

CHARTER TOWNSHIP OF WASHINGTON

MACOMB COUNTY, MICHIGAN

ORDINANCE NO. 108-B

AMENDMENT OF WASHINGTON TOWNSHIP FIRE PREVENTION CODE

TITLE

AN ORDINANCE amending the Washington Township Fire Prevention Code, being Ordinance No. 108 of the Washington Township Compilation of Ordinances, (a) adopting by reference the International Fire Code 2012 Edition including appendices as modified pursuant to the provisions of this Ordinance, (b) regulating open burning within the Township, (c) regulating the firing, discharge and use of consumer fireworks and the discharge and use of display fireworks within the Township, (d) providing for the installation of rapid entry key boxes, hazardous material cabinets, key switches and fire sprinkler security connection caps for utilization by the Washington Township Fire Department in gaining access to various structures within the Township, and (e) repealing any and all ordinances and/or resolutions in conflict therewith.

**THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF
WASHINGTON, MACOMB COUNTY, MICHIGAN, ORDAINS:**

SECTION 1 - AMENDMENTS

1.1 FIRE PREVENTION CODE

Sections 143.001 through 143.025 inclusive of the Charter Township of Washington Compilation of Ordinances are hereby repealed in their entirety and replaced with the following provisions:

PART I. FIRE PREVENTION CODE

143.001 - Short title.

Sec. 1. This Part I shall be known and cited as the "Washington Township Fire Prevention Code."

143.002 - Adoption of International Fire Code, 2012 Edition.

Sec. 2.

(1) International Fire Code 2012 Adopted. The International Fire Code, 2012 Edition, including its appendices, as published by the International Code Council, is adopted and incorporated in its entirety herein, except for those deletions and additions set forth in subsection (4) below. References in the Code to the "State" shall refer to the State of Michigan. References to the "name of the municipality" shall refer to the Charter Township of Washington, Macomb County, Michigan. References to the "local ordinances" shall refer to the Township Ordinances and Compilation of Ordinances as are from time to time in effect.

(2) Availability of copies of International Fire Code, 2012 Edition. Printed copies of the International Fire Code, 2012 Edition and its appendices are kept in the Charter Township of Washington offices and are available for public use and inspection during regular business hours. A copy of the International Fire Code in its entirety can also be found at: <http://publicecodes.cyberregs.com/icod/ifc/2012/index.htm> or any subsequent amended link.

(3) Additions, Insertions, Deletions, and Changes to the International Fire Code, 2012 Edition. The Charter Township of Washington adopts the additions, insertions, deletions, and changes from the International Fire Code, 2012 Edition set forth in subsection (4) below. Subsequent sections numbers used in this section shall refer to the like numbered sections of the International Fire Code, 2012 Edition.

(4) Amendments to the International Fire Code, 2012 Edition. The following sections of the International Fire Code, 2012 Edition shall be amended or revised as follows:

a. Section 101.1 shall be amended to read as follows:

101.1 Title. These regulations shall be known as the Fire Prevention Code of the Charter Township of Washington hereinafter referred to as "this Code".

b. Section 102.7 shall be amended to read as follows:

102.7 Referenced Codes and Standards. The codes and standards referenced in this Code shall include those listed in Chapter 80 of the International Fire Code and such codes and standards shall be considered part of the requirements of this Code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2.

c. Section 102.7.1 shall be amended to read as follows:

102.7.1 Where conflicts occur between provisions of this Code and the referenced codes and standards, the provisions which establish higher standard for the promotion of the safety and welfare of the public, and the protection of the public, or as otherwise determined by State of Michigan Law, shall apply.

d. Section 104.11.4 shall be added and read as follows:

104.11.4 Unlawful boarding or tampering with fire department equipment. A person shall not, without proper authorization from the fire official of the fire department emergency equipment, cling to, climb upon or into, board, or swing upon any fire department emergency vehicle, whether the same is in motion or at rest, operate any emergency warning equipment, or manipulate or tamper with any levers, valves, switches, starting devices, brakes, pumps, or any equipment or protective clothing on, or a part of, any fire department emergency vehicle.

e. Section 104.11.5 shall be added and read as follows:

104.11.5 Damage/injury to fire department equipment/personnel. It shall be unlawful for any person to damage or deface, or to attempt or conspire to damage or deface, any fire department emergency vehicle or equipment at any time; or to injure, or conspire to injure, fire department personnel while performing department duties.

f. Section 105.1 shall be amended to read as follows:

105.1 General. Permits shall be in accordance with section 105.1 through 105.7.16. Where reference is made to this section for permits elsewhere in this Code and there are no provisions for issuing the permits by the department of fire prevention, the code official is authorized to waive the particular permit requirement.

g. Section 105.6 shall be amended to read as follows:

105.6 Required operational permits. The Fire Code Official is authorized to issue operational permits for the operations set forth in sections 105.6.1 through 105.6.46. Where there are no provisions for issuing the permits, the code official is authorized to waive the particular permit requirement.

h. Section 105.4.2.1 shall be added to read as follows:

105.4.2.1 Signed and Sealed construction documents. Construction documents submitted to the Fire Code Official for review shall be signed and sealed by the design professional prior to submittal.

i. Section 105.6.13 shall be amended to read as follows:

105.6.13 Exhibits, crafts and trade shows. An operational permit is required to operate

exhibits, crafts, and trade shows.

j. Section 105.6.30 shall be amended to read as follows:

105.6.30 Open burning. All open burning shall be in compliance with Part II, Sections 143.021-143.023 of Ordinance No. 108.

k. Section 105.7.1.1 shall be added and read as follows:

105.7.1.1 Installations. Before any fire suppression system or component is installed, enlarged, extended or modified, a permit shall be obtained from the code official. This shall include any device or relay connected to or controlled by the fire suppression system. All work must be performed by a qualified installer who is properly licensed and/or certified to perform such work as determined by the code official. Construction documents shall be reviewed by the code official and/or a third party, prior to the issuance of the permit. Upon issuance of the permit, the permit must be posted at the job site in plain view.

l. Section 105.7.6.1 shall be added and read as follows:

105.7.6.1 Installations. Before any fire alarm or detection system or component is installed, enlarged, extended or modified, a permit shall be obtained from the code official. This shall include auxiliary devices such as magnetic locks, electronic locks, or any device or relay connected to or controlled by the fire alarm or detection system. All work must be performed by a qualified installer who is properly licensed and/or certified to perform such work as determined by the code official. Construction documents shall be reviewed by the code official and/or a third party prior to the issuance of the permit. Upon issuance of the permit, the permit must be posted at the job site in plain view.

m. Section 107.1.1 shall be added and read as follows:

107.1.1 Dryer vent maintenance. It shall be the responsibility of the owner of each multiple family building occupied by tenants to provide or make available to the code official, inspection records, documenting that the dryer vents were inspected monthly, cleaned, and free from obstructions.

n. Section 109.4 shall be amended to read as follows:

109.4 Violation penalties. Persons who shall violate a provision of this Code or shall 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 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 \$500.00 or by imprisonment not exceeding 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.

o. Section 114.1 shall be added and read as follows:

114.1 Hazardous materials fire department responsibilities. The Washington Township Fire Department shall be responsible for gathering and organizing information, identifying risks, and enforcing codes, standards, and laws relating to the production, storage and use of hazardous materials within the Charter Township of Washington and the notification of firefighting personnel of related hazards. The method and frequency shall be determined by the fire official or his duly authorized representative.

p. Section 114.2 shall be added and read as follows:

114.2 Cost recovery-hazardous materials. Cost recovery for hazardous material spills, accidents or incidents shall be in compliance with Washington Township Hazardous Material Cost Recovery Ordinance, Ordinance No. 130, as amended, or any successor Ordinance thereto.

q. Section 114.3 shall be added and read as follows:

114.3 Cost recovery-fires. The fire department may recover all costs for use of equipment, personnel, and supplies associated with fire extinguishment when it is determined that such fire extinguishment was necessitated by a person's intentional disregard for the safety of persons or property, violation of law, or recklessness.

r. Section 114.4 shall be added and read as follows:

114.4 Hazardous conditions. If upon the expiration of the time stated in a notice of violation, hazardous conditions, including but not limited to, obstructions, or encroachments inhibiting access to or egress from a space or building, are not removed, the code official shall proceed to remove or have removed the same. The expense incurred shall be a debt to the Charter Township of Washington from the responsible person and shall be collected as any other debt to the Township.

s. Section 304.3.3 shall be amended to read as follows:

304.3.3 Capacity exceeding 1.5 cubic yards. Dumpsters and containers with an individual capacity of 1.5 cubic yards or more shall not be stored in buildings or placed within 15 feet of any building or structure. Exceptions: Dumpsters connected to a non-combustible compactor within a building. Dumpsters or containers in areas protected by an approved automatic sprinkler system installed throughout in accordance with section 903.3.1.1, 903.3.1.2, or 903.3.1.3.

t. Section 307.1.2 shall be added and read as follows:

307.1.2 Allowable open burning. Open burning shall be permitted in accordance with Part II, Sections 143.021-143.023 of Ordinance No. 108.

u. Section 315.3.3 shall be amended to read as follows:

315.3.3 Miscellaneous combustible material storage. Combustible materials shall not be stored in boiler rooms, mechanical rooms, electrical equipment rooms, or fire protection equipment rooms.

v. Section 503.2.1 shall be amended to read as follows:

503.2.1 Dimensions. (Fire apparatus access roads) Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), except for approved security gates in accordance with section 503.6, and an unobstructed vertical clearance of not less than 14 feet (4284 mm).

w. Section 503.2.5 shall be amended to read as follows:

503.2.5 Dead ends. Dead end fire apparatus access roads in excess of 150 feet (42720 mm) in length shall be provided with; width and turn around provisions in accordance with Macomb County Department of Roads specifications.

x. Section 503.3 shall be amended to read as follows:

503.3 Marking. All fire apparatus access roads 26 feet or less 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 code official and erected on the same side of the road as the hydrant(s), including cul-de-sacs.

y. Section 503.4.1 shall be added and read as follows:

503.4.1 Obstruction of fire apparatus access roads. If any vehicle, trailer, or other object is so located within a fire apparatus access road or at any other location prohibited by this Ordinance at a time the fire department is responding to an alarm which necessitates use of such fire apparatus road and/or other location, then any member of the fire department or the Macomb County Sheriff Department may move or cause to be moved by any means necessary without liability for any damage being incurred by the Charter Township of Washington, County of Macomb, or any employee or agent of either employer.

z. Section 506.1 shall be amended to read as follows:

506.1 Key boxes. Key boxes shall be installed in accordance with Part III, Sections 143.024-143.025 of Ordinance No. 108.

aa. Section 507.5.4.1 shall be added and read as follows:

507.5.4.1 Removal of obstructions. If upon the expiration of the time mentioned in a notice of violation, obstructions or encroachments to a fire hydrant, or to other fire protection equipment, are not removed, the code official shall proceed to remove or

have removed the same. The expense incurred shall be a debt to the Township from the responsible person and shall be collected as any other debt to the Township.

bb. Section 507.5.7 shall be amended to read as follows:

507.5.7 Fire Hydrant spacing requirements. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet 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 code official.

cc. Section 507.5.8 shall be added and read as follows:

507.5.8 Hydrant steamer caps. The steamer caps on all fire hydrants shall be painted with the following capacity indicating color scheme to provide simplicity and consistency with colors used in signal work for safety, danger, and intermediate condition:

- (1) Class AA—light blue—Rated capacity of 1500 gpm (5680 L/min) or greater.
- (2) Class A-green—Rated capacity of 1000 to 1499 gpm (3785 to 5675 L/min).
- (3) Class B-orange—Rated capacity of 500 to 999 gpm (1900 to 3780 L/min).
- (4) Class C-red—Rated capacity of less than 500 gpm (1900 L/min).

dd. Section 901.6.2 shall be amended to read as follows:

901.6.2 Records. Records of all system inspections, tests, and maintenance required by the referenced standards shall be maintained on the premises for a minimum of three years and shall be copied to the Fire Code Official upon request. A copy shall also be sent to the code official by the Service Company or individual performing such work.

ee. Section 901.6.3 shall be added and read as follows:

901.6.3 Anti-freeze fire sprinkler systems. Anti-freeze sprinkler systems designed and installed to protect areas prone to freezing shall be drained and tested, then refilled and maintained to insure the solution is operable to -40 degrees Fahrenheit or as otherwise approved by the code official.

ff. Section 912.2.2 shall be added and read as follows:

912.2.2 Fire department connections. In any building or structure required to be equipped with a fire department connection, the connection shall be located within 100 feet of a fire hydrant. All hydrants shall be located a minimum of 50 feet from a building or structure.

gg. Section 903.4.1 shall be amended to read as follows:

903.4.1 Monitoring. Automatic fire extinguishing systems shall be monitored by a supervising station in accordance with NFPA 72 as approved by the code official. Where a building fire alarm system is installed, automatic fire-extinguishing systems shall be monitored by the building fire alarm system in accordance with NFPA 72 and shall automatically annunciate their location at the building's fire alarm control panel, and activate the buildings appropriate fire protective signaling sequence.

hh. Section 903.4.2.1 shall be added and read as follows:

903.4.2.1 Individual alarms. When a multi-tenant building is provided with an automatic fire protection system, each individual tenant space shall be required to have an independent alarm, audible and visual, located immediately adjacent to the front door of the tenant space or as approved by the code official. Such individual tenant space alarms shall be in addition to any other alarm required. The tenant space alarm shall provide notification the fire protection system has activated or that products of combustion are present.

ii. Section 903.4.2.2 shall be added and read as follows:

Section 903.4.2.2 Annunciation. Where fire suppression systems exist in multi-tenant occupancies, i.e. strip-malls, separate annunciation shall be required to reach separately addressed tenant space unless otherwise approved by the code official.

jj. Section 2101.1 shall be amended to read as follows:

2101.1 Scope. Dry cleaning plants and their operations shall comply with the requirements of this chapter, NFPA 32, and the Michigan Fire Prevention Code 1941 PA 207, as amended, or its equivalent.

kk. Section 2301.1 shall be amended to read as follows:

2301.1 Scope. Automotive motor fuel-dispensing facilities, marine motor fuel-dispensing facilities, fleet vehicle motor fuel-dispensing facilities and repair garages shall be in accordance with this chapter and the Michigan Building Code, International Fuel Gas Code, Michigan Mechanical Code, and the Michigan Storage and Handling of Flammable and Combustible Liquids Rules, as amended, or their equivalent. Such operations shall include both public accessible and private operations.

ll. Section 2306.1 shall be amended to read as follows:

2306.1 General. Storage of flammable and combustible liquids shall be in accordance with chapter 57, section 2306.2 through 2306.6.3, and the Michigan Storage and Handling of Flammable and Combustible Liquids Rules, as amended, or their equivalent.

mm. Section 5601.1.1 shall be amended to read as follows:

5601.1.1 Explosive material standard. In addition to the requirements of this chapter, NFPA 495 shall govern the manufacture, transportation, storage, sale, handling and use of explosive materials, and the Michigan Explosives Law 1970 PA 202, as amended, or its equivalent.

nn. Section 5701.3 shall be amended to read as follows:

5701.3 Referenced documents. The applicable requirements of chapter 50, other chapters of this Code, the Michigan Building Code, and the Michigan Mechanical Code pertaining to flammable liquids, and the Michigan Storage and Handling of Flammable and Combustible Liquids Rules, as amended, or their equivalent, shall apply.

oo. Section 5701.4 shall be amended to read as follows:

5701.4 Permits. Permits shall be required as set forth in sections 105.6 and 105.7 and the Michigan Fire Prevention Code 1941 PA 207, as amended, or its equivalent, shall apply.

pp. Section 5704.2.9 shall be amended to read as follows:

5704.2.9 Aboveground tanks. Aboveground storage of flammable and combustible liquids in tanks shall comply with section 5704.2 and sections 5704.2.9.1 through 5704.2.9.7.10, and the Michigan Fire Prevention Code 1941 PA 207, as amended, or their equivalent.

qq. Section 5704.2.11 shall be amended to read as follows:

5704.2.11 Underground tanks. Underground storage of flammable and combustible liquids in tanks shall comply with section 5704.2 and sections 5704.2.11.1 through 5704.2.11.5.2, and the Michigan Underground Storage Tank Rules or their equivalent.

rr. Chapter 80, listing the standards that are referenced in various sections of the Ordinances, is hereby amended to include the following, together with any of their amendments:

State of Michigan Laws, Rules or Requirements Including but not necessarily limited to the following with amendments:

Michigan Fire Prevention Code 1941 PA 207 Michigan Explosives Law
1970 PA 202

Michigan Fireworks Law 1931 PA 328

Michigan Model Rocket Law 1965 PA 333

Michigan Storage and Handling of Flammable and Combustible Liquid

Rules

Michigan Underground Storage Tank Rules 1999

143.003 - Definitions.

Sec. 3. For purposes of this Ordinance, the term "Fire Prevention Code Official" shall mean the Washington Township Fire Chief and the term "municipality" shall mean the Charter Township of Washington, a municipal corporation within the County of Macomb.

143.004 – Repealed by Ord. No. 108-A.

143.005 - Repealed by Ord. No. 108-A.

143.006 - Repealed by Ord. No. 108-A.

143.007 – Vehicles crossing fire hose.

Sec. 7. A vehicle shall not be driven or propelled over any unprotected fire hose of the fire department when laid down on any street, alleyway, private drive or any other vehicular roadway without the consent of the Fire Prevention Code Official in command of said operation.

143.008 - Definition of authorized emergency vehicle.

Sec. 8. Authorized emergency vehicles shall be restricted to those which are defined and authorized under the laws of the State of Michigan.

143.009 - Operation of vehicles on approach of authorized emergency vehicles.

Sec. 9. Upon the approach of any authorized emergency vehicle, giving audible and visual signal, the operator of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right-hand edge or curb of the street or roadway, clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle or vehicles shall have passed, unless otherwise directed by the Fire Prevention Code Official or a police officer.

143.010 - Vehicles following fire apparatus.

Sec. 10. It shall be unlawful for the operator of any vehicle, other than one on official business, to follow closer than 500 feet from any fire apparatus traveling in response to a fire alarm, or to drive any vehicle within the block or immediate area where fire apparatus has stopped in answer to a fire alarm.

143.011 - Emergency vehicle operation.

Sec. 11. The driver of any emergency vehicle, as defined in Section 8 of this Ordinance, shall not sound the siren thereon or have the front red lights on or disobey any existing

traffic regulation, except when said vehicle is responding to an emergency call or when responding to, but not upon returning from a fire. The driver of an emergency vehicle may:

- (a) Park or stand irrespective of the provisions of existing traffic regulations;
- (b) Proceed past a red or stop signal or other sign, but only after slowing down as may be necessary for safe operation;
- (c) Exceed the *prima facie* speed limit so long as the action does not endanger life or property;
- (d) Disregard regulations governing direction of movement or turning in specified directions;
- (e) The exemptions herein granted to an emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to such vehicle.

143.012 - Blocking fire hydrants and fire department connections.

Sec. 12. It shall be unlawful to obscure from view, damage, deface, obstruct or restrict the access to any fire hydrant or any 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. If upon the expiration of the time mentioned in a notice of violation obstructions or encroachments are not removed, the Fire Prevention Code Official shall proceed to remove the same. Cost incurred in the performance of necessary work shall be paid from the municipal treasury on certificate of the Fire Prevention Code Official and with the approval of the chief administrative official; and the legal authority of the municipality shall institute appropriate action for the recovery of such costs.

143.013 - Hydrant use and approval.

Sec. 13. A person shall not use or operate any fire hydrant intended for use of the fire department for fire suppression purposes unless such person first secures a permit for such use from the Fire Prevention Code Official and the water company having jurisdiction. This section shall not apply to the use of such hydrants by a person employed by, and authorized to make such use by, the water company having jurisdiction.

143.014 - Public water supply.

Sec. 14. The Fire Prevention Code Official shall recommend to the chief administrative official of the municipality the location or relocation of new or existing fire hydrants and the placement or replacement of inadequate water mains located upon public property

and deemed necessary to provide an adequate fire flow and distribution pattern. A fire hydrant shall not be placed into or removed from service until approved by the Fire Prevention Code Official.

143.015 - Yard systems.

Sec.15. All new and existing commercial and industrial structures, ship yards, oil storage plants, lumber yards, amusement or exhibition parks, and educational or institutional complexes and similar occupancies and uses involving high fire or life hazards, and which are located more than 150 feet from a public street or which require quantities of water beyond the capabilities of the public water distribution system shall be provided with properly placed fire hydrants. Such fire hydrants shall be capable of supplying fire flows as required by the Fire Prevention Code Official and shall be connected to a water system in accordance with accepted engineering practices. The Fire Prevention Code Official shall designate and approve the number and location of fire hydrants, but under no circumstances shall said hydrants be located more than 250 feet apart and not nearer than 50 feet, nor more than 100 feet from any building. The Fire Prevention Code Official may require the installation of sufficient fire hose and equipment housed in accordance with the approved rules and may require the establishment of a trained fire brigade when the hazard involved requires such measures. Private hydrants shall not be placed into or removed from service until approved by the Fire Prevention Code Official.

This section shall not supersede any previously enacted ordinance standard concerning the location of fire hydrants located parallel to any public road.

143.016 - Maintenance of fire suppression equipment.

Sec.16. A person shall not obstruct, remove, tamper with or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provisions of the Fire Prevention Code except for the purpose of extinguishing fire, training or testing purposes, recharging, or making necessary repairs, or when permitted by the Fire Prevention Code Official. Whenever a fire appliance is removed as herein permitted, it shall be replaced or re-installed as soon as the purpose for which it was removed has been accomplished. Defective and non-approved fire appliances or equipment shall be replaced or repaired as directed by the Fire Prevention Code Official.

143.017 - Sale of defective fire extinguishers.

Sec.17. A person shall not sell, trade, loan or give away any form, type or kind of fire extinguisher which is not approved by the Fire Prevention Code Official, or which is not in proper working order, or the contents of which do not meet the requirements of the Fire Prevention Code Official. The requirements of this section shall not apply to the sale, trade or exchange of obsolete or damaged equipment for junk when said units are permanently disfigured or marked with a permanent sign identifying the unit as junk.

143.018 - Street obstructions.

Sec. 18. A person or persons shall not erect, construct, place or maintain any bumps, fences, gates, chains, bars, pipes, wood or metal horses or any other type of obstruction in or on any street, within the boundaries of the municipality. The word "street" as used in the ordinance, shall mean any roadway accessible to the public for vehicular traffic, including, but not limited to, private streets or access lanes, as well as all public streets and highways within the boundaries of the municipality.

PART II. OPEN BURNING

143.019 - Prohibition of open burning.

Sec. 19.

Section 19.1 Except as provided in Section 19.2, open burning of any type is hereby expressly prohibited within the boundaries of the Charter Township of Washington. For purposes of this Ordinance, the term "open burning" means a fire from which the products of combustion are emitted directly into the open air without passing through a stack or chimney.

Section 19.2 Open burning is permitted as follows:

- (a) Campfires and fires used for outdoor cooking and other recreational purposes or ceremonial occasions; and
- (b) Fires purposely set for the actual instruction and training of public and industrial firefighting personnel; and
- (c) Fires as may be allowed pursuant to a permit issued by the Washington Township Fire Department as set forth in Section 20.

143.020 - Permitted open burning.

Sec. 20.

Section 20.1 The open burning of branches, hedge clippings, leaves and grass clippings may be allowed after first securing a permit therefor issued by the Township Fire Department. The open burning of leaves shall be permitted only during a period of three (3) weeks in the spring and three (3) weeks in the fall of each year as fixed by the Washington Township Board of Trustees and published in a newspaper of general circulation not later than March 1 and September 1 of each year. The Township Supervisor may, after consultation with the Township Fire Chief, extend the allowable time for open burning for a period not to exceed thirty (30) days. Such extension shall be based upon prevailing weather conditions and unique circumstances which may impact open burning throughout the Township.

Section 20.2 Permits may be obtained at the Township Fire Department during regular business hours or by accessing the Township web site. In addition, an applicant for a permit may contact the Fire Department by telephone, e-mail or regular mail and request that a permit be mailed to the applicant. The permit, at a minimum, shall include the following information:

- (a) The name and address of the applicant; and
- (b) The location of the land and/or premises where such open burning is to occur;
- (c) The type of material to be burned; and
- (d) The time and date contemplated for such open burning.

The permit must be completed in full and signed by the applicant. The permit must be conspicuously displayed at the site at the time of the burn and available for inspection at the request of Fire Department personnel.

Section 20.3 Permits may be issued with conditions, denied, canceled or revoked, based upon a determination by the Township Fire Department that the requested open burning may endanger persons or property.

Section 20.4 The Township Board may establish a fee for such permit to cover the cost of administration. Such fee may be established by resolution and published in a newspaper of general circulation within thirty (30) days after adoption. The authority to levy such fee shall become effective upon publication.

143.021 - Regulation of permitted open burning.

Sec. 21. Except for campfires and fires used for out-door cooking and other recreational purposes or ceremonial occasions, permitted open burning shall:

- (a) occur only between the hours of sunrise and sunset;
- (b) not be located in proximity to structures or woodlots;
- (c) not include burning of building demolition or excess construction materials and not for the purpose of clearing land;
- (d) not occur on any land and/or premises more than four (4) times per year.

All permittees shall be fully responsible for containing such open burning and shall assume any and all civil and/or criminal liabilities which may result from a failure to do so.

PART III. RAPID ENTRY ACCESS

143.022 – Rapid Entry Access

Sec. 22 - Definitions.

Section 22.1 The following definitions shall apply to the terms utilized in this Ordinance:

Key box: "A UL box identified as a "Knox Box" approved by the Fire Official that meets the requirements and uses the same security key code adopted by the Fire Department. The "Knox Box" shall be the 3200 Series with hinged doors or a box as otherwise approved by the Fire Official. The Key Box shall provide for a surface or recessed mount.

Fire district: The fire protection district for which fire and emergency medical services are provided by the Washington Township Fire Department.

Fire official: The Fire Chief or his/her designee.

Responsible party: The person(s) charged with the responsibility for the occupancy and security of the building. A Responsible Party may include the owner or lessee of the building.

Security cap: A Fire Department Connection (FDC) Plug and Cap approved for use in Washington Township by the Fire Official utilizing 2 1/2" National Standard thread pattern.

Security padlock: A padlock approved by the Fire Official that uses the approved key code utilized by the Fire Department.

143.023 - Scope and application.

Section 23. This Ordinance shall apply to the following:

(a) When a building within the Fire District is protected by an automatic fire suppression and/or standpipe system, it shall be equipped with a Key Box, installed at a location approved by the Fire Official.

(b) When a building is protected by an automatic alarm system and/or access to or within a building, or an area within that building, is unduly difficult because of secured openings, and where immediate access is necessary for life saving or firefighting purposes, it shall be equipped with a Key Box installed at a location approved by the Fire Official.

(c) In buildings storing or dispensing Hazardous Materials, a Hazardous Materials Cabinet may be required. This cabinet will serve to store MSDS and other information as required by the Fire Official.

(d) When property is accessed through a gate or cross arm that impedes ingress through required Fire Lanes by means of a key or swipe card, the gate or cross arm shall be equipped with a Key Switch to be installed at a location approved by the Fire Official.

(e) When a building is protected by an automatic sprinkler and/or standpipe system and the Fire Department connection is exposed to vandalism, the Fire Official may require that a Security Cap be installed.

(f) All new commercial construction or a change in use of a commercial occupancy shall provide an approved Key Box security system.

(g) This Ordinance shall not apply to owner-occupied one and two-family dwellings. Owners of single and two-family occupancies are encouraged to participate voluntarily utilizing a Residential Security Box.

(h) The Key Boxes shall contain the following items as designated by the Fire Official:

- (1) Labeled Keys to locked points of egress, whether within the interior or exterior of the buildings.
- (2) Labeled Keys to the locked mechanical rooms.
- (3) Labeled Keys to any fence or secured areas not covered in Section 4, Subsections D, E or F.
- (4) Labeled Keys to any other areas that may be required by the Fire Official.
- (5) A card containing the name(s) and telephone numbers of emergency contact personnel.
- (6) Floor plans of the rooms within the building may be required, showing locations of shut-offs.
- (7) Hazardous Materials MSDS as required.

(i) Alert Decals, approved by the Fire Official, to alert fire companies of the presence of security features covered by this Ordinance, will be displayed on any outside doors or windows as designated by the Fire Official.

(j) All newly-constructed buildings, not yet occupied or buildings currently under construction and all buildings or businesses applying for a certificate of occupancy, and/or building permits will be required to comply with this Ordinance. The cost of purchasing and installing, along with any cost associated with implementation of the program at a specific property, will be borne by the Responsible Party. This Ordinance shall not apply to existing buildings that have received a certificate of occupancy from the Charter Township of Washington Building Department.

PART IV. FIREWORKS

143.024 - Definitions.

Sec. 24. The following words, terms and phrases when used in this Part IV shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Act means the Michigan Fireworks Safety Act, Act 256 of 2011, and any subsequent amendments to the Act.

APA Standard 87-1 means the standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics, published by the American Pyrotechnics Association of Bethesda, Maryland.

Articles Pyrotechnic means pyrotechnic devices for professional use that are similar to consumer fireworks in the chemical composition and construction but not intended for consumer use; that meet the weight limits for consumer fireworks but are not labeled as such, and that are classified as UN0431 or UN0432 under 49 CFR 172.101.

Consumer Fireworks means fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3 or 3.5. Consumer fireworks does not include low-impact fireworks or novelties.

Display Fireworks means large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effect by combustion, deflagration, or detonation as provided in 27 CFR 555.11, 49 CFR 162 and APA standard 87-1, 4.1.

Firework or Fireworks means any composition or device, except for a starting pistol, a flare gun or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks and special effects. Novelties are excluded from this definition.

Low-Impact Firework means ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8 and 3.5p.

Minor means an individual who is less than 18 years of age.

National Holiday as used in this Ordinance means those holidays listed in 5 U.S.C. 6103, as it may be amended; currently, those are the following:

 New Year's Day (January 1);

 Martin Luther King Jr. Day (third Monday in January);

 Washington's Birthday (third Monday in February);

Memorial Day (last Monday in May);
Independence Day (July 4);
Labor Day (first Monday in September);
Columbus Day (second Monday in October);
Veterans Day (November 11);
Thanksgiving Day (fourth Thursday in November);
Christmas Day (December 25)

NFPA means the National Fire Protection Association.

Novelties means the term as defined under APA standard 87-1, 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4 and 3.2.5 and all of the following:

(a) Toy plastic or paper caps for toy pistols in sheets, strips, rolls or individual caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.

(b) Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in the above paragraph, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion.

(c) Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.

(d) Toy snakes not containing mercury, if packed in cardboard boxes with not more than 12 pieces per box for retail sale and if the manufacturer's name and the quantity contained in each box are printed on the box; and toy smoke devices.

Person means any individual, agent, association, charitable organization, company, limited liability company, corporation, labor organization, legal representative, partnership, unincorporated organization, or any other legal or commercial entity. An individual shall include a Minor as defined in this Ordinance.

143.025 - Fireworks requiring a Township Board-endorsed permit.

Sec. 25. A person, firm, partnership or corporation shall not use, ignite or discharge display fireworks, articles pyrotechnic and/or special effect fireworks without first obtaining a written permit from the Township Board.

A. *Qualifications of Applicants.*

1. Completion and submission of a written application on forms promulgated by the Michigan Department of Licensing and Regulatory Affairs. Such forms are available online and at the Washington Township Hall during regular business hours. The application must be filed with the Township Supervisor at least thirty (30) days prior to the date requested for the display.

2. Applicants must be eighteen (18) years or older.
 3. Applicants must be a resident of the State of Michigan or appoint, in writing, a resident member of the Michigan State Bar Association or a resident agent to be their legal representative upon whom all process in an action or proceeding against the Applicant may be served.
 4. Applicants must provide proof of financial responsibility in the following form: personal liability insurance coverage in an amount no less than Three Million Dollars (\$3,000,000.00) for each accident or occurrence, and property insurance coverage in an amount not less than Five Hundred Thousand Dollars (\$500,000.00). These insurance policies shall identify Washington Township as an additional insured.
 5. Demonstrate compliance with NFPA 1123, Code for Fireworks Display, 2010 Edition and Chapter 33 of the International Fire Code (IFC, 2012 Edition), or any successor code thereto.
 6. Demonstrate competency and qualifications of the operator of the display.
 7. Demonstrate the existence of a proper level of fire protection for the display, in accordance with the standards and requirements set forth by NFPA 1123, or any successor code thereto.
 8. Applicants must submit payment of appropriate fees as set forth in this Ordinance.
- B. *Review by Township Board.* The Township Board shall grant or deny a fireworks permit on the basis of the information set forth in the written application, including but not limited to the following factors:
1. Age of the applicant.
 2. Proof of financial responsibility.
 3. Safety of the persons attending the display.
 4. Protection of property adjacent to the display.
 5. Type of fireworks to be used in relation to the site of the display.
 6. Competency and qualifications of the operator of the display.
 7. Time, place and safety aspects of the proposed display.
 8. Provision of an adequate water source located in the immediate vicinity.
 9. Report and recommendation of fire inspector after inspection of site and review of application.

Within twenty (20) days of receipt of a completed application and payment of fees, the Township Supervisor or his designee, shall notify the Applicant of the Township Board's decision.

C. *Issuance of Permit.* Once a permit is granted, the use of fireworks must strictly conform to the conditions of the permit. Permits are not transferable. Permits shall be conditioned upon the applicant cleaning up all debris caused or created by the fireworks display within twenty-four (24) hours of the display. A violation of the conditions of the permit is a violation of this Ordinance.

143.026 - Fees.

Sec. 26. The Washington Township Board shall establish a fee for the issuance of a fireworks permit. This fee shall be set in an amount representing the cost involved in the administration of this Ordinance, including, but not limited to, that amount determined by the Fire Chief necessary for on-site firefighters and equipment.

143.027 - Minors.

Sec. 27. Minors are prohibited from:

- (a) Igniting, discharging or using any consumer fireworks, at any time, on any day, including national holidays, the day before and after a national holiday.
- (b) Igniting, discharging or using any low impact fireworks or novelty fireworks unless under the direct supervision of a parent, guardian or responsible adult.

143.028 - Hours.

Sec. 28. No person shall discharge, ignite or use any fireworks within the Charter Township of Washington between the hours of 11:00 p.m. and 10:00 a.m. This section shall not apply to discharge, ignition or use of fireworks on the day before, day of and day after a National Holiday.

143.029 - Permission of property owner.

Sec. 29. No person shall at any time, discharge, ignite or use any fireworks in any way that would cause them to land on someone else's private property without the express consent of the property owner. The person, partnership, firm or corporation shall not ignite, discharge or use consumer fireworks on public property, school property, church property or the property of another person without the organization or person's express written consent to ignite, discharge or use the fireworks on the premises.

143.030 - Under the influence of alcohol.

Sec. 30. A person shall not use, ignite or discharge fireworks while impaired by or under the influence of alcohol, controlled substance(s) or a combination thereof as these terms are defined by the Michigan Vehicle Code, MCL 257.601 et seq.

143.031 - Drought; fire risk.

Sec. 31. A person shall not use, ignite or discharge fireworks during a drought, or on any day or during any time that the Michigan DNR has identified the Fire Danger Rating

as "high", "very high" and/or "extreme conditions exist." Such information may be obtained by viewing the Township's website, the Michigan DNR website, contacting the Fire Department or Township Clerk's office.

143.032 - Restrictions on location and manner of discharge, ignition and use of consumer and low impact fireworks.

Sec. 32. No person shall discharge consumer or low impact fireworks other than in the manner prescribed by the manufacturer's directions. No person shall discharge consumer or low impact fireworks:

- (a) Within 25 feet of a property line;
- (b) Within any public roadway or public right-of-way;
- (c) Within, upon or from a motor vehicle;
- (d) At a person, vehicle or animal;
- (e) Within 500 feet of a gasoline service station;
- (f) During weather conditions involving wind speeds in excess of 10 mph;
- (g) Within 25 feet of a building, structure, shed or playscape;
- (h) Within a building or enclosed space within fifty (50) feet of a flame or flammable surface;
- (i) From or upon any type of container or other object that could reasonably be foreseen to impede the aerial of progress of the firework or to cause a fire or explosion after ignition;
- (j) Without an adequate water source located in the immediate vicinity.

PART V. ENFORCEMENT

143.033 - Violation; penalty.

Sec. 33. Any person, firm or corporation which violates any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred (\$500.00) Dollars or imprisoned in the Macomb County jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment.

143.034 - Repeal of conflicting provisions.

Sec. 34. All resolutions, ordinances or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

143.035 - Severability.

Sec. 35. If any section, paragraph, clause or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

143.036 - Publication.

Sec. 36. This Ordinance amendment shall be published twice in accordance with MCL 42.20. Publication shall be made by posting the Ordinance amendment in the office of the Washington Township Clerk and on the Washington Township website. In addition, a notice of posting prescribing the purpose or nature of the Ordinance amendment and location of the places where posted shall be published in a newspaper of general circulation within the Charter Township of Washington within seven (7) days after posting pursuant to MCL 42.8(4).

143.037 - Effective date.

Sec. 37. This Ordinance amendment shall take effect thirty (30) days from and after the date of publication of a notice of posting as set forth in Section 143.036.

CERTIFICATE OF TOWNSHIP CLERK

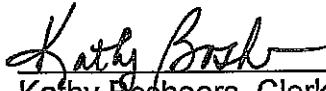
I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance Amendment duly adopted by the Township Board of Washington Township, Macomb County, Michigan, at a meeting held on the 16th day of December A.D., 2015.

I hereby further certify that the following Township Board members were present at the meeting: Bosheers, Grimes, Jacobson, Miller, O'Leary, Rapp, Verellen and the following Township Board Members were absent: None

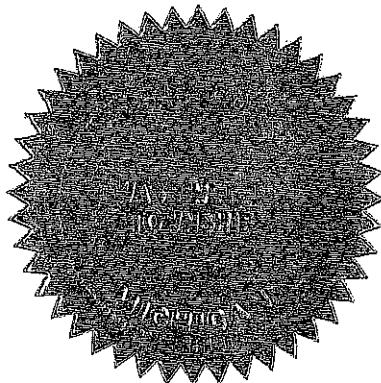
I further certify that Member Bosheers moved for the adoption of the Ordinance Amendment, and that motion was supported by Member Verellen.

I further certify that the following Township Board Members voted for the adoption of the Ordinance Amendment: Bosheers, Grimes, Jacobson, Miller, O'Leary, Rapp, Verellen

and that the following Township Board members voted against adoption of the Ordinance Amendment: None



Kathy Bosheers, Clerk
Charter Township of Washington



CERTIFICATE OF POSTING AND PUBLICATION

I, Kathy Bosheers, the Township Clerk of the Charter Township of Washington do hereby certify that on December 18, 2015, the foregoing Ordinance Amendment was posted in the office of the Township Clerk and on the Charter Township of Washington's website as authorized by MCL 42.8(3)(b). In addition, the Notice of Adoption was published in the December 20, 2015.

Kathy Bosheers

Kathy Bosheers, Clerk
Charter Township of Washington

