

**CHARTER TOWNSHIP OF WEST BLOOMFIELD
ORDINANCE NO. C-645-C**

AN ORDINANCE TO AMEND CHAPTER 11 OF THE CODE OF ORDINANCES, FIRE PREVENTION AND PROTECTION, ARTICLE III, FIRE PREVENTION CODE, SECTIONS 11-36 AND 11-37.

THE CHARTER TOWNSHIP OF WEST BLOOMFIELD ORDAINS:

Section 1 of Ordinance

Chapter 11, Article III, Section 11-36 of the Charter Township of West Bloomfield Code of Ordinances shall be amended to read as follows:

Sec. 11-36. - International Fire Code, 2015 Edition.

- (a) The International Fire Code, 2015 Edition, as published by the International Code Council including Appendix Chapters B, C, D, E, F, G, H, I, J, K, L, and M, is hereby adopted and incorporated by reference and made a part of this chapter as if fully set forth in this article with the insertions and amendments adopted as set forth in this Article. The adoption by reference of the International Fire Code, 2015 Edition, does not include any provision that is inconsistent with the State of Michigan Fire Prevention Code Act, Public Act 207 of 1941, as amended, found at MCL 29.1 et seq., or any rule promulgated under the Act; and any inconsistent provisions shall not be enforced. The International Fire Code, 2015 Edition is available for inspection at the Office of the Township Clerk.
- (b) The Chief of the Charter Township of West Bloomfield Fire Department, or designee, shall be designated the "fire code official" as used in the International Fire Code, 2015 Edition.

Section 2 of Ordinance

Chapter 11, Article III, Section 11-37 of the Charter Township of West Bloomfield Code of Ordinances shall be amended to read as follows:

Sec. 11-37. - Amendments.

The following sections of the International Fire Code, 2015 Edition, are amended, as completed, supplemented, or added as follows:

Sec. 101.1. Title. Completed by inserting the Charter Township of West Bloomfield (Township) as the name of the jurisdiction.

Sec. 105.1.1. Permits Required. Amended to add the following sentence:

Permit fees are established, and from time-to-time amended, by resolution of the Township Board of Trustees.

Sec. 108.1. Board of Appeals. Amended to read:

The Construction Board of Appeals established and maintained pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, Public Act No. 230 of 1972, as amended, and found at MCL 125.1501 et seq., administered and enforced under Article I of Chapter 8 of the West Bloomfield Charter Township Code, shall serve as the Board of Appeals for purposes of this Code.

Sec. 108.4. Court Review. Amended to add:

Any person 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.

Sec. 109.4. Violation Penalties. Amended to specify offenses as misdemeanors, a maximum fine of five hundred dollars (\$500.00) and maximum imprisonment of ninety (90) days; and amended to add the following sentence:

The imposition of one or more penalties for a violation of the Code does not excuse the violation or permit it to continue; all persons responsible for compliance with the Code shall be required to correct or remedy the violation or defect within the time specified by the fire code official.

Sec. 111.4. Failure to Comply. Amended to specify a minimum fine of two hundred fifty dollars (\$250.00) and a maximum fine of five hundred dollars (\$500.00).

Sec. 307. Open Burning and Recreational Fires. Amended to read:

Open burning is regulated by the Charter Township of West Bloomfield Open Burning Ordinance, codified in Chapter 11, Article V, of the West Bloomfield Charter Township Code.

Sec. 505. Premises Identification. Amended to read:

Premises Identification is regulated by the Charter Township of West Bloomfield Property Identification Ordinance, codified in Chapter 8, Article X, of the West Bloomfield Charter Township Code.

Sec. 5002.1. 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 township 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 township 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 township personnel responding to the incident, all salaries and wages of township personnel engaged in investigation, supervision and report preparation, and all costs for materials and equipment utilized, and any other expenses incurred by the township 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.

Section 5003.3.1.4. Responsibility for cleanup. Amended to add:

The person, firm or corporation responsible 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 Township. When deemed necessary by the fire code official, cleanup may be initiated by the fire department or by an authorized individual or firm. The liability for and recovery of costs of the cleanup shall be governed by the Michigan Natural Resources and Environmental Protection Act, MCL 324.20101 et seq., or any other that law preempts the cost recovery provisions of this chapter, and the Township may pursue collection of such costs of the cleanup in a civil action, pursuant to all applicable laws.

Sec. 907.1.4. Class A circuits required. Amended to add:

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.

Section 5504.3.1.1.3. Location. Supplemental amendment to require:

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 Township Zoning Ordinance or (2) if determined by the Fire Code Official to be allowed by the State of Michigan Fire Prevention Code, Public Act 207 of 1941, as amended, or rules promulgated under that Act, and in compliance with all other applicable governmental regulations.

Section 5601.1.3. Fireworks. Amended to add exception 5 to read as follows:

5. Activities pursuant to and in compliance with a permit obtained as provided in Section 11-38 of the West Bloomfield Charter Township Code and the State law referenced in that Section.

Section 5704.2.9.6.1. Locations where above-ground tanks are prohibited. Supplemental amendment to require:

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 Township Zoning Ordinance or (2) if determined by the fire code official to be allowed by the State of Michigan Fire Prevention Code, Public Act 207 of 1941, as amended, or rules promulgated under that Act, and in compliance with all other applicable governmental regulations.

Section 6104.2. Maximum capacity within established limits. Supplemental amendment to require:

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 Township Zoning Ordinance.

Section 3 of Ordinance

Should any section, subdivision, sentence, clause, or phrase of this Ordinance be declared by the Courts to be invalid, it shall not affect the validity of the remainder of the Ordinance or any part other than the part invalidated.

Section 4 of Ordinance


This Ordinance shall take effect immediately upon publication.

CERTIFICATION

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

I, Deborah Binder, the duly qualified Clerk for the Charter Township of West Bloomfield, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of the

Ordinance adopted by the Township Board for the Charter Township of West Bloomfield at a meeting held on the 6th day of February, 2017. The original is on file in the Office of the Township Clerk.

By: 
Deborah Binder
Township Clerk

INTRODUCED: January 17, 2017
ADOPTED: February 6, 2017
EFFECTIVE February 16, 2017
PUBLISHED: February 15, 2017

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