enforce Section 6-52. Enforcement by civilian parking enforcement personnel can only occur on private property parking areas if a written request to the township for enforcement of fire lane restrictions has been made by the owner or person in charge of the private property, and the township clerk has notified the police and fire departments that the request has been received and placed on file.

Enforcement of fire lane restrictions shall occur only when fire lane signs are clearly posted consistent with the requirements of the Michigan Manual of Uniform Traffic Control Devices.

In the event of a fire, motor vehicles parked in violation of this article may be ordered immediately removed and placed in storage by the police or Fire Department, with payment of reasonable charges for the removal and storage to be made by the owner or operator of the vehicle.

In nonemergency situations, motor vehicles parked in violation of this article may be ordered immediately removed and placed in storage by the police or Fire Department, with payment of reasonable charges for the removal and storage to be made by the owner or operator of the vehicle, only if the fire lane is also posted as a "tow away zone."

***Section 15. Amendments to Chapter 6, Article IV.***

Delhi Charter Township, Chapter 6, Article IV, entitled "Smoke Detectors" shall be and is hereby deleted in its entirety and is hereby amended to read as follows:

Chapter 6, Article IV. Reserved for future use.

***Section 16. Amendments to Chapter 6, Article VI.***

Delhi Charter Township, Chapter 6, Article VI, entitled "FIREWORKS AND PYROTECHNIC PROGRAMS" shall be and is hereby amended to read as follows:

FIREWORKS, FLAME EFFECTS, AND PYROTECHNIC PROGRAMS  
DISPLAYS

***Section 17. Amendments to Chapter 6, Article VI, Section 6-95.***

Delhi Charter Township, Code Section 6-95 entitled "Fireworks/pyrotechnic events" shall be and is hereby amended to read as follows:

All public events at which fireworks, flame effects, or other pyrotechnic displays will be held shall be regulated by this article. This includes public displays using consumer fireworks (1.4G).

***Section 18. Amendments to Chapter 6, Article VI, Section 6-96.***

Delhi Charter Township, Code Section 6-96 entitled "Authorization of pyrotechnic personnel" shall be and is hereby amended to read as follows:

All persons desiring to make pyrotechnic/flame effect displays within the limits of Delhi Charter Township shall be required to submit an application available in the Parks and Recreation Department . All applications shall be submitted a minimum of sixty (60) days prior to the scheduled display, unless otherwise approved by the township board of trustees. The application shall contain the following:

- (1) Applicant name.
- (2) Names of all personnel associated with proposed fireworks display.
- (3) Address.
- (4) Telephone number.
- (5) Address/location and purpose of fireworks display.
- (6) Date and time of proposed fireworks display.
- (7) A minimum of four (4) references related to previous fireworks displays.
- (8) Listing of all previous fireworks presentations.
- (9) Proof of personal liability insurance issued by an insurance carrier authorized to do business within the state in the amount of five million dollars (\$5,000,000.00) with Delhi Charter Township named as an additional insured on the policy.
- (10) Name of pyrotechnic/fireworks display company.

A reasonable fee, as established by the Delhi Charter Township Board of Trustees, to cover the costs of staff time involved in review of the application, may be charged at the time the application is submitted to the Parks and Recreation Department.

***Section 19. Amendments to Chapter 6, Article VI, Section 6-97.***

Delhi Charter Township, Code Section 6-97 entitled "Registration of firing personnel (shooters)" shall be and is hereby amended to read as follows:

All personnel who are designated as shooters of pyrotechnic and other fireworks displays shall be required to be registered by Delhi Charter Township. For purposes of this section, the term "shooter" shall refer to those persons who are in charge of the fireworks, flame effects or pyrotechnic display, and who are responsible for firing the shells during the display. All shooters shall submit, in one (1) package, the items listed below to Delhi Charter Township and shall be approved by the Delhi Charter Township Board of Trustees and Delhi Township Fire Marshal prior to any display being approved:

- (1) Name, including any business name(s).
- (2) Address.
- (3) Business address.
- (4) Telephone number.
- (5) E-mail address, if applicable.
- (6) List of all displays provided in the past ten (10) years.
- (7) Number of employees.
- (8) Names of employees.
- (9) Four (4) references who can verify history with past displays.
- (10) Any professional certifications.

***Section 20. Amendments to Chapter 6, Article VI, Section 6-98.***

Delhi Charter Township, Code Section 6-98 entitled "Fire department inspection and protection" shall be and is hereby amended to read as follows:

All fireworks or pyrotechnic displays in Delhi Charter Township shall be required to be inspected by the Delhi Charter Township Fire Department prior to and during

setup of the display, and shall require Fire Department personnel and apparatus to stand-by during the presentation. The fireworks permittee and all persons involved in the handling of fireworks and pyrotechnic devices and the storage thereof, and the presentation of same, shall comply with the requirements of the NFPA 1123, 1126, and/or 160 as to separation distances, and shall, in all other respects, comply with the International Fire Code and the current NFPA guidelines, whichever are more restrictive. The Delhi Charter Township Fire Marshal or his/her representative shall be present during the setup and the presentation to insure compliance with all applicable codes and ordinances. The Delhi Charter Township Fire Marshal has the authority to stop any display at any time for unsafe conditions.

***Section 21. Amendments to Chapter 6, Article VI, Section 6-99.***

Delhi Charter Township, Code Section 6-99 entitled "Cleanup costs—Cash/cash bond or irrevocable letter of credit" shall be and is hereby amended to read as follows:

The applicant for any pyrotechnic or firework display shall submit a reasonable fee in the form of cash, cash bond, or a bank irrevocable letter of credit in an amount as established by the Delhi Charter Township Board of Trustees at the time of the granting of the permit, which bond shall not be less than one thousand dollars (\$1,000.00) for the purpose of guaranteeing that the property from which the display originates and surrounding properties are clean of fireworks debris within forty-eight (48) hours after completion of the display. Upon inspection and approval of the property by the Department of Parks and Recreation, the bond will be released. If the property inspector finds that the property is not in an acceptable manner, the cash bond will provide appropriate funding to insure cleanup of the site.

***Section 22. Amendments to Chapter 6, Article VI, Section 6-100.***

Delhi Charter Township, Code Section 6-100 entitled "Fee schedule" shall be and is hereby amended to read as follows:

Application fee (section 6-96) (nonrefundable).....\$250.00  
Inspection and protection fee (section 6-98)  
(two (2) hour minimum).....\$350.00  
(Each additional hour).....\$175.00

***Section 23. Amendments to Chapter 6, Article VII, Section 6-107.***

Delhi Charter Township, Code Section 6-107 entitled "Violations, fines and penalties" shall be and is hereby deleted and amended to read as follows:

Sec. 6-107. Enforcement, violations, fines, and penalties.

Law enforcement officers are authorized to enforce any violation of this ordinance and the Township Code sections. Approved Fire Department personnel are authorized to enforce sections 6-102, 6-103, 6-104(1), and 6-104(2). Violation of this ordinance and the following sections are subject to the following fines and penalties:

- A. Any person who violates section 6-102 shall be imposed a civil fine of not more than \$500.00 for each violation of the ordinance.
- B. Any person who violates section 6-103 shall be guilty of a misdemeanor, punishable by up to ninety (90) days in jail and/or a fine up to five hundred dollars (\$500.00).
- C. Any person who violates section 6-104(1) is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$500.00.
- D. Any person who violates section 6-104(2) shall be ordered to pay a civil fine of not more than \$500.00 or, for a second or subsequent violation of this subsection, a civil fine of not more than \$1,000.00.
- E. Any person who violates section 6-104(3) is guilty of a misdemeanor punishable by imprisonment for not more than Thirty (30) days or a fine of not more than \$1,000.00, or both.

**Section 24. Savings Clause.** All proceedings pending and all rights and liabilities existing or incurred at the time this amendatory Ordinance takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory Ordinance shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory Ordinance for an offense committed before that effective date.

**Section 25. Conflicting Ordinances Repealed.** Except as to prosecution and legal actions pending and saved pursuant to Section 24 (Code Section 6-37) above, any Delhi Charter Township Ordinances or parts of Ordinances in conflict with or inconsistent with any of the provisions of this Ordinance are hereby repealed.

**Section 26. Severability.** If any section, paragraph, clause, phrase or part of this Ordinance is held invalid by any court of competent jurisdiction, or any agency, department or commission empowered by statute for such purposes, such decision shall not affect the validity of the remaining provisions of this Ordinance, and the application of those provisions to any person or circumstance shall not be affected thereby.

**Section 27. Effective Date.** This Ordinance shall take effect thirty (30) days from and after its passage, publication and recording as required by law.

Ayes: Ketchum, Sweet, Warfield, Davis, Harmon, Hayhoe, Hope  
Nays: None  
Absent: None

Adopted by the Delhi Charter Township Board of Trustees at a regular meeting held on the 20<sup>th</sup> day of January, 2015.

First Reading:	December 16, 2015
First Publication:	December 21, 2014
Second Reading:	January 20, 2015
Second Publication:	January 25, 2015
Effective Date:	February 24, 2015

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C.J. Davis, Supervisor

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Evan Hope, Township Clerk

I, Evan Hope, Clerk of the Charter Township of Delhi, hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 70.12, duly adopted by the Board of Trustees of the Charter Township of Delhi, Ingham County, Michigan, on the 21<sup>st</sup> day of January, 2015.

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Evan Hope, Township Clerk