

ORDINANCE TO ESTABLISH FIRE CODE ORDINANCE

CONWAY TOWNSHIP LIVINGSTON COUNTY, MICHIGAN Ordinance No. 28

An ordinance to promote the enforcement of a fire code in Conway Township, Livingston County, Michigan by adopting by reference the International Fire Code, 2021 edition. This adoption is in the interest of the health, safety and welfare of the residents, property, and other persons within Conway Township through the provisions of the International Fire Code, 2021 edition.

SECTION 1. ADOPTION BY REFERENCE

Pursuant to the International Fire Code, 2021 edition, including all Appendices, as published by the International Code Council, are adopted by reference as if the same were fully set forth herein, save and except such portions as may be later amended or deleted, and they shall hereafter be known as the "Fire Prevention Code" for Conway Township.

SECTION 2. PURPOSE

The purpose of this ordinance is to adopt the Fire Prevention Code as an enforceable regulation 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 commercial and industrial buildings and premises.

SECTION 3. FIRE CODE OFFICIAL; BOARD OF FIRE CODE APPEALS

(1) All references made in the Fire Prevention Code to the fire code official shall be a reference to the Fowlerville Area Fire Authority Chief, or his or her designee, and the Fowlerville Area Fire Authority Chief is hereby given authority and charged with the administration and enforcement of this Code.

(2) Any appeal of an order, decision, or determination of the fire code official relative to the application and interpretation of the Fire Prevention Code shall be made to the Conway Township Clerk. Upon receipt of an appeal, the Conway Township Board of Trustees shall appoint at least three (3) members to serve as the Board of Appeals pursuant to Section 111 of the Fire Prevention Code. The Board of Appeals shall decide all appeals pursuant to the Fire Prevention Code.

SECTION 4. FILE AND DISTRIBUTION COPIES

The Fire Prevention Code, as adopted in Section 1, shall be kept in the office of the Township Clerk, available for inspection by and distribution to the public at all times.

SECTION 5. CONFLICTS

In the event of a conflict between any of the provisions of the Fire Prevention Code, as adopted in Section 1, and a provision of any local ordinance, resolution, rule or regulation, the stricter standard

shall prevail. However, in the event of a conflict between any of the provisions of the Fire Prevention Code, the less restrictive standard shall prevail. In the event of a conflict between the Fire Prevention Code and a provision of any State of Michigan regulation adopted by reference by the Township, the provision of the State regulation shall prevail.

SECTION 6. REINSPECTIONS

The following fees may be charged for a second re-inspection and any subsequent inspections thereafter. These fees shall be paid in full prior to the 2nd re-inspection being performed.

- (1) \$100.00 per re-inspection after the second inspection.

SECTION 7. VIOLATION PENALTIES

Persons who shall violate a provision of the Fire Inspection Code or this ordinance, or who shall erect, alter, repair, or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate issued under provision of this ordinance, shall be responsible for a municipal civil infraction. The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by this ordinance, plus any costs, damages, expenses and other sanctions.

- (1) The civil fine for a violation shall be a minimum of \$100.00 (one hundred dollars and no cents) and a maximum of \$500.00 (five hundred dollars and no cents), plus the cost and other sanctions, for each infraction.

- (2) Increased civil fines may be imposed for repeated violations. As used in this section, "repeat offense" means a second (or subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by the same person within a 24-month period and (ii) for which the person admits responsibility or is determined responsible. The increased fine for repeat offenses shall be as follows:

- a. The fine for any offense which is a first repeat offense shall be a minimum of \$250.00 (two hundred fifty dollars and no cents) and a maximum of \$750.00 (seven hundred fifty dollars and no cents), plus costs.
- b. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be a minimum of \$ 400.00 (four hundred dollars and no cents) and a maximum of \$900.00 (nine hundred dollars and no cents), plus costs.

SECTION 8. APPLICATION AND ALLOCATION FOR FEES, FINES

Payment for any fees or violation fines shall be paid to the Fowlerville Area Fire Authority.

SECTION 9. ISSUING OF TICKETS FOR VIOLATION

The Fire Chief and any chief's designee is authorized to issue tickets for violations of this

ordinance, in addition to the Conway Township Ordinance Enforcement Officer.

SECTION 10. FAILURE TO COMPLY

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a civil infraction per Section 7 and a minimum fine of \$25.00 (twenty-five dollars and no cents) and a maximum fine of \$500.00 (five hundred dollars and no cents).

SECTION 11. COLLECTION OF CHARGES

The Fowlerville Area Fire Authority may proceed in a court of appropriate jurisdiction to collect any monies remaining unpaid for services provided as a mature debt of the Fowlerville Area Fire Authority and shall have any and all other remedies provided by law for the collection of all charges.

SECTION 12. SEVERABILITY

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. Conway Township 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, sentences, clauses and phrases be declared unconstitutional.

SECTION 13. NOTICE

That the Clerk of the Conway Township is hereby ordered and directed to cause a notice to be published as required by law that this ordinance has been adopted and that a copy of the same are available to the public for inspection during regular business hours at the Fowlerville Area Fire Department main station, 9110 W. Grand River Ave., Fowlerville, MI 48836, and one copy is available at the Township Clerk's office during normal business hours.

SECTION 14. EFFECTIVE DATE

That this ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect thirty days after publication, until revised, amended, or repealed from and after the date of its final passage and adoption.

ADOPTED by the Conway Township Board at its regular meeting this 19th day of December, 2023.



BY: ELIZABETH WHITT, CLERK