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## ARTICLE II. - FIRE PREVENTION CODE

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### Sec. 24-31. - Adopted.

Pursuant to the provisions of section 3(k) of Public Act No. 279 of 1909 (MCL 117.3(k)), there is hereby adopted by reference by the city, for the purpose of prescribing regulations consistent with nationally recognized good practice for the safeguarding, to a reasonable degree, of life and property from the hazards of fire and explosion arising from the storage, handling and the use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises, that certain code known as the International Fire Code, including all appendix chapters as amended, of which code printed copies thereof are on file in the office of the city clerk and available for public use and inspection at all times, and the code is hereby adopted and incorporated as fully as if set out at length in this article and the provisions thereof shall be controlling within the city limits.

*(Code 1975, § 15-16; Ord. No. 1011, 9-23-1991; Ord. No. 1074, 2-27-1995; Ord. No. 1126, 9-8-1997; Code 1992, § 12-26; Ord. No. 1208, § 12-26, 5-27-2003)*

### Sec. 24-32. - Definitions.

Wherever the following terms are used in the International Fire Code adopted by this article, they shall have the meanings ascribed to them in this section:

*Code official* means the fire inspector of the city.

*Legal counsel* means the attorney for the city.

*Municipality* means the City of Port Huron, Michigan.

*(Code 1975, § 15-17; Code 1992, § 12-27; Ord. No. 1208, § 12-27, 5-27-2003)*

**Cross reference—** Definitions generally, [§ 1-2](#)

### Sec. 24-33. - Establishment of limits of districts referred to in code.

- (a) The limits referred to in section 3404.1 of the International Fire Code adopted by this article, in which the storage of flammable liquids in outside aboveground tanks is prohibited, will be those limits as established by the zoning ordinance in [chapter 52](#)
- (b) The limits referred to in section 3406.1 of the International Fire Code adopted by this article, in which new bulk plants for flammable or combustible liquids are prohibited, will be those limits as established by the zoning ordinance in [chapter 52](#)

*(Code 1975, § 15-18; Ord. No. 1075, 2-27-1995; Code 1992, § 12-28; Ord. No. 1208, § 12-28, 5-27-2003)*

### Sec. 24-34. - Amendments.

The International Fire Code adopted by this article is amended and changed as follows:

[Chapter 1, Administration](#)

*Section 108.1, Appeals*, is to be deleted.

*Section 109.3, Violation Penalties*, shall be amended to read as follows:

Persons who shall violated a provision of this code or shall 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 code official, or of a permit or certificate used under provisions of this code, shall be guilty of a municipal civil infraction, punishable by a fine of not more than \$500.00. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

*Section 111.4, Failure to Comply*, shall be amended to read as follows:

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 to a fine of not more than \$500.00

*Chapter 3, General Precautions Against Fire*

*Section 307.3.3, Outdoor Burning*, shall be amended to read as follows:

- a.** Definitions. As used in this section, the following terms shall have the following meanings:
- (1) Open burning means a fire from which the products of combustion are emitted directly into the open air without passing through a stack or chimney.
  - (2) Incinerator means a device specifically designed for the destruction, by burning, of garbage or other combustible refuse or waste material.
  - (3) Recreational fire means a small outdoor fire intended for recreation or cooking, but not for disposal of waste wood or refuse.
  - (4) Clean wood means natural wood that has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.
  - (5) Construction or demolition waste means building waste materials including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging and rubble that results from construction, remodeling, repair, and demolition operations on a house, commercial or industrial building or other structures.
  - (6) Refuse means household and yard waste material, including brush, stumps, leaves, grass clippings and other vegetative matter.
  - (7) Open burning means kindling or maintaining a fire where the products of combustion are emitted directly into ambient air without passing through a stack or chimney.
  - (8) A recreational wood burning unit means a chimnea, patio warmer, or other portable wood burning device used for outdoor recreational burning, cooking and/or heating.
  - (9) Recreational fire burn ring means a metal, stone or concrete ring on the ground (fire pit) not to exceed 3' in diameter for the purpose of outdoor recreational burning, cooking and or heating.
- b.** Open burning and outdoor burning are prohibited in the City of Port Huron unless the burning is specifically permitted by this ordinance.
- (1) No person shall cause or permit, except as herein stipulated, any open burning of garbage or other combustible refuse or waste material, including by way of description, but not by way of limitation, paper, leaves, tree trimmings and grass. This provision shall not be construed to prohibit fires of charcoal or natural gas and propane fuels when used, on private property or in public recreation areas, for the exclusive preparation of food for human consumption, nor to prohibit fuels from being used not less than 15 feet from combustible materials when burned in metal containers for the heating of building materials and the warmth of workers.
  - (2) The disposal site for diseased elm trees and other trees and brush removed from city right-of-way will continue to operate under rules and regulations approved by the city council.
  - (3) This section shall not apply to open burning by an organized professional, social, political, religious, charitable, or similar organization at special events sponsored by such organization, provided approval therefor has been obtained as part of the special events permit and approved by the special events committee. Any organization sponsoring an event at which open burning is permitted pursuant to this section must also obtain the approval of the fire chief or his or her designee prior to the event.
- c.** Recreational fires shall be permitted in the City of Port Huron on private property under the following restrictions:
- (1) A recreational wood burning unit or recreational fire burn ring, not to exceed 3' in diameter, may be used or installed in the City of Port Huron only in accordance with the following provisions:
    - a)** The recreational wood burning unit and recreational fire burn ring shall not be used to burn refuse.
    - b)** The recreational wood burning unit and recreational fire burn ring shall burn only clean wood.
    - c)**

The recreational wood burning unit shall be located at least 25' from any and all structures. Conditions which could cause a fire to spread within 25' of a structure shall be eliminated prior to ignition.

- d) The recreational fire burn ring shall be located at least 50' from any and all structures. Conditions which could cause a fire to spread within 50' of a structure shall be eliminated prior to ignition.
- e) A recreational wood burning unit or recreational fire burn ring shall not cause a nuisance to neighbors. If a nuisance is determined, the Fire Chief or designee will require the immediate extinguishment.
- d. Prohibited open burning. Open burning, bonfires or recreational fires that will be offensive or objectionable because of smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited. The Fire Chief or designee is authorized to order the extinguishment by the attendee or the fire department of open burning which creates or adds to a hazardous or objectionable situation.
- e. Attendance. Open burning, bonfires or recreational fires shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water, barrel, garden hose or water truck, shall be available for immediate utilization.
- f. Outdoor incinerators. Incinerators may be used in the city only in compliance with the following conditions:
  - (1) Outdoor incinerators shall be permitted only on premises occupied by commercial, governmental or industrial buildings.
  - (2) No person shall install and/or operate or cause to be used any incinerator without a permit to install first having been issued by the state air pollution control commission. All applications for such permits shall be obtained at and filed with the city building inspection division.

[Chapter 5, Fire Service Features](#)

*Section 503.1.4, Fire Apparatus Access Roads*, shall be added to read as follows:

Parking of motor vehicles or otherwise obstructing fire lanes shall be prohibited at all times. Members of the police department are hereby authorized to remove motor vehicles and/or vehicles in the designated fire lanes.

[Chapter 9, Fire Protection Systems](#)

*Section 901.5.2, Approval and Testing*, shall be added to read as follows:

All fire alarm systems that connect to the city communication center must be installed by a certified installer and be approved in writing by the fire chief or the fire inspector.

[Chapter 33, Explosives and Fireworks](#)

*Section 3301.1.6, State Fireworks Law*, shall be added to read as follows:

The city hereby adopts the state fireworks law, Public Act No. 328 of 1931 (MCL 750.243a et seq.), for the purpose of providing rules for the prevention of fire and protection of persons and property in the transportation, storage, handling, offering for sale, sale and use of fireworks. Copies of such regulations are on file in the office of the city clerk, available for public use and inspection at all times. Where any section or part of section 3301 of the International Fire Code is in conflict with the state fireworks law, it is intended that the state fireworks law will prevail.

[Chapter 34, Flammable and Combustible Liquids](#)

*Section 3401.1.1, State Flammable Liquid Laws*, shall be amended to read as follows:

Pursuant to the provisions of section 3(k) of Public Act No. 279 of 1909 (MCL 117.3(k)), the state fire safety board, Rules for Storage and Transportation of Flammable and Combustible Liquids 1992, as amended, as prescribed and authorized in Public Act No. 207 of 1941 (MCL 29.1 et seq.), are hereby adopted by reference by the city for the purpose of providing rules for the prevention of fire and protection of persons and property in the transportation, storage handling, offering for sale, sale and use of flammable liquids. Copies of such regulations are on file in the office of the city clerk, available for public use and inspection at all times. Where any section or part of [chapter 34](#) of the International Fire Code is in conflict with the state fire safety board, Rules for Storage and Transportation of Flammable and Combustible Liquids 1992, it is intended that the state fire safety board, Rules for Storage and Transportation of Flammable and Combustible Liquids 1992, shall prevail.

(Code 1975, § 15-19; Ord. No. 1012, 9-23-1991; Ord. No. 1075, 2-27-1995; Ord. No. 1126, 9-8-1997; Code 1992, § 12-29; Ord. No. 1201, § 12-29, 11-25-2002; Ord. No. 1208, § 12-29, 5-27-2003; Ord. No. 1284, 1-28-2008)

## **Sec. 24-35. - Appeals.**

Whenever the fire chief shall disapprove an application or refuse to grant a permit applied for under the

International Fire Code adopted by this article or when it is claimed that the provisions of such code do not apply or that the true intent and meaning of such code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the fire chief to the city manager and the city council, within 30 days from the date of the decision appealed.

*(Code 1975, § 15-20; Ord. No. 1075, 2-27-1995; Code 1992, § 12-30; Ord. No. 1208, § 12-30, 5-27-2003)*

**Secs. 24-36—24-39. - Reserved.**