

ORDINANCE NO. 33

## International Fire Ordinance

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*An ordinance of the Charter Township of Madison adopting the 2003 edition of the International Fire Code, regulating and governing the safe-guarding 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 the Charter Township of Madison; providing for the issuance of permits and collection of fees therefor; repealing Ordinance No. 7 of the Charter Township of Madison and all other ordinances and parts of the ordinances in conflict therewith.*

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THE CHARTER TOWNSHIP OF MADISON ORDAINS:

### **Section 1. Adoption of Code.**

The International Fire Code, 2003 edition, (hereafter the "Code"), including reference to NFPA 1, Fire Prevention Code and NFPA 101, Life Safety Code issued by the National Fire Protection Association, copies of which are on file in the office of the Fire Chief of the Charter Township of Madison, (hereafter the "Township") is adopted as the Fire Code of the Madison Charter 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 therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the Township are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in this ordinance.

### **Section 2. References.**

References in the Code and supplements to "state" shall mean the State of Michigan; references to "municipality" shall mean the Charter Township of Madison references to the term "corporation counsel" shall mean the attorney for the Township; reference to the "bureau of fire prevention" shall mean the Township Fire Department, reference to the term "fire code official" shall mean the Chief of the Fire Department or his designee.

### Section 3. Modifications.

The Fire Chief shall have the power to modify any of the provisions of the fire prevention code upon application, in writing, by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code, provided that the spirit of the Code be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Fire Chief thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

### Section 4. Code Changes.

The following sections and subsections of the Fire Prevention Code are hereby revised:

- a. Section 101.1 Insert in the blank: "Madison Charter Township"
- b. Section 109.3 Amend in its entirety:

**"Section 109.3 Violation penalties.** Persons who shall violate a provision of this code or shall fail to comply with any one 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 fire code official, or of a permit or certificate issued under provision of the code, shall be deemed:

1. *Guilty of a misdemeanor.* Penalties may be imposed up to ninety (90) days incarceration in the County Jail and or fines up to five hundred (\$500.00) dollars plus the costs of prosecution.
2. *Responsible for a civil infraction.* Penalties may be imposed in fines, plus the costs of prosecution, as set forth in the Charter Township of Madison Civil Infractions and Municipal Ordinance Violations Bureau Ordinance, Ordinance 29, as amended.

The decision to charge the alleged violator with a misdemeanor and/or civil infraction as a result of a violation of this code shall be at the sole discretion of the Township.

**Section 109.3.1 Abatement of violation.** In addition to the imposition of penalties herein described, any violation of this code shall be deemed a nuisance per se, permitting the Township Board, its officers, agents or any private citizen to take such action in any Court of competent jurisdiction to cause the abatement of such nuisance, including injunctive relief or specific performance."

- c. Section 111.4 Amend in its entirety:

**“Section 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 the subject to the penalty provisions of Section 109.3.”

## **Section 5. Geographic Limits.**

The geographic limits referred to in certain sections of the Fire Code are hereby established as follows:

- a. Section 3204.3.1.1: (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): Within 1,000 feet of any residence or residential zoning district.
- b. Section 3404.2.9.5.1: (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited:) Within 1,000 feet of any residence or residential zoning district.
- c. Section 340.6.2.4.4: (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited:) Within 1,000 feet of any residence or residential zoning district.
- d. Section 3804.2: (geographic limits in which the storage of liquified petroleum gas is restricted for the protection of heavily populated or congested areas:) Within 1,000 feet of any residence or residential zoning district.

## **Section 6. Repealer.**

Ordinance No. 7 of Madison Charter Township entitled BOCA Fire Code and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

## **Section 7. Severability.**

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Township Board hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

## **Section 8. Effective Date.**

This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and

effect 30 days from and after the date of its final passage and adoption.