

**FRENCHTOWN CHARTER TOWNSHIP
UNIFORM FIRE CODE ADOPTION ORDINANCE
Ord. No. 186; Date of Adoption: June 1999**

An Ordinance adopting by reference a Uniform Fire Code prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, providing for issuance of permits for hazardous uses or operation and enforcement of the Fire Code and to repeal ordinances in conflict therewith.

THE CHARTER TOWNSHIP OF FRENCHTOWN ORDAINS:

Section 1. Title.

This Ordinance shall be known as the "Frenchtown Charter Township Uniform Fire Code Adoption Ordinance."

Section 2. Code Adopted.

The Charter Township of Frenchtown hereby adopts the 1997 Edition of the Uniform Fire Code, including appendices, and the 1997 Edition of the Uniform Fire Code Standards, including appendices, both being publications of the Western Fire Chiefs Association, Inc. and the International Conference of Building Officials. Both are hereby adopted and incorporated as if fully set forth herein.

Section 3. Administration & Enforcement.

The Uniform Fire Code as adopted and amended herein shall be generally administered and enforced by the Frenchtown Charter Township Fire Department, the Fire Marshal in the Frenchtown Charter Township Fire Department and the Frenchtown Charter Township Bureau of Fire Prevention, all under the supervision of the Chief of the Fire Department unless otherwise specified. Any section of the Uniform Fire Code, which authorizes the Fire Chief to act as Administrator or enforcer, may be equally administered or enforced by the Fire Marshal. The Fire Marshal shall exercise the power and perform the duties of fire prevention engineer as set forth in the Uniform Fire Code. Any Section of the Uniform Fire Code or this Ordinance which authorizes the Fire Marshal to act as administrator or enforcer, may be equally administered by the Fire Chief and/or the Frenchtown Charter Township Bureau of Fire Prevention.

Section 4. Permits.

Permits as required by the Uniform Fire Code shall be issued by the Frenchtown Charter Township Building Department upon the approval of the Frenchtown Charter Township Fire Department.

Section 5. Definitions.

Wherever the word "jurisdiction" is used in the Uniform Fire Code, it shall be held to mean the Charter Township of Frenchtown. Whenever the term "Corporation Counsel" is used in the Uniform Fire Code, it shall be held to mean the attorney for the Charter Township of Frenchtown.

Section 6. Establishment of Limits of Districts: Restricted Area.

The limits referred to for the following districts in the Uniform Fire Code shall be based on state statute or regulation, or in the absence of state statute or regulation, nationally recognized standards.

- a. Storage of flammable or combustible liquids in outside aboveground tanks [Sections 7902.2.2.1 and 7904.2.5.4.2].
- b. Liquefied petroleum gases [Section 8204.2].
- c. Explosives and blasting agents [Section 7701.7.2].
- d. Compressed natural gas [Section 5204.5.2].

Section 7. Amendments to the Uniform Fire Code.

Amendments to the 1997 Uniform Fire Code are hereby made as follows:

A. Article 1 - Administration.

1. Section 103 - Inspection and Enforcement

- a. Section 103.1.4, Appeals, shall be amended to read as follows:

Whenever the Chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief to the Frenchtown Charter Township Construction Board of Appeals within thirty (30) days from the date of the decision appealed. Said Construction Board of Appeals shall act as the Board of Appeals as set forth in Section 103.1.4 of the Uniform Fire Code and all other applicable sections.

- b. Section 103.2.1.2, Fire prevention bureau personnel and police shall be deleted in its entirety.

2. Section 105 - Permits

- a. Section 105.3 shall be amended to read as follows:

Application for Permit. Applications for permits shall be made to the Township Building Department in such form and detail as prescribed by the Fire Department. Applications for permits shall be accompanied by such plans as required by the Fire Department and/or the Building Department.

b. Section 105.4 shall be amended to read as follows:

Inspection Required. Before a permit is issued, the Fire Chief or his duly authorized representative, shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used. In instances where laws or regulations are enforceable by departments other than the Fire Department, joint approval shall be obtained from all departments concerned.

In instances where storage, dispersion, use and/or handling of hazardous materials is the subject of the permit, specific written approval shall be obtained from the Fire Department before a permit is issued.

c. Section 105.5 shall be amended to read as follows:

Retention of Permits. Permits shall be kept on the premises designated therein at all times and shall be posted in a conspicuous location designated by the Building Department. Permits shall be subject to inspection at all times by duly authorized Township Officials.

d. Section 105.8 shall be amended to read as follows:

Permit Required. A permit shall be obtained from the Building Department prior to engaging in regulated activities. A complete list of activities requiring a permit shall be maintained by the Building Department and Fire Department and shall be available for public inspection at their respective offices.

e. Section 105.9 shall be added to read as follows:

Work Without a Permit. Whenever any work for which a permit is required by this Code has been commenced without first obtaining said permit, a special investigation shall be made by the Fire Marshal before a permit may issued for such work. An investigation fee if applicable, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this Code nor from any penalty prescribed by law.

B. Article 2 - Definitions and Abbreviations.

1. Section 207 - F shall be amended to read as follows:

Fireworks, Class C. Common means toy smoke devices, toy caps containing not more than .25 grains of explosive mixture, toy propellant devices, cigarette loads, trick matches, trick noise makers, smoke candles, smoke pots, smoke grenades, smoke signals, hand signal devices, very signal cartridges, sparklers, explosive auto alarms and other similar devices identified under state statute and shall also include those explosive materials as set forth and defined in Table A VI, 7-2 Division 1.4 of Appendix VI - F of the Uniform Fire Code.

2. Section 209 - H shall be amended to read as follows:

Hazardous Materials are those chemicals or substances which are physical hazards or health hazards as defined and classified in Article 80 or as otherwise defined by federal or state statute whether the materials are in usable or waste condition.

C. Article 11 - General Safety Precautions.

1. Section 1102.3.1 shall be amended to read as follows:

General. Except as provided in the Frenchtown Charter Township Outdoor Burning Regulation Ordinance as amended, open burning is prohibited within Frenchtown Charter Township.

D. Article 78 - Fireworks and Pyrotechnic Special Effects Material.

1. Section 7801.1 shall be amended to read as follows:

Scope. Fireworks and temporary storage, use and handling of pyrotechnic special effects material used in motion pictures, television and theatrical and group entertainment productions shall be in accordance with Article 78 except where the specifications are inconsistent with state law, then state law shall take precedence over any such conflicting specifications or provisions.

2. Section 7802.1 shall be amended to read as follows:

General. Storage, use and handling of fireworks shall be in accordance with Section 7802 except where the specifications are inconsistent with state law, then state law shall take precedence over any such conflicting specifications or provisions.

3. Section 7802.4.1 shall be amended to read as follows:

General. Fireworks displays (Class C, Common and Special Fireworks) shall be in accordance with Section 7802.4 only to the extent that the specifications set forth in Section 7802.4 are consistent with state law. Where the specifications are

inconsistent with state law, then state law shall take precedence over any such conflicting specifications or provisions.

E. Article 79 - Flammable and Combustible Liquids.

1. Section 7901.1.1 shall be amended to read as follows:

General. Storage, use, dispensing, mixing and handling of flammable and combustible liquids shall be in accordance with Article 79 except as otherwise provided in other laws or regulations. Where this article is inconsistent with state law or regulation, the state law or regulation shall take precedence over any such conflicting provisions.

Section 7901.1.1 **Exceptions 2 - 9** are retained as part of the text of this section.

F. Article 80 - Hazardous Material.

1. Section 8001.1.1 shall be amended to read as follows:

General. Prevention, control and mitigation of dangerous conditions related to the storage, dispensing, use and handling of hazardous materials and information needed by emergency response personnel shall be in accordance with Article 80, except as otherwise provided in other laws and regulations. Where this Article is inconsistent with state law or regulation, the state law or regulation shall take precedence over any such conflicting provisions.

Section 8001.1.1 **Exceptions 1 - 2** are retained as part of the text of this section.

G. Article 87 - Fire Safety During Construction, Alteration or Demolition of a Building.

1. Section 8703 shall be amended to read as follows:

Approvals. Approval of the safety precautions required for buildings being constructed, altered or demolished may be required by the Fire Chief or his designated representative, in addition to other approvals required for specific operations or processes associated with such construction, alteration or demolition. The Building Official shall be required to provide notice to the Fire Department on receipt of application for construction, alteration or demolition of a building to allow for review under this provision.

H. Article 90 - Standards.

1. Section 9001.3 shall be amended to read as follows:

Recognized Standards. The standards listed in Section 9003 are recognized standards. Compliance with these recognized standards shall be prima facie evidence of compliance with the standard of duty set forth in Section 9001.2. The standards listed in 9003 are not to be constructed as an exhaustive list of nationally recognized standards, principles and methods available for consultation.

I. Appendix I - A. Life-Safety Requirements For Existing Buildings Other Than High Rise.

1. Section 1.2, shall be amended to read as follows:

Effective Date. Within 18 months after the effective date of the adoption of the Uniform Fire Code with standards and appendixes, 1997 Edition, existing buildings shall be brought into compliance with the requirements of this appendix or the building, at the discretion of the Chief of Fire, or his designee shall be vacated until made to conform.

Section 7. Repeal.

All ordinances or parts of ordinances in conflict with this Ordinance are to the extent of such conflict hereby repealed, including Frenchtown Charter Township Ordinance No. 176.

Section 8. Severability.

Should any section, subdivision, sentence, clause or phrase of this Ordinance be declared by any court to be invalid, the same shall not affect the validity of this Ordinance in the whole or any part thereof other than the part so invalidated.

Section 9. Conflict With State Laws or Regulations.

Should any of the provisions relative to Article 11 General Fire Safety Precautions, Article 78 Fireworks, Article 79 Flammable and Combustible Liquid, Article 80 Hazardous Materials and the appendices of the 1997 Edition of the Uniform Fire Code and Fire Code Standards be in conflict with any State law or regulation, then in that event, the State law or regulation shall take precedence over any such conflicting provisions.

Section 10. Penalty.

Any person, firm or corporation who or which shall fail to comply with any of said Code shall upon conviction thereof be subject to a fine of not more than Five Hundred (\$500.00) Dollars or imprisonment in the Monroe County Jail in the discretion of the Court for a period not

to exceed ninety (90) days, or by both such fine and imprisonment in the discretion of the Court. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 11. Copies of Code Available.

Complete copies of the Code adopted by this Ordinance are available at the office of the Frenchtown Charter Township Fire Department, 6940 N. Monroe Street, Monroe, Michigan and at the office of the Frenchtown Charter Township Clerk, 2744 Vivian Road, Monroe, Michigan for use and inspection by the public and for public distribution at a reasonable charge to be determined by the Frenchtown Charter Township Board.

Section 12. Effective Date.

This Ordinance shall become effective thirty (30) days after final passage and publication in a newspaper having general circulation in Frenchtown Charter Township, Monroe County, Michigan.