

**CHARTER TOWNSHIP OF WHITE LAKE
AN ORDINANCE TO AMEND CHAPTER 18, ARTICLE II - FIRE CODE
OF THE WHITE LAKE TOWNSHIP CODE OF ORDINANCES**

THE CHARTER TOWNSHIP OF WHITE LAKE ORDAINS:

SECTION 1: AMENDMENT.

**SECTION 18-19: ADOPTION OF THE 2012 INTERNATIONAL FIRE CODE BY
REFERENCE**

The International Fire Code, 2012 Edition, together with appendices A, B, C, D, E, F, G, H, I and J, as promulgated by the International Code Council, is hereby adopted by referenced in its entirety herein, except for those deletions and additions set forth below.

SECTION 18-20: PURPOSE

The purpose and intent of this Ordinance is to prescribe minimum requirements and controls to safeguard life, property, or public welfare from the hazards of fire and explosion arising from the storage, handling or use of substances, materials or devices, and to establish regulations preventing conditions hazardous to life or property in the use or occupancy of buildings or premises. One complete copy of the International Fire Code, 2012 Edition, shall be made available for use and inspection by the general public at the office of the Clerk in the Township of White Lake during regular business hours.

SECTION 18-21: REFERENCES IN CODE

4.1 Where the words “name of jurisdiction” is used in the International Fire Code, they shall be held to mean the Charter Township of White Lake.

4.2 Where reference is made in the Code to the “International Building Code,” it shall be held to mean the Michigan Building Code.

4.3 Where reference is made in the Code to the “International Mechanical Code,” it shall be held to mean the Michigan Mechanical Code.

SECTION 18-22: STATE REGULATIONS PREVAIL

When state law or regulations apply a higher standard or requirement than is provided in this Code, the higher requirement or standard of state law shall prevail.

SECTION 18-23: FALSE ALARMS

It shall be unlawful for any person and/or entity to summon in any way the Fire Department, unless a valid reason for their response is present, or for any person or entity to fail to maintain a properly operating alarm system.

SECTION 18-24: ACTIVATION OF FIRE ALARM SYSTEMS

A person or entity shall not activate a fire alarm system in any building or place within the Charter Township of White Lake 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.

SECTION 18-25: CHANGES IN THE CODE

The following sections and subsections of the International Fire Code are hereby amended or deleted as set forth, and additional sections and subsections are added as indicated. Subsequent section numbers used in this chapter shall refer to like-numbered sections of the International Fire Code.

Section 101.1 shall be amended to read as follows:

101.1 TITLE. These regulations as set forth herein shall be known as the Fire Prevention and Protection Ordinance of the Charter Township of White Lake and are herein referred to as such or as “this Code.”

Section 103.1 shall be amended to read as follows:

103.1 GENERAL. The department of fire prevention is established within the jurisdiction under the direction of the Fire Code Official. The function of the department shall be the implementation, administration and enforcement of the provision of this Code. It shall be the duty and responsibility of the Fire Chief as the designated Fire Code Official to enforce the provisions of this Code.

Section 103.1.1 shall be added to read as follows:

103.1.1 AUTHORIZATION. Any fire official, as designated by the fire chief of the White Lake Township Fire Department, is hereby authorized to issue and serve appearance tickets pursuant to the White Lake Township Code of Ordinances, Chapter 22, Article III – Appearance Tickets, and MCLA 764.9c, as amended, with respect to any violation of this code.

Section 104.1 shall be amended to read as follows:

104.1 GENERAL. The Fire Code Official is hereby authorized to enforce the provisions of this code and shall have the authority to render interpretations of this code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. However, if an interpretation of a provision is in conflict with other township ordinances, the Township Board of the Township shall retain final jurisdiction of the provision requirements.

Section 104.10.2 shall be added to read as follows:

104.10.2 OPEN BUILDINGS DUE TO FIRE. The Fire Code Official or his duly authorized representative is empowered to order the securing of fire damaged buildings. If the owners of the affected building are present, this order shall be given to them. If no owners or representatives of the building are present, the Fire Code Official or his duly authorized representative may have the building secured. The expense of securing shall be a debt to the Township from the responsible owner and shall be collected as any other debt to the Township.

Section 104.11 shall be amended to read as follows:

104.11 AUTHORITY AT FIRES AND OTHER EMERGENCIES. The Fire Code Official, or his duly authorized representative, is empowered to direct such operations as may be necessary to extinguish or control any suspected or reported fires, hazardous conditions or situations or taking any other action necessary in the reasonable performance of their duty. The Charter Township of White Lake Police Department or the Charter Township of White Lake Fire Department may prohibit any person, vehicle or object from approaching the scene of an emergency situation and may remove or cause to be removed from the scene any person, vehicle or object which may impede or interfere with the operations of the Fire Department. The Police or Fire Official may remove or cause to be removed any person, vehicle or object from hazardous areas. All persons ordered to leave a hazardous area shall not re-enter the area until authorized to do so by the Police or Fire Official in charge.

Section 104.11.2.1 shall be added to read as follows:

104.11.2.1 DAMAGE OR INJURY TO FIRE DEPARTMENT EQUIPMENT OR PERSONNEL. It shall be unlawful for any person to willfully damage or deface or attempt to conspire to damage or deface any Fire Department emergency vehicle at any time, or to injure, or conspire to injure Fire Department personnel while performing departmental duties.

Section 104.11.2.2 shall be added to read as follows:

104.11.2.2 VEHICLE CROSSING FIRE HOSE. A vehicle shall not be driven or propelled over any unprotected fire hose of the Fire Department when laid down on any street, alley way, private drive or any other vehicular roadway without consent of the Fire Official in command of said operations.

Section 105.6 shall be amended to read as follows:

105.6 REQUIRED OPERATIONAL PERMITS AND ASSOCIATED FEES. The Fire Chief is authorized to issue operational permits for the operations set forth in Section 105.6.2, 105.6.4, 105.6.13 (exhibits and trade shows), 105.6.14, 105.6.28, 105.6.30, 105.6.36, 105.43 (temporary membrane structures and tents), 5601.2.2.1, and 5608.2.2.1. A permit fee must accompany any application. The fee shall be determined by Resolution of the Township Board.

Section 105.6.1 shall be deleted in its entirety.

Section 105.6.3 shall be deleted in its entirety.

Sections 105.6.5 through 105.6.12 shall be deleted in their entirety.

Sections 105.6.15 through 105.6.27 shall be deleted in their entirety.

Section 105.6.29 shall be deleted in its entirety.

Sections 105.6.31 through 105.6.35 shall be deleted in their entirety.

Sections 105.6.37 through 105.6.42 shall be deleted in their entirety.

Sections 105.6.44 through 105.7.16 shall be deleted in their entirety.

Section 108.2 shall be amended to read as follows:

108.2 LIMITATIONS ON AUTHORITY. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed.

Section 109.3 shall be amended to read as follows:

109.3 VIOLATION PENALTIES. Except as provided herein, any person who shall violate a provision of this code, or 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 Fire 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 Five Hundred Dollars (\$500.00) or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

The following provisions of the 2012 International Fire Code, as adopted by this Code of Ordinances, shall be deemed municipal civil infractions and subject to the penalties as provided in Chapter 22, Article IV of the White Lake Township Code of Ordinances:

- Chapter 1, with the exception of: Section 104.11.2; Section 104.11.2.1; Section 104.11.2.2; and Section 107.5
- Chapter 3, with the exception of: Section 316.3
- Chapter 4 through Chapter 8
- Chapter 9, with the exception of Section 901.8
- Chapter 11, with the exception of Section 1104
- Chapter 12 through Chapter 45
- All appendices

Section 111.4 shall be amended to read as follows:

111.4 FAILURE TO COMPLY. Any person who shall continue any work after having been served a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to those penalties and fines as set forth in Section 109 – VIOLATIONS.

Section 113.6 shall be added to read as follows:

113.6 RESTITUTION. When the Fire Department or any persons authorized to enforce this Ordinance are called to respond to any emergency or incident which was the result of a violation of federal, state or local regulation governing fire safety, or from gross negligence, the person(s) or entity(ies) responsible shall reimburse the Charter Township of White Lake for all expenses of the response.

Cost recovery for any Hazardous Materials response may be pursued in a civil action, pursuant to the Natural Resource Environmental Protection Act (MCL 324.20135(1)(b)).

Section 113.7 shall be added to read as follows:

113.7 ARSON. In any case in which arson takes place, the person(s) convicted of that crime, or of any lesser charge, or by way of a plea bargain, shall be financially responsible for all costs of investigation, fighting and extinguishing the fire and/or for any EMS service, for any board-up services and/or for any other security procedures performed by the Charter Township of White Lake or its agents.

Section 113.8 shall be added to read as follows:

113.8 SPECIAL RESPONSE UNIT. In any case where a Special Response Unit (SRU) is required, the person(s) responsible for the need for such unit to arrive at a call shall be financially responsible for the usage of such unit. An SRU is a truck that carries special equipment for hazardous materials incidents, building collapse and/or elevated, confined and subterranean spaces and needs.

Section 113.9 shall be added to read as follows:

113.9 UTILITY COMPANIES. In any case where a response results from an actual or possible hazard created by the construction, operation, maintenance, and/or act of God involving any public or private utility company operating within the Charter Township of White Lake, the utility company shall reimburse the Charter Township of White Lake for all expenses of the response, including utility stand-bys. The decision to render such services or provide such personnel and/or equipment, shall be based either upon the request of a utility, a White Lake Township resident, or upon the sole and exclusive discretion of White Lake Township officials.

Section 113.10 shall be added to read as follows:

113.10 EMS TRANSPORT. In any case where a response necessitates transport to a hospital or other medical facility by the White Lake Township Fire Department, White Lake Township shall be entitled to recover all the expenses of the medical transport.

Section 202 shall be amended to add the following definitions:

“Expenses of the response” shall mean the direct and reasonable costs incurred by the Township or any entity operating at the request of the Township or any other responder as set forth in the National Incident Management System (Homeland Security Presidential Directive 5), when responding to a request for services, including but not limited to, all salaries and wages of Township personnel who responded to the incident and/or engaged in the investigation, supervision, and report preparation regarding the response; and all other costs incurred in the response, including such items as disposable materials and supplies used during the response, the use, rental, or leasing of vehicles or equipment used for the response, special technical services, and laboratory costs, and services and supplies purchased for any specific evacuation relating to the response.

“Hazardous materials response” shall mean any response to an event involving any chemical, substance, compound, mixture, or other material defined as, designated as, listed as, or having the same characteristics as any substance, compound, mixture or material listed as hazardous under federal or state law or regulation.

"Prescribed burn" shall mean the burning, in compliance with a written plan establishing the criteria necessary for starting, controlling, and extinguishing a burn and to meet planned fire or land management objectives, of a cover of vegetation capable of sustaining and carrying fire over the area intended to be burned.

Section 202 Definition of “Person” shall be amended to read as follows:

“Person” shall mean an individual, heirs, executors, administrators or assigns, and also includes a firm, partnership, corporation, limited liability company, association, consortium, governmental entity, or any other legal entity, or its or their successors or assigns, or the agent of any of the aforesaid.

Section 302.1 shall be amended to include the following definition:

302.1 COMBUSTIBLE MATERIAL. Any material that will ignite and burn when sufficient heat is applied, including, but not limited to, dwelling units or homes, garages, and wooden privacy fences.

Section 307.2.2 shall be added to read as follows:

307.2.2 PERMITTED CONTENTS. Materials permitted to be burned under this code shall be limited to natural materials, including sawn trees, branches, limbs, sawn lumber, paper, and cardboard.

Section 307.2.3 shall be added to read as follows:

307.2.3 PROHIBITED CONTENTS. The burning of treated or manufactured wood products, waste material from construction, waste from land clearing processes, painted or finished wood products, any other material which causes offensive odors or smoke production, or materials which are byproducts of a business operation, leaves and ground covering shall be prohibited.

Exception: This section 307.2.3 shall not apply to prescribed burns when conducted in conformance with Chapter 324, Part 515 of the Natural Resource Environmental Protection Act, 1994 PA 451, as amended, MCL 324.51501 to 324.51514, as amended..

Section 307.2.4 shall be added to read as follows:

307.2.4 FIRE SIZE. The amount of material permitted to be kindled shall be limited to a volume of material that does not extend beyond a five foot (5') diameter circle and does not exceed five feet (5') in height.

Exception: This section 307.2.4 shall not apply to prescribed burns when conducted in conformance with Chapter 324, Part 515 of the Natural Resource Environmental Protection Act, 1994 PA 451, as amended, MCL 324.51501 to 324.51514, as amended..

Section 307.4 LOCATION. Shall be amended to delete exception 2.

Section 307.4.1 BONFIRE. Shall be amended to read as follows:

307.4.1 BONFIRE. Bonfires shall not be conducted within 50 feet of a structure or combustible material unless the fire is contained within an approved container (noncombustible barrel with a lid or cover to suppress embers/sparks, an outdoor fireplace, or an approved below grade enclosure). Bonfires in approved containers shall not be located less than 15 feet from a structure or combustible material. The burning material shall not exceed 2 feet in diameter x 2 feet in height.

A below grade enclosure shall not be less than 12 inches deep and not exceed 5 foot in diameter.

All open burning regulations shall apply.

Section 307.4.2 RECREATIONAL FIRES. Shall be deleted in its entirety.

Section 307.5 shall be revised to read as follows:

307.5 ATTENDANCE. Any open burning shall be constantly attended by a competent adult until the fire is extinguished. Unless the ground is snow covered, a minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire-extinguishing

equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

Section 307.6 shall be added to read as follows:

307.6 PRESCRIBED BURNS. Prior to the issuance of a prescribed burn permit, the application shall be completed, along with the required application fee in accordance with the Township Fee Ordinance, and the following information:

- Written authorization from the property owner's insurance carrier
- A prescribed burn plan and objective
- Proof evidencing notification to bordering property owners at least one month prior to the scheduled burn
- Proof demonstrating that the individual conducting the burn is insured as a business, and experienced and trained in the use of fire
- A site plan showing the area to be burned, the bordering properties, and all structures on the premises

Section 308.1.6.3 shall be added to read as follows:

308.1.6.3 SKY LANTERNS. The use of sky lanterns in a reckless manner shall be prohibited.

Section 503.3.1 shall be added to read as follows:

503.3.1 POSTING. All fire apparatus access roads shall be conspicuously posted with uniform "NO PARKING FIRE LANE" signs in keeping with the standard established in the Michigan Manual of Traffic Control Devices, as revised, and as prescribed by the Fire Code Official and erected on both sides of the fire apparatus access roads. Signs shall be erected no farther than one hundred feet (100') apart in all areas designated as fire apparatus access roads. Signs shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

Section 503.4.2 shall be added to read as follows:

503.4.2 AUTHORITY TO REMOVE OBSTRUCTIONS. If any vehicle, trailer or other object is so located within a fire apparatus access road or at any other location is prohibited by this Ordinance at a time the Fire Department is responding to an alarm which necessitates use of such fire apparatus access road and/or other said location, then any member of the Charter Township of White Lake Police or Fire Department may move or cause same to be moved by any means necessary without liability for any damage being incurred by the Charter Township of White Lake or any officer, agent or employee thereof.

Section 506.1.1.2 shall be added to read as follows:

506.1.1.2 LOCATION. Key boxes shall be installed at an accessible location as determined by the Fire Code Official. Location shall be maintained free of obstruction.

Section 506.1.1.3 shall be added to read as follows:

506.1.1.3 TYPE, CONTENTS, INSTALLATION. The key box shall be of a type approved by the Fire Code Official, shall contain keys to gain necessary access as required by the Fire Code Official and shall be installed in a manner approved by the Fire Code Official. The Township of White Lake Police and Fire Departments shall have possession of the only keys to the box. In the event, the locks are changed for which keys have been provided, the Fire Department shall be notified immediately. Emergency contact names and telephone numbers shall be provided for the key box.

Section 506.3 shall be added to read as follows:

506.3 ALARMS. At the request of the owner or tenant, the Fire Code Official shall permit a key box tamper switch connection to the building burglar or fire alarm system.

Section 507.5.4 shall be amended to read as follows:

507.5.4 BLOCKING FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS. It shall be unlawful to obscure from view, damage, deface, obstruct or restrict the access to any fire hydrant or Fire Department connection for the pressurization of fire suppression systems, including fire hydrants and Fire Department connections that are located on public or private streets and access lanes or on private property. No parking shall be permitted and/or no obstruction shall be placed or constructed within fifteen feet (15') of any fire hydrant or Fire Department connection, public or private.

If, upon the expiration of time mentioned in a notice of violation, obstructions or encroachments are not removed, the Fire Code Official shall proceed to remove the same. The expense incurred shall be a debt to the Charter Township from the responsible person and, if necessary, the legal authority of the municipality shall institute appropriate action for recovery of such costs.

Section 507.5.6 shall be amended to read as follows:

507.5.6 PHYSICAL PROTECTION. Where fire hydrants or Fire Department connections are subject to impact by a motor vehicle, guard posts or other approved means shall comply with Section 312.

Section 901.2.2 shall be added to read as follows:

901.2.2 REVIEW FEES. When, at the discretion of the Fire Code Official, the plans and specifications are to be reviewed in-house, or by an outside consultant, the person or firm submitting the plans and specifications shall be responsible for the total consulting fees and administrative charges, as established by Resolution of the Township Board. The Fire Code Official shall select the consultant. Consulting fees or charges shall be submitted in full, prior to the review, with the plans and specifications.

Section 903.3.7.1 shall be added to read as follows:

903.3.7.1 FIRE DEPARTMENT CONNECTION TYPE. All required Fire Department connections shall be equipped with a single five inch (5") storz metal-faced adapter fitting with thirty degree (30°) to forty-five degree (45°) downturn.

Section 903.3.7.2 shall be added to read as follows:

903.3.7.2 VISUAL. A red rotating beacon light shall be installed as directed by the Fire Code Official and shall be connected to the water flow alarm valve or water flow switch. A water flow alarm valve or water flow switch activation shall activate the red rotating beacon.

Section 5504.3.1.1.3.1 shall be amended to read as follows:

5504.3.1.1.3.1 LOCATION. Stationary containers shall be located in accordance with Section 5503.6. Containers of cryogenic fluids shall not be located within diked areas containing other hazardous materials.

Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited in accordance with NFPA 50B.

Section 5601.1.3.1 shall be amended to read as follows:

5601.1.3.1. ASSEMBLING, MANUFACTURING OF FIREWORKS, EXPLOSIVES OR EXPLOSIVE MATERIALS. The assembling or manufacturing of fireworks, explosives or explosive material shall be prohibited within the Township of White Lake, Michigan.

Exceptions:

1. The hand loading of small arms ammunition prepared for personal use and not offered for resale.
2. The mixing and loading of blasting agents at blasting sites in accordance with NFPA 495.
3. The use of binary explosives or phosphoric materials in blasting or pyrotechnic special effects applications in accordance with NFPA 495 or NFPA 1126.

Section 5601.2.2.1 shall be added to read as follows:

5601.2.2.1 RETAIL SALE OF MICHIGAN LEGAL FIREWORKS. Shall comply with Public Act 256 of 2011 (MCL 28.451, et seq.) and with the Township Fireworks Ordinance, Chapter 18, Article III of this Code of Ordinances.

Section 5608.2.2.1 shall be added to read as follows:

5608.2.2.1 PERMIT REQUIRED. A permit to conduct indoor pyrotechnic displays shall be required. The applicant must submit an application to the Fire Code Official prior to the display. The application must accompany the application fee in accordance with the White

Lake Township Fee Ordinance, along with site and floor plans identifying the type and inventory of devices proposed to be used. All requirements of Section 5608.2.2 shall be met.

Section 5701.3 shall be amended to read as follows:

5701.3 REFERENCED DOCUMENTS. The provisions of this chapter, the Michigan Mechanical Code and NFPA 30 and 30A listed in Chapter 36 shall apply to the storage, handling and processing of flammable and combustible liquids in addition to the requirements of Chapter 50 of the International Fire Code, 2012 Edition.

Section 5704.2.9.6.1 shall be amended to read as follows:

5704.2.9.6.1 LOCATIONS WHERE ABOVE-GROUND TANKS ARE PROHIBITED. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited in accordance with NFPA 30.

Section 5706.2.4.4 shall be amended to read as follows:

5706.2.4.4 LOCATIONS WHERE ABOVE-GROUND TANKS ARE PROHIBITED. The storage of Class I and II liquids in above-ground tanks is prohibited in accordance with NFPA 30.

Section 6101.1 shall be amended to read as follows:

6101.1 REFERENCED DOCUMENTS. The provisions of this chapter, NFPA 58 and 59A listed in Chapter 36, shall apply to equipment, process and operation for storage, use, handling, installation, and maintenance of liquefied petroleum gas in addition to the requirements of Chapter 50.

Section 6104.2 shall be amended to read as follows:

6104.2 MAXIMUM CAPACITY WITHIN ESTABLISHED LIMITS. The storage of liquefied petroleum gas for the protection of heavily populated or congested areas is prohibited in accordance with NFPA 58; however, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7570 L).

Exception: In particular installations, this capacity limit shall be determined by the Fire Code Official, after consideration of special features such as topographical conditions, nature of occupancy, and proximity to buildings, capacity of proposed containers, degree of fire protection to be provided and capabilities of the local fire department.

SECTION 2: SEVERABILITY.

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, such selection, clause or provision

declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of the Ordinance shall stand and be in full force and effect.

SECTION 3: EFFECTIVE DATE.

This Ordinance shall take effect following publication in the manner prescribed by law.

SECTION 4: REPEALER.

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

SECTION 5: ADOPTION.

This Ordinance is hereby declared to have been adopted by the Township Board of this Charter Township of White Lake at a meeting thereof duly called and held on the 18th day of November, 2014, and ordered to be given publication in the manner prescribed by the Charter of the Charter Township of White Lake.

BY: _____
Greg Baroni, Supervisor

BY: _____
Terry Lilley, Clerk