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2017 FIRE PREVENTION AND PROTECTION CODE

ARTICLE I – FIRE CODE

Section 1: Adoption of the International Fire Code

A certain document which is on file in the office of the clerk of the township, being marked and designated as "International Fire Code, 2015 Edition, published by the International Code Council," shall be and the same is hereby adopted as the Fire Code of the Township, said adoption being for the purpose of regulating conditions and conduct hazardous to life and property relating to fire or explosion within the township, and each and all of the regulations, provisions, rules, penalties, conditions, and terms of said 2015 International Fire Code shall be referred to, adopted and made a part of this article as if fully set forth herein.

State Law Reference – Authority to adopt technical codes by reference, MCL 42.23

Section 2: Permits Required

Permits required by this Code shall be obtained from the Fire Chief, or designee.

Section 3: Penalties

Persons who shall violate a provision of the Fire Code or who shall fail to comply with any of the requirements of this Fire Code shall be responsible for a municipal civil infraction.

Violations of said Code shall result in a civil fine of One Hundred and no/100 Dollars (\$100.00) for the first offense, a civil fine of Two Hundred Fifty and no/100 Dollars (\$250.00) for the second repeat offense, and a civil fine of Four Hundred Fifty and no/100 Dollars (\$450.00) for all subsequent offenses. Fees may be set and amended as set forth in a Schedule of Fees, which shall be adopted by Resolution by the Board of Trustees.

The term, as used in this section, "repeat offense" means any second or subsequent violation of the same ordinance, for which the person is found responsible or admits responsibility, committed by the person within one year of a violation.

Each day the violation continues shall be deemed a separate offense.

Fire response costs incurred by the Charter Township of DeWitt shall be paid to the Charter Township of DeWitt pursuant to the provisions of MCL 41.806a, fees and charges shall be set forth in a Schedule of Fees, which shall be adopted by Resolution by the Board of Trustees.

The Fire Chief, or designee, may also suspend or revoke a burning permit.

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Section 4: Abatement of Violations

In addition to the fine imposed for the municipal civil infraction, the Fire Chief, or designee is authorized to institute appropriate action to abate the violations, prevent illegal occupancy of a structure or premises, and to stop an illegal act on or about any structure or premise.

Section 5: Other Remedies

In addition to any other remedies available by law, the Township may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this Code.

Section 6: Definitions

For purposes of this article, unless the context requires otherwise, the following words are defined as provided below. Other applicable definitions can be found in Chapter 2 of the 2015 International Fire Code.

Bonfire – An outdoor fire which is larger than a 5' x 5' x 3' recreational fire, utilized for warmth, entertainment, and built in the open. **(Permit Required)**

Burning Barrels – Burning Barrels are **NOT** permitted unless on the grandfathered list located at the DeWitt Township Fire Department. The container will be constructed of metal or masonry. The cover shall have an approved spark arrestor with openings not larger than three-fourths (3/4) of an inch. Barrels must be mounted on cement blocks or by some other means sufficient to raise the barrel off the ground approximately 6 inches. **(Permit Required)**

Open Burning – The burning of yard waste with a burn pile no larger than 5' x 5' x 3'. **(Permit Required)**

Permit Authorization – The authorization granted by the Fire Chief, or designee, pursuant to the criteria established in the Code, to be able to allow burning based on weather conditions, and any other basis relative to the health, safety, and welfare of the Township's residents. A permit shall be obtained from the Fire Chief, or designee, prior to open burning. Permits will only expire when the property is sold. Permits can only be obtained by the property owner. Permits are required for open burning, bonfires, and burning barrels.

Recreational Fire – An outdoor fire which has a total fuel area of 3 feet or less in diameter, and 2 feet or less in height for pleasure, cooking, warmth, or similar purposes. **(No Permit Required)**

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Recreational fires are to be contained to limit the spread of fire by using of a fire pit, chimenea, fire ring, stones, etc.

Yard Waste – Leaves, twigs, and branches (excluding stumps) not more than 3 inches in diameter and not more than 4 feet in length, weeds, brush, shrub clippings, and other plant matter (excluding lawn clippings), which do not emit a foul or offensive odor when burned.

Training Burn – Any fire set by the Fire Chief, or designee, for the purpose of training a member of the fire department in techniques of fire control, management or prevention.

Section 7: Open Burning and Bonfires

The Fire Code of the Charter Township of DeWitt shall be and is hereby amended to read:

Open burning is the burning of yard waste. A person shall not kindle or maintain, nor authorize to be kindled or maintained, any open burning or bonfires unless conducted and approved in accordance with this section.

A permit shall be obtained from the Fire Chief, or designee, prior to open burning or bonfires. Application for such approval shall only be issued to the owner of the land on which the burning will occur.

Open burning or bonfires shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous.

Open burning or bonfires of rubbish containing paper products, garbage, solid waste, rubber or other petroleum based products (including tires), building materials, roofing materials, electrical wiring, human or animal feces, animal carcasses, plastics, lawn clippings or any other item that emits a foul or offensive odor, shall be prohibited.

Burning on muck is prohibited.

Open burning and bonfires is prohibited in R-6 Subdivisions, which currently includes the Looking Glass Pines, Looking Glass Pines North, Northway Hills, and Shadybrook Condos. This is due to the significant risk of fire spread and other fire hazards based on the density of housing.

The approved size of a burn pile is 5' x 5' x 3'. All burn piles larger than this shall be inspected by the Fire Chief, or designee, prior to any burning commencing.

Where laws or regulations are enforceable by a department other than the fire department, joint approval shall be obtained from all departments concerned.

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Section 8: Extinguishing Authority

Where open burning or bonfires creates or adds to a hazardous situation, or a required permit for open burning or bonfires has not been obtained, the Fire Chief, or designee, is authorized to order the extinguishment of the fire.

Section 9: Location

The location of open burning shall not be less than 50 feet from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure.

Open burning and bonfires shall be permitted in all areas zoned A (Agricultural), and all residentially zoned districts within the township, except M-1, M-2, M-3, M-4, R-6, and MHP (Mobile Home Park).

The Fire Chief, or designee, may issue a permit for open burning on any public or private property.

Recreational Fires should not be conducted within 10 feet of a structure or combustible material. Conditions which could cause a fire to spread within 10 feet of a structure should be eliminated prior to ignition.

Grandfathered Burning Barrels, as approved by the Fire Department, must be no less than 15 feet from any structure, any property line, and away from low hanging trees.

Bonfires should not be within 50 feet of a structure or combustible material. Conditions which would cause a fire to spread within 50 feet of a structure should be eliminated prior to ignition.

Section 10: Time Restrictions

Agricultural parcels greater than 2 acres may open burn at any time during the calendar year with a permit.

Agricultural parcels less than 2 acres, and residentially zoned districts, unless otherwise prohibited in this article, may open burn from October 1 through April 30.

The Fire Chief may extend the designated time periods for open burning of yard waste for a period not to exceed 30 days.

All open burning, and burning barrels, must be done between the hours of sunrise and sunset, with complete extinguishment by sunset.

Recreational fires are permitted year-round. Recreational and bonfires must be extinguished by 2:00 a.m.

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The Fire Chief, or designee, may issue a permit for open burning on any public or private property overnight.

Training burns may be permitted any time during the calendar year at the discretion of the Fire Chief.

Section 11: Atmospheric Restrictions

The Fire Chief, or designee, may prohibit all recreational fires, burning barrel fires, bonfires, and fireworks when atmospheric conditions or local circumstances make such fires hazardous.

If the wind velocity rises above **10 MPH**, all burning is prohibited.

Section 12: Attendance

Open burning, recreational fires, bonfires, and burning barrel fires shall be constantly attended by at least one individual, at least eighteen (18) years of age, until the fire is extinguished.

Section 13: Burning Barrel Exceptions and Licensed Barrels

Use of a burning barrel is prohibited in all zoning districts within the township. An exception are those burning barrels licensed prior to May 4, 1997; and continuously licensed thereafter, by the same licensee for the same location. A list of the licensees will be maintained by the Fire Department.

Burning barrel permits shall be valid for 2 years after issuance of the renewal. Burning barrels shall be subject to an inspection by the Fire Chief, or designee, prior to issuance of a renewal permit.

Additional requirements are located under the definition of burning barrels.

Section 14: Generated Material

Open burning and burning barrels are limited to the material generated from the premises where such burning is to take place.

Section 15: Open-flame Cooking Devices

Charcoal burners and other open flame cooking devices shall not be operated on combustible balconies or within 10 feet of combustible construction, per the International Fire Code.

Exceptions:

1. One and two-family dwellings
2. Buildings, balconies, and decks that are protected by an automatic sprinkler system.

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3. LP-gas cooking devices that have a LP-gas container with a water capacity not greater than 2 ½ pounds.

Section 16: Residential Incinerators

Residential incinerators are prohibited.

Section 17: Reimbursement

If any violation of this section results in the necessity of a fire run by the Township Fire Department, or any other fire department, the person so violating shall re-pay the Township the cost of said fire run in accordance with the schedule as currently established or as hereafter adopted by resolution of the Township Board from time to time.

ARTICLE II - FIRE LANES

Section 18: Traffic Control

No motor vehicle, motorcycle, or other motorized device designed for conveyance of person and/or property shall be parked in, obstruct access to, or use a posted fire lane within the Township:

- (1) On private property parking areas, if a written request to the township for enforcement of fire lane restrictions has been made by the owner or person in charge of the private property, and the Township Clerk has notified the police and fire departments that the request has been received and placed on file. Notwithstanding notification that a request has been made, enforcement of fire lane restrictions shall occur only when fire lane signs are clearly posted consistent with the requirements of the state manual of uniform traffic control devices.
- (2) In the event of a fire, motor vehicles parked in violation of the article may be ordered immediately removed and placed in storage by the Township Police Department or Township Fire Department, with payment of reasonable charges for the removal and storage to be made by the owner or operator of the vehicle.
- (3) In non-emergency situations, motor vehicles parked in violation of this article may be ordered immediately removed and placed in storage by the Township Police Department or the Township Fire Department, with payment of reasonable charges for the removal and storage to be made by the owner or operator of the vehicle, only if the fire lane is also posted as a "tow away zone."

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