

Chapter 30

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State law references-State fire prevention code, MCL 29.1 et seq.; township fire protection, MCL 41.801 et seq.

FIRE PREVENTION AND PROTECTION

ARTICLE I. IN GENERAL

Sec. 30-1. Inspection.

(a) It shall be the duty of the fire department to inspect or cause to be inspected, as often as may be necessary and as prescribed by the fire marshal regulations of the state and the International Fire Code as adopted here within the Fire Prevention Code of Tittabawassee Township the interiors and premises of all buildings in the township for the purpose of ascertaining and causing to be corrected any of the following: any condition likely to cause fire, any violation of any of the provisions of the building code that may cause fire, or any violation of any fire marshal regulations of the state, section 8 of Public Act No. 207 of 1941 (MCL 29.8) or the International Fire Code. When any officer or member of the fire department making inspection shall find in any building, on any premises, or in any place combustible or explosive matter or dangerous accumulation of wastepaper, boxes, shavings, or other debris in violation of any of the provisions or intent of the building code, ordinances, or any acts of the legislature, or any other violation likely to interfere with the operation of the fire department or be detrimental to safety, they shall order the same to be removed or remedied by the owner or occupant of such premises within a stated time. Any owner or occupant failing to comply with such order shall be liable to a penalty as provided in section 1-7.

(b) The Fire Chief, Fire Marshal or designated representative of the township fire department, or any authorized member thereof are hereby empowered to enter at any and all reasonable times upon any and all premises, buildings, or structures for the purpose of examining and inspecting the same to ascertain the condition thereof with regard to fire hazards in order to carry out the provisions of this article. Any person who denies or assists in denying entrance by any of the foregoing persons or who threatens any such person so entering shall be guilty of a misdemeanor and subject to penalty as provided in section 1-7. (Comp. Ords. 1987, § 40.003)

Sec. 30-2. Burning of combustible material-In streets.

It shall be unlawful for any person to burn trash, lumber, straw, or any other combustible material whatsoever in any street or alley within the township.
(Comp. Ords. 1987, § 40.004)

Cross reference-Streets, sidewalks and other public places, ch. 58.

Sec. 30-3. Same-On vacant lots or private property.

(a) It shall be unlawful for any person to burn trash, lumber, straw, leaves, grass clippings, construction material, pallets, or any other combustible material, except leaves, on any vacant lot or on any private property.

(b). A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved by the Fire Official in accordance with the Fire Prevention and Protection Ordinance.

(c). Open burning shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous.

(d). A permit shall be obtained from the fire code official in accordance with this section prior to kindling a fire or open burn for recognized silvicultural, or range or wildlife management practices, prevention or control of disease or pests, or a bonfire, or for yard waste clean up. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

(e). When open burning creates or adds to a hazardous situation, or a required permit for open burning has not been obtained, the fire official is authorized to order the extinguishment of the open burning operation.

(f). The location for open burning shall be not less than 50 feet from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure.

(g). A Bonfire shall not be conducted within 50 feet of a structure or combustible material. Conditions that could cause a fire to spread within 50 feet of a structure shall be eliminated prior to ignition.

(h). Recreational fires shall not be conducted within 25 feet of a structure or combustible material and must be in an approved container. Conditions that could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition.

(i). Open burning, bonfires, recreational fires and fires that are in portable outdoor fire places shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher, dirt, sand, water barrel, garden hose, or water truck shall be available for immediate utilization.

(j). A person shall not release or cause to be released an untethered sky lantern.

(k). Open burning of brush and trees for the purpose of land clearing is prohibited.

(l). Opening burning is prohibited on any commercial property.

In all cases where such written permission has been granted, the fire shall be in the constant charge of persons of mature years and suitable discretion until the fire has been quenched.
(Comp. Ords. 1987, § 40.005) (IFC-Sec 307)

Sec. 30-4. Fires permitted by building contractors and tradesmen.

Building contractors, tanners, plumbers, or other mechanics, whenever it may be necessary in the pursuit of their regular business, or for the construction or repair of buildings, sidewalks, drains, sewers, pipe connections, or other necessary repairs, alterations, or improvements, are hereby permitted to cause or kindle in any street, alley, lane, or other public place in the township, or on any lot therein, without the permission of the fire department, any fire necessary for the purpose of such business; provided the fire shall be confined in a container designed for that purpose and approved by a duly authorized officer. No

open fire for such purpose shall be permitted, but the permission granted in this section shall not operate to relieve or discharge any person from any liability he might otherwise incur from any negligence of evil intent in the care or control of such fire. Any such person building any fire in any street, lane, alley, or other public place in the township shall use all reasonable precautions to prevent property from being endangered thereby.

(Comp. Ords. 1987, § 40.006)

Sec. 30-5. Accumulation and storage of combustible material.

(a) No person owning or being responsible for any premises shall permit any wastepaper, ashes, oil, rags, waste rags, excelsior, or any material of a similar nature to accumulate thereon unless contained in fireproof receptacles.

(b) No person owning or being responsible for any private garage shall permit any wastepaper, ashes, oil, rags, waste rags, excelsior, or any material of a similar nature to accumulate therein.

(c) No person owning or having charge or control of any premises shall place ashes or permit the same to be placed in any box, barrel, or other wood or paper receptacle, nor upon any wooden floor, nor adjacent to any wooden partition.

(d) Storage of combustible rubbish shall not produce conditions that will create a nuisance or a hazard to the public health, safety, or welfare.

(Comp. Ords. 1987, § 40.007)

Cross reference-Environment, ch. 26. (IFC Sec 304)

Sec. 30-6. Removal of wires.

The fire department is hereby given authority to order the moving or removal of any electric light, telegraph, or telephone wires, or any other wires strung in or about the township and the streets thereof, likely to cause fire or seriously interfere with the proper protection of the township or any part thereof against fire. The owners of any such wires shall cause the same to be moved or removed to conform to the orders of the board of fire commissioners.

(Comp. Ords. 1987, § 40.008)

Sec. 30-7. False alarms; interference with fire equipment.

(a) No person shall knowingly or wilfully raise or circulate a false alarm of fire, and no person shall refuse the right-of-way or in any manner interfere with or obstruct any fire apparatus on its way to a fire, nor cross or run over any hose with any vehicle while the hose shall be in use anywhere in the township by the fire department. No person shall wantonly or wilfully injure any house or building used as a place of deposit for any fire apparatus belonging to the township or any apparatus therein contained.

(b) It shall be a misdemeanor to park any vehicle of any type or description or to place any building material or any other obstruction whatsoever within 30 feet of any fire hydrant, or to follow any fire apparatus to any fire within 500 feet behind the apparatus while en route to a fire.

(Comp. Ords. 1987, § 40.009)

State law references-False fire alarms, MCL 750.240; destruction of fire department property, MCL 750.377b; following or parking near a fire apparatus, MCL 257.679.

Sec. 30-8. Public buildings.

It shall be unlawful for any theatre, auditorium, or other heated building where the public is invited or allowed to attend in the township to remain open and operate as such unless it complies fully with the fire and safety provisions of the fire marshal law, related acts, and fire marshal regulations of the state, section 8 of Public Act No. 207 of 1941 (MCL 29.8), pertaining to proper exits, stairways, fire escapes, and types of construction.

(Comp. Ords. 1987, § 40.010)

Cross reference-Buildings and building regulations, ch. 14.

Sec. 30-9. Violations prohibited.

No person shall violate any law of the state, nor any rules or regulations adopted by any duly authorized agency of the state, pertaining to fire, fire hazards, fire prevention, or fire waste. (Comp. Ords. 1987, § 40.011)

Sec. 30-10. Fire hazard declared nuisance; court action.

A fire hazard shall mean any building, premises, place, practice, or thing which, by reason of its nature, location, occupancy, condition, or use, may cause loss, damage, or injury to persons or property by reason of fire, explosion, or action of the elements. The existence of a fire hazard is hereby declared to be a nuisance per se; and the same shall be abated, removed, or corrected, and its continuance enjoined in the manner provided by law for the abatement of nuisances. Whenever the fire chief and/or the fire inspector of the township shall deem a fire hazard to exist, they shall separately or jointly order its removal; and whenever such fire hazard is deemed by the aforesaid to be imminently dangerous or menacing to human life so that public safety requires its immediate abatement, removal, or correction, the township may bring or cause to be brought, in the county circuit court, a suit in chancery for the purpose of abating, removing, correcting, or discontinuing such fire hazard, as provided for under Public Act No. 207 of 1941 (MCL 29.1 et seq.).

(Comp. Ords. 1987, § 40.012)

Secs. 30-11-30-40. Reserved.

ARTICLE II. FIRE DEPARTMENT

Sec. 30-41. Created.

There is hereby created a township volunteer fire department, to be staffed by volunteer personnel who shall be given training in fire protection and related activities pursuant to statutes in such case made and provided.

(Ord. No. 95-FD-01, § 2, 12-12-1995)

Sec. 30-42. Appointment of fire chief and other personnel.

The township board shall appoint a fire chief and such assistants and additional personnel as it may deem necessary for the proper administration and operation of the township fire department.

(Ord. No. 95-FD-01, § 4, 12-12-1995)

Sec. 30-43. Adoption of management and conduct regulations; copies on file for public inspection.

The township board shall, from time to time, adopt appropriate resolutions, rules and regulations concerning the management of and conduct of the fire department, and the fire department personnel and their qualifications and duties; a copy of any such resolution shall be at all times on file at the office of the township clerk and the fire department headquarters for inspection by, and distribution to, the public.

(Ord. No. 95-FD-01, § 3, 12-12-1995)

Sec. 30-44. Appropriation of funds.

The township board shall annually, by resolution, provide for the appropriation of either general or contingent funds for the maintenance and operation of the fire department, including premiums for worker's compensation insurance coverage for members of and employees of the township fire department. (Ord. No. 95-FD-01, § 5, 12-12-1995)

Secs. 30-45-30-100. Reserved.

ARTICLE III. FIRE PREVENTION CODE

Sec. 30-101. Adopted.

The 2018 edition of the International Fire Code, as published by the International Code Council, Inc., is hereby adopted by reference and incorporated herein as the township fire prevention code for the purpose of formulating and providing minimum standards, practices and procedures to safeguard life, limb, health, property and public welfare by regulating a controlling property and the use thereof to a degree consistent with reasonable public convenience, and to provide a means and method of promoting and improving fire protection and prevention, and to provide a source of information with regard thereto. (Ord. No. 95-FD-01, § 6, 12-12-1995)

Sec. 30-102. Administration and enforcement.

The fire protection code adopted by this article shall be administered and enforced by the fire department under the direction, supervision and control of the fire chief, who shall designate the members of the fire department who shall have primary responsibility for its enforcement. (Ord. No. 95-FD-01, § 8, 12-12-1995)

Cross reference-Administration, ch. 2.

Sec. 30-103. Conflicting regulations.

The township fire prevention code adopted hereby shall be deemed supplemental to other enactments of the township. The provisions of state laws and regulations shall prevail where in conflict with the fire prevention code or inconsistent therewith. Where similar provisions are provided and regulations adopted and enacted pursuant to law by the office of the state fire marshal, the provision of the state fire marshal shall prevail. (Ord. No. 95-FD-01, § 9, 12-12-1995)

Sec. 30-104. Copies available to public.

Printed copies of the township fire prevention code shall be left in the office of the township clerk and made available for inspection by, and distribution to, the public at all times. (Ord. No. 95-FD-01, § 7, 12-12-1995)

Secs. 30-105-30-120. Reserved.

ARTICLE IV. FIREWORKS*

Sec. 30-121. Definitions

- a) Consumer Fireworks – This term is used as defined in the Michigan Fireworks Safety Act. It includes such items as: firecrackers, roman candles, bottle rockets and other items that leave the ground which are rated and labeled for consumer use.
- b) Novelty Items - This term is used as defined in the Michigan Fireworks Safety Act. It includes such items as: sparklers, snakes, snaps and poppers. Novelty fireworks are not regulated under the Michigan Fireworks Safety Act.
- c) Low Impact Fireworks - This term is used as defined in the Michigan Fireworks Safety Act. It includes such items as: ground or handheld sparkling devices.
- d) Display Fireworks - This term is used as defined in the Michigan Fireworks Safety Act. It includes large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration or detonation. Any item not fitting the other definitions in this ordinance shall be considered Display Fireworks.
- e) Michigan Fireworks Safety Act – Michigan Public Act 256 of 2018 as amended.

Sec. 30-122. Novelty Items and Low Impact Fireworks.

The restrictions set forth in this article do not apply to Novelty Items and Low Impact Fireworks. Use of Novelty Items and Low Impact Fireworks are permitted at any time, subject to approval of the property owner. The person discharging or using these Novelty Items or Low Impact Fireworks shall remove all litter and residual material resulting from such use.

Sec. 30-123. Consumer Fireworks.

- a) The discharge or use of Consumer Fireworks are prohibited at all times, with the following exceptions:
 - 1) Between the hours of 11:00 a.m. on December 31 until 11:45p.m. on January 1.
 - 2) Between the hours of 11:00 a.m. and 11:45 p.m. on the Saturday and Sunday immediately preceding Memorial Day on each of those days.
 - 3) Between the hours of 11:00 a.m. and 11:45 p.m. on June 29 through July 4.
 - 4) Between the hours of 11:00 a.m. and 11:45 p.m. on July 5 if that date is a Friday or Saturday.
 - 5) Between the hours of 11:00 a.m. and 11:45 p.m. on the Saturday and Sunday immediately preceding Labor Day on each of those days.
- b) The discharge or use of Consumer Fireworks is prohibited on public property (including roadways, parks and sidewalks) and school property at all times.
- c) The discharge or use of Consumer Fireworks is prohibited on all properties without the express permission from the property owner for the person to discharge or use such devices at all times.
- d) The discharge or use of Consumer Fireworks by a person under the influence of alcohol or a controlled substance is prohibited.
- e) The person discharging or using Consumer Fireworks shall remove all litter and residual material resulting from such use.
- f) If the environmental concerns based on the department of natural resources fire division criteria are elevated to extreme fire conditions or if the environmental concerns are based on the department of

natural resources fire division criteria are elevated to very high for 72 consecutive hours, the commanding officer of the fire department has the authority to enforce a no burning restriction that includes a ban on the ignition, discharge, and use of consumer fireworks. 256 of 2018 Sec 7D(1).

Sec. 30-131. Display Fireworks.

(a) Permit and Site Plan are required.

- 1) Any party wishing to discharge display fireworks shall, at least 30 days prior to the display, submit an application on a form furnished by the township and shall secure permission from the township board prior to the fireworks display.
- 2) A scaled site plan (one inch equals 20 feet) of the area where the fireworks display is to be conducted shall be submitted with the application. The site plan shall set forth all structures in the area and the discharge site fallout area. The site plan shall furthermore set forth the distance separating the mortars used to launch the fireworks and the structures and also set forth the distance separating the mortars and the spectators viewing the display. All site plans must be approved by the township fire department prior to the township board approval.

(b) Rules of operation.

- 1) Display fireworks shall be used only by professional fireworks companies.
- 2) The fireworks company conducting the display shall follow National Fire Protection Association (NFPA) code 1123 for fireworks display and/or the township requirements, whichever is more restrictive.
- 3) The fireworks company conducting the display shall maintain personal injury liability insurance/property damage liability insurance in the amount of \$1,000,000.00 during each event. The township shall be named as an additional insured on the insurance policy. The insurance policy must be submitted with the aforementioned application and the insurance policy shall also include coverage for the cleanup after the fireworks display has ended.
- 4) The fireworks company conducting the display shall be responsible for all shells being fired. In the event one of the shells does not explode, they shall secure the area until the unexploded shell is found and properly disposed of.
- 5) The consumption of alcohol prior to and during display by the shooters or any person on-site employed by the fireworks company is strictly prohibited and shall be subject to punishment as provided in section 1-7 of the Tittabawassee Township Code of Ordinances.

Chapters 31-33

RESERVED