

WHITEWATER TOWNSHIP, GRAND TRAVERSE COUNTY, MICHIGAN

FIRE PREVENTION ORDINANCE

Ordinance No. 57

An Ordinance to incorporate portions of the International Fire Code 2018 Edition by reference pursuant to MCL 41.805, regulate 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 the Township of Whitewater; provide for the issuance of permits; establish the collection of fees for fire and emergency services as contemplated by MCL 41.806a; and to repeal all conflicting ordinances or parts of ordinances.

THE TOWNSHIP OF WHITEWATER, GRAND TRAVERSE COUNTY, MICHIGAN
ORDAINS:

Section 1: Adoption of International Fire Code 2018 Edition: The Township adopts the International Fire Code 2018 Edition, including Appendix Chapters as published by the International Code Council, as the Township Fire Prevention Ordinance for regulating 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 or premises in the Township and providing for the issuance of permits and the collection of fees. All of the regulations, provisions, penalties, conditions and terms of the International Fire Code 2018 Edition, and any future amendments to that Code published by the International Code Council, shall be adopted and made a part of this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this Ordinance. Two (2) copies of the International Fire Code 2018 Edition and any future amendments to that code are on file at the Whitewater Township offices.

Section 2: International Fire Code 2018 Edition Changes: The following sections of the International Fire Code 2018 Edition, or any subsequent edition, adopted pursuant to Section 1, are not applicable and are amended to read as follows:

- A. **Uniform General Reference.** All references in the International Fire Code 2018 Edition to the International Building Code shall be deleted and replaced with the Michigan Stille-Derossett-Hale Single State Construction Code Act, "Michigan Building Code."
- B. **101.1 Title.** These regulations shall be known as the Township Fire Prevention Ordinance of the Township of Whitewater, referred to below as "this code."
- C. **103.1 General.** The division of fire prevention is established within the Fire Department under the direction of the fire chief and Whitewater Township Board. The function of the division of fire prevention shall be the implementation, administration and enforcement of the provisions of this code.

- D. 103.2 *Appointment*. The fire code official shall be the Fire Chief of Whitewater Township Fire Department or his or her designate with approval of the Whitewater Township Board.
- E. 109.4 *Violation Penalties*. Persons who shall violate a provision of this Ordinance 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 fire code official, or of a permit or certificate used under provisions of this Ordinance, shall be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 or by imprisonment for not more than 90 days. Each day the violation is maintained after due notice of a violation shall be considered a new offense and subject to separate fines and costs.
- F. 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 in violation of this Code and subject to the penalties as provided in Section 109.4.
- G. 307 *Open Burning*. This Section has been intentionally deleted in its entirety. Whitewater Township requires all open burns to be done under a permit issued by the Michigan Department of Natural Resources (DNR), and to abide by all required state law and regulation.
- H. 506.1 *Where required*. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. Such lock boxes shall be installed on all structures of Use Group A-1, C-1, N, R-3, R-C, V or any Mixed-Use Group, where the structure is equipped with a fire protection system. Approved lock box containers shall be installed in the location that is designated by the fire code official. The key box shall be of an approved type and shall contain keys to gain access as required from the exterior as well as interior secured rooms. Electric locks that cannot be opened by use of a physical key are prohibited. If an electronic lock can be opened by a physical key during a power outage, the lock may be used. A physical key to an electronic lock must be stored within a Fire Department approved lock box.
- I. 903.4.2 *Alarms*. Approved visual devices shall be connected to every automatic sprinkler system. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building in an approved location. The visual device shall be a white strobe light. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

Section 3: International Fire Code Additional Changes: The limits or restrictions referred to in certain sections of the International Fire Code are hereby established as follows:

- A. 5704.2.9.6.1 *Locations where above-ground tanks are prohibited.* Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited except where authorized by the Whitewater Township Zoning Ordinance.
- B. 5706.2.4.4 *Locations where above-ground tanks are prohibited.* The storage of Class I and II liquids in above-ground tanks is prohibited except where authorized by the Whitewater Township Zoning Ordinance.
- C. 5806.2 *Limitations.* Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited except where authorized by the Whitewater Township Zoning Ordinance.
- D. 6104.2 *Maximum capacity within established limits.* Within the limits established by Zoning Ordinance of the local governmental unit wherein the storage occurs or is proposed restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7570 L). 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 LP-gas containers, degree of fire protection to be provided and capabilities of the local fire department.

Section 4: Deletion and Substitution, Appeal Board: Appendix A regarding the Appeal Board is deleted and the following shall be substituted: The Board of Appeals for this International Fire Code shall be the state authorized Construction Code Board of Appeals for the County of Grand Traverse created under the State Construction Code or its successor.

Section 5: Deletion and Substitution, Electrical Code: Any reference to the International Electrical Code appearing in the International Fire Code is deleted and such references therein shall be substituted with the State of Michigan Electrical Code as part of the Michigan Building Code.

Section 6: Fee Schedule: The Whitewater Township Board shall establish by resolution a fee schedule for the implementation and enforcement of this ordinance and is authorized to amend the fee schedule from time to time.

Section 7: Contract Authority: The Whitewater Township Board is authorized to enter into a contract with another governmental entity or agent, including an authority created by one or more units of government or a municipal corporation created by one or more units of government, to perform some or all of the duties of the fire code official that otherwise would be performed by an employee or agent of the Whitewater Township Fire Department.

Section 8: Duration: This Ordinance shall remain in effect and be in full force until repealed by the Township Board of the Township of Whitewater.

Section 9: Severability: The provisions of this Ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

Section 10: Repeal: All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 11: Effective Date: This Ordinance shall take effect immediately upon publication as required by law following adoption by the Township Board.

Roll Call:

YEAS: BENAK, GOSS, LAWSON, POPP

NAYS: NONE

ABSENT/ABSTAIN: HUBBELL

ORDINANCE DECLARED ADOPTED.



Ardella M. Benak, Treasurer

(in the absence of Ron Popp, Supervisor)

Whitewater Township

CERTIFICATION

I hereby certify that:

1. The above is a true copy of Ordinance No. 57 adopted by the Whitewater Township Board at a duly scheduled and noticed meeting of that Township Board held on August 11, 2020, pursuant to the required statutory procedures.
2. A summary of Ordinance No. 57 was duly published in the Traverse City Record-Eagle, a newspaper that circulates within Whitewater Township, on August 16, 2020.
3. Within 1 week after such publication, I recorded Ordinance No. 57 in a book of Ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the township board voting, and how each member voted.

ATTESTED:

A handwritten signature in blue ink that reads "Cheryl A. Goss". The signature is written in a cursive style and is positioned above a horizontal line.

Cheryl A. Goss, Clerk

Whitewater Township