

ORDINANCE NO. 169

**ORDINANCE AMENDING THE VILLAGE OF PINCKNEY CODE OF
ORDINANCES BY AMENDING TITLE IX, GENERAL REGULATIONS,
CHAPTER 91, FIRE PREVENTION; FIREWORKS**

The Village of Pinckney ordains:

Section 1. The Code of Ordinances of the Village of Pinckney, Title IX, General Regulations, Chapter 91, is amended to read as follows:

Chapter 91: Fire Prevention; International Fire Code; Fireworks

91.01: Purpose.

An Ordinance enacted under Act 33 of Public Acts of 1951, as amended, and Chapter X of the Village Charter, being the General Law Village Act. Act 3 of 1895, as amended, (MCL 70.1 – 70.11), for the purpose of providing fire inspection services, to provide for the powers and duties of fire authorities, to provide regulations for the safe guarding of life and property from fire and explosion hazards and conditions hazardous to life, property, and occupancy of buildings and premises in the geographical area serviced by the Putnam Township Fire Department within the Village of Pinckney and to provide for the issuance of permits for hazardous uses and operations, the enforcement thereof and to prescribe penalties and remedies thereto:

91.02: Title

The Ordinance shall be known and cited as the Village of Pinckney International Fire Code Ordinance.

91.03: Adoption

That a certain document, three (3) copies of each which are on file in the offices of the Village of Pinckney, being marked and designated as the International Fire Code 2018 Edition, including Appendix Chapter A, B, C, D, E, F, and G, as published by the International Code Council, is hereby adopted as the Fire Code for the Village of Pinckney for regulating and governing the safeguarding of life and property from fire and explosion hazards and from conditions hazardous to life, property, and occupancy of buildings and premises in the Village of Pinckney and providing for the issuance of permits for hazardous uses or operations; and each and all of the regulations, provisions, conditions and terms of such International Fire Code, 2018 edition, published by International Code Council, on file

in the offices of the Village of Pinckney are hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance.

91.04: Revisions and Additions

That the following sections of the International Fire Code, 2018 Edition, and hereby revised and/or added:

Section 101.1: These regulations shall be known as the Village of Pinckney International Fire Code Ordinance.

Section 102.7 Referenced Codes and Standards: The codes and standards referenced in the International Fire Code 2018 Edition as amended, shall be those that are listed in Chapter 80 of the International Fire Code and such codes and standards shall be considered part of the requirements of this Ordinance to the prescribed extent of each such reference and as further regulated.

Section 102.7.1: The Putnam Township Fire Department additionally adopts the 2018 Edition of the National Fire Protection Association (NFPA) 1 and the 2018 Edition of NFPA 101. Where differences occur between the provisions of this Ordinance and the adopted standards, the provisions which contain the higher standard for the promotion of the safety, welfare and protections of the public shall apply.

Section 103.1 General: The Putnam Township Fire Department shall be responsible for fire prevention, inspection activities and code enforcement of buildings and occupancies as related to the risk of fire or explosion within Putnam Township Fire Department jurisdiction. The Department of Fire Prevention is established within the jurisdiction under the direction of the fire code official. The function of the department shall be the implementation, administration, and enforcement of the provisions of this Ordinance.

Section 104.11.4 Unlawful boarding or tampering with Fire Department Emergency Equipment: A person shall not, without proper authorization from the fire official in charge of Fire Department emergency equipment, cling to, attach to, climb upon or into, board or wing upon any Fire Department emergency vehicle, whether the same is in motion or at rest, operate any emergency warning equipment, or 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.

Section 104.11.5 Damage/Injury to Fire Department Equipment/Personnel: It shall be unlawful for any person to damage or deface, or attempt or conspire to damage or

deface, Fire Department emergency vehicle or equipment at any time; or to injure, or attempt or conspire to injure, Fire Department Personnel while performing departmental duties.

Section 105.1 General: The code official is authorized to issue permits in accordance with Section 105 of the International Fire Code. Where reference is made to this Section for permits and there are no provisions for issuing said permits by the Department of Fire Prevention, the code official is authorized to waive the particular permit requirement

Section 105.6.13 Permit Fees: Permit fees shall be set by the Village of Pinckney in its discretion for the issuance of permits authorized under this Ordinance. The Township shall issue from time to time, revised updates of a fee schedule which shall be incorporated by hereto as the particular fees are adopted by the Village.

Section 105.6.13.1 Exhibits, Crafts and Trade Shows: An operational permit is required to operate exhibits, crafts, and trade shows. A fifty (\$50.00) dollar permit fee shall be required for each exhibit, craft, trade show, or any other item that requires a permit for operation.

Section 105.6.20 Hazardous Materials: An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed in Table 105.6.20 of the International Fire Code. An operational permit, once issued, shall remain valid until revoked or until the occupancy for which the permit was issued shall change ownership. Upon any change of ownership, a new operational permit for the occupancy shall be required to store, transport on site, dispense, use of handle hazardous material in excess of the amounts listed in Table 105.6.20 of the International Fire Code. Notwithstanding the fact that no additional permit needs to be issued, nor any further fee charged, for a change in the operation or manner of storage, transportation, dispensing, use of handling of the permitted hazardous substances, nor for any change in the type of hazardous substance being so used, any such change from the conditions of the original permit shall create a duty on the permit holder to advise the fire marshal or his designee for such changes forthwith. Failure to comply with this notification mandate may be cause for revocation of an operational permit where the circumstances surrounding such permit have been changed without notice to the Fire Marshal.

Exception: Nothing in this subsection shall apply to a farm or farm operations as defined in Section 202 of this Code and Michigan Compiled Laws Section 286.472, that being the Michigan Right to Farm Act, Act 93 of Public Acts of 1981, as amended.

Section 105.6.20.1 Required Amounts for Reporting: Reportable quantities shall be considered the maximum amount of hazardous materials on site at any given time. This

amount is required to be reported to the Fire Department as indicated in Table 105.6.20. of the International Fire Code.

Section 105.6.20.2 Permit Fees: The following fees shall be applied to the maximum quantities of each form of hazardous materials:

<u>Quantity & Form</u>	<u>Fee</u>
0-1,000lbs; 0-100 cu. Ft; 0-330 Gal.	\$100.00
1, 001-20,000lbs, 101-6,000 cu. Ft; 331-990 gal.	\$250.00
20,000+ lbs.; 6,001+ cu. Ft.; 991+ gal.	\$500.00

Section 105.7.1.1 Installations – Fire Suppression Systems: Before any fire suppression system or component is installed, enlarged, extended, or modified, a permit shall be obtained from the code official. This shall include any device or relay connected to or controlled by the fire suppression system. A qualified installer who is properly licensed and/or certified to perform such work as determined by the code official must perform all work. Construction documents shall be reviewed by the code official prior to the issuance of the permit. Upon issuance of the permit, the permit must be posted at the job site in plain view.

Section 105.7.1.2 Permit Fees: Permit fees cover initial plan review and two inspections.

Sprinkler Systems:

Riser(s) & Sprinkler Heads:	Fee:
1–20 heads	\$80.00
21-50 heads	\$90.00
51-100 heads	\$100.00
101-200 heads	\$120.00
201-300 heads	\$140.00
301-400 heads	\$160.00
401-500 heads	\$180.00
501-1000 heads	\$200.00
Greater than 1001 heads	\$000.50 / head

Standpipes: \$45.00 per standpipe.

Fire Pump: \$50.00

Dry or wet chemical fire suppression systems: \$90.00 per system. Each additional system in the same building reviewed at the same time is \$45.00. Alterations, additions, or modifications to each existing system are \$35.00.

Total flooding agent extinguishing systems: \$90.00 plus appropriate detection system fee.

Plans Review: The code might require an outside third party. This review will be charged at the current fire safety consultants or plan reviewer's rates. These fees shall be paid prior to issuance of the permit.

Section 105.7.7.1 Installations – Fire Alarm Systems: Before any fire alarm or detection system or component is installed, enlarged, extended, or modified, a permit shall be obtained from the code official. This shall include auxiliary devices such as magnetic locks, electronic locks or any device or relay connected to or controlled by the fire alarm or detection system. A qualified installer who is properly licensed and/or certified to perform such work as determined by the code official must perform all work. Construction documents shall be reviewed by the code official prior to the issuance of the permit. Upon issuance of the permit, the permit must be posted at the job site in plain view.

Section 105.7.7.2 Permit Fees: Permit fees cover initial plan review and two inspections.

Devices	Fee
Control Panel	\$20.00
First initiating or auxiliary control devices (smoke detector, heat detector, control switch, etc.)	\$10.00
Each additional initiating or aux. control device	\$0.50 / device
First audio/visual indicating or communications Device (horn, strobe, bell, etc.)	\$10.00
Each additional audio/visual indicating or Communications device	\$0.50 / device

Plan Reviews: If review by a third-party is required, the review will be charged at the current fire safety consultants or plan reviewer's rate. These fees shall be paid prior to issuance of the permit.

Section 105.7.26 Permit Issuance: A permit granted hereunder shall not be transferrable nor shall any such permit be extended beyond the time set forth therein unless approved by the fire official. When work is started without a permit, the permit fee shall be doubled.

Section 106.6 Additional Fees: The following fees may be charged for a re-inspection and shall apply to each inspector performing the re-inspection. These fees shall be paid in full prior to the re-inspection being performed.

1. \$30.00 per re-inspection during normal working hours.
2. \$75.00 per re-inspection during non-working hours.

Section 106.7 Cancellation Fee: Handling cost of permits cancelled after being issued is 35% of the permit fee or \$10.00, whichever is greater.

Section 109.4 Board of Appeals Members: The Board of Appeals shall consist of the following:

1. The Board of Appeals shall consist of the following:
 - a. Two (2) certified Fire Inspectors from outside the jurisdiction of the Putnam Township Fire Department.
 - b. One (1) certified engineer or architect
 - c. One (1) member of the Putnam Township Board
 - d. One (1) member of the Pinckney Village Council
2. No member of the appeals board can have a conflict of interest with the issue being addressed.

Section 110.5 Prohibited Parking; Exception, Bus-Loading Zone; Violation as Civil Infraction:

1. A vehicle shall not be parked, except if necessary to avoid conflict with other traffic or in compliance with the law or the directions of a Police Officer, Fire Official/Personnel or Traffic-Control Device, in any of the following places:
 - a. Within fifteen (15) feet of a fire hydrant.
 - b. Within twenty (20) feet of the driveway entrance to a fire station and within seventy-five (75) feet of a fire station entrance on opposite side of street if properly marked by an official sign.
 - c. Alongside or opposite a street excavation or obstruction, if the stopping, standing, or parking would obstruct traffic.
 - d. Within five hundred (500) feet of an accident at which Police Officer, Fire Official/Personnel is in attendance.

- e. In a place or in a manner that blocks immediate egress from an emergency exit conspicuously marked as an emergency exit of a building.
- f. In a place or in a manner that blocks or hampers the immediate egress from a fire escape conspicuously marked as a fire escape providing an emergency means of egress from a building.
- g. Within five hundred (500) feet of a fire at which fire apparatus is in attendance. However, volunteer fire fighters responding to the fire may park within five hundred (500) feet of the fire in a manner not to interfere with the fire apparatus at the scene. A vehicle parked legally, previous to the fire, is exempt from this subdivision.
- h. In a place or in a manner that blocks access to a space clearly designated as a fire lane.
- i. A person shall not move a vehicle not owned by the person into a prohibited area or away from a curb a distance that makes the parking unlawful.

Section 110.5.1 Fee Schedule: For any violation of the parking requirements listed in Section 110.5 of this Ordinance, the fine for such an offense shall be twenty-five (\$25.00) dollars per violation if paid within ten (10) days of the violation and, if not paid within ten (10) days of said violation, shall be increased to fifty (\$50.00) dollars per violation.

Section 110.5.2 Towing and Storage Costs: In addition to the above violation penalties, a person who violates this Section shall be responsible for all vehicle towing and storage costs incurred if the Fire Chief and/or his/her designees determines that the vehicle parked in violation of Section 110.5 must be towed to ensure public safety and/or Fire Department access to a building or emergency scene.

Section 114.1 False Alarms; Inspections; Orders to Correct:

1. A fire, sprinkler, or water alarm system experiencing more than two false alarms within a thirty-day (30) period or four (4) false alarms within a calendar year is deemed defective. Upon written notice to the owner or lessee of the alarm system by the Fire Chief and/or his/her designee, the owner or lessee shall have the system inspected by an alarm system contractor who shall, within fifteen days, file a written report to the Fire Chief and/or his/her designee of the results of his/her inspection, the probable cause of the false alarm and his/her recommendation for eliminating false alarms.
2. Upon receipt of the report, the Fire Chief and/or his/her designee shall forward the same to the owner or lessee, ordering corrections, based upon recommendations contained in the report.

3. The owner of lessee shall have three working days from the receipt of the order to make such corrections. Thereafter, to defray the cost of responding to false alarms, the owner or lessee of an alarms system shall pay to the Village the amount of the response as per the cost recovery fees for each false alarm received and responded to by the Fire Department during the calendar year in which the order to correct the system was issued. The amount due to the Village shall be paid upon demand by the Fire Department or the Village and if not so paid, the Village shall have the right to any and all other remedies provided by law for the collection of all charges.

Section 114.2 Misrepresented False Alarms: It shall be unlawful for any person to summon, in any way, the Fire Department unless a valid reason for their response is present. The Fire Chief and/or his/her designee shall have the authority to issue fines, as per the Emergency Response Cost Recovery Ordinance, to any person causing a false alarm. If the person causing a false alarm is a minor the fines shall be the responsibility of the minor's legal supervisor.

Section 202 General Definitions: The following definitions shall be in addition to the definitions noted in the International Fire Code 2018 Edition.

"Code Official": The Fire Chief, Fire Marshal, Fire Inspector, Code Enforcement Officer, the Village Police Chief or other designated authority charged by the applicable governing body with the duties of administration and enforcement of this Ordinance, or duly authorized representative. The term "Fire Official" may be used interchangeably with "Code Official" in this Ordinance.

"False Alarm": Means the activation of an alarm of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner or lessee of an alarm system or his/her employee or agents. "False Alarm" does not include the alarm caused by severe weather or other violent conditions beyond the control of the owner or lessee of an alarm system or his/her employee or agent.

"Farm": Means the land, plants, animals, building, structures, including ponds used for agricultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products. MCL 286.472(a).

"Farm Operations": Means the operations and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products. MCL 286.472(b).

"Fire Watch": A temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one or more qualified individuals for the

purposes of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the Fire Department by method(s) approved or recommended by the Code Official.

“Misrepresented False Alarm”: The willful and knowing initiation or transmission of a signal, message, or other notification of fire or the emergency when no danger exists.

“Water Capacity”: The amount of water, in either pounds or gallons at 60 deg. F (15.6 deg. C) required to fill a container full of water.

Section 307.1.2 Local Burning Ordinances Preserved: Nothing in this Ordinance shall be construed as prohibiting the Village of Pinckney from regulating matters of open burning by duly adopted local ordinance, whether or not such ordinance predates the adoption of this Ordinance. In the event of a conflict between this Ordinance and an open burning ordinance in force and adopted by the Village, the open burning ordinance shall be deemed to supersede this Ordinance and control, for so long as it remains in force. However, notwithstanding any open burning ordinance, the Fire Chief, Fire Marshal, or Fire Code Official shall retain the authorization to ban all open burning if conditions warrant.

Section 307.6 Fire Department Training: Open burning is allowed for the purpose of training fire fighters in firefighting practice, or for the purpose of training the public, including workers or employees, or for the purpose of demonstration by the Fire Official or other trained Fire Personnel, when such burning is done in accordance with accepted practice.

Section 308.3.1.1 Open Flame: A person shall not utilize or allow to be utilized, an open flame in connection with any public meeting or gathering for purpose of deliberation, entertainment, amusement, instruction, education, recreation, awaiting transportation or similar purpose in assembly or educational occupancies without first obtaining approval from the code official.

Section 312.2.1 Maintenance of Guard Posts: It shall be the property owner's responsibility to provide and maintain guard post protection.

Section 505.1 Address Numbers: New and existing buildings shall have approved numbers, building numbers, or building identification placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabet letters. Numbers shall be a minimum of 6 inches high with a minimum stroke of 0.5 inches.

Section 506.1.1 Locks and Key Switches: An approved lock or key switch shall be installed on gates or similar barriers when required by the code official. Any business that is issued a land use permit that does not currently have a compliant lock box is required to supply one in compliance with the International Fire Code.

Section 507.3 Fire Flow: Fire flow requirements for buildings or portions of buildings and facilities shall be determined in accordance with Appendix B of the International Fire Code. An appropriate pressure and flow margin of safety shall be provided with each fire sprinkler system as required by the code official.

Section 507.5 Fire Hydrants Systems: Fire Hydrant systems shall comply with Section 507.1 through 507.56 and Appendix C of the International Fire Code and shall be in accordance with Village of Pinckney standards and policies.

Section 507.4.1 Removal of Obstructions: If upon the expiration of the time mentioned in a notice of violation, obstructions, or encroachments to fire hydrant, or to other fire protection equipment, are not removed, the code official shall proceed to remove or have removed the same. The expense incurred shall be a debt to the local governing body from the responsible person and shall be collected as authorized by law.

Section 507.6 Residential and Commercial Development Water Supply:

The code official has the authority to require that an approved means of water supply for fire suppression efforts be provided in the following instances:

1. All residential developments that require site plan review/approval by the Village.
2. All commercial developments.
3. Creation of a new roadway which could provide access to ten or more residential lots.
4. On a parcel, on an existing roadway, that is divided into ten or more residential lots.

Section 608.8 Exhaust Fans: Exhaust fans for commercial cooking hoods shall be installed so that the fans are operational at all times when cooking is occurring. This may be accomplished by a temperature-monitoring device installed in, on, or near the hood to activate the exhaust fan(s) at a pre-determined temperature, or as otherwise approved by the code official.

Section 901.6.3 Records: Records of all system inspections, tests, and maintenance required by this Ordinance shall be maintained on the subject premises for a minimum

of 1 year and made available to the code official upon request. The service company or individual performing such work shall also send a copy to the code official.

Section 901.6.4 Anti-Freeze Fire Sprinkler Systems: Fire sprinkler systems designed and installed to protect areas prone to freezing shall be drained and tested annually, then refilled and maintained to ensure the solution is operable to -40 degrees F or as otherwise approved by the code official.

Section 903.5.1 Required Pressure Margin: Due to unforeseeable and changing conditions within the water supply, the code official is authorized to require a pressure margin of up to 20 lbs. over the minimum design criteria for installed automatic fire sprinkler systems. Where this margin cannot be achieved, approved means shall be taken to provide the margin.

Section 904.3.6 Monitoring: A supervising station in accordance with NFPA 72 as approved by the code official shall monitor automatic fire extinguishing systems. Where a building fire alarm is installed, automatic fire-extinguishing systems shall be a monitored by the building fire alarm systems in accordance with NFPA 72 and shall automatically annunciate their location at the building's fire alarm control panel and activate the building's appropriate fire protective signaling sequence.

Section 904.4.2. Signs: Where fire alarm systems are not monitored by a supervising station, an approved permanent sign shall be posted that reads: ***THE ALARM DOES NOT NOTIFY THE FIRE DEPARTMENT – TO REPORT A FIRE DIAL 911***. Such sign shall be installed adjacent to each manual fire alarm box.

Exception: Where the manufacturer has permanently provided this information on the manual fire alarm box and has received approval by the code official.

Section 907.6.3.1.1 Annunciation: Where fire suppression systems exist in multi-tenant occupancies, i.e., strip malls, separate annunciation shall be required for each separately addressed tenant space unless otherwise approved by the code official.

Section 909.16.1 Smoke Control Systems: Fans within the building shall be shown on the firefighter's control panel. A clear indication of the direction of airflow and the relationship of components shall be displayed. A means of confirming equipment function such as an atmospheric pressure switch, air velocity switch, or electrical current differential device, shall be installed to indicate the status of fans, dampers, or other associated equipment during alarm activation or smoke control operations. Status indicators shall be provided for all smoke control equipment, annunciated by fans and zone and by pilot-lamp-type indicators as follows:

1. Fans, dampers, and other operating equipment in their normal status – WHITE.
2. Fans, dampers, and other operating equipment in their off or closed status – RED.
3. Fans, dampers, and other operating equipment in their on or open status – GREEN.
4. Fans, dampers, and other operating equipment in a fault status – YELLOW/AMBER.

Section 912.2 Location: With respect to hydrants, driveways, buildings and landscaping, Fire Department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus. The location of Fire Department connections shall be within 100 feet of a hydrant and shall be approved by the code official.

Section 918 Fire Protection Systems Precautions.

Section 918.1 General: Precautions shall be taken in all rooms and areas containing fire sprinkler equipment such as piping, valve(s), and fire pump(s), to prevent freezing of said equipment during times of extremely cold temperatures.

Section 1201.1 Scope: Dry cleaning plants and their operations shall comply with the requirements of this chapter, NFPA 32, and the Michigan Fire Prevention Code 1941 PA 207, as amended, or its equivalent.

Section 2101.1 Scope: Automotive service stations, marine service stations, fleet vehicle service stations and repair garages shall be in accordance with this Chapter, the International Fuel Gas Code, International Mechanical Code, and the Michigan Storage and Handling of Flammable and Combustible Liquids Rules, as amended, or their equivalent. Such operations shall include both public accessible and private operations.

91.05. General Fire Service Charges.

This section is adopted for the purpose of governing costs and services provided by the Village of Pinckney for the provision of Fire and Emergency services through charging for benefits received for the Fire Protection Service.

- A. *Changes by Resolution.* The Village of Pinckney hereby authorizes the collection of charges for specific fire services. The fire services to be covered and the actual amount of the charges shall be established by resolution of the Village of Pinckney Village Council from time to time. These charges shall be due and payable to the Village of Pinckney for the services so stated. For services such as, but not limited to: fire inspection services, false alarms, grass fires, rubbish fires, automobile fires, house fires, fires in commercial establishments, fires in an industrial or manufacturing establishment, hotel and motel fires, aircraft fires, truck fires, forest fires, emergency rescue services, standby rescue or fire

services for special events, resuscitator services, and other services as may be specifically enumerated in the resolution. Categories of costs may also be established for services based upon geographic location and resident status of the benefiting party.

- B. *Due Date of Payment:* The charges shall be due and payable within thirty (30) calendar days from the date the services are rendered.
- C. *Exemptions:* The following properties and services shall be exempt from charges:
 - (1) Fire services performed outside the jurisdiction of the Village of Pinckney involving buildings and properties of a Township, City, or Fire Department which is part of a mutual aid contract.
- D. *Collection of Charges:* The Village of Pinckney may proceed in a court appropriate jurisdiction to collect any monies remaining unpaid for services provided as a mature debt of the Village of Pinckney and shall have any and all other remedies provided by law for the collection of all charges.
- E. *Non-exclusive Charge:* The charges established by resolution of the Village of Pinckney shall not be the exclusive source of revenue available for the Village of Pinckney to meet the expenses of maintaining and operating services contemplated herein. These charges may be supplemented by other sources permitted by State Law, including, but not limited to: general taxation following approval by a vote of the electorate, a special assessment established under the applicable Michigan statutes or an appropriation of the general funds of the Village of Pinckney.
- F. *Multiple Property Protection:* When particular services rendered by the Putnam Township Fire Department directly benefits more than one (1) person or more than one (1) property, each person so benefited and the owner of each property receiving benefit shall be liable for the payment of the full charge for such service. The interpretation and application of this section is hereby delegated to the Putnam Township Fire Department's Fire Chief, subject to appeal to the Village of Pinckney Village Council. This section shall be administered so that charges shall be assigned and collected only from the recipients of the service of their agent.
- G. *Collection Agent and Reservation of Funds:* The Village of Pinckney shall function as the collection agent for all fees established under this section or any adopted Ordinances or fee schedule thereof. The Village of Pinckney shall be responsible for all procedures and activities concerning billing collection, record keeping, and inquires.

91.06. Surety Bond

A Surety Bond may be required by the Village of Pinckney Village Council to insure the complete construction of structures and/or the development of area as proposed and approved in conjunction with this Ordinance.

91.07 Nuisance

Buildings erected, altered, moved, raised, or converted or any use of land or premises carried on in violation of any provision of this Ordinance, the laws of the State of Michigan, and the International Fire Code are declared to be nuisances per se.

91.08. CONTROL OF OPENING BURNING.

A. Title. This section shall be referred to as the Opening Burning Ordinance and shall apply to all property within the Village of Pinckney.

B. Definitions. For the purpose of this section, the following definitions shall apply unless the context indicates or requires a different meaning.

OPENING BURNING. A fire from which the products of combustion are emitted directly into the open air without passing through a stack or chimney, including the burning of a bonfire, rubbish fire, yard waste (including leaves, brush, tree trimmings and grass) or other fire in an outdoor location where fuel being burned is not contained in an incinerator, outdoor fireplace, barbecue grill or barbecue pit.

RECREATIONAL FIRE. The burning of materials other than rubbish, garbage, waste paper, leaves, brush, grass or debris from construction or demolition, where fuel being burned is not contained in an incinerator, outdoor fireplace or barbecue grill and the total fuel area is of three feet (914 mm) or less in diameter and two feet (610 mm) or less in height and is within a fireproof ring or pit and provided the fire is used for pleasure, religious, ceremonial, cooking or similar purposes.

C. *Prohibited burning.*

(1) It shall be a violation of this section for any person to burn or permit the burning within the village of any garbage, food containers, rubbish or other waste material, including by way of description, but not by way of limitation, any leaves, brush, tree trimmings and grass, magazines, boxes, paper, straw, saw dust, paper packing materials, wood shavings, wood chips or any other wood products; except as may be permitted under divisions (4) and (5) below.

(2) No person shall conduct a salvage operation by open burning.

D. *Permit.* Open burning may be done under permits as follows:

- (1) *Open burning may be conducted upon obtaining a written permit from the Police Chief or his or her designee for occasional special events, such as high school rallies, block parties, yule logs and religious gatherings and for the burning of yard waste when burned at a location and under the conditions authorized under this section.*
- (2) *A request is made to the Police Chief or his or her designee for the open burning permit by the party that will be responsible for meeting all conditions and requirements of the permit.*
- (3) *No permit shall be issued unless the issuing officer is satisfied that:*
 - (a) There is no practical available alternative method for disposal of the material to be burned; and
 - (b) No hazardous condition will be operated by the burning.
- (4) *Any permit issued may be limited by the imposition of conditions to:*
 - (a) Prevent or limit the creation of smoke; and/or
 - (b) Protect property and the health, safety and comfort of persons from the effects of open burning.
- (5) *No permit shall be issued for:*
 - (a) The open burning of building demolition or excess construction materials;
 - (b) The open burning of refuse from a multiple dwelling;
 - (c) The open burning of refuse at commercial or industrial sites;
 - (d) The open burning of yard waste, such as leaves, brush, tree trimmings and grass, within 300 feet of a residential dwelling; and
 - (e) Open burning at the same property address more often than once per week.
- (6) *Any permit issued under this section may be revoked or canceled by the Police Chief or his or her designee.*

E. *Exceptions to section.* Provided there is compliance with the provisions of the Uniform Fire Code, as duly adopted by the county, this section shall not apply to:

- (1) The preparation of food in conventional charcoal, wood or gas grills specifically designed for that purpose;
- (2) The use of approved gaseous or liquid fired salamanders commonly employed in conjunction with building and construction operations when used in accordance with accepted safety standards;
- (3) Roofers, tanners, plumbers or other mechanics pursuing a business requiring the use of fire, or for the purpose of boiling tar, pitch or oil used in the course of an appropriate business or trade and while being used in a safe and sanitary manner;
- (4) Fires set for Fire Department training purposes or similar Fire Department activities; and
- (5) **RECREATIONAL FIRES**, as defined in division (2) above.

- F. *Evidence of violation.* It shall be prima facie evidence that a person who owns or controls property on which open burning occurs has caused or permitted the open burning.

91.09 OUTDOOR FREE-STANDING FURNACES.

- A. *Purpose.* The purpose of this section is to establish and impose restrictions upon the construction and operation of outdoor furnaces within the limits of the village to secure and promote the public health, safety and welfare of the village and its inhabitants. Outdoor furnaces can create noxious and hazardous smoke, soot, fumes, odors, air pollution, particles and other products of combustion, particularly when restricted airflow and low operating temperatures are present. These products can be detrimental to citizen's health and can deprive neighboring residents of the enjoyment of their property. These regulations are intended to eliminate noxious and hazardous conditions caused by outdoor furnaces.
- B. *Definitions.* **FREE-STANDING FUEL-BURNING FURNACE** is any device or structure that:
- (1) Is designed, intended or used to provide heat and/or hot water to any residence, or other structure;
 - (2) Operates by the burning of wood or other fuel;
 - (3) Is not located within a residential or other structure for which it provides heat, unless the structure is designed solely to house the furnace; and
 - (4) Excluded from the definition of a FREE-STANDING FUEL-BURNING FURNACE is any device which is not designed or used to heat a structure other than the structure in which it is located.
- C. *Regulations.* It shall be unlawful to install or operate a free-standing fuel-burning furnace, within the village.
- D. Existing free-standing fuel-burning furnace. This section shall not apply to any freestanding fuel-burning furnace that was installed, connected and operating as of the effective date of this section. However, this section shall not be deemed as specific authorization for the use of any pre-existing free-standing fuel-burning furnace and shall not be deemed to bar, limit or otherwise affect the rights of any person to take private legal action regarding damage to a nuisance caused by the use of a free-standing fuel-burning furnace. If a pre-existing free-standing fuel-burning furnace is converted, moved to a new location within the same property or is adapted to service additional structures, it will be construed to be a newly installed furnace and this section shall apply in its entirety. Any free-

standing fuel-burning furnace installed or operated in violation of this section is hereby declared to be a nuisance per se.

91.10 FIREWORKS.

A. *Preamble.* The Michigan Fireworks Safety Act, Act No. 256 of the Public Acts of Michigan of 2011, effective January 1, 2012, legalized the sale of consumer fireworks in Michigan, and delegated to local communities limited control over the use and discharge of the fireworks. The village recognizes that fireworks endanger property, can cause physical injury, and disrupt the peace and quality of neighborhoods and commercial districts. The village endeavors to reconcile the rights that this Act confers upon sellers and consumers, with the rights of the citizens, and families to reside in a safe, harmonious community. The following divisions are adopted to repeal existing fireworks ordinances that conflicted with the Act, and to impose conditions on the time, place and manner of use, discharge and ignition of fireworks deemed to be within the purview of local regulation, and within the interest of the public, health, safety and welfare.

B. *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CONSUMER FIREWORKS. That term as defined in Michigan Fireworks Safety Act.

DISPLAY FIREWORKS. That term as defined in Michigan Fireworks Safety Act.

FIREWORK or FIREWORKS. That term as defined in Michigan Fireworks Safety Act.

LOW IMPACT FIREWORKS. That term as defined in Michigan Fireworks Safety Act.

MICHIGAN FIREWORKS SAFETY ACT or the **ACT.** Public Act 256 of 2012, being M.C.L.A. §§ 28.451 et seq., as it may be amended from time to time.

RETAILER. That term as defined in Michigan Fireworks Safety Act.

WHOLESALE. That term as defined in Michigan Fireworks Safety Act.

C. *Use of consumer fireworks; prohibition; holidays.*

1. No person shall ignite, discharge or use consumer fireworks in the village; except this prohibition shall not preclude any person from igniting, discharging or using consumer fireworks within the village on the day proceeding, the day of, or the day after a national holiday, consistent with the Michigan Fireworks Safety Act.
2. Use of consumer fireworks, as defined in the Michigan Fireworks Safety Act, in the village is limited to the day before, the day of, and the day after a holiday, as defined in 5 U.S.C. § 6103, and is expressly contingent on the following:

- (a) No person under the age of 18 years shall use, possess, explode or cause to explode any fireworks, as defined herein, within the village.
- (b) No individual shall use, ignite, or discharge consumer fireworks or low-impact fireworks while under the influence of alcohol, a controlled substance and/or a synthetic marijuana or other illegal substance. **ALCOHOLIC LIQUOR** means that term as defined in Section 1d of the Michigan Vehicle Code, Act No. 300 of the Public Acts of Michigan of 1949, M.C.L.A. § 257.1d, or any subsequent provision amending or replacing that provision. **CONTROLLED SUBSTANCE** means that term as defined in Section 8b of the Michigan Vehicle Code, Act No. 300 of the Public Acts of Michigan of 1949, M.C.L.A. § 257.1d, or any subsequent provision amending or replacing that definition. **SYNTHETIC MARIJUANA OR OTHER ILLEGAL SUBSTANCES** are as determined under the Public Act 180-183 of 2012, and the Public Health Code, Act No. 368 of the Public Acts of Michigan of 1978, M.C.L.A. § 333.2451. A violation of this provision shall be a misdemeanor and shall result in the seizure, removal and storage of the fireworks, at the expense of the responsible person.
- (c) A person shall not ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of another person without that organization's or person's express permission.
- (d) A person shall not ignite, discharge, or use consumer fireworks between the hours of 1:00 a.m. and 8:00 a.m.
- (e) Fireworks, including consumer fireworks, shall not be ignited within 20 feet of an open flame, a burner, gasoline, ignited gas or electric grill, or any combustible or flammable item or compound, or in any enclosed structure, garage, tent, or shed, or under any canopy or overhanging cover of any nature.
- (f) Any use of fireworks that disrupts the peace of the public, which may include deposits of litter or debris caused by fireworks is prohibited, notwithstanding anything to the contrary in the Michigan Fireworks Safety Act.
- (g) No person shall, either individually or in concert with another person, cause damage to any private or public property by the use, discharge or ignition of any fireworks. Any violation of this provision is subject to any penalty imposed under the Michigan Fireworks Safety Act, except that damage to public property under control of the village or damage to any private property not protected in the

Michigan Fireworks Safety Act is a misdemeanor, if a higher offense is not available under state law.

- (h) No consumer fireworks may be ignited, launched, or discharged within 30 feet of any house, structure, building, vehicle, or landscaping. Landscaping may include, without limitation, any tree, bush, flowers, vegetable garden, or gazebo.
 - (i) No person shall at any time discharge or ignite any low impact fireworks within 15 feet of another person's property, without the owner's permission. Any violation is a municipal civil infraction.
- D. *Compliance with applicable ordinances and codes.* Unless otherwise expressly provided in this chapter, a retailer or wholesaler of fireworks located within the village must comply with the requirements of the village's zoning ordinance, as well as all building codes and regulations, in addition to the requirements of the Michigan Fireworks Safety Act, and any applicable federal laws and regulations.
- E. *Display fireworks permits.* Upon application in writing to the village by any individual, association or group of individuals for the public display of fireworks, the Village Council may grant permission for such display, subject to such conditions as the Police Chief and the Fire Chief may impose to properly safeguard the public, both as to persons and property; and subject to the provisions of the Michigan Fireworks Safety Act. Applicants shall furnish proof of financial responsibility by a bond or insurance in an amount, character, and form deemed necessary by the village to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the person, firm, or corporation or an agent or employee of the person, firm, or corporation, and to protect the public. The application form for permits under this section shall be provided the State of Michigan, and applicants shall pay the application fee to the village in an amount determined by Council resolution.
- F. *Seizure and removal of fireworks.* Any fireworks that are possessed, sold, distributed or displayed in violation of the Michigan Fireworks Safety Act or the code of zoning ordinances of the village are subject to seizure and removal by the police department or fire department, at the expense of the responsible person, in addition to other penalties as provided in this section or by other ordinance.
- G. *Imminent danger or threat.* Notwithstanding the Act, any use, discharge or ignition of fireworks that is presenting an imminent danger or threat to the public health, safety or welfare, as deemed by a police officer or the fire marshal, or his or her designee, shall be prohibited, and the fireworks may be immediately seized.

H. *Seizure and cost recovery.*

- (1) All fireworks used, discharged and ignited and possessed in violation of the Act and this section are subject to seizure. Any costs incurred by the village to seize and store the fireworks shall be paid by the responsible person.
- (2) Any costs the village incurs to respond and remediate any damage to private or public property or injury to another person shall be paid by any person responsible for the damage or injury. The village may pursue any legal remedies to collect such costs.

I. *Violations, fines, and penalties.*

- (1) *Civil infraction.* Persons who violate a provision of this code section or fail to comply with any of the requirements thereof, shall be guilty of a municipal civil infraction and subject to the civil fines set forth in the schedule of civil fines in § 10.99(C), and shall be subject to any other relief that may be imposed by a court for such conduct, which shall also be considered a nuisance per se. Each act of violation and each day upon which such violation occurs shall constitute a separate violation.
- (2) *Determination of violation; seizure.* If a police safety officer determines that a violation of this code section has occurred, the officer may seize the fireworks as evidence of the violation.
- (3) *Disposal.* Following final disposition of a finding of responsibility for violating this code section, the village may dispose of or destroy any fireworks retained as evidence in that prosecution.
- (4) *Costs.* In addition to any other penalty, a person that is found responsible for a violation of this code section shall be required to reimburse the village for the costs of storing, disposing of, or destroying fireworks that were confiscated for a violation of this code section.

91.10. Enforcement

The provisions of this Ordinance shall be enforced by the Putnam Township Fire Department or the Village Police Department and any employees and officials as the Village Council may delegate to enforce the provisions of this Ordinance.

- A. *Violation:* Any and all buildings or land use activities considered possible violations of the provisions of this Ordinance shall be reported to the Fire Marshal or Fire Chief of the Putnam Township Fire Department.
- B. *Authority.* The Fire Chief and/or his/her designees, who shall be the Deputy Fire Chief, Assistant Fire Chief, Fire Marshal, Fire Inspectors, Fire Captains, the

Village Police Department and anyone designated by the Village shall be authorized to issue tickets for violations of this Ordinance.

- C. *Inspection of Violation:* The Fire Marshal and/or Fire Chief or his/her designee shall inspect each alleged violation and shall issue a ticket or order of correction in writing to the violator. The order of correction shall require compliance of all conditions found to be in violation of this Ordinance, and/or the laws of the State of Michigan, and/or the International Fire Code, within 30 days or sooner if any emergency violation shall occur. A copy of the Order shall be filed with the Fire Chief. The person who initiates the complaint may be sent a notice of any determination made by the Fire Marshal and/or Fire Chief and his/her designee within a period of 30 days.
- D. *Correction Period:* All violations under an order of correction shall be corrected within a period of thirty (30) days or sooner if an emergency situation exists after the Order is issued by the Fire Marshal, Fire Chief, or his/her designee, or such period of time to be determined by the Fire Marshal and/or Fire Chief. A violation not corrected within the period required shall be reported to the Village of Pinckney Village Council and prosecution proceedings and/or civil remedies and relief or other enforcement action shall be pursued within the same time period that is necessary to correct the particular situation.
- E. *Remedies:* The Village of Pinckney Village Council may institute an injunction, mandamus, abatement, or other appropriate proceedings to prevent, enjoin, abate or remove any unlawful erection, alteration, maintenance or use in violation of this Ordinance. The rights and remedies herein provided are civil in nature and in addition to criminal remedies.
- F. *Scope of Remedies:* The rights and remedies provided in the Ordinance are cumulative and are in addition to all of the remedies provided by law. All fines collected shall belong to Village of Pinckney and be deposited to its general fund.

91.11. Penalties

Any person who shall violate any of the provisions of this Ordinance shall be guilty of a municipal civil infraction, punishable by a fine of not less than \$100 per day plus any costs, damages, expenses, and other sanctions, as authorized by the Revised Judication Act MCL 600.101, *et. seq.*, as amended, and other applicable laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Payment for any violation fines shall be paid to Village of Pinckney. Repeat offenses shall be subject to increased fines.

91.12. Notice

That the Putnam Township Fire Chief and Village Clerk are hereby ordered and directed to cause a notice to be published that this Ordinance has been adopted and that three copies

of the same are available to the public for inspection during regular business hours at Village of Pinckney office located at 220 S. Howell St., Pinckney, Michigan 48169.

Said notice shall also contain the introductory paragraph of this Ordinance which shall serve as its stated purposes.

Section 2. Repealer Clause. Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. Savings Clause. This ordinance shall in no manner affect pending litigation, either civil or criminal, founded or growing out of any ordinance, resolution, order or parts thereof, hereby repealed, and this ordinance shall in no manner affect any rights, claims, privileges, immunities or causes of action of the Village, County or other person, either criminal or civil, that may have already occurred, accrued or grown out of any ordinance, resolution, order or policy, or any part thereof, hereby repealed. This Ordinance shall in no manner affect pending litigation, either civil or criminal, founded or growing out of any Ordinance, Resolution, Order or parts thereof, hereby repealed.

Section 4. Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such a holding shall not be construed as affecting the validity of the remaining portions of the Ordinance.

Section 5. Effective Date. This Ordinance shall be effective twenty (20) days after its passage, or from and after its publication, whichever is later.


Linda E. Lavey, Village President


Jill Chapman, Village Clerk

Village Council Member Kinczkowski offered the foregoing Ordinance and moved its adoption. The motion was seconded by Village Council Member Spencer, and upon being put to a vote, the vote was as follows:

Linda E. Lavey, President	<u>y</u>
Justin Bierman, Trustee	<u>y</u>
Jeffrey Buerman, Trustee	<u>y</u>
Ted Kinczkowski, Trustee	<u>y</u>
Brian Matson, Trustee	<u>Abs.</u>
Jeffrey Spencer, Trustee	<u>y</u>

The President thereupon declared this Ordinance approved and adopted by the Village Council of the Village of Pinckney this 13th day of February, 2023.

I hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 169 adopted by the Village Council of the Village of Pinckney, County of Livingston, Michigan, at a regular meeting held on Feb. 13, 2023.



Jill Chapman, Village Clerk