

**TOWNSHIP OF LAPEER  
LAPEER COUNTY, MICHIGAN  
FIRE CODE ORDINANCE**

**Ordinance No. 32.4**

An ordinance to prescribe minimum requirements and controls to safeguard life, property or public welfare from the hazards of fire and explosion arising from the storage, handling or use of substances, materials, or devices and from conditions hazardous to life, property or public welfare in the use or occupancy of buildings, structures, sheds, tents, lots or premises; to provide for the issuance of permits, collection of fees, and making of inspections; provide for the appointment of a Fire Code Official; and provide penalties for violations.

**THE TOWNSHIP OF LAPEER ORDAINS:**

**Section 1. ADOPTION OF FIRE PREVENTION AND PROTECTION CODES**

Pursuant to the authority of Act 230 of Public Acts of 1972, the Township of Lapeer does hereby adopt the "2015 International Fire Code" as published by the International Code Council to be known as the Fire Prevention Code of the Township. All provisions and terms of the "2015 International Fire Code" is hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance.

**Section 2. DEFINITIONS - ADOPTION BY REFERENCE:**

- A. Reference in the International Fire Code to name of jurisdiction shall mean the Township of Lapeer.
- B. Reference to the International Building Code shall mean the Michigan Building Code.
- C. Reference to the International Mechanical Code shall mean the Michigan Mechanical Code.

**Section 3. CHANGES IN CODE - The following subsections are modified or deleted as follows:**

**A. Occupancy Prohibited Before Approval**

The building or structure shall not be occupied prior to the Fire Code Official conducting an inspection to determine that applicable provisions of this code have been met and occupancy authorized.

**B. Required Operational Permits**

The fire code official is authorized to issue operational permits or otherwise give approvals for the operations set forth in sub-sections 105.6.1 through 105.6.48.

### **C. Containers**

The clearance distances from combustible walls, openings or combustible roof eave lines shown in sections 304.3.3, 304.3.4 are increased to 10 feet. The remainder of these sections remains unchanged.

### **D. Tenant Identification**

Tenant identification shall be provided for secondary exits from occupied tenant spaces that lead to an exit corridor or directly to the exterior of the building. Tenant identification shall be posted on the exterior side of the exit or exit access door and shall identify the business name and address using plainly legible letters and numbers that contrast with their background. There are no exceptions.

### **E. Key Box Required**

Key boxes are required for the following premises:

1. All non-residential buildings over 3,500 square feet constructed or altered after July 13, 2009.
2. All existing commercial and manufacturing buildings over 3,500 square feet which undergo renovation or remodeling which affects an area of 2,000 square feet or more, or which is done at a cost of \$25,000 or more.
3. Any building having a gate capable of being locked and which could hinder fire department access to the premises.
4. Any non-residential building equipped with a fire alarm or sprinkler system.
5. Agricultural Buildings are exempt from key box requirements.

Single occupancy businesses are required to have a key box installed at the location designated by the code official, normally the main entrance. Additional key boxes may be required by the code official depending on the size and layout of the building.

In strip malls, up to three (3) businesses with connected common walls and on the same level may share a key box between them. All the businesses are equally responsible for maintaining the key box and alarm system. All key boxes shall be alarmed.

In businesses that have an existing alarm system (i.e., burglar or fire alarm) or have an automatic fire suppression system such as a sprinkler, CO<sub>2</sub>, dry or wet chemical, the key box(es) shall be connected to the alarm system. In buildings without or not requiring an alarm or automatic fire suppression system, an audible alarm approved by the Code Official shall be mounted on the outside of the building. This alarm shall activate any



time the key box is opened or physically removed from the building. The key box(es) to be ordered must be approved by the Code Official.

For some locations, a key box padlock may be required. The Fire Code Official shall provide key box order forms, and shall keep a copy of the completed order form in the business inspection file. Installation requirements for the key box include:

1. The key box will be installed at the location specified by the Code Official, normally at the main entrance.
2. The key box will be mounted at five (5) feet from grade level.
3. All key boxes must be connected to the building alarm system or audible alarm prior to being closed.

#### **F. Inspection**

An inspection shall be performed on all hoods, grease-removal devices, fans, ducts and other appurtenances at intervals specified on Table 609.3.3.1 or as approved by the fire code official. Inspections shall be made by the manufacturer, installer, or Maintenance Company. The inspections shall ascertain that the system will cover all the cooking surfaces with the extinguishing agent when manually or automatically actuated. The manual actuation, automatic actuation, and system interconnections shall also be inspected to determine that they operate as required. A written inspection report shall be filed with the fire code official upon completion of each inspection.

#### **G. Records**

Records for inspections shall state the individual and company performing the inspection, a description of the inspection and when the inspection took place. Records for cleanings shall state the individual and company performing the cleaning and when the cleaning took place. Such records shall be completed after each inspection or cleaning, maintained on the premises for a minimum of three years, and a copy of each report shall be forwarded to the fire code official within 30 days of the date of the inspection, cleaning, test, or maintenance performed.

#### **H. Records**

Records of all system inspections, tests, and maintenance required by the referenced standards shall be maintained on the premises for a minimum of three years. A copy of each inspection, test, or maintenance record shall be forwarded to the fire code official within 30 days of the date of that the inspection, test, or maintenance occurred.

**I. Fire Department Connection**

When a fire suppression system is required for a new structure, the location of the fire department connections shall be approved by the Fire Code Official.

**J. Duct Smoke Detectors**

Smoke detectors installed in ducts shall be listed for the air velocity, temperature and humidity present in the duct. Duct smoke detectors shall be connected to the building's fire alarm control unit when a fire alarm system is required by Section 907.2. Activation of a duct smoke detector shall initiate a visible and audible supervisory signal at a constantly attended location and shall perform the intended fire safety function in accordance with this code and the Michigan Mechanical Code. In facilities that are required to be monitored by a supervising station, duct smoke detectors shall report as a fire alarm. They shall not be used as a substitute for required open area detection. The remainder of this section remains unchanged.

**K. Fireworks**

The exception shown as #4 is hereby modified as follows:  
Exceptions - #4. The possession, storage, sale, handling, and use of fireworks shall comply with the provisions of PA 257 of 2012. The remainder of the section remains unchanged.

**L. Sale and Retail Display**

The sale and retail display of fireworks shall comply with the provisions of PA 257 of 2012.

**Section 4. ADDITIONS TO CODE** - The additions to the current Code are as follows:

**A. Building Permit Requirements**

No building permit shall be issued by the Township of Lapeer Building Code Official for any occupancy type (excluding 1-2 family residential) until all plans required by this section have been submitted and approved in accordance with the provisions of this section.

**B. Crossing of Fire Hose**

A vehicle shall not be driven or propelled over any unprotected fire hose of the fire department when laid down on any street, alleyway, private drive, or any other vehicular roadway without the consent of the Fire Official in command of said operation.



**C. Open Buildings Due to Fire**

The Fire Code Official or a duly authorized representative is empowered to order the securing of fire damage buildings. If the owners of the affected building are present, this order shall be given to them. If no owners or representatives of the building are present, the Fire Code Official or a duly authorized representative may have the building secured. The expense of securing the building shall be a debt to the Township of Lapeer from the responsible owner and shall be collected as any other debt to the Township of Lapeer.

**D. Authority to Remove Obstructions**

If any vehicle, trailer or other object is so located within a fire apparatus access road or at any other location prohibited by this ordinance, or any Township ordinance, at a time the fire department is responding to an alarm which necessitates use of such fire apparatus access road and/or other location, then any member of on scene police or fire department may move or cause same to be moved by any means necessary without liability for any damage being occurred by the on scene police or fire prevention officer, agent or employee thereof.

**Section 5. RESTITUTION**

A. **Arson** - In any case in which arson takes place, the person(s) convicted of that crime, or of any lesser charge, or by way of a plea bargain, shall be financially responsible for all costs of investigating, fighting and extinguishing the fire, for any property securing services and/or for any other security procedures performed by the Townships duly appointed Fire Code Official or agency.

B. **Alcohol and Drugs** - In any case where abuse of alcohol or drugs can be proven to have contributed to the cause of the emergency response by the Township of Lapeer or its agents, the person(s) proven to be on alcohol or drugs shall be financially responsible for the cost of any work performed by the Fire Code Official or its agents or representatives.

**Section 6. FEES**

All fees for permits, bonds, or inspections required by the Code shall be established by motion of the Township Board. The Township Board may adopt the fee schedule of the current enforcement agency.

Any unpaid fee which remains unpaid for ninety (90) days after being mailed to the responsible party may be assessed on the property tax bill for the property, referred to collections or submitted to small claims court.

**Section 7. AVAILABILITY OF THE CODE**

A complete copy of the Code shall be available for public use and inspection at the Township Office.

**Section 8. FIRE CODE OFFICIAL**

The Township Board shall appoint a qualified person to serve as the Fire Code Official to exercise the authority granted in the Code. The Fire Code Official shall have authority to issue district court appearance tickets on reasonable cause to believe that a violation of the Code adopted by this Ordinance has occurred.

**Section 9. LEGAL DEFENSE**

103.4.1 Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the employer of the fire prevention official and shall not be the responsibility of the Township of Lapeer. The Fire Code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of fire prevention, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

**Section 10. APPEALS**

108.1 The board of appeals shall be the board of appeals under this ordinance shall be the Construction Board of Appeals appointed and used by the Construction Code Authority.

**Section 11. PENALTY**

Any person who shall violate a provision of the Code or this Ordinance shall be responsible for a civil infraction punishable by a fine of not less than One Hundred (\$100.00) Dollars and not more than Five Hundred (\$500.00) Dollars per violation. Each day that a violation continues shall be deemed a separate offense.

**Section 12. ASSESSMENT OF DELINQUENT FIRE INSPECTION FEES TO THE TAX ROLL**

Any fire inspection fee which remains unpaid for ninety (90) days after being mailed to the responsible party may be assessed on the property tax bill for the property, which the fire inspection was performed.

**Section 13. REPEAL OF PRIOR ORDINANCE**

All ordinances inconsistent with the provisions of this ordinance are hereby repealed. The former Lapeer Township Ordinance Numbers 32.3 is hereby repealed.

**Section 14. VALIDITY**

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 Township of Lapeer 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.

**Section 15. ENACTMENT AND EFFECTIVE DATE**

This ordinance adopted by the Township Board of the Township of Lapeer, Lapeer County, Michigan at a meeting duly called and held on the 13th day of July 2009 and was published in the LAView newspaper on the 16th day of July 2009. This ordinance shall take effect thirty (30) days after publication.

CERTIFICATION

*The undersigned Supervisor and Clerk of the Township of Lapeer hereby certify that this ordinance Amendment was adopted by the Lapeer Township Board at a meeting held on the 14<sup>th</sup> day of August 2017 and was published in the LAView Newspaper on the 24<sup>th</sup> day of August 2017. This ordinance shall take effect 30 days after publication.*



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Scott A. Jarvis  
Lapeer Township Supervisor



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Dawn M. Walker, CMC  
Lapeer Township Clerk