

BATH CHARTER TOWNSHIP  
CLINTON COUNTY, MICHIGAN  
ORDINANCE NO. \_\_\_\_\_

PREAMBLE

AN ORDINANCE TO ADOPT THE 2009 EDITION OF THE INTERNATIONAL FIRE CODE, 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 OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES IN THE CHARTER TOWNSHIP OF BATH; TO AMEND CERTAIN PROVISIONS THEREOF CONCERNING PERMITS; TO ESTABLISH PENALTIES FOR THE VIOLATION OF THE ORDINANCE; TO ADD DEFINITIONS; TO PROVIDE GENERAL PROVISIONS AND REGULATIONS FOR OPEN BURNING; TO PROHIBIT INDOOR INCINERATORS; TO ADOPT A SAVINGS PROVISION; TO REPEAL ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND TO PROVIDE AN EFFECTIVE DATE HEREOF.

The Charter Township of Bath, Clinton County, Michigan, ordains:

**SECTION I. ADOPTION OF THE INTERNATIONAL FIRE CODE.**

A certain document, three (3) copies of which are on file in the office of the Clerk of the Charter Township of Bath, being marked and designated as the "International Fire Code 2009 Edition published by the International Code Council," shall be and the same is hereby adopted as the Fire Code of the Charter Township of Bath, Clinton County, Michigan, said adoption being for the purpose of regulating conditions and conduct hazardous to life and property relating to fire or explosion within the Township, and each and all of the 2009 regulations, provisions, rules, penalties, conditions, and terms of said 2009 International Fire Code shall be referred to, adopted and made a part of this Ordinance as if fully set forth herein.

**SECTION II. AMENDMENT TO SECTION 105.1.1, "PERMITS REQUIRED."**

Section 105.1.1 (Permits Required) of the Fire Code of the Charter Township of Bath shall be and is hereby amended to read:

**105.1.1 Permits Required.** Permits required by this Code shall be obtained from the Fire Code Official. Permit and inspection fees, in an amount which shall be established from time to time by Resolution of the Charter Township of Bath Board of Trustees, shall be paid prior to issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the Fire Code Official.

### **SECTION III. AMENDMENTS TO SECTION 109, "VIOLATIONS."**

Sections 109.3 (Violation Penalties), and 109.3.1 (Abatement of Violation) of the Fire Code of the Charter Township of Bath shall be and are hereby amended to read:

**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 Fire Code Official or of a permit or certificate issued under provisions of this Code shall be responsible for a civil infraction, punishable by a fine not less than Fifty and no/100 Dollars (\$50.00) or greater than Five Hundred and no/100 Dollars (\$500.00); or, in the alternative, be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 or by imprisonment not exceeding ninety-three (93) days, or both such fine and imprisonment. Each day the violation continues shall be deemed a separate offense. In addition, fire response costs incurred by the Charter Township of Bath shall be paid to the Charter Township of Bath pursuant to the provisions of MCL 41.806a.

**109.3.1 Abatement of Violations.** 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; 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 premise.

### **SECTION IV. ADDITION TO SECTION 109, "VIOLATIONS."**

Sections 109.3.2 (Other Remedies) of the Fire Code of the Charter Township of Bath shall be and is hereby created to read as follows:

**109.3.2 Other Remedies.** In addition to any other remedies available at law, the Township may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of this Ordinance.

### **SECTION V. AMENDMENT TO SECTION 302.1, "DEFINITIONS."**

Section 302.1 of the Fire Code of the Charter Township of Bath shall be and is hereby amended to add and include the following definitions:

**Domestic Fire** shall mean any fire in the vicinity of a residence within the curtilage of the dwelling, where the material to be burned has been placed in a fire-proof container constructed of metal or masonry, with an approved spark arrestor, and with openings not larger than three-fourths (3/4) of an inch.

**Permit** shall mean the authorization granted by the Fire Chief, his/her designee, or the Fire Code Official pursuant to the criteria established in this Ordinance, including, but not limited to, weather conditions, and any other basis relative to health, safety and welfare of Township residents.

**Recreational Fire** shall mean an outdoor fire burning only seasoned firewood, where the fuel being burned is not contained in an incinerator, outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

**Training Burn** shall mean any fire set by the Fire Chief, or his/her designee, for the purpose of training a member of the Fire Department in techniques of fire control, management or prevention.

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

## **SECTION VI. AMENDMENT TO SECTION 307, "OPEN BURNING."**

Section 307 (Open Burning) of the Fire Code of the Charter Township of Bath shall be and is hereby amended to read:

**307.1 General.** A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with this section.

**307.2 Permit Required.** A permit shall be obtained from the Fire Code Official in accordance with Section 105 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or any open fire. Applications for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

**307.2.1 Authorization.** Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed.

**307.2.2 Prohibited Open Burning.** Open burning that will be offensive or objectionable due to smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited. Open burning of rubbish containing paper products, garbage, solid waste, rubber or other petroleum based products (including tires), building material, roofing material, electrical wiring, human or animal feces, animal carcasses, plastics, lawn clippings and lake vegetation shall be prohibited. Burning on muck is prohibited. The Fire Code Official is authorized to order the extinguishment by the permit holder or the Fire Department of open burning which creates or adds to a hazardous or objectionable situation.

**307.2.3 Inspection.** Before a permit may be issued, the Fire Fire Code Official may inspect and approve the receptacle, material and location to be used. In

instances where laws or regulations are enforceable by a department other than the Fire Department, joint approval shall be obtained from all departments concerned. In any event, all burn piles larger than five feet by five feet by three feet (5 x 5 x 3 feet) in size or the burning of fields must be inspected by the Fire Code Official before any burning may commence.

**307.2.4 Permit Activation.** In addition to the requirements of Section 105, "Permits," all persons must contact the Fire Department Burn Permit Line at 517-641-6619 to activate their open burning permit prior to burning and furnish their name, address/location of the open burning, telephone number, and a description of all material to be burned, e.g., brush, weeds. Permits may be activated for period of up to three (3) days at a time.

**307.2.5 Location.** The location for open burning shall not be less than fifty (50) feet from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure.

Exceptions:

1. Fires in approved containers that are not less than fifteen (15) feet from a structure.
2. The minimum required distance from a structure shall be twenty-five (25) feet where the pile size is three (3) feet or less in diameter and two (2) feet or less in height.

**307.4.1 Bonfires.** A bonfire shall not be conducted within fifty (50) feet of a structure or combustible material, unless the bonfire is contained in a barbeque pit. Conditions which could cause a fire to spread within 50 feet of a structure shall be eliminated prior to ignition.

**307.4.2 Recreational Fires.** Recreational fires shall not be conducted within twenty-five (25) feet of a structure or combustible material, unless the fire is contained in a barbeque pit. Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition. Recreational fires that will be offensive or objectionable due to smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.

**307.5 Attendance.** Open burning, bonfires or recreational fires shall be constantly attended until the fire is extinguished. A minimum of one (1) portable fire extinguisher complying with Section 906, with a minimum 4-A rating or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose, or water truck, shall be available for immediate utilization.

**308.3.1 Open-Flame Cooking Devices.** Charcoal burners and other open flame cooking devices shall not be operated on combustible balconies or within ten (10) feet of combustible construction.

Exceptions:

One (1) and two (2) family dwellings;

Where buildings and decks are protected by an automatic sprinkler system,

**308.3.1.1 Liquified Petroleum Gas-Fueled Cooking Devices.** LP-gas burners having an LP-gas container with a water capacity greater than 2.5 pounds (nominal 1 pound LP-gas capacity) shall not be located on combustible balconies or within ten (10) feet of combustible construction. Exceptions: One and two family dwellings.

**308.3.1.2 Time, Atmosphere and Locations Restrictions.**

a. Open burning shall be permitted in all areas zoned Rural (R) on parcels greater than two (2) acres at any time during the calendar year with a permit.

b. Open burning of yard waste (except lawn clippings) shall be allowed by permit in Rural (R) zoned parcels of two (2) acres or less and all residential zoned district within the Township from October 1 through April 30. Such burning shall be prohibited at all other times, except that the Fire Chief, at his/her discretion, may extend each of the designated time periods for open burning of yard waste for a period not to exceed fourteen (14) days.

c. Recreational fires may be permitted any time during the calendar year with a permit. Recreational fires must be completely extinguished after use.

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

e. Domestic fires shall only be permitted in areas zoned Rural (R) greater than two (2) acres and only between the hours of sunrise and sunset.

f. The Fire Code Official may issue a permit for open burning on any public or private property or in emergencies as determined by the Fire Code Official. Overnight burning under this subsection may be authorized by the Fire Code Official.

g. The Fire Code Official may prohibit all open burning, domestic fires and recreational fires when atmospheric conditions or local circumstances make such fires hazardous.

h. If the wind velocity rises above ten (10) miles per hour, all burning is prohibited and all permits are null and void.

i. Unless otherwise provided by this section or by permit, all open burning must be done between the hours of sunrise and sunset, and all fires completely extinguished by sunset.

## **308.7 Domestic Fires (Burning Barrels).**

**308.7.1 Domestic fires.** Domestic fires shall be contained within a burning barrel.

**308.7.2 Construction.** Burning barrels shall be constructed of steel. Burning barrels must have drainage and vent opening in the bottom or at the bottom edge of the barrel. Vent holes must also be placed around the center of the barrel. The opening at the top of the barrel must be covered with an approved spark arrestor, with openings no larger than three-fourths (3/4) of an inch.

**308.7.3 Burning Barrels.** Burning barrels must be no less than fifteen (15) feet from any structure and from any property line and away from low hanging trees. Burning barrels must be mounted on cement blocks or by some other means sufficient to raise the barrel off the ground approximately six (6) inches.

**308.7.4 Maintenance.** Burning barrels shall be maintained in good condition at all times.

**308.7.5 Attendance.** A competent adult will be responsible for the burning barrel and must be present at the residence during the entire burn and remain until it is completely extinguished.

**308.7.6 Material Restrictions.** Materials authorized for burning inside burning barrels are limited to paper, cardboard, leaves and/or small branches and limbs.

**308.7.7 Time and Atmospheric Restrictions.** Domestic burning must be done between the hours of sunrise and sunset. All fires must be completely extinguished by sunset.

**308.7.8 Discontinuance.** The Fire Code Official is authorized to require that burning in the barrel be immediately discontinued if the Fire Code Official determines that smoke emissions are offensive to occupants of surrounding property or if the barrel is determined by the Fire Code Official to constitute a hazardous condition.

**308.7.9 Inspection Required.** Before a permit is issued, the Fire Code Official shall inspect and approve the burning barrel and its location. Permits shall be valid for two (2) years from date of issuance or renewal. Burning barrels shall be subject to periodic inspection as determined by the Fire Code Official.

**308.7.10 Domestic Fires Prohibited in Certain Zones; Exceptions; Pre-existing License.** Use of a domestic fire (burning barrel fire) is prohibited in all zoning districts within the Township except:

- a. On parcels of two (2) acres or more located within the Rural (R) zone and,

- b. For burning barrels licensed prior to June 30, 2010 and continuously licensed thereafter by the same licensee for the same location in all zoning districts other than High Density Residential (Hdr) and High Density Development (Hdd).

The foregoing notwithstanding, open burning and the use of domestic fires shall be limited to combustible material generated on the premises where such burning is to take place.

**SECTION VII. AMENDMENT TO SECTION 603.8.1, "Residential Incinerators."**

Section 603.8.1 shall be and is hereby amended to read as follows:

**603.8.1 Residential Incinerators, Residential** incinerators shall be of an approved type. Indoor residential incinerators are prohibited.

**SECTION VIII. SAVINGS CLAUSE.**

All proceedings pending and all rights and liabilities existing or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they are commenced. This Ordinance shall not be construed to affect any prosecution pending or initiated before the effective date of this Ordinance or initiated after the effective date of this Ordinance for an offense committed before that effective date.

**SECTION IX. CONFLICTING ORDINANCE REPEALED.**

Ordinances inconsistent with the above-stated amendments to the International Fire Code of the Charter Township of Bath are, to the extent of the inconsistency, hereby repealed.

**SECTION X. EFFECTIVE DATE.**

This Ordinance shall become effective thirty (30) days from and after its adoption and publication as required by law.

First Reading: \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2009  
First Publication: \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2009  
Second Reading/Adoption: \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2009  
Second Publication: \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2009

\_\_\_\_\_  
Tom Schneider, Supervisor

\_\_\_\_\_  
Kathleen McQueen, Clerk

I, Kathleen McQueen, Clerk of the Charter Township of Bath, hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. \_\_\_\_ duly adopted by the Board of Trustees of the Charter Township of Bath, Clinton County, Michigan, on the \_\_\_\_ day of \_\_\_\_\_, 2009, and that the same was posted and published as required by law on the \_\_\_\_ day of \_\_\_\_\_ 2009.

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Kathleen McQueen, Clerk