

Chapter 11

FIRE PREVENTION AND PROTECTION*

* **Charter References:** General municipal powers, fire prevention and protection, §§ 2.3(z), 2.3(aa), 2.3(bb).
Cross References: Buildings and building regulations, ch. 5; emergency services, ch. 9; chemicals, fire, gas, smoke, § 24-4.
State Law References: State fire prevention code, MCL 29.1 et seq.; explosives act of 1970, MCL 29.41 et seq.; crimes relating to fires, MCL 750.240 et seq.; crimes relating to explosives and bombs, MCL 750.200 et seq.

Article I. In General

Sec. 11-1. Open burning prohibited.
Sec. 11-2. Violations and penalties.
Secs. 11-3--11-35. Reserved.

Article II. Fire Prevention Code

Sec. 11-36. Adopted.
Sec. 11-37. Additions, insertions and changes.

ARTICLE I.

IN GENERAL

Sec. 11-1. Open burning prohibited.

(a) No person shall kindle or cause and burn an open fire in any public or private place outside any building or structure located within the City of Keego Harbor per Code of Ordinances.

(b) Open fires may be used for cooking of food, provided no smoke violation or other nuisance is created and the fire is done within an appropriate container.

(Ord. No. 370, § 4, 6-21-2001; Ord. No. 391, § 1, 4-18-2002)

(c) Any person found guilty of a misdemeanor under the terms of this section shall upon conviction be subject to the fines and penalties of section 1-7. (Ord. No. 260 Section 1.01,2.01,4.01, 12-15-1988)

(d) State law reference: Open burning of leaves and grass clippings. MCL 324.11522, MSA 13 A. 11522.
(Ord. No.405, 12/18/2003)

Sec. 11-2. Violations and penalties.

Violation of any provision of this article is a municipal civil infraction and subjects the violator to the fines and penalties specified in section 1-7 of this Code.

(Ord. No. 391, § 1, 4-18-2002)

Sec. 11-3. International Fire Code 2003 or Current Adopted Code.

(a) The International Fire Code, 2003 edition, including appendix Chapters B, C, D, E, F and G as

published by the International Code Council is hereby adopted by reference as an ordinance of the City of Keego Harbor, subject to the insertions and amendments contained in this Ordinance. The adoption of the Fire Code does not include any provisions that are inconsistent with the State of Michigan Fire Prevention Code, Public Act No. 207 of 1941, as amended, or rules promulgated under and as defined in that Act, and any such provision shall not be enforced,

- (b) When used in the Code adopted by this Ordinance, “Fire Code Official” means the Chief of the Charter Township of West Bloomfield Fire Department.
- (c) Basis and intent. The City of Keego Harbor has found that open burning on residential property has and contributes to creating or furthering a detrimental environmental effect, a health hazard, and serious and significant effects on the values of properties within the City of Keego Harbor. It is the intent of this article to prohibit open burning on residential property and thus promote the public health, safety and welfare of the city.
- (d) Short title. This article shall be known and may be cited as “The City of Keego Harbor Fire Prevention Code”

Sec. 11-3.1. Open Burning.

- (a) Basis and intent; short title.

Basis and intent. The City Council of the City of Keego Harbor has found that open burning on residential property has and contributes to creating or furthering a detrimental environmental effect, a health hazard, and serious and significant effects on the values of properties within the City of Keego Harbor. It is the intent of this article to prohibit open burning on residential property and thus promote the public health, safety and welfare of the City.

Short title. This article shall be known and may be cited as “the City of Keego Harbor Open Burning Ordinance.”

- (b) Definitions.

The term “open burning” means the setting on fire, igniting or combustion of any natural or man-made material, item or thing out-of-doors. Open burning, as defined for the purpose of this article, shall not include the burning and/or use of:

candles, lanterns, lamps, bug repellent torches, fireplaces, cigarettes, cigars, pipes, charcoal cookers. Brazier, hibachis, grills or any flammable liquid or liquefied petroleum gas-fired stoves or similar devices maintained and used solely for the preparation of food on the premises of the owner or occupant. Controlled fires caused and maintained for the training of authorized firefighters and fires confined to matches used for the purpose of maintaining authorized fires shall be excluded from this article’s provisions.

- (c) Open-flame cooking devices. Amended to read:

Charcoal burners and other open-flame cooking devices shall not be operated on combustible

balconies or within ten (10) feet of combustible construction.

Exception: Single family dwellings.

(d) Liquefied-petroleum-gas-containers. Added to read:

LP-gas containers with a water capacity greater than 2.5 pounds (nominal 1 lb. LP-gas capacity) shall not be located on combustible balconies or within ten (10) feet of combustible construction.

Exception: Single family dwellings.

Exception: Where such balconies are served by outside stairways and where only such stairways are used to transport the cylinder.

(e) Provisions supplemental to chapter 8. Added to read:

The terms of the ordinance shall supplement chapter 8, City of Keego Harbor Ordinances, as amended, and shall and does hereby repeal and supersede any conflicting provisions as amended, to the extent of the conflict.

The term “fire chief” means the chief of the West Bloomfield Township Fire Department or his designate.

The term “zoning ordinance” means the City of Keego Harbor Zoning Ordinance No, 14.01, as amended.

Words not expressly defined above shall have the definitions customarily ascribed to them.

(f) Prohibitions.

Except as provided in this article, it shall be unlawful for any person to cause, permit or maintain any open burning of any substance on property situated in a residential zoning classification pursuant to the zoning ordinance.

(g) Prohibition on burning of leaves, brush and twigs

On all lots and parcels in the City, the City shall not specifically except or authorize the burning of leaves, brush and twigs and, accordingly, the open burning of such materials shall be completely prohibited as provided and as ultimately contemplated under section 18b of Act 641 of the Public Acts of 1978, as amended.

(h) Outdoor cooking devices on attached residential premises.

For reasons for proximity and the potential for fire extension from one residential unit to another, the use of cooking devices exempted from the definition of “open burning” in section Sec. 3.01 (b) on the premises of a residence physically attached to one or more other residences creates a relatively higher risk of fire damage or injury to property and persons in adjoining residential units

than where such devices are used on the premises of a detached residence. Accordingly, where a cooking device is used outdoors on the premises of a residential unit which is physically attached to one or more other residential units, such device shall not be exempt from the definition of open burning and shall be included within the open burning prohibition contained in sec 3.01 (1) above, unless all of the following conditions are met:

(1) A functioning fire extinguisher shall be readily accessible during all times the heat source of the cooking device remains in a heated condition.

(2) When the heat sources of the cooking device is in a heated condition, the cooking device shall be located a horizontal distance of at least eight (8) feet from all structures constituting a part of a building; provided, if there is a limitation based upon available space which would render it unfeasible or dangerous to establish such eight-foot clearance, the cooking device shall be located as far from building structures as safety and feasibility permit.

(3) The user of the cooking device shall take steps necessary to extinguish the heat source immediately following use, e.g. discontinue gas transmission to the device, restrict oxygen source to burning charcoal and the like.

Sec. 11-4. Amendments.

The following Sections of the International Fire Code, 2003 edition, are amended, completed, supplemented, or added as follows:

(a) Title. Completed by inserting the City of Keego Harbor (City) as the name of the jurisdiction.

(b) Permits Required. Amended to add the following sentence:

Permit fees are established, and from time-to-time amended, by resolution of the City of Keego Harbor City Council as the Board of Appeals for purposes of this Code.

(c) Board of Appeals. Amended to read:

The Construction Board of Appeals, established and maintained pursuant to the Building Code, adopted, administered and enforced under Ordinance no. 5.01 of the City of Keego Harbor Code, shall serve as the Board of Appeals for purposes of this Code.

(d) Court Review. Added to read:

Any persona having the right to appeal to the Board of Appeals shall have a limited right to appeal a decision of the Board of Appeals to the Oakland County Circuit Court, in the manner required by law, no later than twenty-one (21) days after the date of the meeting at which the decision of the Board of Appeals is made. The scope of review on appeal is limited to correction of errors of law by the Board of Appeals.

(e) Violations Penalties. Completed to specify offenses as misdemeanors, a maximum fine of \$500.00 and maximum imprisonment of 90 days and amended to add the following sentence:

The imposition of one or more penalties for a violation does not excuse the violation or permit it to continue, with all persons responsible for the condition under this Code required to correct or remedy the violation or defect within a reasonable time.

(f) Failure to Comply. Completed to specify a minimum fine of \$250.00 and a maximum fine of \$500.00.

(g) Premises Identification. Amended to read:

Premises Identification is regulated by City of Keego Harbor
Property Identification Ordinance, No. 5.12 of the City of Keego Harbor Ordinance.

(h) Definitions. Amended to add definitions for Emergency response, Expense of an emergency response and Responsible Party to read:

Emergency Response. The dispatch, provision and/or utilization of police, fire, emergency medical, rescue services and/or other services by the City at an incident involving the release, leakage, spillage, exposure, use, handling storage, transportation, processing, disposal and/or unauthorized discharge of hazardous materials.

Expense of an emergency response. The direct and reasonable costs incurred by the City when making an emergency response, including, without limitation, the costs of providing police, fire department, emergency medical, rescue, clean-up, restoration or other services at the scene of the emergency response. These costs further include, without limitation, all of the salaries and wages of the City personnel responding to the incident, all salaries and wages of City personnel engaged in investigation, supervision and report preparation, and all costs for materials and equipment utilized, and any other expenses incurred by the City in cleaning up, inspecting, testing and restoring the site of an emergency response.

Responsible Party. An individual, corporation, partnership, association or other legal entity, or any combination thereof, who owns, possesses or controls a hazardous material involved in an unauthorized discharge, or whose transportation, storage, handling, sale, use or processing of a hazardous material causes or results in an unauthorized discharge.

(i) Responsibility for cleanup. Amended to read:

The responsible party for an unauthorized discharge shall institute and complete all actions necessary to remedy the effects of such unauthorized discharge, whether sudden or gradual at no cost to the jurisdiction. When deemed necessary by the Fire Code Official, or in the event of an emergency response, clean up may be initiated by the fire department or by an authorized individual or firm. The responsible party for the unauthorized discharge is liable for the expense of an emergency response. If more than one person or entity is deemed to be a responsible party under this section, each responsible party shall be jointly and severally liable to the jurisdiction for the total amount of the expense of an emergency response. The expense of an emergency response shall become a debt of the responsible party and is collectible by the jurisdiction incurring those costs in the same manner as in the case of an obligation under a contract, express or implied. The jurisdiction may within thirty (30) days of receiving all of the itemized costs, or any part thereof,

for an emergency response, submit a bill for these costs by first class mail or personal service to the responsible party. The bill shall require full payment within thirty (30) days of the date of mailing or personal service. Any failure by the responsible party to pay the bill within thirty (30) days shall be considered to be a civil default and the jurisdiction may commence a civil suit against the responsible party to recover the billed expenses of an emergency response, plus the jurisdiction's attorney fees, court costs, litigation expenses and all other costs allowed by law. Additionally, in the event that the responsible party has an ownership interest in the property upon which the emergency response incident occurred or property in the jurisdiction, the unpaid cost shall be a lien upon such property and all amounts may be placed on delinquent tax roll of the jurisdiction as to such property and such amounts shall accrue interest and penalties and shall be deemed delinquent real property taxes and collectable according to law. The recovery of expenses of an emergency response under this section is a separate civil liability of any responsible party for the emergency response incident, and is separate from and in addition to, any criminal proceedings that may be brought against the responsible party.

(j) Class A circuits required. Added to read:

Fire alarm systems, including the initiating devices, notification appliances and signaling line circuits shall be wired in a "Class A", four (4) wire method in accordance with NFPA 72, and subject to the additional requirement that the outgoing and return conductors for the control unit be separated at all points by at least four (4) feet where installed horizontally and at least one (1) foot where installed vertically.

(k) Location. Supplemented to provide:

In addition to not exceeding the limits established by current National Fire Protection Association (NFPA) code requirements, the storage of flammable cryogenic fluids in stationary containers is prohibited except:

(1) as disclosed and permitted by an approved site plan in connection with a permitted use of property under the City Zoning Ordinance or (2) if determined by the Fire Code Official to be allowed by the State of Michigan Fire Prevention Code, Public Act No. 207 of 1941, as amended, or rules promulgated under that Act, and in compliance with all other applicable governmental regulations.

(l) Fireworks. Amended to add Exception 5. to read as follows:

5. Activities pursuant to and in compliance with a permit obtained as provided in of the City of Keego Harbor and the State law referenced in the Section.

(m) Locations where above-ground tanks are prohibited. Supplemented to provide:

The storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited except: (1) as disclosed and permitted by an approved site plan in connection with a permitted use of property under the City Zoning Ordinance or (2) if determined by the Fire Code Official to be allowed by the State of Michigan Fire Prevention Code, Public Act No. 207 of 1941, as amended, or rules promulgated under that Act, and in compliance with all other applicable governmental regulations.

(n) Locations where above-ground tanks are prohibited. Supplemented to provide:

The storage of Class I and Class II liquids in above-ground tanks is prohibited except: (1) as disclosed and permitted by an approved site plan in connection with a permitted use of property under the City Zoning Ordinance, (2) if determined by the Fire Code Official to be allowed by the State of Michigan Fire Prevention Code, Public Act No. 207 of 1941, as amended, or rules promulgated under that Act, and in compliance with all other applicable governmental regulations or (3) in connection with a temporary activity necessary to the use or development of property in conformity with all City and other governmental ordinances, laws, permits and approvals.

(o) Maximum capacity within established limits. Supplemented to provide:

For the protection of heavily populated or congested areas, the capacity limitations in this Section for storage of liquefied petroleum gas shall apply within any protection area established by current National Fire Protection Association (NFPA) code requirements and to all properties except as disclosed and permitted by an approved site plan for a permitted use under the City Zoning Ordinance.

(Ord. No. 451, 6-15-2006)

Secs. 11-5--11-35. Reserved.

ARTICLE II.

FIRE PREVENTION CODE

Sec. 11-36. Adopted.

A certain document, three copies of which are on file in the office of the City Clerk of Keego Harbor, being marked and designated as the International Fire Code, including appendix chapters Appendix A, Appendix B, Appendix C, Appendix D, Appendix E, Appendix F, Appendix G as published by the International Code Council, be and is hereby adopted as the code of the City of Keego Harbor for 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 City of Keego Harbor and providing for issuance of permits for hazardous uses or operations; and each and all of the regulations, provisions, conditions and terms of such International Fire Code, 2000 edition, published by the International Code Council, on file in the office of the City of Keego Harbor are hereby referred to, adopted and made a part hereof as if fully set out in this article.

(Ord. No. 370, § 1, 6-21-2001)

Charter References: Technical codes, adoption by reference, § 6.2.

Sec. 11-37. Additions, insertions and changes.

Section 101.1. City of Keego Harbor.

Section 109.3. Any person who shall violate a provision of this code shall be subject to the fines and penalties of the City of Keego Harbor Infraction Ordinance Number 295, as amended. Each day that a violation continues

shall be deemed a separate offense.

Section 111.4. Any person who shall violate a provision of this code shall be subject to the fines and penalties of the City of Keego Harbor Infraction Ordinance 295, as amended.

Section 3204.3.1.1. Zero (0) limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited in the City of Keego Harbor.

Section 3404.2.9.5.2. Zero (0) limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited in the City of Keego Harbor.

Section 3406.2.4.4. Zero (0) limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited in the City of Keego Harbor.

Section 3804.2. 20 Gallons limit in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas in the City of Keego Harbor.
(Ord. No. 370, §§ 2, 3, 6-21-2001)