

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

## **Ordinance No. 32.2**

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 prevention 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 "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 "International Fire Code" is hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance.
- Section 2. **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 Construction Code Authority, Inc., by reference, if the Code is enforced by the Authority.
- Section 3. **AVAILABILITY OF THE CODE**  
A complete copy of the Code shall be available for public use and inspection at the Township Office. In the alternative, a copy of the Code shall be available at the Construction Code Authority, Inc. office if the Authority is designated to enforce the Code on behalf of the Township.
- Section 4. **FIRE PREVENTION OFFICIAL**  
The Township Board shall appoint a qualified person to serve as the Fire Prevention Official to exercise the authority granted in the Code. The Fire Prevention 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 5. **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. 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 6. **APPEALS**

108.1 The board of appeals shall be the board of appeals used by the construction code authority.

Section 7. **PERMITS**

105.1 Any person, firm, or corporation who shall own, occupy, operate, or control a structure or premises except single-family dwellings and dwelling units in two-family and multiple-family dwellings shall annually apply for and obtain a permit from the Fire Protection Official.

Section 8. **PENALTY**

109.3 Any person who shall violate a provision of the Code or this Ordinance shall be responsible of a civil infraction punishable by a fine of not more than \$500.00, or by imprisonment not exceeding 90 days, or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

111.4 The penalty for failure to comply means the violator shall be liable for a fine of not less than \$100.00 or more than \$500.00.

Section 9. **REPEAL OF PRIOR ORDINANCE**

All ordinances inconsistent with the provisions of this ordinance are hereby repealed. The former Lapeer Township Ordinance Numbers 32 and 32.1 are hereby repealed.

Section 10. **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 11. That nothing in this ordinance or in the fire code hereby adopted shall be construed to affect any suit or proceeding impending in 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 this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 12. **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 12<sup>th</sup> day of November 2007 and was published in the LAView newspaper on the 29th day of November 2007. 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 12th day of November 2007 and was published in the LAView Newspaper on the 29th day of November 2007. 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, Lapeer Township Clerk