

## 190.100 - THE BASIC FIRE PREVENTION CODE Ord. No. 88-03 Adopted: May 16, 1988

[THE TOWNSHIP BOARD OF THE TOWNSHIP OF ATLAS, GENESEE COUNTY, MICHIGAN ORDAINS:]

*Footnotes:**--- (1) ---*

**Cross reference**— *Fire prevention, pt. 191; open burning, pt. 192; fireworks, pt. 193; alarm systems, pt. 194; emergency response expenses, pt. 195.*

## 190.101 - Definitions.

Sec. 101. Unless content otherwise required:

*Building*—Includes tanks, reservoirs or other receptacles for storage.

*Fire Hazard*—Any building, or parts and accessories thereof, premises, place or material of any kind which, by reason of its nature, location, occupancy, condition or use may cause loss, damage, or injury to persons or property by reason of fire, explosion, or action of the elements.

*Inspector*—The chief of the fire department or any member of the fire department designated by the chief to make inspections under this chapter.

*Owner*—The executor, administrator, trustee or board of trustees.

*Fire Marshal*—Ex officio, the Fire Marshal. The Fire Marshal and any of the officers or members of the Fire Department shall have the authority to enforce the provisions of the Ordinance.

## 190.102 - Enforcement.

Sec. 102. The Fire Marshal and Fire Inspector or members of the Fire Department shall enforce all applicable township and state fire prevention laws, regulations, codes and ordinances covering fires, the storage and use of flammables and explosives, the installation and maintenance of fire alarm systems, the maintenance and regulation of fire exits and all other matters and conditions affecting the prevention of fires, the preservation of property and the safety of persons within the Township of Atlas.

## 190.103 - Adoption of Fire Prevention Code.

Sec. 103. Pursuant to the provisions of Section 3 of Act 279 P.A. 1909, as amended, the BOCA Basic Fire Prevention Code/1990 and the Michigan Fire Prevention Code, Act 207, P.A. of 1941 as amended, are hereby adopted by reference; provided, however, that in case any provision of said Codes shall differ from any requirement of the City Code, the provision imposing the highest standards of safety shall be followed and enforced; and, provided, further, that "Chief of the Fire Department" or "Chief of the Bureau of Fire

Prevention" or the "Bureau of Fire Prevention" as used in said Code shall mean the Fire Chief or the Fire Marshal or office of the Fire Marshal, as the case may be. Complete printed copies of the BOCA Basic Fire Prevention Code for 1990, and Michigan Fire Prevention Code, herein adopted are available for public use and inspection at the Office of the Township Clerk.

(Amended: Ord. of 8-27-90)

190.104 - Adoption of fire control measures and regulations governing conditions which could impede or interfere with fire suppression forces.

Sec. 104.

1. *Adoption of fire control measures and regulations.* There is hereby adopted by the Township of Atlas the fire control measures and regulations as herein set forth for the purposes of controlling conditions which could impede or interfere with fire suppression forces.
2. *Authority at fires and other emergencies.* The fire official or his duly authorized representatives, as may be in charge at the scene of a fire or other emergency involving the protection of life and/or property, is empowered to direct such operations, as may be necessary to extinguish or control any suspected or reported fires, gas leaks, or other hazardous conditions or situations or of taking any other action necessary in the reasonable performance of their duty. The fire official may prohibit any person, vehicle or object from approaching the scene and may remove or cause to be removed from the scene any person, vehicle or object from hazardous areas. All persons ordered to leave a hazardous area shall do so immediately and shall not re-enter the area until authorized to do so by the fire official.
3. *Interference with fire department operations.* It shall be unlawful to interfere with, attempt to interfere with, conspire to interfere with, obstruct or restrict the mobility of, or block the path of travel of any fire department emergency vehicle in any way, or to interfere with, attempt to interfere, conspire to interfere with, obstruct or hamper any fire department operation.
4. *Compliance with others.* A person shall not willfully fail or refuse to comply with any lawful order or direction of the fire official or to interfere with the compliance attempts of another individual.
5. *Vehicles crossing fire hose.* A vehicle shall not be driven or propelled over any unprotected fire hose of the fire department when laid down on any street, alley-way, private drive or any other vehicular roadway without the consent of the fire official in command of said operations.
6. *Definition of authorized emergency vehicle.* Authorized emergency vehicles shall be restricted to those which are defined and authorized under the laws of the State of Michigan.
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*Operation of vehicles on approach of authorized emergency vehicles.* Upon the approach of any authorized emergency vehicle, giving audible and visual signal, the operator of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right-hand edge or curb of the street or roadway, clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle or vehicles shall have passed, unless otherwise directed by the fire official or a police officer.

8. *Vehicles following fire apparatus.* It shall be unlawful for the operator of any vehicle, other than one on official business, to follow closer than 500 feet from any fire apparatus traveling in response to a fire alarm, or to drive any vehicle within the block or immediate area where fire apparatus has stopped in answer to a fire alarm.
9. *Unlawful boarding or tampering with fire department emergency equipment.* A person shall not, without proper authorization from the fire official in charge of said fire department emergency equipment, cling to, attach himself to, climb upon or into, board, or swing upon any fire department emergency vehicle, whether the same is in motion or at rest, or sound the siren, horn, bell or other sound producing device thereon, or attempt to manipulate or tamper with any levers, valves, switches, starting devices, brakes, pumps, or any equipment or protective clothing on, or a part of, any fire department emergency vehicle.
10. *Damage injury; fire department equipment, personnel.* It shall be unlawful for any person to damage or deface, or attempt, or conspire to damage or deface any fire department emergency vehicle at any time, or to injure, or attempt to injure or conspire to injure fire department personnel while performing departmental duties.
11. *Emergency vehicle operation.* The driver of any emergency vehicle, as defined in Subsection 15 of this ordinance, shall not sound the siren thereon or have the front red lights on or disobey any existing traffic regulation, except when said vehicle is responding to an emergency call or when responding to, but not upon returning from a fire. Tactical strategies such as, but not restricted to, "move ups" do not constitute an emergency call. The driver of an emergency vehicle may:
  - a. Park or stand irrespective of the provision of existing traffic regulations;
  - b. Proceed past a red or stop signal or other sign, but only after slowing down as may be necessary for safe operation;
  - c. Exceed the prima facie speed limit so long as he does not endanger life or property;
  - d. Disregard regulations governing direction of movement or turning in specified directions;
  - e. The exemptions herein granted to an emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one

lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle.

12. *Blocking fire hydrants and fire equipment connections.* It shall be unlawful to obscure from view, damage, deface, obstruct or restrict the access of fire suppression systems, including fire hydrants and fire department connections that are located on public or private streets and access lanes, or on private property.
13. *Hydrant use approval.* A person shall not use or operate any fire hydrant intended for use of the fire department for fire suppression purposes having jurisdiction. This section shall not apply to the use of such hydrants by a person employed by, and authorized to make such use by, the water company having jurisdiction.
14. *Yard systems.* All new and existing oil storage plants, lumber yards, and education or institutional complexes and similar occupancies and uses involving high fire or life hazards and which are located more than 150 feet from a public street or which require quantities of water beyond the capabilities of the public water distribution system shall be provided with properly placed fire hydrants. Such fire hydrants shall be capable of supplying fire flows as required by the fire official and shall be connected to a water system in accordance with accepted engineering practices. The fire official shall designate and approve the number and location of fire hydrants. The fire official may require the installation of sufficient fire hose and equipment housed in accordance with the approved rules and may require the establishment of trained fire brigade when the hazard involved requires such measures. Private hydrants shall not be placed into or removed from service until approved by the fire official.
15. *Maintenance of fire suppression equipment.* A person shall not obstruct, remove, tamper with or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provisions of the Fire Prevention code except for the purpose of extinguishing fire, training or testing purposes, recharging, or making necessary repairs, or when permitted by the fire official. Whenever a fire appliance is removed as herein permitted, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished. Defective and nonapproved fire appliances or equipment shall be replaced or repaired as directed by the fire official.
16. *Street obstructions.* A person or persons shall not erect, construct, place, or maintain any bumps, fences, gates, chains, bars, pipes, wood ornamental horses or any other type of obstruction in or on any street within the boundaries of the municipality. The word "street" as used in this Ordinance, including, but not limited to, private street or access lanes, as well as public streets and highways within the boundaries of the municipalities.

## Sec. 105.

- a. The inspector shall cause periodic inspections to be made of all buildings or properties within the Township of Atlas, other than interiors of private dwellings, and upon a written and signed complaint of any person or whenever the Inspector shall deem it necessary, shall inspect or cause to be inspected all buildings and properties, including the interior of private dwellings, for the purpose of ascertaining the existence of conditions liable to cause fire, or any violation of the provisions or intent of this Code affecting fire hazards, and for the purpose of causing such conditions to be corrected.
- b. Whenever any inspector shall find in any building or upon any premises combustible or explosive matter or dangerous accumulations of rubbish or any inflammable materials, and which is so situated as to endanger life or property; or shall find obstructions to or on fire escapes, stairs, passageways, doors or windows, likely to interfere with the operation of the fire department or egress of occupant in case of fire, he shall order the same to be removed or remedied.
- c. Whenever any inspector shall find any building or other structure which, for want of repairs, lack of sufficient fire escapes, automatic or other fire alarm apparatus, or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any cause, is likely to cause fire and which is so situated as to endanger other property or buildings or the occupants thereof and whenever such inspector shall find in any buildings combustible or explosive matter or inflammable conditions dangerous to the safety of such buildings or the occupants thereof he shall order such dangerous conditions or materials to be removed or remedied.

## 190.106 - Service of orders.

Sec. 106. The service of such order to remove or remedy dangerous conditions may be made upon the owner or occupant of the premises to whom it is directed, either by delivering such order to the owner or occupant of the premises to whom it is directed, either by delivering such order to the owner or occupant personally or by delivering such order and leaving it with any person of suitable age and discretion in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance to such premises.

## 190.107 - Building; razing, repairing.

Sec. 107. Whenever any inspector shall find a building or structure or any part of such building or structure which, by reason of age or dilapidated condition, or from any cause is especially likely to fire or which by reason of any structural defects is dangerous to persons or property, the chief of the fire department shall order such buildings or structures destroyed or repaired in accordance with the building

code of the Township.

190.108 - Compliance with orders, time.

Sec. 108. Any inspector upon giving an order for the removal or abatement of any hazardous conditions shall order the same to be removed or remedied in a stated time, not less than 24 hours nor longer than ten days unless an extension of time is granted by the chief of the fire department. Whenever any orders are issued for the destruction or repair of any building or structure or any part thereof, the chief of the fire department, shall in such order, specify the number of days in which compliance shall be made, except that the chief of the fire department may, at his discretion, grant further time for compliance with such order if, due to unusual circumstances, he deems such extension of time necessary and not a violation of the spirit of this Ordinance.

190.109 - Reserved.

190.110 - Decorations, regulations.

Sec. 110. The use of crepe paper or other combustible or flammable decorations in any tavern, auditorium, church, dance hall or place of public assembly, unless such decorations are of a standard flameproof variety, is prohibited; provided, however, the chief of the fire department may, at his discretion, permit such decorations which, are as arranged or placed, or are made of such material as to eliminate the usual hazards from fire. The use of any flammable decorative materials in contact with electric light bulbs is prohibited.

190.111 - Welding and cutting.

Sec. 111. No person shall engage in welding or cutting within 25 feet of any combustible materials unless suitable protective covers are placed upon combustible materials, and where fire hazards exist fire extinguishers shall be provided and maintained in an accessible location.

190.112 - Smoldering or burning substances.

Sec. 112. No person shall place or cause to be placed any ashes, clingers, smoldering coal or embers or similar residue from any heating appliance in any container other than metal or non-flammable containers, nor shall such ashes be piled against any combustible wall or partition or on any combustible floor; provided, however, that dead ashes may be placed in paper cartons or boxes when placed out of doors at the rear of the premises to await the pickup of such ashes and other debris. When such ashes are placed out of doors in containers as herein specified, such containers must be placed at least three feet away from any wooden wall, fence, building or combustible material.

#### 190.113 - Undue hardship; modification of provisions.

Sec. 113. The chief of the fire department shall have power to modify temporarily any of the provisions of this Ordinance upon the request of the owner or the occupant or the duly authorized agent of any premises when there are practical difficulties in the way of carrying out the strict letter of this Ordinance, provided that the spirit of this ordinance shall 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 shall be entered upon the inspection records of the department.

#### 190.114 - Fire alarm systems; fire equipment; interference prohibited.

Sec. 114. It shall be unlawful for any person to tamper, meddle or in any way interfere with any station or signal box or anything pertaining to the fire alarm system or any auxiliary appliance or willfully to break, injure, deface or remove, or to make any connection or communication with the poles, wires, boxes or other parts or fixtures of the fire alarm system so as to interrupt or to interfere with the proper working of the same or to mutilate or destroy any notices that may be legally posted relating to the same. It shall be unlawful for any person to damage, injure, molest, remove or otherwise interfere with any fire fighting apparatus or equipment of the Township.

#### 190.115 - Fireplugs; taking water prohibited, exception.

Sec. 115. No person shall open or cause to be opened any fire plug without first procuring a permit therefore from the Township Supervisor or the person designated by him for the issuing of said permit. No person shall use any wrench or tool in opening any hydrant other than a regulation fire department wrench.

#### 190.116 - Fire department; permit; inspection, damages.

Sec. 116. Upon the issuance of any permit, it shall be the duty of the Township Supervisor or the person designated by him for the issuing of said permits to furnish the chief of the fire department a copy thereof. The chief of the fire department shall when the use of such hydrant has been discontinued, cause said hydrant to be inspected and if any damage has been done to such hydrant, the chief of the fire department shall make a report thereof to the Township Supervisor, whose duty it shall be to recover the amount of such damage from the permittee.

#### 190.117 - Conflicting ordinances.

Sec. 117. All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

#### 190.118 - Penalty.

Sec. 118. Any person violating any of the provisions of this Ordinance shall, upon conviction, be subject to a fine of not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500.00), or to imprisonment for not more than 90 days, or both.

190.119 - Effective date.

[Sec. 119.] This Ordinance shall become effective upon adoption and publication.