

**FRENCHTOWN CHARTER TOWNSHIP
ORDINANCE ADOPTING INTERNATIONAL FIRE CODE
Ord. No. 226; Date of Adoption: May 8, 2018**

An Ordinance adopting the 2015 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 Frenchtown Charter Township providing for the issuance of permits and collection of fees therefor; providing that violation of the Ordinance constitutes a municipal civil infraction to establish a penalty for said violation and repealing Ordinance No. 220 of the Frenchtown Charter Township and parts of other Ordinances in conflict therewith.

THE CHARTER TOWNSHIP OF FRENCHTOWN HEREBY ORDAINS:

Section 1. Adoption of 2015 International Fire Code.

A certain document, three (3) copies of which are on file in the office of the Township Building Official of Frenchtown Charter Township being marked and designated as the International Fire Code, 2015 edition, including all Appendix Chapters (see International Fire Code Section 101.2.1, 2015 edition), as published by the International Code Council, be and is hereby adopted as the Fire Code of Frenchtown Charter Township in the State of Michigan 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 as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the offices of Frenchtown Charter Township are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any prescribed in Section 2 of this Ordinance.

Section 2. Insertion of Jurisdiction, Violation Penalties and Penalty for Failure to Comply.

The following sections are hereby revised by inserting the following in each respective Section in order:

Section 101.1. Insert: Frenchtown Charter Township

Section 109.4. Delete existing 109.4 and Insert:

A. Violation of this Ordinance shall be deemed a municipal civil infraction and shall be punishable by the fine schedule set forth in the Municipal Penalty Civil Infraction Ordinance No. 225 as restated herein:

1. First offense: \$100.00 plus costs.
2. First repeat offense: \$250.00 plus costs.
3. Second (or any subsequent) repeat offense: \$500.00 plus costs.

B. In addition to pursuing a municipal civil infraction proceeding pursuant to subsection A hereof, the Township may also institute an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to enforce, compel compliance or interpret this Ordinance.

C. All remedies available to the Township under this Ordinance and Michigan law shall be deemed to be cumulative and not exclusive.

D. Any use of land that is commenced or conducted, any activity or any building item or structure that is erected, moved, used, placed, reconstructed, razed, extended, enlarged, altered, maintained, or changed, in violation of any provision of this Ordinance is also hereby declared to be a nuisance per se.

E. Each and every day during which a violation of this Ordinance shall exist shall be deemed to be a separate offense

Section 3. Flammable and Combustible Liquids.

The geographic limits referred to in the following sections of the 2015 International Fire Code shall be based on State statute or regulation or in the absence of State statute or regulation on the matter, nationally recognized standards and shall require the approval of the Township Fire Chief.

Section 5704.2.9.6.1 Geographic area in which storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited: Entire Township except upon approval by the Township Fire Department and Building Department.

Section 5706.2.4.4 Geographic area in which storage of Class I and Class II liquids in above-ground tanks is prohibited: Entire Township except upon approval by the Township Fire Department and Building Department.

Section 5806.2 Geographic area in which storage of flammable cryogenic fluids in stationary containers is prohibited: Entire Township except upon approval by the Township Fire Department and Building Department.

Section 6104.2 Geographic area in which storage of liquefied petroleum gas is restricted for protection of heavily populated or congested areas is prohibited: Entire Township except upon approval by the Township Fire Department and Building Department.

Section 4. Repeal.

Ordinance No. 220 of Frenchtown Charter Township entitled Frenchtown Charter Township International Fire Code Adoption Ordinance and parts of other ordinances in conflict herewith are hereby repealed.

Section 5. Severability

This Ordinance and the various parts, sentences, paragraphs, sections, subsections, phrases and clauses thereof are declared to be severable and if any of them are adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected.

Section 6. Effect of Ordinance.

Nothing in this Ordinance or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 4 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 7. Effective Date.

This Ordinance shall become effective thirty (30) days after adoption and publication in a newspaper having general circulation in the Charter Township of Frenchtown, Monroe County, Michigan.