

TOWNSHIP OF BIRCH RUN
SAGINAW COUNTY, MICHIGAN
ORDINANCE NO. 2023-xx
ADOPTED: December 12th, 2023
PUBLISHED: December 20th, 2023
EFFECTIVE: January 18th, 2023

PURPOSE:

An Ordinance of the Township of Birch Run , Saginaw County, Michigan to adopt the 2021 edition of International Fire Code (including Appendices) and NFPA 1 Uniform Fire Code 2018 by reference, for the purpose within the township of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials, or explosion; providing for the issuance of permits for hazardous uses or operations; and establishing a bureau of fire prevention and providing officers therefore and defining their powers and duties; and establish remedies and fix penalties for the violations of this ordinance.

THE TOWNSHIP OF BIRCH RUN ORDAINS:

SECTION 1. TITLE. This Ordinance shall be known and may be cited as the Township of Birch Run Fire Code Ordinance.

SECTION 2. ADOPTION OF INTERNATIONAL FIRE CODE AND NFPA 1 UNIFORM FIRE CODE. Pursuant to MCL 41.805, which authorizes the adoption of a uniform fire protection code by reference, the 2021 edition of International Fire Code, published by the International Code Council (including Appendices) and NFPA 1 Uniform Fire Code 2018, published by the National Fire Protection Association; copies of which are on file and open to inspection by the public in the office of the Township Clerk and the Fire Department of Birch Run Township, are hereby adopted and incorporated into this ordinance by reference as fully as if as set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the Township of Birch Run. The same are hereby adopted as the code of the Township of Birch Run for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials, or explosion and providing for issuance of permits and collection of fees.

SECTION 3: ESTABLISHMENT AND DUTIES OF FIRE PREVENTION INSPECTOR.

(a) The International Fire Code (including Appendices) and the NFPA 1 Uniform Fire Code shall be enforced by the Fire Department of the Township of Birch Run, which shall be operated under the supervision of the fire chief who shall have the authority both personally or through designated fire prevention inspectors to issue citations for the violations of this ordinance.

(b) The fire prevention inspectors of the fire department shall be appointed by the Fire Chief of the Township of Birch Run on the basis of examination to determine his/her qualifications.

(c) The chief of the fire department may detail such members of the fire department, as inspectors as deemed necessary from time to time be necessary. The chief of the fire department shall recommend to the Birch Run Township Supervisor the employment of technical inspectors.

SECTION 4: DEFINITIONS

(a) Wherever the term “jurisdiction” is used in the International Fire Code and NFPA 1 Uniform Fire Code, it is the Township of Birch Run, County of Saginaw, and State of Michigan.

(b) Whereas the responsibility for the enforcement of the International Fire Code and NFPA 1 Uniform Fire Code is given the title of “Fire Marshal”, it is the Fire Chief of the Township of Birch Run.

(c) Wherever the words “Chief of the Bureau of Fire Prevention” are used, they shall be held to mean the Fire Chief of the Township of Birch Run.

(d) Wherever the words “Fire Code Official” are used, they shall be held to mean the Fire Chief and/ or the designee of the Fire Chief.

SECTION 5: VIOLATION PENALTIES

Any person or other entity that violates any of the provisions of this ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine determined in accordance with the following Class D schedule (Reference: 2021 IFC 2021 Int. Fire Code Section 112.4):

First Offense within a 3-year period:	\$100.00
Second Offense within a 3-year period	\$300.00
Third or Subsequent Offense within a 3-year period:	\$1000.00

The Court shall exercise its discretion in setting the appropriate fine, and shall take into consideration, among other relevant factors, the ongoing, flagrant and/or abusive nature of the violation and the repetitive nature of the offense.

1. Each day a violation of this Ordinance continues to exist after the date of the citation shall subject the violation to an additional fine amount of \$50.00 per day.
2. Additionally, the violator shall be ordered to pay restitution to the Township of Birch Run, which may include all direct and indirect expenses and actual attorney fees, which the Township has incurred in connection with the violation enforcement action for each such citation. In no case, however, shall restitution of less than \$50.00 or more than \$1000.00 be ordered each such citation.
3. A violator of the Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law.

SECTION 6. APPLICATION AND FEE FOR FIRE INSPECTION

All persons or entities who require a fire inspection will be required to submit an application to the township. Such application shall be on a form prescribed by the township. If the application is completed properly an inspection shall be performed on the premises within 10 business days following the application submission. All applications shall be accompanied by an application fee, as follows:

(1) \$65 application fee per location or individual dwelling unit. The fee shall cover the initial inspection and an inspection form with any violations listed. Any required re-inspection may cost an additional \$65.00 inspection fee.

(2) If the inspection or re-inspection exceeds 2 hours, an additional fee of \$30.00 per hour will be required to be paid to the township immediately.

The fees described in this section do not pertain to fire inspections that are required as part of the business license application process. All collection of fees shall be submitted to the Business License and Permits fund to cover the cost of inspection and administrative costs.

SECTION 7: APPEALS

Reference: NFPA 1, 2018 edition, Chapter – 1

Section 1.10.4 Means of Appeals

SECTION 8: ORDINANCE REPEALED

Fire codes or fire code ordinances adopted by the Township are hereby repealed and shall be of no further force or effect on the effective date of this ordinance.

SECTION 9: SAVING CLAUSE

Action validly taken before the effective date of this ordinance shall not be invalidated by this ordinance and may be completed in compliance under said ordinance, and in compliance with any previous Township fire code under which the action was taken. Any proceedings pending, including prosecutions for violation, or rights and liabilities acquired or incurred under any previous ordinance or Township fire code being repealed hereby shall not be affected by this ordinance and may be continued pursuant to said previous ordinance.

SECTION 10: SEVERABILITY

This ordinance and its various parts, sentences and clauses are hereby declared to be severable, and if any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid, the same shall not affect the validity of this ordinance as a whole.

SECTION 11: EFFECTIVE DATE

This ordinance shall take effect and be in force 30 days after its adoption and publication thereof.

This Ordinance is declared to have been adopted by the Township Board of the Township of Birch Run, County of Saginaw, Michigan, at a regular meeting held on the 12th day of December 2023.

Adopted: December 12th, 2023

Aye:

Nay:

STATE OF MICHIGAN)
COUNTY OF SAGINAW)

I, the undersigned, the fully qualified and acting Clerk of the Township of Birch Run, Saginaw County, Michigan, do hereby certify that the foregoing is a true and complete Copy of an ordinance adopted at a regular meeting of the Township Board of the Township of Birch Run, Michigan, held on the 15th day of March, 2016, the original of said meeting was given to and in compliance with Act 267, Public Acts of Michigan, 1976.

IN WITNESS WHEREOF, I have hereunto fixed my official signature on this 16th day of March, 2016.

Riley Kiessling, Clerk
Birch Run Township