

ORDINANCE NUMBER 25
FIRE PREVENTION AND SUPPRESSION, POLICE PROTECTION,
AND EMERGENCY SERVICES

SECTION 1.0 TITLE

The Title of this Ordinance is the Eureka Charter Township Ordinance 25 Fire prevention and suppression, Police Protection, and Emergency Services.

SECTION 2.0 PURPOSE

This is a revision to Ordinance 25.

Its purpose is to identify methods and regulations for the safeguarding of life and property from the hazards of fires, explosions, environmental emergencies, and for providing enhanced Police Protection and Emergency Services within Eureka Charter Township.

SECTION 3.0 DEFINITIONS

1. **Emergency Services Organization (ESO)**: Any public or private, governmental, or military organization that provides emergency response, fire suppression, and related activities.
2. **Enhanced Police Protection**: The use of trained deputized officers with a fully equipped police car, to operate solely within the geographical area of Eureka Charter Township to provide enhanced enforcement of State statutes, Township ordinances, and timely response to protect the residents of Eureka Charter Township.
3. **HAZMAT**: Hazardous Materials
4. **Rescue**: To set free, as from danger
5. **Fire Suppression**: The elimination of the process of burning or combustion
6. **Disaster Response**: Responding to an emergency call including possible environmental, biological, or chemical releases which may pose a risk to human life, real or personal property, or the environment.
7. **HAZMAT Containment**: To control and eliminate the release of a biological, chemical or any other potentially harmful

substance and prevent further exposure to human life, real or personal property, or the environment.

8. **Campfire:** A small outdoor fire intended for recreation or cooking which is outlined with brick, stone or other noncombustible material to contain the fire but not including a fire intended for disposal of waste, wood or refuse.
9. **Clean Wood:** Natural wood which has not been painted, varnished or coated with a similar material, has not been pressure –treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.
10. **Construction and Demolition Waste:** Building waste materials, including but not limited to roofing shingles, insulation, treated wood, painted wood, wiring, plastics, packaging and rubble that results from construction, remodeling, repair and demolition operations on a house, commercial or industrial building or other structure.
11. **Municipality:** County, Township, City or Village.
12. **Outdoor Burning:** Open burning or burning of materials outside of an approved campfire, burning barrel, outdoor wood fired boiler or patio wood burning unit.
13. **Open Burning:** Maintaining a fire where the products of combustion are emitted directly in ambient air without passing through a stack or chimney. (Approved camp fires and burning barrels with a grate to keep cinder from entering the air are exempt.)
14. **Refuse:** Any waste material other than trees, logs brush, stumps, leaves or grass clippings.
15. **Fire Containment:** the elimination and control of uncontrolled fires which are likely to cause danger to human life or damage to real or personal property or the environment.
16. **Zoning Administrator:** The Eureka Charter Township Zoning Administrator hired by the Eureka Charter Township Board to manage the Eureka Charter Township Zoning Ordinances.
17. **Vehicle Extrication:** To release an occupant in a vehicle from an entanglement within the vehicle.
18. **Approved Burning Barrel:** A container constructed of either metal or masonry with a metal covering device that does not have an opening greater than $\frac{3}{4}$ ".

SECTION 4.0 CODES AND STANDARDS

Eureka Charter Township shall use, at a minimum, the following standards and codes to provide for inspection, and other services within the township.

- Michigan Residential code as amended
- Michigan Building Code as amended
- NFPA 101 Life Safety Code current adopted edition
- NFPA 72 National Fire Alarm Code as amended
- Act 203 of 1965 Commission on Law Enforcement Standards Act.
- Michigan Rehabilitation Code for Existing Buildings
- NFPA 1201 Standard for providing Emergency Services to the Public

SECTION 5.0 PLAN REVIEW AND INSPECTIONS OF BUILDINGS AND PREMISES FOR FIRE SAFE CONDITIONS

- A. Eureka Charter Township shall review or make arrangements for review of all new construction documents prior to issuance of a building permit for fire safety compliance with the Michigan Residential Code (Residences), Michigan Building Code (Commercial), Michigan Rehabilitation Code for Existing Buildings, NFPA 101 National Life Safety Code current adopted edition, and the NFPA 72 National Fire Alarm Code as amended.
- B. Eureka Charter Township shall inspect or make arrangements for inspection, prior to issuance of a Certificate of Occupancy, all new construction in the Township for fire safety compliance with the Michigan Residential Code (Residences), Michigan Building Code (Commercial), NFPA 101 National Life Safety Code current adopted edition, Michigan Rehabilitation Code for Existing Buildings, and the NFPA 72 National Fire Alarm Code as amended.
- C. Eureka Charter Township shall inspect or make arrangements for inspection of, all existing buildings and premises in the Township if use conditions or complaints arise as to fire safety violations which could pose a fire threat to real or personal property or human life. Any Fire Safety code or Fire Safety standard violations identified during inspection shall immediately be given to the property owner in writing. The violation must be corrected within 30 days or a Citation may be issued for violation of this Ordinance. Such violations will be cited from the Michigan Residential Code, Michigan Building Code, NFPA 101 Life Safety

Code, NFPA 72 national Fire alarm Code, or the Michigan Rehabilitation Code for Existing Buildings.

SECTION 6.0 FIRE, DISASTER RESPONSE, AND HAZMAT CONTAINMENT

- A. The Eureka Charter Township Board shall make provisions for fire suppression and other necessary fire fighting and emergency response services for Eureka Charter Township. In the event a contract for these services is terminated, these services will be obtained from another properly equipped ESO.
- B. Fire Suppression and other necessary firefighting and emergency services shall be provided pursuant to the *NFPA 1201 Standard for providing Emergency Services to the Public*, and other prevalent fire prevention codes adopted by the State of Michigan.
- C. If an open burn requires an emergency response in the township, and a permit has not been issued by the Township, the owner, person responsible for the fire, or both may be cited for an infraction of this ordinance and may be subject to fines, court costs, and reimbursement for suppression of the fire. If a contracted ESO provides these services to the Township, the ESO shall provide the Township with a total cost for this run, which will include labor and material costs for purposes of establishing a fair value to bill the person in violation of this Ordinance.
- D. If Emergency equipment is called to a vehicular accident where Emergency Services are required for fire suppression, vehicle extrication or HAZMAT containment and a ticket is issued, the Township or contracted ESO may issue a citation for those responsible for the accident. Those cited may be subject to fines, court costs and reimbursement for equipment and labor used to provide emergency services, extraction of people, or for HAZMAT containment.

SECTION 7.0 ENHANCED POLICE PROTECTION

- A Per the State of Michigan Public Act 35 of 1951 Compiled Laws 1948 , Section 124.1 being M.S.A. 5.4084 the Eureka Charter Township Board may provide for enhanced public safety and police protection consisting of trained deputized officers with a fully equipped police car to operate within the geographical area of Eureka Charter Township. Hours of operation shall be set by the township board to provide basic levels of service normally provided by the local County Sheriff Department. These enhanced services are to be conducted solely within the Eureka Township geographical area. Such services shall include the

enforcement of State statutes and Township Ordinances that are of the same type or nature as State statutes enforced within the unincorporated Territory of Montcalm County. Enhanced Police Protection may be funded through voter-approved millage. In the event a contract for these services is terminated, and funding is available, these services will be obtained from another properly equipped Police Department as long as funding is available.

SECTION 8.0 OPEN BURNING

- A. Open, outdoor, and refuse burning are prohibited in Eureka Charter Township unless the burning is specifically permitted by this section:
- B. Open burning of refuse within all Zoning Districts is permitted if all of the following conditions are met:
 - a. The burning does not create a nuisance
 - b. The burning is conducted in an approved burning barrel
 - c. The material being burned is not prohibited under Subsection C.
- C. Open burning of the following refuse material is prohibited in all Zoning Districts:
 - a. Construction and Demolition waste that is coated with any product to protect the wood.
 - b. Hazardous substances, including but not limited to batteries, household chemicals, pesticides, used oil, gasoline, paints, varnishes and solvents.
 - c. Furniture and appliances.
 - d. Tires.
 - e. Any plastic materials included but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 - f. Treated or painted wood, including but not limited to, plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
- D. The open burning of trees, logs, brush, stumps, leaves and grass clippings is allowed only in accordance with all of the following provisions:
 - a. With the exception of campfires and approved burning barrels as identified under the definitions in Section 3. 8 and 3. 18, a permit must be obtained in accordance with Section 8.F. of this Ordinance prior to open burning under this section.
 - b. Open burning of trees, logs, brush and stumps must be conducted at least 1,400 feet from an incorporated city or village limit.
 - c. With the exception of barbecues, gas or charcoal grills, no open burning shall be undertaken during periods when the Governor of Michigan has issued a burning ban applicable to the area.

- d. All permitted open burning shall be conducted in a safe nuisance-free manner when wind and weather conditions minimize adverse effects and do not create a health or visibility hazard on roadways, railroads or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.
 - e. Open burning shall only be conducted at a distance of at least 100 feet from the nearest building which is not on the same property.
 - f. With the exception of campfires, open burning shall only be conducted between the hours of 8:00 a.m. and 8:00 p.m.
 - g. Open burning shall be continuously attended and supervised by a competent person of at least 18 years of age until the fire is extinguished and cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
 - h. No materials may be burned upon any street, sidewalk, or on the ice of a lake, pond, designated wetland, stream, or other body of water.
 - i. Except for barbecues, gas or charcoal grills, or approved burning barrel, no open burning shall be undertaken within 25 feet of any combustible material, combustible wall or partition, exterior window opening, or building access or exit.
 - j. No open burning shall be conducted on days when the Department of Environmental Quality has declared an air quality action day or burning ban applicable to the County of Montcalm.
- E. Agricultural Burning of brush and crop stubble on agricultural lands is allowed if conducted in accordance with other applicable provisions of this Ordinance and a permit is issued.
- F. Burning Permits:
- a. No person shall start or maintain any outdoor burning or open burning without a burning permit issued by the Eureka Township Zoning Administrator or other persons authorized by the Township Supervisor.
 - b. Any person issued a permit for burning by the Eureka Township Zoning Administrator shall contact the Montcalm County Dispatch before starting the fire.
 - c. Burning in properly installed campfires, and approved burning barrels, with appropriate screening on top, does not require a permit provided that the fire complies with all other applicable provisions of this Ordinance.
 - d. When weather conditions warrant, the Zoning Administrator or other persons authorized by the Township Supervisor may

temporarily suspend issuing burning permits and may temporarily suspend previously-issued permits for open burning.

- e. A burning Permit issued under this section shall require compliance with all applicable provisions of this Ordinance and any additional special restrictions deemed necessary to protect public health and safety.
- f. Any violations of the conditions of a burning permit shall be deemed a violation of this Ordinance. Any violation of this Ordinance or the burning permit shall void the permit.

G. Liability

- a. A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

SECTION 9.0 CONTRACTING FOR SERVICES

The Eureka Charter Township Board may contract for inspection, ESO and Enhanced Police Protection services, and may seek voter approval of additional millage to fund these services.

SECTION 9.0 ENFORCEMENT AND PENALTIES

- A. Any person, firm, association, partnership, corporation or governmental entity that violates any of the provisions of this Ordinance or fails to comply with a duly authorized order pursuant to this Ordinance shall be deemed to be in violation of the Ordinance and subject to a municipal civil infraction.
- B. This ordinance shall be enforced by such persons who shall be so designated by the Township Board.
- C. Fines for a Civil Municipal Infraction shall be determined annually by the Eureka Charter Township Board.
- D. The violator shall pay costs which may include all expenses, direct and indirect, that Eureka Charter Township, and/or the ESO has incurred in connection with the municipal infraction.
- E. The Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance.
- F. Each day that a violation of this Ordinance exists shall constitute a separate violation of the Ordinance.

SECTION 10.0 SEVERABILITY

Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

SECTION 11.0 EFFECTIVE DATE AND ADOPTION

- A. This Ordinance shall amend the current Ordinance 25 and will become effective thirty (30) days after its publication in a local newspaper.
- B. This Ordinance was adopted by the Township Board of the Charter Township of Eureka, Montcalm County, Michigan at a regular meeting thereof held on May 10, 2010.

Adopted: May 10, 2010
Published: May 19, 2010
Effective: June 18, 2010