

Chapter 30 FIRE PREVENTION AND PROTECTION*

***Cross reference(s)**--Buildings and building regulations, ch. 10; emergency services, ch. 22; false reporting of fires, § 54-6; deposit of wastewater or flammable liquids on streets or sidewalks, § 74-9.

State law reference(s)--Fire prevention and protection of persons and property, MCL 29.1 et seq.

Sec. 30-1 through Sec. 30-95 are repealed.

(Ord. No. 2255, 12-9-2008)

Secs. 30-96--30-100. Reserved.

ARTICLE I. IN GENERAL

Sec. 30-101. Storage and disposition of waste oil, flammable liquids and grease.

- (a) It shall be the duty of every person having any waste oil, flammable liquid or grease, other than domestic grease, to provide one or more approved, covered metal containers, of not less than ten gallons capacity each, and in no case shall the combined capacity of such containers exceed 100 gallons, for the disposition of such substances. Such containers shall be kept in a safe and convenient location on the premises and all waste oil, flammable liquid and grease shall be placed therein and securely covered.
- (b) All wastes described in subsection (a) of this section shall be removed from the premises upon which such wastes are accumulated by the owner or occupant thereof and disposed of by burning the waste in an incinerator or furnace suitable for such purpose, by delivery to a refinery or removal beyond the city limits. It shall be unlawful to burn such wastes in any public street or alley.

(Code 1975, § 9-2; Ord. No. 2255, 12-9-2008)

Sec. 30-102. Inspections for the abatement or removal of fire hazards at public or private docks and marinas.

- (a) The Deputy Director of Public Safety for Fire Services ("the Deputy Director") may examine, or cause to be examined, at any time during the year, any ship, yacht, vessel, boat or other floating vehicle containing inboard or outboard internal combustion engines, stored or situated at any public or private dock or marina. Whenever the Deputy Director or his duly authorized representative shall deem any such ship, yacht, vessel, boat or other floating vehicle unsafe, by reason of the presence of flammable materials in or about such ship, yacht, vessel, boat or other floating vehicle and not properly stored in suitable containers, or shall discover any other cause or condition from which immediate danger of fire or explosion may be likely to such property or other property in the

vicinity thereof, he may, by written or oral notice, order the owner, agent, occupant, lessee or person in charge thereof to either remove or abate such condition. The owner, agent, occupant, lessee or person in charge of such ship, yacht, vessel, boat or other floating vehicle shall comply with such order within the time prescribed. Upon the neglect or refusal of such owner, agent, occupant, lessee, or person in charge to take such measures as will render such ship, yacht, vessel, boat or other floating vehicle safe against fire, the Deputy Director may either remove or abate such condition.

- (b) If the Deputy Director or his duly authorized representative shall find that an emergency exists or shall discover any cause or condition from which immediate danger of fire may be likely to such property or other property in the vicinity thereof, before such notice could be given to the owner, agent, occupant, lessee, or person in charge thereof, the Deputy Director or his duly authorized representative shall have the right to take such steps as he may deem necessary to abate such condition without prior notice, but shall, in such event, give notice as soon as possible to the owner, agent, occupant, lessee or person in charge thereof as to the conditions found and the measures taken to abate the condition.

(Code 1975, § 9-4; Ord. No. 2255, 12-9-2008)

Cross reference(s)--Waterways, ch. 106.

Secs. 30-103--30-130. Reserved.

ARTICLE II. FIRE DEPARTMENT*

***Cross reference(s)**--Departments, § 2-91 et seq.

State law reference(s)--Civil service for fire departments, MCL 38.501 et seq.; Firefighters Training Council Act of 1966, MCL 29.361 et seq.

DIVISION 1. GENERALLY

Sec. 30-131. Composition; filling of vacancies.

- (a) The fire department of the city shall consist of one Deputy Director of Public Safety for Fire Services, to be appointed by the city manager, one or more assistant chiefs, battalion chiefs, captains, lieutenants, mechanics and firefighters, as shall be deemed necessary by the Director of Public Safety, to be appointed by him with the approval of the city manager.
- (b) The Director of Public Safety with the approval of the city manager, shall fix and determine the number of regular members of the department, and when a vacancy occurs in the department, shall file a written notification with the civil service commission. The Director of Public Safety shall, from the list of three names submitted by the civil service commission, select a probationary member for such vacancy.

(Code 1975, § 9-19; Ord. No. 2128, 3-23-2004; Ord. No. 2255, 12-9-2008)

Charter reference(s)--Authority of city manager to appoint fire chief, ch. III, § 2.

Secs. 30-132--30-134. Reserved.

Sec. 30-135. Bureau of fire prevention.

- (a) The bureau of fire prevention in the fire department of the city is hereby established to be operated under the supervision of the Deputy Director.
- (b) The Deputy Director shall designate a member of the fire department who shall be director of the bureau of fire prevention. To aid the director of the bureau, the Deputy Director shall assign such assistants as he considers necessary to carry on the fire prevention work effectively. Such assistants shall work within the framework of the bureau and shall be directly responsible to the director of the bureau.

(Code 1975, § 9-27; Ord. No. 2255, 12-9-2008)

Secs. 30-136--30-155. Reserved.

DIVISION 2. DEPUTY DIRECTOR OF PUBLIC SAFETY FOR FIRE SERVICES

Sec. 30-156. General powers and duties.

- (a) The Director of Public Safety ("Director"), assisted by the Deputy Director of Public Safety for Fire Services ("the Deputy Director"), shall oversee the operations of the fire department. It shall be the responsibility of the Director and the Deputy Director to provide fire, medical and emergency services to the city.
- (b) The Director and the Deputy Director shall enforce all rules, regulations and discipline among members of the department.
- (c) The Director and the Deputy Director shall enforce the laws of the state and ordinances of the city that are applicable to the fire department and shall cooperate with state agencies, local municipal agencies and other city departments.

(Code 1975, § 9-35; Ord. No. 2255, 12-9-2008)

Sec. 30-157. Duties with respect to fires outside city.

The Deputy Director or designee shall give orders when, in his judgment, it seems necessary for any apparatus of the department to be used on any fire beyond the city limits which is not covered by a written contract. The Deputy Director shall render all possible aid to neighboring cities when called on, but shall not jeopardize the safety of the city by doing so.

(Code 1975, § 9-36; Ord. No. 2255, 12-9-2008)

Secs. 30-158--30-159. Reserved.

Sec. 30-160. Records--Generally.

The Deputy Director shall keep on file adequate records of the operation of the department, including a record of fires and alarms, showing the date of the fire, the location and a description of the building and its owner and occupant, the cause of the fire and accidents, loss on buildings, goods and fixtures, insurance on the property and the insurance paid.

(Code 1975, § 9-39; Ord. No. 2255, 12-9-2008)

Secs. 30-161--30-190. Reserved.

ARTICLE III. FIRE PREVENTION CODE

Sec. 30-191. Adoption.

The city hereby adopts the *International Fire Code*, 2009 edition, including all appendices thereto, except for Appendix A which is not adopted, as published by the International Code Council, as the Fire Code of the City of Muskegon, in the State of Michigan. The International Fire Code regulates and governs the safeguarding of life and property from fire and explosion hazards arising from the occupancy of buildings and premises; provides for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions, and terms of the International Fire Code on file in the office of the City of Muskegon 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 this ordinance. Copies of the International Fire Code are on file in the office of the City Clerk of the City of Muskegon, and the code is made a part hereof as if fully set forth in this article.

If any conflict exists between any provision in the International Fire Code and a provision in the Michigan Building Code, the Michigan Building Code, 2009 edition, shall prevail.

(Code 1975, § 9-136; Ord. No. 2059, § 9-136, 11-13-2001; Ord. No. 2123, 2-10-2004; Ord. No. 2255, 12-9-2008; Ord. No. 2293, 3-22-2011)

State law reference(s)--Authority of city to adopt technical code by references, MCL 117.3(k).

Sec. 30-192. Rules for flammable and combustible liquids and underground storage tanks.

The city hereby adopts the state rules for the storage and handling of flammable and combustible liquids as promulgated by the state fire safety board, and the state underground storage tank rules, as adopted by the state.

(Code 1975, § 9-136.1; Ord. No. 2059, § 9-136.1, 11-13-2001; Ord. No. 2255, 12-9-2008)

State law reference(s)--MCL 324.21101 et. seq.

Sec. 30-193. Definitions.

In addition to the definitions set forth in the International Fire Code, the following definitions apply:

- (1) Wherever the term "jurisdiction" or "name of jurisdiction" is issued in the International Fire Code, it shall be held to mean the City of Muskegon.
- (2) Whenever the term "code official" is used in the International Fire Code, it shall be held to mean the position of city fire marshal or, if that position is vacant, the position of city fire inspector.

(Code 1975, § 9-137; Ord. No. 2059, § 9-137, 11-13-2001; Ord. No. 2255, 12-9-2008)

Cross reference(s)--Definitions generally, § 1-2.

Sec. 30-194. Amendments and exclusions.

- (a) Section 103 of the International Fire Code is excluded in its entirety.
- (b) Section 108 of the International Fire Code is amended to read in its entirety as follows:

Whenever an application is disapproved or issuance of a permit under the International Fire Code is refused, or when it is claimed that the provisions of such code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal to the construction board of appeals of the city in accordance with their authority as set forth in section 10-32 of the city code of ordinances.

- (c) Section 109.3 of the International Fire Code is amended to read in its entirety as follows:

Violations and penalties. Persons who shall violate a provision of this code or fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be responsible for a civil infraction. Penalties that shall apply to civil infractions shall be a fine of \$100.00 for the first offense, \$250.00 for the second offense within one year of the first, and \$500.00 for each subsequent offense within two years of the first offense. Each day that a violation continues after due notice has been given shall be deemed a separate offense.

In addition to the imposition of penalties and responsibility for civil infractions, the city is authorized to institute appropriate actions to prevent unlawful construction or to restrain, correct, or abate a violation, to prevent illegal occupancy of the structure or premises or to stop an illegal act, illegal operation of a business or illegal occupancy of a structure on or about any premises.

- (d) Section 110 of the International Fire Code concerning unsafe buildings is amended to read in its entirety as follows:

Unsafe buildings. Buildings or structures which are structurally unsafe or not provided with adequate egress, or constitute a fire hazard or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health or public welfare, by reason of inadequate maintenance,

dilapidation, obsolescence, fire hazard, disaster damage or abandonment as specified in this code or another ordinance, are, for the purpose of section 110, unsafe buildings. Such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal. The procedures and standards specified in section 10-61 et seq., of the Code of Ordinances concerning dangerous buildings shall apply.

- (e) Section 111.4 of the International Fire Code is amended to read in its entirety as follows:

Failure to comply. Any person who shall continue to work after having been served with a stop work order, except such work as that person is directed by the code official to perform to remove a violation or unsafe condition, shall be responsible for a civil infraction carrying the same penalties as set forth in subsection (c) above.

- (f) Appendix A, concerning a board of appeals, set forth in the International Fire Code, is not adopted and is hereby deleted.
- (g) The geographic limits referred to in Section 3204.3.1.1, Section 3404.2.9.5.1, Section 3406.2.4.4, and Section 3804.2 of the 2006 *International Fire Code* are hereby established as the City of Muskegon city limits.

(Code 1975, § 9-138.1; Ord. No. 2059, §§ 9-138, 9-140, 11-13-2001; Ord. No. 2255, 12-9-2008)

Sec. 30-195. Amending or repealing ordinances in conflict.

All other ordinances or parts of ordinances in conflict herewith are hereby repealed. All references in other city ordinances to any edition of the International Fire Code, other than the 2006 edition, are hereby amended to refer to the 2006 edition.

(Ord. No. 2255, 12-9-2008)

Sec. 30-196. Effect of finding of unconstitutionality.

That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Commission of the City of Muskegon hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

(Ord. No. 2255, 12-9-2008)

Sec. 30-197. Effect on existing rights and liabilities.

That nothing in this ordinance or in the International 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 30-195 of the ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

(Ord. No. 2255, 12-9-2008)

Sec. 30-198. Modifications.

The Deputy Director shall have power to modify any of the provisions of the International Fire Code, upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured and substantial justice done. The particulars of such modifications, when granted or allowed, and the decision of the Deputy Director shall be entered upon the records of the fire department and a signed copy shall be furnished to the applicant.

(Code 1975, § 9-143; Ord. No. 2059, § 9-139, 11-13-2001; Ord. No. 2255, 12-9-2008)

Secs. 30-199--30-219. Reserved.

ARTICLE IV. RECREATIONAL FIRES.

Sec. 30-220. Guidelines.

All recreational fires within the City of Muskegon limits shall abide by the following:

- (a) Only natural cut wood and small brush may be burned.
- (b) No leaves, garbage, lumber, pallets or sawdust may be burned.
- (c) The fire must be attended at all times.
- (d) A minimum of twenty-five (25) feet must be maintained between the fire and any structure or combustible material.
- (e) A means of extinguishment, such as dirt, sand, water barrel or garden hose, must be readily available and should be comparable in size to the fire.
- (f) Use extreme caution when weather conditions result in lack of rain for more than one week and/or high temperatures result in dry conditions.

(Ord. No. 2255, 12-9-2008)

Sec. 30-221. Extinguishment order.

The Muskegon Fire Department may order the extinguishment of a recreational fire for the following reasons:

- (a) High winds.
- (b) Burning material used other than cut wood and small brush.
- (c) Citizen complaints due to health concerns.
- (d) Unattended fire.
- (e) Potential safety concerns as determined by the Muskegon Fire Department.

(Ord. No. 2255, 12-9-2008)

Sec. 30-222. Refusal to comply with extinguishment order.

If a person refuses to comply with an order by the Muskegon Fire Department to extinguish a recreational fire, the Muskegon Fire Department may extinguish the fire and issue a citation for a civil infraction to the person refusing to comply with the order.

(Ord. No. 2255, 12-9-2008)