

TALLMADGE CHARTER TOWNSHIP
INTERNATIONAL FIRE CODE ORDINANCE

ORDINANCE NO. 01-11-16

AN ORDINANCE TO ADOPT THE 2012 EDITION OF THE *INTERNATIONAL FIRE CODE*, 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 TALLMADGE CHARTER TOWNSHIP; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; ESTABLISHING AN EFFECTIVE DATE; AND IMPOSING PENALTIES FOR VIOLATIONS THEREOF.

THE CHARTER TOWNSHIP OF TALLMADGE, COUNTY OF OTTAWA, STATE OF MICHIGAN, ORDAINS:

Section 1. ADOPTION OF FIRE PREVENTION CODE; PURPOSE. Pursuant to the provisions of Public Act 359 of 1947, as amended, the Township adopts by reference the INTERNATIONAL FIRE CODE AND REFERENCE STANDARDS, 2012 Edition, including the Appendix Chapters A, B, C, D, E, F, G, H, I, and J, published by the International Fire Code Council, Inc., which together create the fire prevention code (the "Code") of the Township, subject to the modifications and amendments set forth in Section 3. The Code is adopted for the purposes of protecting life, property, and public welfare from the hazards of fire and explosion, providing minimum standards for the design, operation, use, and maintenance of buildings and structures, and providing minimum standards for the storage, handling, or use of substances, materials, or devices involved in the use or occupancy of buildings or structures.

Section 2. DESIGNATION OF ENFORCEMENT AGENCY. The Fire Chief of the Wright-Tallmadge Fire Department, established pursuant to Public Act 33 of 1951, as amended, or the Fire Chief's authorized representative, shall have the responsibility for enforcement and administration of this Ordinance and of the Code as the fire code official, and shall have the authority to enter premises for the purpose of inspecting them for compliance with the Code.

Section 3. AMENDMENTS TO THE CODE. The following sections and subsections of the Code are amended or deleted, and additional sections or subsections are added as indicated. The section and subsection numbers shall refer to the like sections and subsections of the Code.

- (a) Section 101.1 is amended to read as follows:
101.1: Title. These regulations shall be known as the Fire Code of Tallmadge Charter Township, hereafter referred to as "this code." All references in this code to "this jurisdiction" shall mean Tallmadge Charter Township.

- (b) Section 103.2 is amended to read as follows:
103.2 Appointment. The Fire Chief of the Wright-Tallmadge Joint Fire Department established pursuant to Public Act 33 of 1951, as amended, or the Fire Chief's authorized representative, is designated as the "fire code official" under the Code.
- (c) Section 103.3 is deleted.
- (d) Section 105.1.1 is amended to read as follows:
105.1.1: Permits required. Permits required by this code shall be obtained from the fire code official, or other township official designated by the fire code official. Permit fees, if any, shall be paid prior to issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire code official.
- (e) Section 108.1 is amended to read as follows:
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 is created a board of appeals. The board of appeals shall be _____. The fire code official shall be an ex officio member of the board but shall have no vote on any matter before the board.
- (f) Section 109.3 is amended to read as follows:
109.3. Notice of violation. Whenever the fire code official observes an apparent violation of this code, the fire code official shall prepare a written notice of violation describing the condition and specifying time limitations for the required repairs or improvements to be made to render the structure or premises safe, secure and in compliance, if any.
- (g) Section 109.3.3 is amended to read as follows:
109.3.3. Violations. If the notice of violation is not complied with within the time prescribed by the fire code official, the fire code official may proceed as follows:
 - (a) The fire code official may issue municipal civil infractions (directing alleged violators to appear in court) or municipal civil infraction notices (directing alleged violators to appear at the municipal ordinance violations bureau); or
 - (b) The fire code official may request that legal counsel for the township institute appropriate proceedings at law or equity to restrain, correct, or abate such violation or to require the removal or termination of the unlawful use of a building or structure in violation of the provisions of this code or of the order of direction made pursuant thereto.
- (h) Section 109.4 is amended to read as follows:

109.4: Municipal civil infractions. Persons who violate a provision of this code or who fail to comply with any of its requirements or who 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 responsible for a civil infraction, subject to a fine of not less than \$50.00, plus costs and other sanctions for each infraction. Each day during which any violation continues shall be deemed a separate and distinct offense. Increased civil fines may be imposed for repeated violations; a repeat violation means a second or subsequent municipal civil infraction committed by a person within any six month period and for which a person admits responsibility or is determined to be responsible. The increased fine for a first repeat (i.e., second) violation shall be \$250.00, plus costs and other sanctions. The increased fine for a second repeat (i.e., third or subsequent) violation shall be \$500.00, plus costs and other sanctions.

- (i) Section 111.4 is amended to read as follows:
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 responsible for a civil infraction, and subject to payment of a civil fine of not less than \$100.00 and such other relief set out in Section 109.4.
- (j) Section 503.2.3 is amended to read as follows:
503.2.3. Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be paved with concrete, asphalt, or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds.
- (k) Section 507.5.1 is amended to read as follows:
507.5.1. Where required. Where a portion of the facility or building hereafter reconstructed or moved into or within the township is more than 300 feet (92 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

Exceptions:

- 1. For Group R-3 and Group U occupancies, the distance requirement shall be 400 feet (122 m).
 - 2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 400 feet (122 m).
- (l) Section 901.6.3 is amended to read as follows:
901.6.3. Alarm and supervisory service. When providing testing, repairs or modifications to any suppression system, standpipe or fire alarm system connected to a supervisory service, the provider shall notify the fire department and the

supervisory service before initiating the tests, repairs or modifications and upon completion of the tests, repairs, or modifications.

- (m) Section 5504.3.1.1 is amended to read as follows:
5504.3.1.1. Stationary Containers. Stationary containers shall be separated from exposure hazards in accordance with the provisions applicable to the type of fluid contained and the minimum separation distances indicated in Table 5504.3.1.1. 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 within any residential zoning district in the township, or any non-agricultural zoned lot upon which a dwelling is located.
- (n) Section 5704.2.9.6.1 is amended to read as follows:
5704.2.9.6.1. Locations where above-ground tanks are prohibited. The storage of Class I and II liquids in above-ground storage tanks is prohibited within any residential zoning district in the township, or any non-agricultural zoned lot upon which a dwelling is located.
- (o) Section 5706.2.4.4 is amended to read as follows:
5706.2.4.4. Locations where above-ground storage tanks are prohibited. The storage of Class I and II liquids in stationary containers is prohibited within any residential zoning district in the township, or any non-agricultural zoned lot upon which a dwelling is located.
- (p) Section 5806.2. is amended to read as follows:
5806.2. Limitations. The storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within any residential zoning district in the township, or any non-agricultural zoned lot upon which a dwelling is located.
- (q) Section 6104.2 is amended to read as follows:
6104.2. Maximum capacity within established limits. Within any residential zoning district in the township, or any non-agricultural zoned lot upon which a dwelling is located, the aggregate capacity of any one installation of liquefied petroleum gas shall not exceed a water capacity of 2,000 gallons (7,570L). 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 fire department.

Section 4. SAVINGS CLAUSE. Nothing in this Ordinance or the Code shall be construed to affect any suit or proceeding pending in court. No just or legal right or remedy of any character shall be lost, impaired, or affected by this Ordinance or the Code.

Section 5. SEVERABILITY AND CAPTIONS. This Ordinance and its various parts, sections, subsections, sentences, phrases, and clauses are severable. If any part, section, subsection,

sentence, phrase, or clause is adjudged unconstitutional or invalid, the remainder of this Ordinance shall not be affected. The captions included at the beginning of each Section are for convenience only and shall not be considered as part of this Ordinance.

Section 6. ADMINISTRATIVE LIABILITY. No officer, agent, employee, or member of the Township Board shall be personally liable for any damage that may accrue to any person as a result of any act, decision, or other consequence or occurrence arising out of the discharge of duties and responsibilities pursuant to this Ordinance.

Section 7. COPY ON FILE. A complete copy of the Code shall be kept in the office of the Township Clerk, available for inspection by and distribution to the public at all times.

Section 8. STATE LAW; CONFLICTS.

- (a) In the event of any conflict between the Code as adopted and amended by this Ordinance and the State Construction Code promulgated pursuant to the Stille-DeRossett-Hale Single State Construction Code Act (Act No. 230 of 1972, as amended, MCL 125.1501 et seq.) and enforced by the Township pursuant to Ordinance No. 030811-2, the State Construction Code shall control as to all matters within the scope of the State Construction Code.
- (b) In the event of any conflict between the fire code as adopted and amended in this Ordinance and the Michigan Fireworks Safety Act (Act No. 256 of 2011, as amended, MCL 28.451 et seq.), the Fireworks Safety Act shall control as to all matters within the scope of the Fireworks Safety Act except that "display fireworks" and "consumer fireworks" may be defined in and regulated by Township ordinance.

Section 9. REPEAL. All ordinances or parts of ordinances which are in conflict in whole or in part with any of the provisions of this Ordinance as of the date of this Ordinance are repealed to the extent of such conflict.

Section 10. EFFECTIVE DATE. This Ordinance was approved and adopted by the Township Board on January 11, 2016, after its introduction and first reading on June 16, 2015, and after its publication in the manner provided by Public Act 359 of 1947, as amended. This Ordinance shall take effect 30 days after its publication following adoption.

James VanEss
Township Supervisor

Lenore Cook
Township Clerk

CERTIFICATE

I, Lenore Cook, Clerk for the Charter Township of Tallmadge, Ottawa County, Michigan, certify that the foregoing International Fire Code Ordinance was adopted at a regular meeting of the Tallmadge Charter Township Board held on January 11, 2016. The following members of the Township Board were present at that meeting: Van Ess, Cook, Terpstra, Walt and Bronkema. The following members of the Township Board were absent: Martin and Eppink. The Ordinance was adopted by the Township Board with members of the Board Van Ess, Cook, Terpstra, Walt and Bronkema voting in favor and no members of the Board voting in opposition. Notice of Adoption of the Ordinance was published in the *Ottawa Advance* on January 24, 2016.

Lenore Cook, Clerk