

**CHARLESTON TOWNSHIP
KALAMAZOO COUNTY, MICHIGAN
ORDINANCE NO. 74
CHARLESTON TOWNSHIP FIRE AND SAFETY CODE ORDINANCE
ADOPTED: OCTOBER 28, 1986
EFFECTIVE: DECEMBER 15, 1986**

Please take notice that the Charleston Township Board enacted Ordinance No. 74, being the Township fire and safety code ordinance, on October 28, 1986, to be effective December 15, 1986. The ordinance provides, in summary, the following:

In addition to designating the title of the ordinance, it notes that it is enacted pursuant to statutory authority for prescribing regulations for the safe keeping through reasonable degree of life and property from the hazards of fire and explosion, including providing regulations for the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises.

The ordinance provides for the duties and responsibilities of the fire chief, provides for protection from liability for damages of the fire chief, or any officer charged with enforcement of the ordinance while acting in good faith, provides regulations for false alarms including penalty provisions for violations, provides for investigations as to the causes and circumstances of fires, provides for inspections of buildings and premises pertaining to fire safety and for the handling of unsafe buildings, provides for the authority of the chief and his officers at fires or other emergencies, prohibits the interference with the fire department by other persons, authorizes barricading, gives fire department personnel the powers of police officers in performing their duties, authorizes police personnel to assist the fire department at fires or places of emergency, provides the right of entry where necessary to inspect properties, gives authority to close roads or trails that are necessary, provides for vacating premises and buildings where necessary for fire or danger reasons, prohibits the obstruction of fire protection equipment, provides for access roadways to be used for fire apparatus, provides for the installation of fire protection, life safety systems and appliances, provides for fire alarms for all nonsingle family dwellings, all rental units and for single family dwelling built since January 1, 1979, provides regulations for outdoor fires, including leaf burning, defines an incinerator and approved waste burner and regulates the use thereof, provides for permits and hours of burning for outdoor fires, provides for fees for administering the fire ordinance and issuing permits, prohibits the unlawful continuance of fire hazards, requires compliance with orders or notices of the appropriate township official, provides for penalties for violation of the terms of the ordinance, provides for severability of illegal or unconstitutional provisions and provides for conflicting provisions and an effective date of December 15, 1986.

CHARLESTON TOWNSHIP ORDINANCE NO. 74

Adopted:

An ordinance to regulate open fires, the burning of rubbish, causing excessive smoke and obnoxious odors, to define open fires. Responsibility for enforcement, liability of fire personnel, to provide for the inspection of buildings and premises by the fire department, unsafe buildings, investigations, to define chief of the fire department, the use of incinerator and approved waste burner, obstruction of fire protection equipment, access roadways for fire apparatus, fire alarm systems for apartments and rental and private dwellings, automatic fire extinguishing systems, reporting of fires or false alarms, location of bonfires and outdoor burning, to permit the setting of certain fees for administration and enforcements, to provide penalties for violations thereof, and to repeal existing ordinances or parts of ordinances in conflict therewith.

Section I

Title

This ordinance shall be known and cited as the Township Fire and Safety Code Ordinance.

Section II

Purpose

This ordinance is adopted pursuant to the authority vested in Townships by Section 1 of 1945 PA 246, as amended, [MSA 5.45 (1); MCLA 41.805], the purpose of which ordinance is to adopt a Fire Code thereto to prescribe regulations for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises.

Section III

Township "Chief of the Fire Department"

"CHIEF OF FIRE DEPARTMENT" shall mean the Charleston Township Fire Chief or authorized officers of the Galesburg-Charleston Township Fire Department in whose district the activities regulated by this Code take place or occur.

Section IV

Responsibility for Enforcement

The chief shall be responsible for the administration and enforcement of this code. Under his direction, the fire department shall enforce all ordinances of the jurisdiction pertaining to

- (a) The prevention of fires.
- (b) The suppression or extinguishing of dangerous or hazardous fires.
- (c) The storage, use and handling of explosive, flammable, toxic, corrosive and other hazardous gaseous, solid and liquid materials.
- (d) The installation and maintenance of automatic, manual and other private fire alarm systems and fire-extinguishing equipment.
- (e) The maintenance and regulation of fire escapes.
- (f) The maintenance of fire protection and elimination of fire hazards on land and in buildings, structures, and other property, including those under construction.
- (g) The means and adequacy of each exit in the event of fire, from factories, schools, hotels, lodging houses, asylums, hospitals, churches, halls, theaters, amphitheatres and all other places in which people work, live or congregate from time to time for any purpose.
- (h) The investigation of the cause, origin and circumstances of fire.

Section V

Liability for Damages

The chief, or any officer charged with the enforcement of this code, acting in good faith and without malice in the discharge of his duties, shall not render himself personally liable for any damage that may accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of his duties. Any suit brought against such a person because of such act or omission performed by him in the enforcement of any provision in this Code shall be defended by legal counsel provided by the township until final termination of such proceedings.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or structure for any damages to persons or property caused by defects or violations of this code, nor shall the Township fire department or the Township be held as assuming any such liability by reason of the inspections or re-inspections authorized by this code or by reason of any actions taken in connection with the control or extinguishment of any fire or in connection with other official duties.

Section VI

False Alarm

(a) For the purpose of this section a fire alarm shall be deemed and construed as being any act as follows:

The giving, signaling or transmission to any public fire station or company or to any officer or employee thereof, whether by telephone, spoken word or otherwise, information to the effect that there is a fire at or near the place indicated by the person giving, signaling or transmitting such information.

(b) Any person who shall knowingly and willfully commit any one or more of the following actions shall be guilty of a misdemeanor and punished by imprisonment for not more than 90 days and may be fined not more than \$500.

1. Raise a false alarm of fire at any gathering or in any public place.
2. Ring any bell or operate any mechanical apparatus, electrical apparatus or combination thereof for the purpose of creating a false alarm of fire.
3. Raise a false alarm of fire orally by telephone or in person.

Section VII

Investigations

(a) The fire department shall investigate promptly the cause, origin and circumstances of each and every fire occurring in the jurisdiction involving loss of life or injury to person or destruction or damage to property and, if it appears to the fire chief or authorized officers that such fire is of suspicious origin, they shall then take immediate charge of all physical evidence relating to the cause of the fire and shall pursue the investigation to its conclusion. The fire chief shall make a report in writing of all facts and findings relative to each investigation and, should it appear during any investigation that a fire is of suspicious origin, he may notify the state fire marshal forthwith.

(b) The police department shall assist the fire department in its investigations whenever requested to do so, unless otherwise directed by the chief of police or sheriffs department.

Section VIII

Inspections and Unsafe Buildings

The Fire Department shall inspect, as often as may be necessary, all buildings and premises including such other hazards or appliances as the Chief may designate for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire, or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety.

All buildings which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage, or abandonment, as specified in this Code or any other effective ordinance are, for the purpose of this Section, unsafe buildings.

All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair rehabilitation, demolition, or removal in accordance with procedures set forth by applicable Township ordinances or by any other procedures permitted under the laws of the State of Michigan.

Section IX

Authority at Fires and Other Emergencies

The chief and his officers who may be in charge at the scene of a fire or other emergency involving the protection of life and/or property or any part thereof, shall have the power and authority to direct such operation as may be necessary to extinguish or control any fire, perform any rescue operation, investigate the existence of suspected or reported fires, gas leaks or other hazardous conditions or situations or of taking any other action necessary in the reasonable performance of their duty. In the exercise of such power, the chief may prohibit any person, vehicle, vessel or thing from approaching the scene and may remove or cause to be removed or kept away from the scene any vehicle, vessel or thing which may impede or interfere with the operations of the fire department and, in the judgment of the chief, any person not actually and usefully employed in the extinguishing of such fire or in the preservation of property in the vicinity thereof.

Interference with Fire Department

Any person who obstructs the operations of the fire department in connection with extinguishing any fire, or other emergency, or disobeys any lawful command of the chief or officer of the fire department who may be in charge at such a scene, or any part thereof, or any police officer assisting the fire department, shall be guilty of a misdemeanor.

Authority to Barricade

The chief or other officer of the fire department in charge at the scene of an emergency shall have the authority to place ropes, guards, barricades or other obstructions across any street, alley, place or private property in the vicinity of such operation so as to prevent accident or interference with the lawful efforts of the fire department to manage and control the situation and to handle fire apparatus.

Authority of Fire Personnel to Exercise Powers of Police Officers

The chief of the fire department or his designee shall have the powers of a police officer in performing their duties under this code.

Authority of Police Personnel to Assist in Enforcing This Code

Whenever requested to do so by the chief or his officers, the chief of police and/or sheriff s department shall assign such available police officers as in his discretion may be necessary to assist the fire department in enforcing the provisions of this code.

Right of Entry

Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the chief or his officers has reasonable cause to believe that there exists in any building or upon any premises any condition which makes such building or premises unsafe, the chief or his officers may enter such building or premises at all reasonable times to inspect the scene or to perform any duty imposed upon the chief by this code, provided that if such building or premises be occupied, he shall first present proper credentials and demand entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the chief or his authorized representative shall have recourse to every remedy provided by law to secure entry.

No owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper demand is made as herein provided, to properly permit entry therein by the chief or his officers for the purpose of inspection and examination pursuant to this code. Any person violating this subdivision shall be guilty of a misdemeanor.

Closure of Roads or Trails

The chief may install one or more gates, cables or other barricades and securely lock the scene to prevent the use by unauthorized persons of any road that is not

a public highway and over which the fire department has the right to pass, either by easement, license, municipal ownership or otherwise, for purposes relating to fire prevention or control, provided such action does not preclude the authorized users of such road or trail from using the same.

No person, except a public officer acting within the scope of his public duties, shall trespass upon any road or trail which has been closed and obstructed in the manner authorized by this section without the express permission of the chief, nor shall any person park any vehicle so as to obstruct.

Vacating Premises

Upon vacating or abandoning any premises, the occupant thereof shall remove any and all noxious and hazardous material or waste matter which has been deposited, allowed to come to rest or permitted to accumulate thereon, and such premises shall be left in a clean neat condition.

Vacant Buildings

Every person owning or in charge or control of any vacant building shall remove therefrom all accumulations of flammable or combustible waste or rubbish and shall securely lock, barricade or otherwise secure all doors, windows and other openings thereof.

Section X

Obstruction of Fire Protection Equipment

No person shall place or keep any post, fence, vehicle, growth, trash, storage or other material or thing near any fire hydrant, fire department connection, or fire protection system control valve that would prevent such equipment or hydrant from being immediately discernible or in any other manner deter or hinder the fire department from gaining immediate access to said equipment or hydrant. A minimum 3-foot clear space shall be maintained around the circumference of the fire hydrant except as otherwise required or approved by the chief. In addition, no vehicle shall be parked, on either public or private property, within fifteen feet of a fire hydrant along any side of the working face of the fire hydrant. The 'working face' of a fire hydrant is defined as those sides of a fire hydrant on which a fire protection system water discharge outlet is located.

Section XI

Access Roadways for Fire Apparatus

Every building hereafter constructed shall be accessible to fire department apparatus by way of access roadways with all-weather driving surface of not less than 20 feet of unobstructed width, with adequate roadway turning radius capable of supporting the imposed loads of fire apparatus and having a minimum of 15 feet of vertical clearance. Dead-end fire department access roads in excess of 150 feet long shall be provided with approved provisions for the turning around of fire department apparatus.

Section XII

Installation of Fire Protection, Life-Safety Systems and Appliances

(a) The chief shall designate the type and number of fire appliances to be installed and maintained in and upon all buildings and premises in the jurisdiction other than private dwellings. This shall be done according to the relative severity of probable fire, including the rapidity with which it may spread. The chief's authority hereunder shall include the right to require the installation of automatic fire alarm systems for those buildings or premises of a commercial or industrial nature which are not served by a municipal water system. All appliances required hereunder shall be of a type suitable for the probable class of fire associated with such building or premises and shall have approval of the chief.

Portable fire extinguishers shall be in accordance with U.F.C. Standard No. 10-1.

(b) In occupancies of an especially hazardous nature or where special hazards exist in addition to the normal hazard of the occupancy, or where access for fire apparatus is unduly difficult, additional safeguards may be required consisting of additional fire appliance units, more than one type of appliance, or special systems suitable for the protection of the hazard involved. Such devices or appliances may consist of automatic fire alarm systems, automatic sprinkler or water spray systems, standpipe and hose, fixed or portable fire extinguishers, suitable asbestos blankets, breathing apparatus, manual or automatic covers, or carton dioxide, foam or other special fire—extinguishing systems. Where such systems are installed, they shall be in accordance with the applicable Uniform Fire Code Standards or standards of the National Fire Protection Association when Uniform Fire Code Standards do not apply.

Section XIII

Fire Alarm System for Apartments and Rental Dwellings

An approved automatic fire alarm system shall be installed in the following occupancies:

Apartments

Apartment houses two or more units.

Rental dwellings

Any dwelling that is rented or leased is required to have approved smoke detectors.

Private residential dwellings

Any owner-occupied single-family dwelling built since January 1, 1979, shall have approved smoke detectors as required under the Township Building Code.

The alarm system shall include provisions for smoke detection and manual operation in interior corridors and automatic detection in storage rooms, laundry rooms, furnace rooms and similar common areas.

Section XIV

Location of Bonfires and Outdoor Rubbish Fires

(a) No person shall kindle or maintain any fire or authorize any fire to be kindled or maintained on any private land unless (1) the location is not less than 50 feet from any structure and adequate provision is made to prevent fire from spreading to within 50 feet of any structure, or (2) the fire is contained in an approved waste burner as defined in Section XVI and located safely not less than 15 feet from any structure. In no event may any such fire be kindled or maintained within 10 feet of the paved or graveled portion of any public roadway.

(b) No person, persons, firm or corporation shall within the Township create an open fire out-of-doors for the burning of rubbish or any form of waste materials for the purpose of disposing of the same.

(c) For the purposes of this act an open fire is deemed to be any fire where the flames are open and visible and are not covered by a hood or furnace with a suitable chimney to carry away the smoke.

(d) It shall be unlawful for any person, firm or corporation to burn or cause to be burned any waste material, refuse, paper or other combustible debris within Charleston Township, unless done in accordance with the provisions hereof.

(e) No burning shall be permitted inside a building or structure unless the same is done in a stove, furnace, or incinerator approved by the fire chief and/or building inspector of Charleston Township.

(f) No burning shall be done at any time or place of any materials which when burning give off foul or obnoxious odors or a dense smoke or when wind

conditions will create or be apt to create a nuisance to anyone or the property of any one in the vicinity thereof.

(g) Leaf burning shall only be allowed on private property when it can be done without the fire spreading and when winds are calm; all leaf fires shall be attended until fully extinguished.

(h) The chief of the Fire Department may prohibit outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous in his discretion.

Section XV

Incinerator and Waste Burner, Approved

The definition of "INCINERATOR" reads as follows:

"INCINERATOR" is a structure, or portion thereof, container, device or other appliance constructed in accordance with the applicable standards and designed, used, or intended to be used for the disposal of combustible rubbish by burning.

The following definition is added:

"WASTE BURNER APPROVED" is a non-combustible masonry or metal container, not larger than 55 U.S. gallons or 7.35 cubic feet, in good condition and containing no openings larger than 1/2 square inch, used for residential burning of combustible rubbish. An approved waste burner must have a cover or spark arrester with openings no larger than 1/2 square inch.

Section XVI

Use of Incinerators and Approved Waste Burners Restricted

If the chief finds that burning in incinerators or approved waste burners located within 500 feet of brush-or grass-covered areas of the Township during periods of high fire hazard weather conditions will create an undue fire hazard, during the existence of such periods a person shall not use any incinerator or approved waste burner whatever for burning.

Section XVII

Permits and Hours of Burning

Waste matter shall not be disposed of by burning except as follows:

(a) all burning shall take place during the hours of 7:00 a.m. and 9:00 p.m.

(b) burning shall be confined to incinerators or approved waste burners other than small campfires.

EXCEPTIONS: All burning shall be done in an approved incinerator or approved waste burner, except that outdoor burning of combustible waste matter other than paper may be done in the open if:

1. A permit to engage in burning is obtained from the chief or his authorized officers, except leaf burning in accordance with section 14(g) does not require a permit.

2. Such burning is done at a distance of more than 50 feet from any building, structure or other combustible waste matter.

3. A garden hose and water supply or other fire-extinguishing equipment is on hand and a competent person is in constant attendance until all fire has been extinguished. Applicants for such permit must be in legal control of the lot or parcel of land on which the burning is to be done.

4. A person who has obtained a permit shall not build an open fire when weather conditions are such that such fire would be a hazard to surrounding buildings and property.

Any permit or certificate issued under this Code may be suspended or revoked when it is determined after a hearing by the chief that:

(a) It is used by a person other than the person to whom the permit or certificate was issued.

(b) It is used for a location other than that for which it was issued.

(c) Any of the conditions or limitations set forth in the permit or certificate have been violated.

(d) The permittee fails, refuses or neglects to comply with any order or notice duly served upon him under the provisions of this code within the time provided therein.

(e) There has been any false statement or misrepresentation as to a material fact in the application on which the permit or application was based.

Section XVIII

Fees

The Township Board reserves the right and authority to establish by resolution at any regular public meeting or at any special meeting called for such purpose a schedule of fees, rates and charges for the administering of the said Township

Fire and Safety Code, and for the conducting of various activities thereunder, provided that the same are reasonable and bear a reasonable relationship to the cost and expense of such administration and activity. The Township Board shall further have the right to amend the aforementioned resolution from time to time within the foregoing limits of reasonableness.

Section XIX

Unlawful Continuance of Fire Hazard

Any person operating or maintaining any occupancy, premises or vehicle subject to this code who shall permit any fire hazard to exist on premises under his control or who shall fail to take immediate action to abate a fire hazard when ordered or notified to do so by the chief or his officers shall be guilty of a misdemeanor.

Section XX

Compliance With Order or Notice

Any order or notice issued or served as provided in this code shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the order or notice pertains. In cases of extreme danger to persons or property immediate compliance shall be required. If the building or other premises is owned by one person and occupied by another, under lease or otherwise, and the order or notice requires additions or changes in the building or premises such as would immediately become real estate and be the property of the owner of the building or premises, such order or notice shall be complied with by the owner unless the owner and occupant have otherwise agreed between themselves, in which event the occupant shall comply.

Section XXI

Penalties

Any violation of this Ordinance shall be punishable by a fine not to exceed \$500 plus costs and/or confinement in the Kalamazoo County Jail for a term not to exceed 90 days. In addition, the Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with this Ordinance.

Section XXII

Severability

Should any portion of this ordinance adopted herein be declared unconstitutional, illegal or of no force and effect by a court of competent jurisdiction, then and in that event such portion thereof shall not be deemed to affect the validity of any other part or portion thereof.

Section XXIII

Conflicting Provisions and Effective Date

All ordinances or parts of ordinances in conflict herewith, including any prior Township Fire Code Ordinance, are hereby repealed and shall be of no further force and effect on the effective date of this ordinance. This ordinance shall take effect on the 15th day of December, 1986.