

ORDINANCE NO. 349

VILLAGE OF SPRING LAKE FIRE PREVENTION ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES ADOPTED BY THE VILLAGE OF SPRING LAKE, COUNTY OF OTTAWA, STATE OF MICHIGAN, AMENDING CHAPTER 177 CONCERNING FIRE PREVENTION, AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

THE VILLAGE OF SPRING LAKE, COUNTY OF OTTAWA AND STATE OF MICHIGAN ORDAINS:

Section 1. Amendment of Chapter 177. Chapter 177 of the Code of Ordinances adopted by the Village of Spring Lake, Ottawa County, State of Michigan, is hereby amended to state in its entirety as follows:

CHAPTER 177. FIRE PREVENTION

**ARTICLE I
ADOPTION OF STANDARDS**

§ 177-1. Adoption of standards; availability of document.

A certain document, three copies of which are on file in the office of the Village Clerk/Treasurer, being marked and designated as the International Fire Code, 2015 edition, including Appendix Chapters B through I (see International Fire Code Section 101.2.1, 2015 edition), as published by the International Code Council, and the NFPA 303, Fire Protection Standard for Marinas and Boatyards, 2016 Edition, as published by the National Fire Protection Association, Inc., are adopted as the fire code of the Village, regulating and 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 buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of the fire code on file in the office of the Village Clerk/Treasurer are referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any prescribed in this article.

§ 177-2. Amendments to Standards.

The following sections of the fire code are revised as indicated.

A. Section 101.1, Title: “the Village of Spring Lake” shall be inserted.

B. Section 105.1.1 is amended as follows:

105.1.1. Permits required. Permits required by this code shall be obtained from the fire code official, or other Village official designated by the fire code official. Permit fees, if any, shall be paid prior to issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire code official.

C. Section 108.1 is amended as follows:

108.1. Board of Appeals established. In order to hear and decide appeals of orders, decisions or terminations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals. The Board of Appeals shall be the Zoning Board of Appeals appointed by the Village pursuant to the Michigan Building Code. The fire code official shall be an ex official member of said Board but shall have no vote on any matter before the Board.

D. Section 108.2 is amended as follows:

108.2. Limitations on authority. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed.

E. Section 108.3, Qualifications, shall be eliminated.

F. Section 109.4 is amended as follows:

109.4 Violation penalties. Any person who violates, disobeys, omits, neglects or refuses to comply with or resist the enforcement of this article shall be responsible for a municipal civil infraction, subject to § 1-2. Increased civil fines may be imposed for repeated violations, which means the second or subsequent municipal civil infraction violation committed by a person within any 12-month period and for which a person admits responsibility or is determined to be responsible. The increased civil fine for repeat violations is set forth in § 1-2.

G. Section 111.4, Failure to comply: “\$250” and “\$500” shall be inserted.

H. Section 307, Open Burning, Recreational Fires and Portable Outdoor Fireplaces, shall be eliminated in its entirety, and said open burning shall be subject to this Code (specifically Chapter 135, Burning, Open, as amended).

I. Sections 315.3.1 and 315.3.2 shall be eliminated.

J. Section 315.4 is amended as follows:

315.4. Outside storage. Outside storage of combustible material shall not be located within ten feet (3048 mm) of a property line or within 20 feet (6096 mm) or any structure.

K. Section 5704.2.9.61 is amended as follows.

5704.2.9.61 Locations where aboveground tanks are prohibited. (Geographical limits in which the storage of Class I and Class II liquids in above ground tanks outside of buildings is prohibited): within any residential zoning district in the Village, or any non-agricultural zoned lot upon which a dwelling is located.

L. Section 5706.2.4.4 is amended as follows:

5706.2.4.4 Locations where aboveground tanks are prohibited. (Geographical limits in which the storage of Class I and Class II liquids in above ground tanks is prohibited): within any residential zoning district in the Village, or any non-agricultural zoned lot upon which a dwelling is located.

M. Section 5806.2 is amended as follows:

5806.2 Limitations. (Geographical limits in which the storage of flammable Cryogenic fluids in stationary containers is prohibited): within any residential zoning district in the Village, or any non-agricultural zoned lot upon which a dwelling is located.

N. Section 6104.2 is amended as follows:

6104.2 Maximum capacity within established limits. (Geographical limits in which the storage of liquefied petroleum gas is restricted from the protection of heavily populated or congested areas): within any residential zoning district in the Village, or any non-agricultural zoned lot upon which a dwelling is located.

Section 2. Administrative Liability. No officer, agent, or employee of the Village shall be personally liable for any damages the Village may accrue to any person as a result of any act required or permitted in the discharge of duties under and in the enforcement of this Ordinance.

Section 3. Severability and Captions. This Ordinance and its various sections, subsections, sentences, phrases, and clauses are declared to be severable. If any section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid, the remainder of this Ordinance shall not be affected. Pronouns shall be read as masculine, feminine, or neuter as may be appropriate. Captions appearing at the

beginning of any section shall not be deemed as part of this Ordinance and shall have no independent significance.

Section 4. Repeal of Conflicting Ordinances. All ordinances or parts of ordinances which are in conflict in whole or in part with any of the provisions of this Ordinance as of its effective date are repealed to the extent of such conflict.

Section 5. Effective Date. This Ordinance shall take effect upon publication.

VILLAGE OF SPRING LAKE

Dated: _____, 2018

By: _____
Mark Powers
Its: President

By: _____
Marvin Hinga
Its: Clerk

CERTIFICATE

I, Marvin Hinga, the Clerk/Treasurer for the Village of Spring Lake, Ottawa County, Michigan, certify that the foregoing Spring Lake Village Fire Prevention Ordinance was adopted at a regular meeting of the Village Council held on _____, 2018. The following members of the Village Council were present at that meeting: _____.

_____ The following members of the Village Council were absent: _____.

_____ The Ordinance was adopted by the Village Council with members of the Council _____ voting in favor, and members of the Council _____ voting in opposition. Notice of Adoption of the Ordinance was published in *The Grand Haven Tribune* on _____, 2018.

Marvin Hinga, Clerk/Treasurer
Village of Spring Lake