

**DELHI CHARTER TOWNSHIP  
INGHAM COUNTY, MICHIGAN**

**ORDINANCE NO. 70.15**

**PREAMBLE**

**AN ORDINANCE TO AMEND ORDINANCE NO. 70 OF DELHI CHARTER TOWNSHIP (AS AMENDED), THE SAME BEING CHAPTER 6 OF THE CODE OF ORDINANCES OF DELHI CHARTER TOWNSHIP; TO DELETE THE INTERNATIONAL FIRE CODE OF 2015 AND TO ADOPT THE INTERNATIONAL FIRE CODE OF 2021 AND CERTAIN PROVISIONS THEREOF; TO REPEAL CONFLICTING ORDINANCES; AND TO PROVIDE AN EFFECTIVE DATE HEREOF.**

The Charter Township of Delhi, Ingham County, Michigan, ordains:

**SECTION 1. AMENDMENTS TO CHAPTER 6, ARTICLE I, SECTION 6-1.** Code Section 6-1 shall be and is hereby amended to add section "Prescribed Burn" as follows:

Prescribed Burns are used to manage forests, prairie, wetland and wildlife habitat.

**Definitions:**

**PRESCRIPTION BURN** is defined as "the burning, in compliance with a prescription and to meet planned fire or land management objectives, of a continuous cover of fuels."

**PRESCRIPTION** is defined as "a written plan establishing the criteria necessary for starting, controlling, and extinguishing a burn."

**MOP-UP** is defined as "extinguishing or removing burning material near control lines, felling snags, and trenching logs to prevent rolling after an area has burned, to make a fire safe, or to reduce residual smoke."

The following restrictions apply to prescribed burning:

- (1) The Fire Department application and a permit to conduct a prescription burn is required. The application must be submitted to the Delhi Charter Fire Department fifteen (15) days prior to the first burn. The required application for permit is available

at the Fire Department during business hours Monday through Friday. The application must include the Fire Department Burning Permit application form and the following:

- (A) A Burn Plan prepared in accordance with the standards and Best Management Practices of the Michigan Prescribed Fire Council. (BMP's available at [www.firecouncil.org](http://www.firecouncil.org).) The Plan must include a Smoke Management Plan based on the location.
  - (B) The certified burn manager conducting the prescribed burn must submit their qualifications and experience.
  - (C) A copy of a certificate of insurance for the Contractor or property owner conducting the burn with general liability insurance and automobile insurance in the amount of at least one million dollars (\$1,000,000.00) per occurrence naming Delhi Charter Township, its employees, volunteers, and agents as additionally insured is required.
  - (D) A certificate of insurance for worker's compensation insurance.
  - (E) The landowner, or authorized designee, must consent to the burn and sign the permit application.
  - (F) A site visit of the proposed burn unit will be required at the discretion of the Fire Chief or the Chief's duly authorized representative.
- (2) Weekend Burning: In order to minimize nuisance to or disruption of nearby residents the Contractor or property owner conducting the burn will burn only during the week unless weather, wind, and fuel conditions require weekend burning. If the burn is going to take place on a weekend, the Fire Chief must be notified and provided with a designated staff person to serve as a public information officer for the duration of the burn day(s).
- (3) Scheduling and Notification: Contractor or property owner conducting the burn will notify the Delhi Township Fire Chief with a projected schedule when applying for a Burn Permit and with a specific burn date and time when the date and time are determined. Said notification of the date and time of burn or change in date and time of burn shall be by direct personal contact with the Chief or person in charge at the Fire Department.
- (4) Neighbor Notification and Signage: Contractor or property owner shall provide Notice by US Mail of prescribed burn to all neighboring properties within 300' of the property boundaries at least one (1) week prior to the burn. On-road signage must be posted on adjacent roads where needed as determined by the Fire Chief.
- (5) No fire shall be left unattended.
- (6) The Wildfire Contingency portion of the Burn Plan shall require notification of the Fire Chief or Department representative immediately if it appears that a wildfire cannot be contained by crews on site.
- (7) If in the event that the Fire Chief is not available, the contractor will contact the fire personnel left in charge for the burning permit or other notification or approval contained in this ordinance.

- (8) The burn site must have adequate firebreaks and sufficient personnel and firefighting equipment for control of the site at all times during the burn. In addition, a certified prescribed burn manager, or designee, must be present on site with a copy of the prescription from ignition of the prescribed burn to its completion and mop-up. The prescribed burn manager or designee must at all times while the burn continues take such action in and around the burn area to prevent the spread of fire outside the burn area. The Fire Chief must be provided with name and contact information for the burn manager and any designee.
- (9) The Fire Chief or Department representative has the authority to delay, cancel, reschedule, or terminate a prescribed burn at any time.
- (10) Issuance of a permit by the Delhi Charter Township Fire Department does not relieve the responsible parties for obtaining any additional required permits by other state or local agencies.

**SECTION 2. ADOPTION OF INTERNATIONAL FIRE CODE OF 2021.** Section 1 of Ordinance No. 70 as amended, amendment to Chapter 6, Article II, shall be and is hereby amended to delete “2015” and amended to adopt the “International Fire Code 2021,” to read as follows:

Section 6-26. ADOPTION OF THE INTERNATIONAL FIRE CODE AND APPENDICES. A certain document entitled “International Fire Code 2021,” one copy at the office of the Township Clerk, and two copies at the Fire Department, together with all amendments marked and identified appendices, which Code is published by the International Code Council, shall be and is hereby adopted as the Fire Code of Delhi Charter Township, said adoption being for the purpose of regulation of conditions and conduct hazardous to life and property related to fire, life safety, or explosion within Delhi Charter Township, which Code in its entirety with all Appendices, except as modified herein, shall be and is hereby incorporated and made a part hereof as if fully set forth.

**SECTION 3. AMENDMENTS TO CHAPTER 6, ARTICLE II, SECTION 6-27.** Delhi Charter Township, Code Section 6-27 entitled “Amendments” shall be and is hereby amended to delete “2015”. All previous amendments to the International Fire Code 2015 as codified in the Township Code shall remain except where deleted and amended by this Ordinance.

**SECTION 4. AMENDMENTS TO THE INTERNATIONAL FIRE CODE 2021 AND THE DELHI CHARTER TOWNSHIP, CODE SECTION 6-27 ENTITLED “AMENDMENTS”.** The International Fire Code 2021 and the sections set forth below are hereby amended as follows:

**Section 101.1 Title.** These regulations shall be known as the "Fire Code of Delhi

Charter Township” and shall hereinafter be referred to as "this Code."

**Section 104.1 Authority.** The Fire Chief, Fire Marshal, fire code official, or approved personnel have the specific authority to enforce the provisions of this Ordinance, the provisions of Township Ordinance No. 70 and its amendments, and the International Fire Code, by the issuance of civil citations, district court appearance tickets and/or legal process, as permitted by law. The Fire Chief is hereby authorized to render interpretations of this code and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules, and regulations shall be in compliance with the intent and purpose of this code. Such policies, procedures, rules and regulations shall not have the effect of waiving requirements specifically provided for in this code.

**Section 105.5.34. Open Burning.** The Exception: “*Recreational fires*” is hereby deleted.

**Section 111.4 Failure to Comply.** Any person who shall continue any work after having been served with a stop work order, except that work which the person is directed to perform to remove a violation or unsafe condition, shall be subject to fines as adopted by the jurisdiction having jurisdiction.

**Section 202 General Definitions.** The following definitions for the purpose in this code shall be modified as follows:

**Bon Fire.** Is hereby deleted.

**Open Burning.** The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudgepots, and similar devices associated with safety or occupational uses typically considered open flames, recreational fires or use of portable outdoor fireplaces. 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 exhaust gas are open. (See Section 307 for restrictions.)

**Section 302.1 Definitions. See Section 202 General Definitions.** The following words and terms shall, for the purposes of this section and as used elsewhere in this Code, have the meanings as shown herein:

**Open Burning.** See *definitions* Section 202 and Section 307.

**Powered Industrial Truck.** Is hereby deleted. See definition in the 2021 International Fire Code.

**Recreational Fire.** See *definitions* Section 202 and Section 307.

**Section 307.1.1 Prohibited open burning.** *Open burning* shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous. Open burning of grass clippings, leaves, and construction materials are prohibited.

**Section 307.2 Permit Required.** A permit is required to open burn. A permit shall be obtained from the Fire Department in accordance with Section 105.1 prior to kindling any fire. This shall not include cooking fires. No more than six (6) open burning permits may be issued to a particular address per calendar year. Permit fees of fifteen dollars (\$15.00) per open burning permit shall be collected prior to issuance of permit. Open burning permits shall be issued for two (2) consecutive days after issuance.

**Section 307.2.1 Authorization.** Shall be and is hereby amended to read as follows: No open burning shall be permitted when the wind velocity exceeds ten (10) mph as indicated at the Delhi Charter Township Fire Department Station No. 1. The Fire Chief, or authorized agent, is authorized to restrict any/all burning based on dry vegetation conditions.

**Section 307.4 Location.** The location for open burning shall be not less than 50 feet (15 240 mm) from property lines or any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15 240 mm) of any structure. Open burning shall be restricted to one (1) acre lots or larger and shall be limited to a ten (10) × ten (10) × ten (10) foot area. Open burning shall be one thousand four hundred (1,400) feet clearance of a city or village boundary.

**Section 307.4.2 Recreational Fire.** (See definitions Section 202.) Shall be and is hereby amended to read as follows: Recreational fires shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions that could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition. Restrictions:

1. A permit is required to have a recreational fire.
2. Limited to single-family dwellings.
3. There is no charge for a recreational burn permit.
4. Subject to inspection.
5. Seasonal recreational burn permits may be granted to state licensed campgrounds for recreational fires at approved campsites. Seasonal permit fees are two hundred seventy-five dollars (\$275.00) and are valid from April 1 through October 1 for the year issued. The following restrictions apply to seasonal recreational burn permits:
  6. Shall comply with the International Fire Code.

**Section 307.6.** Any additional requirements may be instituted by fire department personnel and complied with prior to burning.

**Section 316.4.1 Hidden Rooftop HVAC Equipment.** On all buildings wherein

rooftop heating, ventilation or other mechanical equipment is provided on the roof, a plain sign with the letters "HVAC" in six (6) inch high red letters on a white background shall be installed which will be in plain view to arriving fire units.

**Section 503** phrase "Fire Apparatus Access Roads" in the 2021 International Fire Code is hereby deleted and amended to read as follows:

**Section 503 Fire Apparatus Access Roads/Fire Lanes.**

**Section 503** is hereby amended to add the following provisions (1)-(2) before Section 503.1 of the 2021 International Fire Code:

- (1) Purpose. This section is to be interpreted as the standard of care necessary to protect both people and property in case of a fire or similar emergency in any of those establishments herein defined through the use of controlled fire lanes.
- (2) Authority. The fire code official shall be responsible for establishing fire lanes on both public and private property. The following criteria shall be used in determining the necessity of fire lanes:
  - (A) Fire lanes shall be established by the fire code official as deemed necessary at the following locations. This list shall not be deemed to be exclusive, but shall be deemed to be a guide to the type of establishment where necessary:
    - (1) Apartment complexes;
    - (2) Auditoriums and all like places of public assembly;
    - (3) Churches;
    - (4) Hospitals, convalescent homes and nursing homes;
    - (5) Hotels, motels and boarding houses;
    - (6) Manufacturing sites;
    - (7) Multiple private residential areas; and
    - (8) Shopping centers.
  - (B) The necessity of access into the above enumerated areas from public thoroughfares shall be considered when establishing fire lanes.
  - (C) The necessity of traffic lanes that are free from parked vehicles, both to and around the above enumerated establishments, and that are capable of handling fire vehicles, shall also be considered. This determination shall be made whenever the fire code official deems that such lanes are necessary for the safety of occupants and property of such establishments or when, after being petitioned by a private landowner to have fire lanes established on his or her property, the fire code official declares fire lanes thereon in accordance with the above criteria. This section shall apply to all such existing facilities within the jurisdiction. The fire code official or designated representative shall notify the landowner of any such property whereon fire lanes are established, by mailing notice of the same to the address of the owner as identified in the records of the Township Assessor.

**Section 503.7 Permitted parking.** The fire code official may grant permission for parking of certain vehicles, objects or trailers in designated fire lanes for limited periods

where such parking will not interfere with the use of the fire lane by emergency vehicles. Whenever such permission is granted, a record of the same shall be kept by the Fire Prevention Bureau. In conjunction with such permission, the Bureau shall furnish a sign to be posted conspicuously on the vehicle, object or trailer stating that permission to so park has been granted and stating the duration that it may remain so parked.

## **Section 112, Violations.**

**Section 112.1 Unlawful Acts.** It shall be unlawful for a person, firm, or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this Code, or cause same to be done, in conflict with or in violation of any of the provisions of this Code.

**Section 112.2. Owner/occupant responsibility.** Correction and abatement of violations of this Code shall be the responsibility of the owner or the owner's authorized agent. Where an occupant creates, or allows to be created, hazardous conditions in violation of this Code, the occupant shall be held responsible for the violation/abatement of such hazardous conditions.

**Section 112.4. Violation Penalties, Misdemeanor.** Any person, partnership, firm, association or corporation who shall violate, neglect or refuse to comply with any of the provisions of this Ordinance shall, upon violation of this Ordinance, be guilty of a misdemeanor, unless such violation is designated as a civil infraction. For all violations not designated as civil infractions, penalties may be imposed of up to ninety (90) days incarceration in the Ingham County Jail and/or fines not to exceed five hundred dollars (\$500.00).

**Section 112.4.1 Abatement of Violation.** In addition to the imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

**Section 112.4.2 Penalties; Civil Infraction.** Civil Penalties may be imposed for violations designated as civil infractions by a fine not to exceed five hundred dollars (\$500.00) plus court costs, which costs may include all expenses, direct or indirect, which the Township has incurred in connection with the infraction. The court or magistrate may also impose any and all other remedies applicable to municipal civil infractions provided for under state law. Each day of such violation, whether designated a civil infraction or misdemeanor, shall constitute a separate offense.

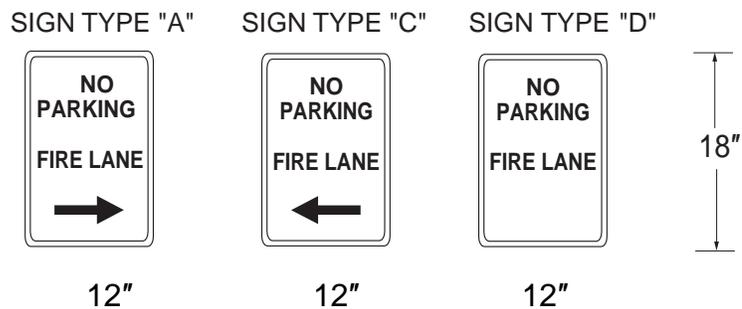
**Section 112.4.3 Modification of Fines and Penalties.** All fines and changes levied hereunder, including charges levied in connection with the issuance of a permit, may be amended from time to time by Resolution of the Delhi Charter Township Board or by amendatory ordinance.

**Section 112.5 Other Civil Remedies; Abatement of Violation.** In the discretion of the Township, appropriate legal action may be instituted to prevent further violation hereof and/or to abate existing violations by pursuit of equitable relief, such as issuance of mandatory injunctions and restraining orders.

**SECTION 5. AMENDMENTS TO CHAPTER 6, ARTICLE III, SECTION 6-52.**

Delhi Charter Township, Code Section 6-52 entitled "Traffic control" shall be affirmed and read as follows:

- (c) **Signs.** Enforcement of fire lane restrictions shall occur only when fire lane signs are clearly posted consistent with the requirements of the International Fire Code. Where required by the Fire Chief, Fire Marshal, or fire code official, fire apparatus access roads shall be marked with permanent NO PARKING—FIRE LANE signs complying with Figure below. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by this Section.



Roads 20 to 26 feet in width. Fire lane signs as specified in this Section shall be posted on both sides of fire apparatus access roads that are 20 to 26 feet wide (6096 to 7925 mm).

Roads more than 26 feet in width. Fire lane signs as specified in this Section shall be posted on one side of fire apparatus access roads more than 26 feet wide (7925 mm) and less than 32 feet wide (9754 mm).

Signs shall be mounted to a sturdy metal post. Signs may be posted and fixed to a building based upon access road conditions as approved by the fire code official. Signs shall not be less than 7 feet high measured from the bottom of the sign.

Signs shall not be spaced more than 50 feet apart.

Signs shall be installed to face traffic approaches.

