

**CHARTER TOWNSHIP OF WHITE LAKE
AN ORDINANCE TO AMEND CHAPTER 18, ARTICLE II - FIRE CODE OF THE
WHITE LAKE TOWNSHIP CODE OF ORDINANCES**

ORDINANCE NO. 2018-002

Notice is hereby given that at a regular board meeting on December 15, 2018 the Charter Township of White Lake adopted amendments to Chapter 18, Article II, Sections 8-25 of the White Lake Township Code of Ordinances.

THE CHARTER TOWNSHIP OF WHITE LAKE ORDAINS:

ARTICLE I: AMENDMENT

Chapter 18, Article II of the White Lake Township Code of Ordinances, commonly referred to as the Fire Prevention and Protection Ordinances is hereby amended as follows.

SECTION 18-25: CHANGES IN THE CODE

The following sections and subsections of the International Fire Code are hereby amended or deleted as set forth, and additional sections and subsections are added as indicated. The remaining sections in section 18-25 of the White Lake Code of Ordinances, Chapter 18, Article II are otherwise unaffected by this amendment and shall remain in full force and effect.

Section 102.5 shall be amended to read as follows:

102.5 APPLICATION OF RESIDENTIAL CODE. Where structures are designed and constructed in accordance with the International Residential Code, the provisions of this code shall apply as follows:

1. Construction and design provisions of this code pertaining to the exterior of the structure shall apply, including but not limited to, premises identification, fire apparatus access and water supplies, where interior or exterior systems or devices are installed, construction permits required by section 105.7 of this code shall apply.
2. Administrative, operational and maintenance provisions of the code shall apply.
3. Section 319 Medical Marijuana Grow Operations shall apply.

Section 109.4 shall be amended to read as follows:

109.4 VIOLATION PENALTIES. Except as provided herein, any person 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 Fire Code

Official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

The following provisions of the 2015 International Fire Code, as adopted by this Code of Ordinances, shall be deemed municipal civil infractions and subject to the penalties as provided in Chapter 22, Article IV of the White Lake Township Code of Ordinances:

- Chapter 1, with the exception of: Section 104.11.2 (obstructing operations); Section 104.11.2.1 (damage or injury to fire department equipment or personnel); Section 104.11.2.2 (vehicle crossing hose); Section 107.5 (rendering equipment inoperable); and Section 107.6 (overcrowding).
- Chapter 3, with the exception of Section 305.4 (deliberate or negligent burning); and Section 316.3 (Pitfalls), Section 319.7 (oil extraction).
- Chapter 4 with the exception of section 401.8 (interference with Fire Department operations).
- Chapter 5, with the exception of Section 503.4 (obstruction of fire apparatus access roads); Section 503.5.1 (secured gates and barricades); and Section 507.5.4 (obstruction).
- Chapter 6 through Chapter 8
- Chapter 9, with the exception of Section 901.8 (removal of or tampering with equipment); Section 901.8.1 (removal of or tampering with appurtenances); and Section 912.4 (access).
- Chapter 11, with the exception of Section 1104 (means of egress for existing buildings).
- Chapter 20 through Chapter 55
- Chapter 57 through Chapter 67
- All appendices, with the exception of Appendix A

Chapter 2 Definition for Open Burning shall be amended to read as follows:

Open Burning. The burning of natural materials in an open area wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. . For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhausted gas are open. Open burning is a general term inclusive of other terms such as bonfires, and recreational fires. Open burning does not include barbeque grills (gas or solid fuel, or charcoal), road flares, patio torches or similar devices.

Section 307 shall be amended to read as follows:

Section 307 OPEN BURNING

Section 307.1.1 shall be amended to read as follows:

307.1.1 PROHIBITED OPEN BURNING. Open burning that will be offensive or objectionable due to smoke or odor emissions, fire debris including embers, sparks or ash, or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.

Section 307.2.2 shall be added to read as follows:

307.2.2 PERMITTED CONTENTS. Materials permitted to be burned under this code shall be limited to natural wood materials, including sawn trees, branches, and limbs. Small amounts of paper product, wood kindling, or commercially available fire starters can be used to aid in the ignition of an open burn.

Section 307.2.3 shall be added to read as follows:

307.2.3 PROHIBITED CONTENTS. The burning of construction or demolition debris, dimensional lumber of any type, waste from land clearing processes, , materials which are byproducts of a business operation, cardboard, or large volumes of paper, or vegetation that includes leaves, grass or brush material shall be prohibited.

Exception: This section 307.2.3 shall not apply to prescribed burns when conducted in conformance with section 307.6 of this code

Note: The use of flammable liquids including gasoline with any open burning operation is prohibited.

Section 307.4.1 shall be amended to read as follows:

307.4.1 OPEN BURNING shall not be conducted within 50 feet of a structure or combustible material unless the fire is contained within an approved container (noncombustible barrel with a lid or cover to suppress embers/sparks, an outdoor fireplace/portable outdoor fireplace used in accordance with the manufacturer's instructions, or an approved below grade enclosure). Bonfires in approved containers shall not be located less than 15 feet from a structure or combustible material. The burning material shall not exceed 2 feet in diameter x 2 feet in height. Conditions that could cause fire to spread to nearby combustibles shall be eliminated prior to the ignition of any open burning operation.

Below grade enclosure explanation: A below grade enclosure shall not be less than 12 inches deep and not exceed 5 foot in diameter. Horizontal clearance shall be maintained at a minimum of 24 inches between ground vegetation and the upper boarder of the enclosure. Noncombustible material including but not limited to, sand/dirt, stone or brick shall be placed within this clearance area.

Additionally, noncombustible material as described above, shall be positioned around the upper boarder of the enclosure maintaining at minimum, 10 inches of vertical height above grade.

Section 319 shall be added to read as follows:

Section 319 Medical Marijuana Grow Operations:

319.1 GENERAL. The cultivation or growing of medical marijuana shall be in accordance with the White Lake Township Code of Ordinances. The ordinance does not apply to the retail sale or possession of medical marijuana. The process and operation shall not pose any undue risk to the public or public safety personnel.

319.2 PERMITS. All necessary permits shall be obtained from the appropriate Township Department, or agency.

319.2.1 DEFINITIONS. Grow area shall refer to the interior of a structural area where marijuana is planted, grown and cultivated.

319.3 HOUSEKEEPING AND GENERAL STORAGE. Shall be in compliance with section 315 (General Storage), chapter 50 (Hazardous Materials General Provisions).

319.4 ELECTRICAL INSTALLATION. The installation of lighting and other electrical equipment shall not pose any risk of collapse, entanglement, fire, electrical shock or electrocution, and shall comply with section 605 (Electrical Equipment, Wiring and Hazards), and the IEC.

319.5 CARBON DIOXIDE TANKS AND USE. The storage and use of CO2 shall be in compliance with Chapter 53 (Compressed Gases) and NFPA 1, 2018 edition, Chapter 38 (Marijuana Growing, Processing or Extraction Facilities).

319.6 UNAUTHORIZED MATERIAL. The use of plastic sheeting, tarps or similar material suspended from walls, or ceilings shall be prohibited.

319.7 OIL EXTRACTION. The use of flammable or combustible material or any process that poses a fire or explosion risk while attempting to extract oil or chemicals from marijuana plants shall be prohibited.

319.8 ACCESS. Property or structural security features shall not hinder access or endanger public safety personnel, and shall be in compliance with Section 316 (hazards to Firefighters).

319.9 CONSTRUCTION CONFIGURATION. Hallways, exit access, and other building configurations shall be well defined and easily navigated.

319.10 FUMIGATION. Fumigation operations shall not be conducted in a manner that would create a fire, explosion, or health hazard, and shall be in compliance with Chapter 26 (Fumigation and Insecticidal Fogging).

Section 503.3.1 shall be added to read as follows:

503.3.1 POSTING. All fire lanes shall be conspicuously posted with uniform "NO PARKING FIRE LANE" signs as prescribed by the Fire Code Official. The location and spacing of the signs, mounted or erected, shall be as directed by the fire code official. . Signs shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

Section 507.5.4 shall be amended to read as follows:

507.5.4 BLOCKING FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS. It shall be unlawful to obscure from view, damage, deface, obstruct or restrict the access to any fire hydrant or Fire Department connection located on public or private streets and access lanes or on private property. No parking shall be permitted within fifteen feet (15') of any fire hydrant or Fire Department Connection, on public or private streets.

If, upon the expiration of time mentioned in the notice of violation, obstructions or encroachments are not removed, the fire code official shall proceed to remove the same. The expense incurred shall be a debt to the Charter Township of White Lake from the responsible person, and if necessary, the legal authority of the municipality shall institute appropriate action for recovery of such costs.

ARTICLE 2: SEVERABILITY.

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, such selection, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of the Ordinance shall stand and be in full force and effect.

ARTICLE 3: EFFECTIVE DATE.

This Ordinance shall take effect following publication in the manner prescribed by law.

ARTICLE 4: REPEALER.

All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect.

ARTICLE 5: ADOPTION.

This Ordinance is hereby declared to have been adopted by the Township Board of this Charter Township of White Lake at a meeting thereof duly called and held on the 18th day of

December, 2018, and ordered to be given publication in the manner prescribed by the Charter of the Charter Township of White Lake.

This Ordinance will be in effect seven (7) days after publication. A full and complete text of the foregoing Ordinance is available for purchase or inspection at the office of the Township Clerk at 7525 Highland Road, White Lake, Michigan during regular hours from 8 A.M. to 5 P.M. Monday through Friday, except holidays.

Terry Lilley, CMC, CMMC
White Lake Township Clerk