

**TOWNSHIP OF SCIO
WASHTENAW COUNTY, MICHIGAN**

**Ordinance No. 2022-02
FIRE PREVENTION AND PROTECTION**

AMENDING CHAPTER 18, ARTICLE II

AN ORDINANCE TO AMEND THE SCIO TOWNSHIP FIRE PREVENTION AND PROTECTION ORDINANCE

THE TOWNSHIP OF SCIO, WASHTENAW COUNTY, MICHIGAN, HEREBY ORDAINS:

Section 1:

That Article II of Chapter 18 of the Township of Scio Code of Ordinances is amended to read as follows:

ARTICLE II. FIRE CODE

Sec. 18-19. Fire prevention code adopted.

The International Fire Code, 2015 Edition, including its appendices, is hereby adopted by reference with the additions, insertions, deletions, and changes prescribed in section 18-21, copies of which are on file and open to inspection by the public in the office of the township clerk, is hereby adopted and incorporated into this article as fully as if set forth completely herein, and shall be controlling within the limits of the township. The same is hereby adopted as the code of the township for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion and providing for issuance of permits and collection of fees. That if any section, subsection, sentence, clause, or phrase of this Article is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Scio Township Board of Trustees hereby declares that it would have passed this law, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

Sec. 18-20. Penalty for violation.

Any person who shall violate any provision of the code adopted in section 18-19 or fail to comply therewith; or who shall violate or fail to comply with any order made thereunder; or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder; or fail to operate in accordance with any certificate or permit issued thereunder; and from which no

appeal has been taken; or who shall fail to comply with such an order as affirmed or modified by the board of appeals or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a municipal civil infraction pursuant to section 1-8. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified the application of the penalty shall not be held to prevent the enforced removal of prohibited conditions.

Sec. 18-21. Additions, insertions, and changes to International Fire Code, 2015 Edition.

The fire prevention code adopted in section 18-19 is amended and changed as set forth in this section. Subsequent section numbers used in this section shall refer to the like-numbered sections of the International Fire Code, 2015 Edition, however, the text of the section will be that text contained within this amendment.

- (a) *Section 101.1 Title.* These regulations shall be known as the Fire Prevention Code of Scio Township, hereinafter referred to as "the fire code," "this code, " or "the code."
- (b) *Section 108.1 Board of appeals established.* In order to hear and decide appeals of orders, decisions or determinations made by the *fire code official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be comprised of three members appointed by the Township Board and shall hold office at its pleasure. The *fire code official* shall be an ex officio member of said board but shall not have a vote on any matter before the board. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the *fire code official*.
- (c) *Section 109.4 Violation penalties.* Persons who shall violate a provision of this code or shall fail to comply with any requirements thereof or who shall erect, install, alter, repair, service, test or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a municipal civil infraction pursuant to section 1-8. Each day that a violation continues after due notice has been served shall be deemed a separate violation.
- (d) *Section 111.4 Failure to Comply.* 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 or imprisonment for a period not to exceed, or both, plus costs of prosecution.
- (e) *Section 202 General Definitions.*

Fire Code Official. The Fire Chief, Fire Marshal, code enforcement officer, or other authority designated by the Township Board with the duties of administration and

enforcement of the code. The term "fire code official" may be used interchangeably with "code official" and "fire official" in this code.

Fire Watch. A temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one or more qualified individuals for the purposes of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the fire department by method(s) approved or recommended by the fire code official.

(g) The geographic limits referred to in certain sections of the 2015 Edition of the International Fire Code are hereby established as follows:

1. Section 5704.2.9.6.1 The storage of Class I and Class II liquids in above-ground tanks outside of buildings shall comply Scio Township's zoning ordinances, Section 5704.2, and Sections 5704.2.9.1 through 5704.2.9.7.9, and the Michigan Above-ground Storage Tank Rules, or their equivalent, and be subject to the approval of the fire code official.
2. Section 5706.2.4.4 The storage of Class I and Class II liquids in above-ground tanks shall comply with Scio Township's zoning ordinances, Section 5704.2, and Sections 5704.2.9.1 through 5704.2.9.7.9, and the Michigan Above-ground Storage Tank Rules, or their equivalent, and be subject to the approval of the fire code official.
3. Section 5806.2 The storage of flammable cryogenic fluids in stationary containers shall comply with Scio Township's zoning ordinances, sections 5806.2 through 5806.4.8.3 and Chapter 55, and be subject to the approval of the fire code official.
4. Section 6104.2 The storage of liquefied petroleum gas shall comply with Scio Township's zoning ordinances, NFPA 58, and be subject to the approval of the fire code official.

(h) *Section 308.1.4 Open-flame cooking devices*

1. Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet (3048 mm) of combustible construction. **Exception: Single-family dwellings.**
2. Cylinders having water capacities greater than 2½ pounds (1 kg) [nominal 1 lb (0.5 kg)] LP-gas capacity shall not be located on balconies above the first floor that are attached to a multiple-family dwelling of three or more living units located one above the other. Exception: where such balconies are served by outside stairways and where such stairways are used to transport the cylinder

(i) *Section 307.1.1 Prohibited open burning*

- 1) Open burning shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous.
- 2) No permits shall be issued for parcels of land with addresses located east of M-14, nor shall any permits be issued on parcels of land of less than one acre in size.

Exception to 1) and 2): Prescribed burning for the purpose of reducing the impact of wildland fire when authorized by the *fire code official*.

(j) *Section 305.4 Deliberate or negligent burning* is amended by adding the following language: A violation of this section is punishable by a fine of not more than \$500.00 or by imprisonment for a period not to exceed 90 days or by both, plus costs of prosecution.

(k) *Section 316.3 Pitfalls* is amended by adding the following language: A violation of this section is punishable by a fine of not more than \$500.00 or by imprisonment for a period not to exceed 90 days or by both, plus costs of prosecution.

(l) *Section 401.8 Interference with fire department operations* is amended by adding the following language: A violation of this section is punishable by a fine of not more than \$500.00 or by imprisonment for a period not to exceed 90 days or by both, plus costs of prosecution.

(m) *Section 603.7.1 Unauthorized operation* is amended by adding the following language: A violation of this section is punishable by a fine of not more than \$500.00 or by imprisonment for a period not to exceed 90 days or by both, plus costs of prosecution.

(n) *Section 901.8 Removal of or tampering with equipment* is amended by adding the following language: A violation of this section is punishable by a fine of not more than \$500.00 or by imprisonment for a period not to exceed 90 days or by both, plus costs of prosecution.

(o) *Section 901.8.1 Removal of or tampering with appurtenances* is amended by adding the following language: A violation of this section is punishable by a fine of not more than \$500.00 or by imprisonment for a period not to exceed 90 days or by both, plus costs of prosecution.

(p) **Modifications.** The Chief of the Fire Department and/or the Fire Marshal shall have the power to modify any of the provisions of this Code upon application, in writing, by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code, provided that the spirit and intent of the Code be observed, public

safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief of the Fire Department and/or the Fire Marshal thereon shall be entered upon the records of the department and a signed copy shall be furnished to the applicant.

Section 2:

That Article III of Chapter 18 of the Township of Scio Code of Ordinances is amended to read as follows:

ARTICLE III. - FIREWORKS REGULATIONS

Sec. 6-22. - Short title.

This article is to be known and may be cited as the "Scio Township Fireworks Ordinance."

Sec. 6-23. - Statement of purpose.

This article adopts regulations of the ignition, discharge and use of consumer fireworks, as allowed under the Michigan Fireworks Safety Act, MCL 28.451 et seq., as amended.

Sec. 6-24. - Definitions.

As used in this article, the following terms have the following meanings:

APA standard 87-1 means 2001 American Pyrotechnics Association ("APA") standard 87-1, standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics, published by the APA of Bethesda, Maryland.

Consumer fireworks means fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.1, 3.1.3, or 3.5. "Consumer fireworks" does not include low-impact fireworks.

Fireworks means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation.

Low-impact fireworks means ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1.1, 3.1.3, or 3.5.

Minor means an individual who is less than 18 years of age.

Sec. 6-25. - Ignition, discharge and use of consumer fireworks.

Consumer fireworks may not be ignited, discharged, or used except after 11:00 a.m. on the days listed below, and then only in compliance with all other applicable regulations:

- (a) December 31 until 1:00 a.m. on January 1.
- (b) The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days.
- (c) June 29 to July 4 until 11:45 p.m. on each of those days.
- (d) July 5, if that date is a Friday or Saturday, until 11:45 p.m.
- (e) The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.

Sec. 6-26. - Purchase of consumer fireworks by minor.

Consumer fireworks shall not be sold to a minor.

Sec. 6-26. - Use by intoxicated person.

An individual shall not use consumer fireworks while under the influence of alcoholic liquor (as that term is defined in MCL 436.1105(3), a controlled substance, or a combination of alcoholic liquor and a controlled substance.

Sec. 6-27. - Determination of violation; seizure.

If the Township's Fire Code Official or a law enforcement officer of the Washtenaw County Sheriff's Office determines that a violation of this article has occurred, that official (or his or her designee) or law enforcement officer may seize the consumer fireworks as evidence of the violation.

Sec. 6-28. - Penalty.

A violation of this article is a civil infraction punishable by a civil fine of \$1000 for each infraction or repeat offense. Pursuant to MCL 28.457(3), \$500.00 of the fine collected must be remitted to the local law enforcement agency that enforced the article.

Sec. 6-29. - Fireworks safety.

A person shall not recklessly endanger the life, health, safety, or well-being of another when igniting, discharging, or using consumer fireworks.

Section 3. Repealer

All ordinances or parts thereof which are in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed, except that terms defined herein for the purpose of interpretation, administration and enforcement of this Ordinance shall not act to modify, repeal or otherwise change the definition of any such term as used in other ordinances or laws.

CLERK'S CERTIFICATE

I, Jessica M. Flintoft, Clerk of the Township of Scio, Washtenaw County, Michigan, hereby certify that the foregoing constitutes a true and complete copy of Scio Township Ordinance No. 2202-02, which was duly adopted by the Township Board of Scio Township at a Regular Meeting of said Board, held on 25th January 2022, and published in accordance with MCL 41.184.

I further certify that Palmer moved for adoption of said Ordinance, and that Knol supported said motion.

I further certify that the following Members voted for adoption of said Ordinance: Hathaway, Palmer, Flintoft, Jerome, Knol, Vogel and that the following Members voted against adoption of said Ordinance: None and that the following Members were absent or abstained from voting on the adoption of said Ordinance: Courteau.

I further certify that after its passage the Ordinance was published on February 10th, 2022, by The Washtenaw Legal News.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and that such recording has been authenticated by the signature of the Clerk.

Jessica M. Flintoft
Township of Scio Clerk

Dated: February 8, 2022