

INTERNATIONAL FIRE CODE ORDINANCE

ORDINANCE NO. 611

AN ORDINANCE TO ADOPT THE 2015 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 HOLLAND CHARTER TOWNSHIP; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; AND ESTABLISHING AN EFFECTIVE DATE.

THE CHARTER TOWNSHIP OF HOLLAND, OTTAWA COUNTY, MICHIGAN ORDAINS:

Section 1. *International Fire Code*. Article IV, of Chapter 10 of the Code of Ordinances, concerning the adoption of a fire prevention code, is restated in its entirety as follows.

ARTICLE IV. FIRE PREVENTION CODE

Sec. 10-101. – Adoption.

A certain document, three copies of which are on file in the office of the township clerk, being marked and designated as the *International Fire Code*, 2015 edition, including Appendix Chapters B, C, D, E, F, G, I, and K (see *International Fire Code* Section 101.2.1, 2015 edition), as published by the International Code Council, is adopted as the fire code of the township, 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 as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of the fire code on file in the office of the township clerk are referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in this article.

Sec. 10-102. – Revisions.

The following sections of the fire code are revised as indicated.

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

- (b) Section 103.2 is amended to read as follows:
103.2: Appointment. The Fire Chief of the Holland Charter Township Fire Department, 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 construction board of appeals appointed by the Township pursuant to the Michigan building code. 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:
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 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.
- (k) 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.
- (l) 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.
- (m) 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.

Sec. 10-103. – Geographic limits.

The geographic limits referred to in certain sections of the 2015 *International Fire Code* are established as follows.

Section 5704.2.9.6.1 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks 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.

Section 5706.2.4.4 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited): within any residential zoning district in the township, or any non-agricultural zoned lot upon which a dwelling is located.

Section 5806.2 (geographic limits in which the storage of flammable cryogenic fluids 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.

Section 6104.2 (geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas): within any residential zoning district in the township, or any non-agricultural zoned lot upon which a dwelling is located.

Sec. 10-104. – Limitation.

Nothing in this article or in the fire code shall be construed to affect any suit or proceeding pending in any court. Neither shall any just or legal right or remedy of any character be lost, impaired, or affected by this article.

Sec. 10-105. – State law; conflicts.

- (a) In the event of any conflict between the fire code as adopted and amended by this code 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, 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 code 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 2. Effective Date. This Ordinance was approved and adopted by the Township Board on November 19, 2020, after its introduction and first reading on November 5, 2020, and after its publication of the first reading as required by law. This Ordinance shall take effect 30 days after its adoption.

Terry Nienhuis, Township Supervisor

Michael Dalman, Township Clerk