

Chapter 34 FIRE PREVENTION AND PROTECTION*

***Cross references:** Administration, ch. 2; buildings and building regulations, ch. 10; hazardous materials, § 26-56 et seq.; offenses and miscellaneous provisions, ch. 38; offenses affecting governmental functions, § 38-26 et seq.; utilities, ch. 58.

State law references: Establishment of fire departments, MCL 41.806 et seq.; state fire prevention act, MCL 29.1 et seq.; crimes related to fires, MCL 750.240 et seq.

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ARTICLE I. IN GENERAL

Sec. 34-1. Fire hydrants--Obstruction.

No person shall place any obstruction whatever, nor shall any person responsible for such obstruction permit it to remain, within 15 feet of any fire hydrant.

(Ord. No. 156, art. XIV, § 1401, 2-11-91)

Sec. 34-2. Same--Opening.

No person, except members of the fire department or of the water department, shall open or use any fire hydrant without first securing written permission from the water department for such use, and paying or agreeing to pay for the water to be used. In no case shall any wrench or tool be used on any fire hydrant other than a regulation fire department hydrant wrench.

(Ord. No. 156, art. XIV, § 1402, 2-11-91)

Sec. 34-3. Tampering with fire extinguishers.

No person shall, without the authority of the owner, intentionally, willfully, or wantonly break or destroy any auxiliary firefighting appliance, or any firefighting equipment, including fire extinguishers, sprinkler systems, standby systems, and the like.

(Ord. No. 156, art. XIV, § 1403, 2-11-91)

Sec. 34-4. Penalty for violation of article.

Any person who violates this article shall be responsible for a municipal civil infraction and shall be punished by a fine as set forth in the Schedule of Civil Fines [Appendix C] and court costs. Equitable relief may also be awarded as permitted by Michigan law.

(Ord. No. 2000-03, 8-28-00)

Secs. 34-5--34-25. Reserved.

ARTICLE II. FIRE DEPARTMENT

DIVISION 1. RESERVED*

***Editor's note:** Ord. No. 2006-02, adopted Jan. 23, 2006, deleted Divs. 1--4, which consisted of §§ 34-26--34-78 and pertained to the fire department generally, duties of chief, personnel and operations. Said former divisions derived from Ord. No. 156, adopted Feb. 11, 1991.

Secs. 34-26--34-40. Reserved.

DIVISION 2. RESERVED*

***Editor's note:** See editor's note to Div. 1.

Secs. 34-41--34-60. Reserved.

DIVISION 3. RESERVED*

***Editor's note:** See editor's note to Div. 1.

Secs. 34-61--34-75. Reserved.

DIVISION 4. RESERVED*

***Editor's note:** See editor's note to Div. 1.

Secs. 34-76--34-90. Reserved.

DIVISION 5. AUTOMATIC ALARM SYSTEMS

Sec. 34-91. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Automatic fire alarm equipment means any electrical or mechanical device installed in any building in the township that activates a notice or alarm, ultimately providing notice to the township fire department that it should respond to a reported fire at the location of the automatic fire alarm equipment within the township.

False alarm means a fire alarm, pursuant to which the township fire department responds by sending personnel and/or equipment to the location or building of the reported fire, and it is determined that there is no fire or realistic danger of fire at such location.

Responsible party means the occupant or lessee or owner of the building in which the automatic fire alarm equipment is installed within the township, which shall be deemed to be the

last person named as owner of the parcel of property on the township tax rolls as of the date, unless otherwise determined by the township.

(Ord. No. 156, art. XIII, §§ 1301--1303, 2-11-91)

Cross references: Definitions generally, § 1-2.

Sec. 34-92. Installation and maintenance responsibilities.

It shall be the duty of the responsible party to install and maintain all automatic fire alarm systems within or attached to any building owned or occupied by him within the township in such a manner so as to prevent false alarms being activated by such equipment because of malfunction when there is no fire or realistic danger of fire.

(Ord. No. 156, art. XIII, § 1304, 2-11-91)

Sec. 34-93. Reserved.

Editor's note: Ord. No. 2003-04, adopted May 27, 2003, repealed former § 34-93, which pertained to costs and charges, and derived from Ord. No. 156, Art. XIII, § 1305, adopted February 11, 1991.

Sec. 34-94. False report or alarm of fire.

No person shall willfully turn in, sound or cause to be communicated to the fire department a false report or alarm of fire. Any person who violates this section shall be guilty of a misdemeanor and shall be punished by a fine in an amount of not more than \$500.00 or by imprisonment for not more than 90 days or by both such fine and imprisonment.

(Ord. No. 156, art. XIII, § 1306, 2-11-91; Ord. No. 2000-03, 8-28-00)

Secs. 34-95--34-115. Reserved.

ARTICLE III. FIRE PREVENTION CODE

Sec. 34-116. Adoption.

The 2003 Edition of the International Fire Code, published by the International Code Council, and documents adopted by chapter 45, three copies of which are on file and are open to inspection by the public in the office of the clerk of the Georgetown Charter Township, are hereby adopted and incorporated into this article as fully as if set out at length herein, and from the date on which this article shall take effect, the provisions thereof shall be controlling within the limits of the Georgetown Charter Township. The same are hereby adopted as the code of the Georgetown Charter Township for the purpose of prescribing regulations from fire or explosion and providing for issuance of permits and collection of fees.

(Ord. No. 156, § 1, 9-23-96; Ord. No. 2000-05, § 5, 11-3-00; Ord. No. 2002-05, § I, 3-11-02; Ord. No. 2004-02, 11-8-02)

Sec. 34-117. Additions, insertions and changes.

The 2003 Edition of the International Fire Code, published by the International Code Council, and documents adopted by chapter 45, is amended and changed in the following respects:

Section 108.1 Board of appeals established. In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby designated as the board of appeals consisting of the Construction Board of Appeals of Georgetown Charter Township. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the code official.

Section 109.2.1 Service. A notice of violation issued pursuant to this code shall be served upon the owner, operator, occupant, or other person responsible for the condition or violation, either by personal service, first class mail, or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice of violation shall be mailed by certified mail with return receipt requested or a certificate of mailing, to the last known address of the owner, occupant or both.

Section 109.3 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 municipal civil infraction punishable by a fine as set forth in the Schedule of Civil Fines and court cost. Equitable relief may also be awarded as permitted by Michigan law. Each day shall be deemed a separate offense.

Section 109.4 Authority to issue Municipal Civil Infractions. Any issuance of a Municipal Civil Infraction due to the noncompliance of a violation of this code shall be issued by the code official or his designee.

Section 506.1 When required. Where access to or within a structure or an area is restricted because of secured opening or where immediate access is necessary for life-saving or fire-fighting purposes, the code official is authorized to request a key box to be installed in an accessible location. The key box shall be of an approved type and shall contain keys to gain access as required by the code official.

Section 506.1.1 Locks. An approved lock may be installed on gates or similar barriers when requested by the code official.

Add NFPA Codes and Standards in full excluding NFPA 1 Fire Prevention Code. In addition, NFPA 101, which is referenced in the currently adopted NFPA 1, remains effective.

Change any reference to the International Electrical Code to be replaced with the then current electrical code promulgated pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, Act No. 230 of the Public Acts of Michigan of 1972, MCL 125.1501 et seq., as amended, with such modifications and amendments as may hereafter be enacted by the state of Michigan.

(Ord. No. 156, § 3, 9-23-96; Ord. No. 2000-05, § 5, 11-3-2000; Ord. No. 2002-05, § 2, 3-11-02; Ord. No. 2003-01, 4-14-03; Ord. No. 2003-05, § 6, 6-23-03; Ord. No. 2004-02, 11-8-04)

Sec. 34-118. Reserved.

Editor's note: Ordinance No. 2004-02, adopted Nov. 8, 2004, deleted § 34-118 in its entirety. Former § 34-118 pertained to exceptions to the fire prevention code and derived from Ord. No. 156, § 4, adopted Sept. 23, 1996; Ord. No. 2000-05, § 5, adopted Nov. 3, 2000; and Ord. No. 2002-5 § 5, adopted Mar. 11, 2002.

Sec. 34-119. Penalty for violation of article.

Any person who shall violate any provision of this code, or standard hereby adopted, or fail to comply therewith; or who shall violate or fail to comply with any order made thereunder; or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder; or failed to operate in accordance with any certificate or permit issued thereunder; and from which no appeal has been taken; or who shall fail to comply with such an order as affirmed or modified by Georgetown Charter Township or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be responsible for a municipal civil infraction and shall be punished by a fine as set forth in the Schedule of Civil Fines [Appendix C] and court costs. Equitable relief may also be awarded as permitted by Michigan law.

The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified the application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. Each day that prohibited conditions are maintained shall constitute a separate offense.

(Ord. No. 2000-05, § 2, 11-3-2000)

Secs. 34-120--34-140. Reserved.

ARTICLE IV. OPEN BURNING*

***Editor's note:** Ord. No. 2003-08, adopted Dec. 22, 2003, deleted art. IV in its entirety and enacted a new art. IV pertaining to similar subject matter. Former art. IV derived from Ord. No. 147, adopted July 11, 1988, §§ 1--4; an ordinance of June 28, 1993, §§ 1--5; Ord. No. 9803, adopted May 11, 1998; and Ord. No. 2000-03, adopted Aug. 28, 2000.

Sec. 34-141. Restrictions.

In all instances of lawful burning, a responsible adult must be present out-of-doors at the burning site and actively supervise the burning.

The fire chief or designee shall reserve the right to deny burning at any time upon the recommendation of the Michigan Department of Natural Resources, or upon the determination

by the township that a violation has occurred, or upon the determination that the permitted use of burning is detrimental to the public health, safety or welfare.

It shall be unlawful for any person, persons, or entities throughout the township to burn or to permit any burning of matter of any kind which shall create or cause to emanate there from any dust, dirt, smell or foreign substances, or smoke in an amount and of such nature, or both, as to duly disturb, annoy or harm others, thereby destroying their full, quiet, and peaceful occupancy and enjoyment of their homes and premises accessory thereto.

(Ord. No. 2003-08, 12-22-03; Ord. No. 2004-03, 11-8-04)

Sec. 34-142. Brush permit.

It shall be unlawful for any person, persons or entities throughout the township to burn brush without having first obtained a brush permit from the fire chief or his designee. Burning for such purposes is permitted only by permit issued by the township fire chief or his designee, for such purposes in an agriculture or rural residential district as listed on the official Georgetown Township Zoning Map. The permit is valid for the calendar year in which it is issued.

The brush permit allows the burning of large amounts of brush that would not easily be consumed in a recreational fire. The burning of stumps, garbage, trash, leaves, or any fire that creates a nuisance by excessive odor or smoke is not allowed. Prior to burning any brush fire, the fire department must be notified during regular office hours of the date and time of the fire. Burning is not allowed within 50 feet of any structure, under any overhead wires, on asphalt or in ditches.

(Ord. No. 2003-08, 12-22-03)

Sec. 34-143. Recreational burning and open fire cooking.

In all instances of lawful burning, the maximum size of the area which is used for the open fire shall not be larger than three feet in diameter or three by three foot square. All fires shall be contained in a pit or ring, or a commercial container approved for such use and shall be located in a spot that is a safe distance from structures, mobile properties, or other combustibles that may cause damage or harm. It shall be unlawful to burn brush, waste, rubbish, or other such matter.

This section shall not apply to outdoor cooking by any person, persons, for their immediate family and invitees at the residence of such person or persons or at a public park, utilizing charcoal or gas heat contained within a commercially constructed metal grill or cooking surface.

(Ord. No. 2003-08, 12-22-03; Ord. No. 2004-03, 11-8-04)

Sec. 34-144. Garbage.

It shall be unlawful for any person, persons, or entities throughout the township to burn or to permit the burning of any garbage, including all animal and vegetable waste, resulting from the handling, preparation, cooking, or consumption of food, whether in an incinerator or not.

(Ord. No. 2003-08, 12-22-03)

Sec. 34-145. Waste material, paper and refuse.

It shall be unlawful throughout the township to burn waste material, paper and refuse of any kind and nature, whether burned in an incinerator type container or barrel.

(Ord. No. 2003-08, 12-22-03)

Sec. 34-146. Leaves.

It shall be unlawful for any person, persons or entities throughout the township to burn, or to attempt to burn, or to permit the out-of-doors burning of leaves at any time of year.

(Ord. No. 2003-08, 12-22-03)

Sec. 34-147. Payment by owner if fire department called out.

In the event that the fire department is called out on a burning ordinance violation, all expenses incurred shall be paid by the owner or owners of such lands. The township shall have a lien upon such lands, lots or parcels for such expense, and such lien is to be enforced in the manner prescribed in any charter, by the general laws of the state providing for the enforcement of tax liens, or by ordinance duly passed by the governing body of this township.

(Ord. No. 2003-08, 12-22-03)

Sec. 34-148. Burning for purposes of fire department training.

This article shall not apply to any burning initiated by the fire chief or designee for the purpose of fire department training.

Sec. 34-149. Penalty for violation of article.

Any person who violates this article shall be responsible for a civil infraction and shall be punished by a fine as set forth in the Schedule of Civil Fines [Appendix C] and court costs. Equitable relief may also be awarded as permitted by Michigan law. Each day that a violation continues shall be deemed a separate offense.

(Ord. No. 2003-08, 12-22-03)

Secs. 34-150--34-160. Reserved.

ARTICLE V. CHARGES FOR FIRE DEPARTMENT SERVICES*

***Editor's note:** Ord. No. 2003-04, adopted May 27, 2003, enacted provisions intended for use as §§ 34-160--34-167. To preserve the style of the Code, these provisions have been renumbered as §§ 34-161--34-168, as set forth herein, at the editor's discretion.

Sec. 34-161. Purpose of this article.

The purpose of this article is to provide additional provisions to allow the fire department to recover costs incurred in connection with certain assessable emergency services and to provide for the enforcement of this article.

This article provides for charges for certain assessable services, to define responsibility for such charges, and to clarify that any party benefiting from fire department services shall be liable for payment of services rendered, and to allow for billing through the township for other departments or agencies providing assistance within the township.

(Ord. No. 2003-04, 5-27-03)

Sec. 34-162. Responsible parties.

The township shall bill persons, entities, or corporations determined to be responsible for certain assessable services provided by or through the township fire department. Any party benefiting from such services shall be liable for payment of the full charge for such services rendered. When a particular service rendered by or through the fire department directly benefits more than one (1) person or property, the owner of each property so benefited and/or each person so benefited if property protection is not involved, shall each be liable for the payment of the full charge for services. Beneficiaries shall also be responsible jointly and severally for charges billed to the recipient of the service. Parents and/or guardians shall be responsible for payment for assessable services incurred by minors who caused the condition or event leading to the charges.

(Ord. No. 2003-04, 5-27-03)

Sec. 34-163. Assessable costs.

Costs associated with the following actions or services, also referred to as "assessable services" in this article shall be jointly and severally assessed to any and all responsible and benefited parties. Costs incurred by the township include, but are not limited to, materials, equipment, manpower, administration, and assistance within the fire department, from other departments of the township, or outside sources or contractors, injuries or damage to people or property which results from the situation which caused the township to incur assessable costs, and any other factors deemed relevant by the township board.

- (1) Costs incurred to halt, abate, remediate or remedy any spill, containment, or release of any hazardous materials and any liabilities resulting from such (related sections 26-56--26-60).
- (2) Extraordinary costs incurred to extinguish or fight any fire in or at a structure or on a property, including, but not limited to, overhauling equipment, fire extinguishers and foam, any demolition costs if the structure must be demolished to protect the public safety following the fire, and any liabilities resulting from such.
- (3) Costs incurred in connection with a utility line or facility failure or problem and any liabilities resulting from such.

- (4) Costs incurred in connection with any water rescue or recovery attempt and any liabilities resulting from such.
- (5) Costs incurred in connection with any technical rescue unit (i.e. means the equipment and/or specially trained rescue and/or recovery team provided by governmental or private emergency response service to provide emergency service in situations involving the technical rescue and/or recovery situation) and any liabilities resulting from such.
- (6) Costs associated with a motor vehicle accident, extrication of individuals from a vehicle, or motor vehicle fire, including but not limited to, "spill clean-up", foam, fire extinguishers, and any liabilities resulting from such.
- (7) Costs associated with excessive requests for emergency assistance, including but not limited to calls made for a particular location or commercial entity if that location or commercial entity has requested or received emergency assistance of any type more than two (2) times in the preceding twelve (12) months.
- (8) Costs associated with a false alarm in excess of two (2) times in a one (1) calendar year time period.
- (9) Any assessable costs, including litigation expenses, which become known to the township following the transmittal of a statement to the responsible party pursuant to this article, shall be billed in the same manner on a subsequent statement to the responsible party.

(Ord. No. 2003-04, 5-27-03)

Sec. 34-164. Charges for services.

Rates and guidelines for charges and assessable costs shall be set by resolution of the Board of Georgetown Township. All costs assessed pursuant to this article shall become due within thirty (30) calendar days of the date of the statement, unless an appeal is pending.

(Ord. No. 2003-04, 5-27-03)

Sec. 34-165. Interpretations.

The fire chief shall have the right to render formal interpretations of provisions of this article, including what constitutes "extraordinary costs". Any such interpretation shall be binding unless any such interpretation is overturned or modified by a timely appeal to the township board pursuant to section 34-168 hereof or by a court of competent jurisdiction.

(Ord. No. 2003-04, 5-27-03)

Sec. 34-166. Applicability of charges regardless of outcome.

The assessable costs and charges under this article shall be applicable regardless of the results or outcome of services provided by or through the fire department with regard to the particular fire, rescue service, or other emergency involved.

(Ord. No. 2003-04, 5-27-03)

Sec. 34-167. Additional remedies.

The assessable costs and charges specified by this article are intended to reimburse the township for its reasonable costs and expenses incurred, and is not penal in nature. Accordingly, any charges or assessable costs billed or imposed pursuant to this article shall be in addition to any penal fines, fees, or other costs or expenses which may be imposed on the property owner or beneficiary pursuant to any other law or ordinance.

(Ord. No. 2003-04, 5-27-03)

Sec. 34-168. Right to appeal.

Any responsible party who receives a statement of costs assessed pursuant to this article shall have the opportunity to appeal the costs to the township board. The responsible party who wishes to appeal any assessable costs shall file a written appeal with reasons for the appeal with the township treasurer within fourteen (14) calendar days of the date of the statement of the assessed costs. The appeal will stay all payments due until the appeal is decided by the township board. The appeal will be reviewed first by the township services/program committee, which will provide a recommendation to the township board. The appeal will be placed on the agenda of the next regularly scheduled or special township board meeting. The township board will consider the request, along with the recommendation from the committee, and will make a determination regarding the assessable costs in the case appealed. The township board will also determine the date that any or all accessible costs involved in the appeal will become due.

(Ord. No. 2003-04, 5-27-03)