

ORDINANCE NO. 358

AN ORDINANCE TO ADOPT BY REFERENCE THE BOCA NATIONAL FIRE PREVENTION CODE, 1996 EDITION; TO PROVIDE FOR CERTAIN MODIFICATIONS THEREOF; AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF

THE CHARTER TOWNSHIP OF GRAND RAPIDS ORDAINS:

Section 1. Fire Protection Code Adopted by Reference. The BOCA Basic Fire Prevention Code/1996, Tenth Edition (AFire Code@), as published by the Building Officials & Code Administrators, Inc., is hereby adopted by reference, subject to the modification contained in this Ordinance.

Section 2. Reference in Code. References in the Fire Code to Ajurisdiction@ and Aname of jurisdiction@ shall mean the Charter Township of Grand Rapids.

Section 3. Modifications in Code. The following sections and subsections of the Fire Code referred to in (1) through (12) below are hereby amended as set forth. The section and subsection numbers refer to like numbers of sections and subsections of the Fire Code:

(1) Section 105.2 is hereby amended to read as follows:

105.2. Appointment: The code official shall be appointed by the Township Board.

(2) Section F-112.2 is hereby amended to read as follows:

Section F-112.2. Failure to Correct Violation: If the notice of violation is not complied and within the time prescribed by the code official, the code official may:

- (a) commence a municipal civil infraction action by issuing a municipal civil infraction citation directing the alleged violator to appear in court (as authorized by Section 21 of Act No. 359 of the Public Acts of 1947, as amended, and the Grand Rapids Charter Township Municipal Civil Infraction Ordinance); or
- (b) Request the legal counsel for the Township to institute the appropriate proceedings at law or equity to restrain, correct or abate the violation or to require removal or termination of the unlawful use of the building or structure

in violation of the provisions of this code or of the order of direction made pursuant thereto. **[Section F-112.2 amended 6/10/98 by Ord. No. 365]**

- (3) Section F-112.3 is hereby amended to read as follows:

Section F-112.3. Civil Infractions; Fines. A person who violates any provision of this Code or who shall fail to comply with any order issued pursuant to this Code is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$100.00, plus costs and other sanctions, for each infraction. Repeat offenses under this Code shall be subject to increased fines as provided by this section. As used in this section, “repeat offense” means a second (or any subsequent) violation of the same requirement or provision of this Code (i) committed by a person within any 90-day period and (ii) for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under this Code shall be as follows:

- (a) The fine for any offense which is a first repeat offense shall be not less than \$250.00, plus costs.
- (b) The fine for any offense which is a second repeat offense, or any subsequent repeat offense, shall be not less than \$500.00 each, plus costs.

Each day on which any violation of this Code occurs or continues constitutes a separate offense subject to separate sanctions. The code official as appointed by resolution of the Township Board is hereby designated as the authorized township official to issue municipal civil infraction citations for violations of this Code. **[Section F-112.3 amended 6/10/98 by Ord. No. 365]**

- (4) Section F-113.1 is hereby amended to read as follows:

F-113.1. Appeals. Appeals to the board of appeals may be taken by any person aggrieved by any decision or interpretation by the fire official made under the provisions of this Code. Any application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or an equally good or better method of fire prevention is used. At the time of making application for appeal under this section, the applicant shall pay to the Township Clerk a fee established by resolution of the Township Board to defray expenses for compensation of board members for one hearing. Any further expenses incurred by the Township in connection with any appeal shall be paid in full by the applicant prior to the issuance of any ruling on said appeal. The application for appeal shall be filed on a form obtained from the fire official within 20 days after the notice was served.

(5) Section F-113.2 is hereby amended to read as follows:

F-113.2. Board of Appeals. The board of appeals shall be the Building Code Board of Appeals of the Charter Township of Grand Rapids. All appeals shall be governed by the procedures for appeals to the Building Code Board of Appeals.

(6) Sections F-113.2.1 through F-113.7, inclusive, are hereby deleted.

(7) Section F-3003.2 is hereby amended to read as follows:

F-3003.2. Storage. Notwithstanding any other provision of this Code, the storage of explosive materials is prohibited throughout the Township provided that this prohibition shall not apply to retail stocks of small arms ammunition, explosive bolts, explosive rivets or cartridges for explosive-activated power tools in quantities less than 500 pounds (227 kg) of explosive material, or to fireworks permitted under chapter 31 of this code.

(8) Section F-3101.2 is hereby amended to read as follows:

F-3101.2. Permits Required. A permit from the Township Board shall be required for the use of fireworks as provided in the Act. All permits shall be subject to compliance with this chapter and the Act. In the event of any conflict between this chapter and the Act, the more stringent provision shall control.

(9) Section F-3102.1 is hereby amended to read as follows:

F-3102.1. Definitions. AAct@ shall mean Sections 243a through 243e of Public Act No. 328 of 1931, as amended by Public Act No. 358 of 1968, as amended, being MCL 750.243a through 750.243e. All other terms used in this chapter shall have the same meaning as defined or used in the Act.

(10) Section F-3103.2 is hereby amended to read as follows:

F-3103.2. Violations. A person shall not manufacture, store, offer or expose for sale, sell at retail, display, or discharge any fireworks except as permitted by the Act and this chapter.

(11) Section F-3103.3.2 is hereby added to read as follows:

F-3013.3.2. Minimum Display Site Requirements. In addition to all other requirements, the display of fireworks shall at a minimum comply with the following:

1. The display site shall be located at least 200 feet from all buildings.
2. The display site shall be located at 75 feet from all overhead obstructions (e.g., trees, poles, utility wires).
3. The display site shall be located at least 1,000 feet from all institutional facilities (hospitals, nursing homes, schools, educational facilities and similar institutional facilities).
4. The display site shall be located at last 150 feet from all streets, roads, rights-of-way, railroads and other means of public travel.
5. The code official may, in his sole discretion, require the permittee to use crowd control barriers or security personnel approved by the code official for safety reasons.
6. The code official may determine that it is appropriate to assign Township fire apparatus and personnel to be present during the display; in such event, the permittee shall pay the costs thereof, as determined by the code official, as a condition of obtaining the permit.
7. The code official may, in his sole discretion, impose additional or more stringent requirements including, without limitations, greater distance requirements than those identified in this section to protect the safety of persons and property.

For purposes of this Section, “display site” shall mean the location from which the fireworks are to be discharged. Notwithstanding any provisions of this chapter, no applicant has a right to the issuance of a permit. Nothing in this section or chapter shall be construed to limit or impair the discretion of the Township Board to deny a permit pursuant to the Act or this chapter.

(12) Section F-3103.c is hereby amended to read as follows:

F-3103.4. Liability Insurance For Display. Before a permit for a fireworks display is issued, the applicant shall furnish to the Township a liability insurance policy, in a form satisfactory to the Township, in the amount of not less than One

Million Dollars (\$1,000,000) to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the applicant, or an agent or employee thereof. The Township shall be named as an additional insured on the insurance policy. Before a fireworks display permit is issued, the applicant shall furnish a certificate of insurance for the policy which shall provide for 30 days prior written notice to the Township of cancellation of the policy.

Section 4. Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 5. Repeal. Ordinance No. 312 and 322 are hereby repealed.

Section 6. Effective Date. This Ordinance shall become effective immediately upon publication of a notice of ordinance adoption and summary of the Ordinance.

