

Draft  
2-16-18

GAINES CHARTER TOWNSHIP KENT  
COUNTY, MICHIGAN

ORDINANCE NO. \_\_\_\_\_ of 2018

**AN ORDINANCE TO AMEND CHAPTER 20 FIRE PREVENTION AND  
PROTECTION, ARTICLE IV, FIRE CODE OF THE GAINES CHARTER  
TOWNSHIP GENERAL ORDINANCES**

At a regular meeting of the Township Board for the Charter Township of Gaines, held at the Township Offices on April 11, 2018, beginning at 7:00 p.m., the following amendments to the Code of Ordinances for Gaines Charter Township were offered for adoption by Township Board Member \_\_\_\_\_, which motion was seconded by Township Board Member \_\_\_\_\_:

**THE CHARTER TOWNSHIP OF GAINES ORDAINS:**

**Article I.** Article IV, Fire Code of Chapter 20, Fire Prevention and Protection, of the Code Ordinances of Gaines Charter Township is amended in its entirety to read as follows:

**CHAPTER 20 FIRE PREVENTION AND PROTECTION – FIRE CODE**

**Section 1. Adoption of Fire Code Standards.**

The International Fire Code, 2015 Edition, copies of which are on file in the administrative offices of Gaines Charter Township, the Dutton Fire Department and the Cutlerville Fire Department and being identified as the International Fire Code, 2015 Edition, including Appendices B,C,D,E,F,G,H, I, J,K,L, and M, as published by the International Code Council, is hereby adopted as the Fire Code of the Gaines Charter Township in the State of Michigan regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, materials, and devices and from conditions hazardous to life and property in the occupancies of buildings and premises as herein provided; and each and all of the regulations, provisions, conditions, and terms of the Fire Code are hereby referred to, adopted and made part hereof, as if fully set out in this article, with the additions, insertions, deletions, and changes, if any, prescribed in Section 2 of this article.

**Section 2. Amendments to Standards.**

The following sections and subsections of the International Fire Code, 2015 Edition are hereby

amended, or deleted, and additional sections, subsections and items are added as indicated. Subsequent section numbers used in this section shall refer to the like numbered sections of the International Fire Code, 2015 edition.

- A. Section 101.1 Title.** These regulations shall be known as the Gaines Charter Township “ Fire Prevention and Protection – Fire Code”, hereinafter referred to as “this code”.
- B. Section 104.11.4 Unlawful boarding or tampering with fire department emergency equipment.** Without proper authorization from the fire chief or officer of the fire department in charge of the emergency equipment, no person shall cling to, attach to, climb upon or into, board, or swing upon any fire department vehicle, operate any emergency warning equipment, or any equipment or protective clothing on, or part of, any fire department vehicle.
- C. Section 105 Permits: *Deleted in its entirety***
- D. Section 109.4 Violation Penalties:** Any person, firm, corporation, trust, partnership, agent thereof, or other legal entity that violates or refuses to comply with any provisions of this code, or erects, installs, alters, repairs or does work in violation of the approved construction documents or directives of the fire code official, or of a permit or certificate used under the provisions of this code shall be guilty of a misdemeanor, punishable by a fine of not more than \$500 or imprisonment not exceeding 90 days in jail, or both; or the fire code official is authorized to request legal counsel of the jurisdiction to institute the appropriate legal proceedings at law or in equity to restrain, correct or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or discretion made pursuant hereto. Each day that the violation continues after due notice has been served shall be deemed a separate offense.
- E. Section 109.4.1 Abatement of violation.** In addition to the imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises. The Kent County Sheriff’s Department shall be requested by the fire code official to make arrests for an offense of this code or orders of the fire code official affecting the immediate safety of the public
- F. Section 111.4 Failure to comply:** Any person, firm, corporation, trust, partnership, agent thereof, or other legal entity who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition shall be guilty of a misdemeanor and be issued a criminal misdemeanor ticket, punishable by a fine of not more that \$500 or imprisonment not exceeding 90 days, or both. Each day that the violation continues after due notice has been served shall be deemed a separate offense.
- G. Section 113 Fees: *Deleted in its entirety***
- H. Section 307. Open Burning, Recreational Fires, and portable Outdoor Fireplaces:**

***Deleted in its entirety. (Ref. Article VI Burning of Chapter 20)***

**I.** The geographic limits referred to in certain sections of the International Fire Code, 2015 Edition are hereby established as follows:

- 1. Section 5704.2.9.6.1. Location Where Above-Ground Tanks Are Prohibited.** Storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited in Gaines Township unless approved by the Fire Code Official and such storage complies with all other applicable laws. The provisions of this Code shall not be deemed to nullify any other ordinance of Gaines Township or other regulations pertaining to the storage of Class I and Class II liquids in above-ground tanks outside of buildings. Where Code provisions for the storage of Class I and Class II liquids in above-ground tanks outside of buildings are in conflict, the most rigid requirements shall apply.
- 2. Section 5706.2.4.4. Locations Where Above-Ground Tanks Are Prohibited.** Storage of Class I and Class II liquids in above-ground tanks is prohibited in Gaines Township, unless approved by the Fire Code Official and such storage complies with all other applicable laws. The provisions of this Code shall not be deemed to nullify any other ordinance of Gaines Township or other regulations pertaining to the storage of Class I and Class II liquids in above-ground tanks. Where Code provision for the storage of Class I and Class II liquids in above-ground tanks are in conflict, the most rigid requirements shall apply.
- 3. Section 5806.2 Limitations.** Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited in Gaines Township, unless approved by the Fire Code Official and such storage complies with all other applicable laws. The provisions of this Code shall not be deemed to nullify any other ordinance of Gaines Township or other regulations pertaining to the storage of flammable cryogenic fluids in stationary containers outside of buildings. Where Code provisions for the storage of flammable cryogenic fluids in stationary containers outside of buildings are in conflict, the most rigid requirements shall apply.
- 4. Section 6104.2. Maximum Capacity Within Established Limits.** Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7570L).  
**Exception:** In particular installations, this capacity limit shall be determined by the Fire Code Official, after consideration of special features such as topographical conditions, nature of occupancy, and proximity to buildings, capacity of proposed LP-gas containers, degree of fire protection to be provided and capabilities of the local fire department. The provisions of this Code shall not be deemed to nullify any other ordinance pertaining to the storage of liquefied petroleum gas.

**J.** Appendix B- Amend the following sections:

Section B103 Decreases:

**B103.3 Areas without water supply systems.** Upon the official determination of the Fire

Code official that transportable firefighting water supply capabilities are not able of adequately satisfying fire-flow requirements in one or more areas of the Township not served by a municipal water system, the Fire official may require alternative water supplies and sources for new residential subdivisions of land. For information regarding water supplies for fire-fighting purposes in rural and suburban areas in which direct access to a municipal water system does not exist, the fire code official may refer to NFPA 1142 or the International Wildland Urban Interface Code.

**K. Appendix D** - Amend the following sections:

D103.2 **Grade.** Fire apparatus access roads shall not exceed 6 percent in grade.

**Exception:** Grades in excess of 6 percent may be approved by the Fire official.

D103.3 **Turning Radius.** The minimum turning radius shall be no less than 28 feet.

D107.1 **One- or two- family dwelling residential developments:** For developments of one- or two-family dwellings, where the number of dwelling units exceeds 30, the development shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of section D104.3

**Exception:** Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with section 903.3.1.1, 903.3.1.2, 903.3.1.3 of the International Fire Code, access from two directions shall not be required.

**Section 3. Additional Powers.**

Notwithstanding any other provision of the fire code, the fire code official may, but is not required to, inspect all structures and premises for which building permits have been issued, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, contribution to the spread of fire, interfere with firefighting operations, endanger life or any violation of provisions of the fire code, this article, or any other ordinance affecting fire safety.

**Section 4. Repealed.**

In addition to the amendment of Chapter 20, Article IV, titled Fire Prevention and Protection – Fire Code, of the Code Ordinances of Gaines Charter Township, Ordinance No. 8-06 of 2008 of Gaines Charter Township, being an ordinance to adopt the *2006 International Fire Code throughout Gaines Charter Township and to Provide for the Administration and Enforcement Thereof* and which was subsequently made part of Chapter 20, Titled Fire Prevention and Protection, is hereby repealed.

**Section 5. Severability.** Each portion of this article shall be deemed to be severable. Should any provision of this article be declared by a court of competent jurisdiction to be unconstitutional, invalid, or unenforceable, such holding shall not affect the validity or enforceability of this article as a whole, or of any other part hereof.

**Section 6.** That the Gaines Charter Township Clerk is hereby ordered and directed to cause this publication to be published and to specify that it is to be in a newspaper in general circulation.

**Section 7.** This ordinance shall take effect and be in full force and effect upon the publication in a newspaper of general circulation in the Township.

The foregoing Ordinance was offered by Board Member \_\_\_\_\_ and supported by Board Member \_\_\_\_\_

**YEAS:** Board members \_\_\_\_\_

**NAYS:** Board members \_\_\_\_\_

**ABSTAIN:** Board members \_\_\_\_\_

**ABSENT:** Board members \_\_\_\_\_

RESOLUTION DECLARED ADOPTED

\_\_\_\_\_  
Angela Burnside, Township Clerk

I HEREBY CERTIFY that the foregoing is a true and complete copy of a resolution adopted by the Township Board of Gaines Charter Township, County of Kent, Michigan, at a regular meeting held on \_\_\_\_\_, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Dated: \_\_\_\_\_

Angela Burnside, Township Clerk