

ORDINANCE NO. 69-3

THE ALAIEDON TOWNSHIP FIRE ORDINANCE GOVERNING FIRE CONTROL REGULATIONS WITHIN THE TOWNSHIP

THE TOWNSHIP OF ALAIEDON ORDAINS:

Section 1. Title. This ordinance shall be known and cited as the Alaiedon Township Fire Ordinance.

Section 2. Purpose. The purpose of this ordinance is to set forth regulations governing conditions hazardous to life and property from fire, hazardous materials, or explosions; to provide for the issuance of permits for hazardous uses or operations; to provide for inspections of certain construction within the Township; and to provide for the health, safety, and general welfare of the citizens of Alaiedon Township by promoting regulations to prevent fires within the Township.

Section 3. Definitions.

- A. The word "jurisdiction" as used in the International Fire Code of 2021 shall mean Alaiedon Township.
- B. Whenever the term "corporation counsel" is used in the International Fire Code of 2021, it shall mean the Alaiedon Township Attorney.
- C. Whenever the term "fire department" is used in this ordinance it shall mean the Delhi Charter Township fire department, who pursuant to inter-local agreement, shall enforce the provisions of this ordinance on behalf of Alaiedon Township.
- D. Whenever the term "fire chief" is used in this ordinance it shall mean the Delhi Charter Township Fire Chief.
- E. Whenever the term "chief of the fire prevention bureau" is used in this ordinance it shall mean the chief of the Delhi Charter Township Fire Prevention Bureau.
- F. Whenever the term "fire prevention bureau" is used in this ordinance it shall mean the fire prevention bureau of Delhi Charter Township.

Section 4. Appeals. Whenever the chief or the fire prevention bureau shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the International Fire Code of 2021 do not apply or the true intent and meaning of the code may have been misconstrued or wrongly interpreted, by the chief or the fire prevention bureau, the applicant may appeal the decision to the Alaiedon Township Building Board of Appeals within thirty (30) days from the date of the decision which forms the subject matter of the appeal.

Section 5. New materials, processes or occupancies which may require permits. The chief of the township fire department and the chief of the fire prevention bureau shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in the code. The chief of the bureau of fire prevention shall post such list in a conspicuous place in his office or in the office of the clerk and shall distribute copies thereof to interested persons then and there known to him.

Section 6. Penalties.

- A. Any person, partnership, firm, association or corporation who shall violate, neglect or refuse to comply with any of the provisions of this ordinance shall, upon violation of this ordinance, be guilty of a misdemeanor, unless such violation is designated as a civil infraction. For all violations not designated as civil infractions, penalties may be imposed up to ninety (90) days incarceration in the Ingham County Jail and/or fines, not exceeding five hundred (\$500) dollars.
- B. Penalties may be imposed for violations designated as civil infractions by a fine not to exceed \$500 plus court costs, which costs may include all expenses, direct or indirect, which the Township has incurred in connection with the infraction. The Court or magistrate may also impose any and all other remedies applicable to municipal civil infractions provided for under state law. Each day of such violation whether designated a civil infraction or misdemeanor shall constitute a separate offense.

All fines and charges levied hereunder, including charges levied in the issuance of a permit, may be amended by resolution of the Alaiedon Township Board or by amendatory ordinance.

Section 7. Remedies. Any violation of this ordinance shall be deemed a nuisance per se. The Alaiedon Township Board, its agents, or any private citizen of Alaiedon Township may thereupon take action in any court of competent jurisdiction to cause an abatement of such nuisance.

Section 8. Fee Established.

- A. There is hereby established a fee, the amount of which is to be set, from time to time by resolution of the Alaiedon Township Board of Trustees, to be charged to any person or persons, corporations or other entities who apply for any permit required under this Chapter. The Board may set reasonable limits on the number and duration of permits granted under this section.
- B. A fee shall also be charged to any person, corporation or other entity who requires or necessitates the use of any emergency medical care provided by the Township Fire Department, whether said services occur within or without the corporate limits of Alaiedon Township.

Section 9. Savings Clause. All proceedings pending and all rights and liabilities existing, or incurred at the time this amendatory ordinance takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory ordinance shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory ordinance, or initiated after the effective date of this amendatory ordinance for an offense committed before that effective date.

Section 10. Conflicting Ordinances Repealed. Any Alaiedon Township ordinances or parts of ordinances in conflict or inconsistent with any of the provisions of this ordinance are hereby repealed.

Section 11. Severability. If any section, paragraph, clause, phrase, or part of this ordinance is held invalid by any court of competent jurisdiction, or by any agency, department, or commission empowered by statute for such purposes, such decision shall not affect the validity of the remaining provisions of this ordinance, and the application of those provisions to any person or circumstances shall not be affected thereby.

Section 12. Effective Date. This ordinance shall become effective thirty (30) days from and after its passage.

Section 13. Local Amendments. The following local amendments hereby amend and supersede the text as set forth hereinafter.

Section 14. Regulations Regarding Recreational Burning.

A. Definitions.

"Clean Wood" means natural wood in a dry state which has not been painted, varnished, or coated with any chemical substance, has not been pressure treated with preservatives, and does not contain resins, glues, or similar substances such as those that are found in plywood and/or other composite wood products.

"Cooking Fires" means the grilling, barbecuing and baking of food for consumption by use of charcoal, seasoned wood, or gas fuel in an outdoor fireplace, barbecue grill, barbecue pit, outdoor fire pit, or any other similar commercial unit that is used for cooking food outdoors.

"Recreational Burning" means kindling or maintaining a recreational fire.

"Recreational Fire" means a small outdoor fire, such as a campfire, intended for recreation, pleasure, religious, ceremonial, warmth or similar purposes, but does not include fires intended for disposal of waste wood, leaves, yard clippings or refuse, within an approved device. A recreational fire shall have a maximum total fuel area of 4 feet in diameter and a maximum height of 3 feet. This definition does not include cooking fires.

"Refuse" means any waste material except for trees, logs, brush, stumps, leaves, grass clippings, other vegetative matter, and materials similar to the aforementioned.

B. Applicability; General Prohibition on Recreational Burning.

1. Recreational burning is prohibited in the Township of Alaiedon, except as otherwise expressly permitted by this ordinance. This prohibition does not apply to cooking fires.

C. Recreational Burning

1. Recreational burning is allowed if all of the following conditions are met:
 - a. The recreational burning does not cause a nuisance.
 - b. The recreational burning is contained within an approved unit, container or device, including those described in i-iv.
 - i. Outdoor fireplaces, barbecue grills or barbecue pits;
 - ii. An area of ground or non-combustible surface contained by a metal fire ring, cement blocks, brick or other non-combustible material of no less than 1 foot in height;
 - iii. A dug out area of ground that is at least 4 feet in diameter and at least 1 foot in depth.
 - iv. Any other unit, container or device approved by the Fire Chief.
 - c. The burning unit, container and/or device is situated on the ground or a non-combustible surface.
 - d. The material being burned is clean wood, charcoal and/or other approved burning fuel. Strictly prohibited burning materials include, but are not limited to:

- i. Waste wood, leaves, yard clippings or refuse.
- ii. Construction or demolition waste.
- iii. Hazardous substances including, but not limited to, batteries, household chemicals, pesticides, used oil, gasoline, paints, varnishes, solvents, and substances similar to the aforementioned.
- iv. Furniture and appliances.
- v. Tires.
- vi. Any plastic materials including, but not limited to, nylon, PVC, ABS, polystyrene, or urethane foam, and synthetic fabrics, plastic films, plastic containers and materials similar to the aforementioned.
- vii. Treated or painted wood including, but not limited to, plywood, composite wood products, or other wood products that are painted, varnished, coated, or treated with preservatives, and materials similar to the aforementioned.
- viii. Brush, stumps, leaves, grass clippings, other vegetation and materials similar to the aforementioned.
- e. The recreational fire must not be within 30 feet of a structure or combustible and 50 feet away from any property line.
- f. The recreational fire must be attended to at all times and extinguishing equipment must be nearby and immediately available.
- g. All recreational burning is prohibited if the wind velocity reaches 10 miles per hour or above.
- h. A permit authorizing the recreational burning has been issued pursuant to Section 5.
- i. If the recreational burn is on a rental location, the lessee is required to have a valid recreational burning permit signed by the landowner.
- j. All other conditions of the Alaiedon Township Fire Ordinance are complied with.

D. Recreational Burning Permits.

- 1. No person shall engage in, start, or maintain any recreational burning or recreational fire as described in this ordinance without first obtaining a recreational burning permit issued by the Fire Chief. The fee for burning permits shall be established by resolution of the Alaiedon Township Board of Trustees.
- 2. When weather conditions warrant, the Fire Chief or his/her designee may temporarily suspend the issuance of permits and may further temporarily suspend previously-issued permits.
- 3. A permit issued under this section shall require compliance with all applicable provisions of this ordinance and any additional special restrictions deemed necessary to protect the public health, safety and welfare.
- 4. Any violations of the conditions of a permit shall be deemed a violation of this ordinance. Any violation of the provisions of this ordinance or permit may void the permit.
- 5. Burning permits are valid from 7:00 a.m. to 12:00 midnight.
- 6. Permits are good for twelve month from the date of issue.

E. Liability.

A person engaging in recreational burning shall be responsible for all fire suppression costs and any other liability that results from damage caused by a fire.

F. Right of Entry and Inspection.

The Fire Chief or any authorized officer, agent, employee or representative of the Fire Chief or Alaiedon Township who presents credentials shall be permitted to inspect the area where recreational burning is taking place or will take place pursuant to a permit for the purpose of ascertaining compliance with the provisions of a permit and/or this ordinance.

G. Enforcement and Penalties; Municipal Civil Infractions.

- 1. The Fire Chief or his/her designee, Police Officers and any other Code Compliance Officers are authorized to enforce the provisions of this ordinance.

2. A person who violates any provision of this ordinance and/or permit hereunder is responsible for a municipal civil infraction, and shall be subject to a civil fine as established from time to time by resolution of the Alaiedon Township Board of Trustees.
3. Nothing in this section shall be construed to limit the remedies available to the Township in the event of a violation by a person of this ordinance and/or permit. Each act of violation, and each day upon which a violation exists or continues, shall constitute a separate offense.

If a court of competent jurisdiction declares any provision of this Ordinance, or a statutory provision referred to or adopted by reference herein, to be unenforceable, in whole or in part, such declaration shall only affect the provision held to be unenforceable and shall not affect any other part or provision. Provided, however, that if a court of competent jurisdiction declares a penalty provision to exceed the authority of the Township, the penalty shall be construed as the maximum penalty that is determined by the court to be within the authority of the Township to impose.

All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are hereby repealed; provided that any violation charged before the effective date of this ordinance under an ordinance provision repealed by this ordinance shall continue under the ordinance provision then in effect.

The foregoing ordinance was moved for adoption by Clerk Oesterle and seconded by Trustee Kranz, with a vote thereon being as follows:

Yes 5

No 0

Absent 0

Kimberly Hafley, Township Clerk

Adopted May 11, 1998

Published June 7, 1998

Effective July 7, 1998

Amended February 23, 2015 – Changing Uniform Fire Code to International Fire Code of 2021.

Amended July 13, 2015 – Adding Regulation of Recreational Burn Permits.

Amended April 14, 2025 – Updating to the International Fire Code of 2021.