

ARTICLE I. IN GENERAL

Secs. 7-1--7-25. Reserved.

ARTICLE II. FIRE PREVENTION CODE

Sec. 7-26. Adoption.

The BOCA National Fire Prevention Code of 1990, Eighth Edition, supported by the National Fire Protection Association's Life Safety Code of 1988, is hereby adopted by reference, the same as if fully set forth herein, save and except such portions as are hereinafter deleted, modified or amended. Copies of such code shall be made available for inspection and purchase by the general public at all reasonable times at the office of the township clerk.

(Ord. No. 135, § I, 2-20-80)

Sec. 7-27. Amendments.

The fire prevention code adopted by this article is hereby amended, altered and changed in the following respects:

(1) F-104.1. Section F-104.1 is amended to read as follows:

F-104.1. Enforcement officer.

It shall be the duty and responsibility of the building inspector or his designated official to enforce the provisions of the fire prevention code as herein set forth. The building inspector shall also recommend any amendments to the code which, in his judgment, shall be desirable.

(2) F-112.0. Section F-112.0 is amended to read as follows:

F-112.0. Fire prevention board of appeals.

Appeals to the board may be taken by any person aggrieved by any decision or interpretation by the fire official made under the provision of this code. The board of appeals shall consist of five members who are qualified by experience and training to rule on matters pertaining to building construction and fire prevention. The board of appeals shall be appointed by the supervisor of the township board and shall hold office in accordance with the terms of the appointment. The board shall adopt reasonable rules and regulations for conducting its hearings and shall be made a public record.

The board of appeals shall have power to modify any of the provisions of the fire prevention code upon application in writing by the owner or leasee of any property or his duly authorized agent, when there are practical difficulties in the way of carrying out the letter of the code, provided that the spirit of the code shall be observed, public safety secured and substantial justice done. The particulars of such modification when granted or allowed and the decision of the fire official thereon shall be entered upon the records of the department and signed copy shall be furnished to the applicant. The board of appeals shall establish a fee schedule for applications for variances.

(3) F-111.3. Section F-111.3 is amended to read as follows:

F-111.3. Penalty for violations.

Any person, firm or corporation violating any of the provisions of the Code or failing to comply with any order issued pursuant to any section thereof, shall be punished by a fine of up to \$500.00 or by imprisonment up to 90 days, or both, for each offense. Each day that a violation continues after a service of notice as provided for in this code shall be deemed a separate offense.

(Ord. No. 135, § II, 2-20-80)

Secs. 7-28--7-50. Reserved.

ARTICLE III. BURNING ORDINANCE

Sec. 7-51. Purpose.

This article is adopted in the interest of public safety, and is designed to promote the general peace, health, safety and welfare of the residents of the township.

(Ord. No. 159, § 1, 2-15-95)

Sec. 7-52. Scope.

The provisions outlined herein are and shall be applied to the use of all properties.

(Ord. No. 159, § 1, 2-15-95)

Sec. 7-53. Allowable burning.

Open burning shall be allowed without prior notification to the code official or authorized representative for: recreational fires (i.e., outdoor cooking, campfires), highway safety flares, smudge pots, outdoor barbecues and similar domestic or occupational needs.

(1) Containers: Such burning is allowable only when contained within a metal, brick or similar fireproof receptacle specifically designed for containing fire.

(2) Fire training: Fires purposely set for actual instruction and training of industrial and residential firefighting personnel in accordance with NFPA 1401 shall be allowed.

(Ord. No. 159, § 1, 2-15-95)

Sec. 7-54. Permit required.

Open burning shall be allowed after obtaining permission or proper authorization from the code official or authorized representative by contacting the Milford Fire and Police Dispatch Center by phone or in person during normal business hours.

(1) Changes: The BOCA National Fire Prevention Code is amended and changed as follows; permits to burn need not be in writing.

(2) Authorization: Such permit to be in accordance with Public Act 329 of 1969 Section 3, as amended; MCLA 320.21.

(3) Permit revoked: Permit may be revoked if conditions warrant or if permit fire is deemed a hazard, health or otherwise, by the code official or authorized representative.

(Ord. No. 159, § 1, 2-15-95)

Sec. 7-55. Burning allowed by permit.

Open burning by permit shall be allowed for natural materials such as leaves, grass or brush only while a person of mature age and judgment is in constant attendance while such fire is burning.

(1) Domestic fires: Open burning shall be allowed on occupied residential property for the purpose of property maintenance.

(2) Size of fires: Fires must be of a manageable size so as to allow the attendant/permit holder complete control.

(3) Hours of burning: Shall be during hours of daylight only.

(4) Location of burning: Shall be allowed on the real property of the permit holder, excluding right-of-ways and as limited by section 7-57(3) of this article.

(5) Other requirements:

a. Permittee must take precaution to prevent escape.

b. Must have sufficient manpower and tools to control the fire.

Sec. 7-56. Special permit required.

The following fire types shall be allowed by permission of the code official or authorized representative and shall require a preliminary inspection of the fire site:

(1) Bonfires: A bonfire shall only be allowed under conditions outlined by the BOCA National Fire Prevention Code, most current edition as published by the building officials and Code Administrators International, Inc.

(2) Specific occupancies: Burning at school and church properties or convalescent or nursing homes or group homes for the aged or mentally or physically challenged, for any reason, recreational or other, shall be allowed only after being inspected and approved as outlined in Rule 201 of the Michigan Air Pollution Act.

(3) Clearing of land: Open burning by special permit shall be allowed for purposes of clearing land of trees, brush and stumps for development of land prior to beginning construction of buildings; as well as for agricultural purposes, or for land or wildlife management practices, so long as such burning is in compliance with Rule 310 of the Michigan Air Pollution Act.

(4) Fireworks: As outlined in Section F-2700 of the BOCA Fire Prevention Code.

(Ord. No. 159, § 1, 2-15-95)

Sec. 7-57. Open burning prohibited.

The following acts are expressly prohibited within the boundaries of the township by any person, partnership, firm, association or corporation. The code official or authorized representative will order the extinguishment, by the responsible person, or the fire department at the expense of the responsible person, of any building described in this section.

(1) Hours of darkness: There shall be no burning allowed during hours of darkness, and all permit required, legal fires herein described shall be extinguished prior to hours of darkness.

(2) Flammable liquids for ignition: It is forbidden without question to use a flammable accelerant to ignite any fire.

(3) Location: Burning shall not be permitted:

a. Within 15 feet of any lot line.

b. Within 50 feet of any structure, tree, shrubs or other flammable material.

c. Upon any public roadway or public right-of-way.

(4) Public nuisance: Open burning which is offensive or objectionable due to smoke or odor emissions; which creates a nuisance or hazard to the health or safety of persons or property shall be prohibited.

(5) Structures: The burning of any structure for the purpose of disposal of that structure is prohibited, except under the provisions in section 7-53(2) of this article.

(6) Materials of construction: There will be no burning of construction waste or scrap, discarded building components or structural members, of any kind under any circumstances, except under the provisions in section 7-53(2) of this article.

(7) Construction sites: No person, firm or corporation shall burn, cause to be burned or incinerate any material, item or thing whatsoever, including, but not limited to, branches, stumps and building materials, on any construction site, building site, landscaping site or landclearing site, except under the provisions in section 7-56(3) of this article. Combustible rubbish or trash shall be removed daily, and shall not be disposed of by burning. The entire premises and the area adjoining and around the construction site shall be maintained and be kept in a safe and sanitary condition and be free of the accumulation of combustible rubbish, trash, litter and debris and excess construction materials.

(8) Hazardous materials: There will be no burning of rubber, tar, bituminous materials, asphalt, petroleum-based products such as tar paper or shingles, or other products manufactured from petroleum hydrocarbons, or any highly flammable, toxic or explosive materials.

(9) Production of foul odors: No person shall burn garbage, animal carcasses or excrement, refuse, trash, rubbish or like material giving off foul odors, at any time.

(Ord. No. 159, § 1, 2-15-95)

Sec. 7-58. Responsibility for costs or damages.

Any person or persons who shall set, or start or fuel an open fire without permission as required by this article, shall pay to the township a service charge for costs and damages incurred. These charges are those incurred by reason of calling out the Milford Fire Department or any other fire department. The township clerk will submit a bill to, and may sue in any court of competent jurisdiction for its service charges as civil damages and may recover such costs and expenses incurred by the township and the township fire department from any person who sets such a fire for the total cost of the fire run for personnel, equipment and administrative fees, per the current township fee schedule, which may be adopted by resolution of the township board.

(1) Costs or damages defined: Costs or damages include reimbursement for wages, including overtime, fringes and benefits for township employees involved in any enforcement of this article; expenses associated with equipment for normal wear and tear, damages, lost or destroyed; expenses associated with claims as a result of injury sustained by employees or injuries and damages for which the township is held responsible occurring to third persons or property, including, but not limited to, all costs of defense.

(2) Reserved.

(Ord. No. 159, § 1, 2-15-95)

Sec. 7-59. Enforcement.

It shall be the duty of the code official or authorized representative, to enforce the provisions of this article.

(Ord. No. 159, § 1, 2-15-95)

ARTICLE IV. ESTABLISHMENT OF MILFORD TOWNSHIP FIRE DEPARTMENT

Sec. 7-60. Scope, purpose and intent.

This article is adopted pursuant to the authority granted the township board under Public Act 33 of 1951. The purpose of this article is to provide that the Milford Township Board shall hereby establish the Milford Township Fire Department; to establish jurisdiction and authority of the township board over personnel selections; to establish authority to adopt rules and regulations for the conduct of personnel and maintenance of equipment; to employ and appoint a chief, firefighters and officers; and to prescribe the powers and duties of fire department volunteers and employees.

(Ord. No. 156-A74, § 1, 11-20-96)

Sec. 7-61. Fire department; establishment, funding, powers and duties.

There is hereby established the Milford Township Fire Department. Pursuant to sections 7-62 and 7-65, the township board, acting by resolution, shall appoint such persons who, based on experience, training and qualifications would, in its discretion, best perform the duties associated with fire protection to the citizens of Milford Township.

The township board shall approve an annual appropriation for the operation and maintenance of the department and its equipment, and for that purpose shall have the authority to use general funds, to initiate the creation of a special assessment district and levy assessments, sell bonds, establish user fees, or raise revenues in any other manner provided for under law for the operation and maintenance of the department; it shall provide for payment of any debts incurred incidental to its continued operation; it shall purchase necessary equipment; and/or construct public buildings for use incidental to the maintenance and operation of a fire department.

(Ord. No. 156-A74, § 1, 11-20-96)

Sec. 7-62. Chief; selection.

Candidates for position of fire chief shall be reviewed by a committee of past chiefs and assistant chiefs, or a minimum of three past officers, of the department that are still active members of the department. After the committee's review, it shall make its recommendation(s) to the Supervisor of Milford Township who shall, subject to the approval of the township board, appoint a chief.

(Ord. No. 156-A74, § 1, 11-20-96)

Sec. 7-63. Chief; duties.

The chief shall be the chief administrative officer of the department. The chief shall be accountable to the township board for the efficient and effective operation of the department and for the department's compliance with all state laws, township ordinances and policies. The chief shall serve at the pleasure of the board.

The chief shall recommend, subject to township board approval, the appointment of an assistant chief, captain(s), lieutenant(s), engineer (drivers), administrative assistant, investigator, and firefighters as may be deemed necessary.

The chief shall develop written administrative rules to increase efficiency and effectiveness of the department, including preplanning and post-incident critiques, regulations, assignment and scheduling of personnel, and shall plan for the long-range needs of the department.

The chief shall review all department operations and shall file a written report annually with the township board.

As needed, the chief shall notify the township supervisor of major problems or issues that require board action. When such problems must be resolved immediately and it is impractical or will endanger the health, safety or welfare of the township to wait until the next board meeting to resolve the issue, the township supervisor shall be empowered to resolve the issue or problem, subject to the subsequent approval of the board.

The chief shall ensure that regular department informational and training meetings are held.

The chief may incur expenditures against the department budget as appropriated by the township board. The chief will monitor the unencumbered balances remaining in the department budget and shall make timely recommendations for budget amendments at such time as the need for such amendments becomes known. The department's expenditures shall not exceed the amounts appropriated. Capital outlay purchases that exceed \$1,000.00 shall conform to township policy regarding written quotes and competitive bidding.

The chief shall also be responsible for the following:

(1) Management of the extinguishment of all fires and/or occurrences that endanger the health, safety and welfare of Milford Township.

(2) Enforce township fire ordinances or fire prevention codes, in conjunction with the township ordinance enforcement officer.

(3) Ensure that all personnel are trained and qualified for the duties that they are expected to fulfill.

(4) Ensure that fire inspection and community fire prevention programs are conducted.

(5) Ensure that all fire equipment and fire department buildings are properly maintained and in good working order.

(6) Ensure that all department personnel comply with departmental and board rules, regulations and policies.

(Ord. No. 156-A74, § 1, 11-20-96)

Sec. 7-64. Officers.

There shall be a chain of command established among the department officers in descending order of rank, from the chief to the assistant chief, captain(s), lieutenant(s), engineers, to firefighters. Each rank shall obey the orders of its superior officers. Temporary officers may be appointed by the senior officer present at any emergency to ensure the continuity of the chain of command. Such temporary appointments shall terminate when the officer with the given responsibility becomes available or the incident terminates.

The chief shall establish a job description for each rank. Each command officer shall be responsible to see that orders are carried out by subordinates.

(Ord. No. 156-A74, § 1, 11-20-96)

Sec. 7-65. Firefighters.

Applicants to the fire department shall be reviewed by a committee of active firefighters which shall subsequently tender its recommendations for final applicants to the chief for his/her recommendation to the township board. Final applicants for vacant firefighter positions shall be of good character, possess a good driving record and shall be screened by a physician of the township board's choice at township expense. The physician's examination shall determine if the applicant has any preexisting conditions that would preclude the applicant from performing the duties associated with firefighting.

All firefighters shall serve an initial probationary period for a period of not less than one year. At the discretion of the chief, the probationary period may be extended. At the conclusion of the probationary period, the chief may recommend that a probationary firefighter who has met all of the qualifications contained in the firefighter job description be given permanent firefighter status by the township board or, in the alternative, termination.

(Ord. No. 156-A74, § 1, 11-20-96)

Sec. 7-66. Disciplinary procedure.

Violations of any township ordinances, board rules, department administrative regulations, or convictions of a felony shall subject any personnel involved to disciplinary proceedings. A violation shall be documented by the chief upon good cause shown or when a violation occurs in his presence.

The chief shall provide a copy of the written reprimand to an alleged violator. The written reprimand shall state the rule which was allegedly violated, the nature of any disciplinary action taken and the consequences of any further recurrences. Disciplinary action may range from a reprimand to a suspension, demotion or dismissal, or a combination of any of the above, depending on:

- (1) Seriousness of the violation.
- (2) Consequences to the safety of others by the violation.
- (3) Potential harm to the department or the township.
- (4) Prior record of the individual.
- (5) The degree of wantonness, if any, of the act.

Any disciplinary action may be appealed to the township board, which shall affirm, deny or modify the disciplinary action taken by the chief. The township board may, on its own initiative, bring charges against any fire department personnel. Disciplinary action initiated by the township board shall follow the above procedures, except that the responsibilities designated above to the chief shall be performed by the township board.

In addition to such administrative rules which may be promulgated by the chief, theft of township property or other property at the scene of an emergency shall be cause for dismissal.

(Ord. No. 156-A74, § 1, 11-20-96)

Sec. 7-67. Compensation.

Compensation to firefighters shall be determined annually by the township board. The department shall keep accurate records which indicate the amount of compensable time served by all personnel. The time records for "on call" firefighters shall be submitted monthly to the township board for payment. Time records for part-time firefighters shall be submitted biweekly.

(Ord. No. 156-A74, § 1, 11-20-96)

Sec. 7-68. Public contact.

The fire chief, or his/her designee, may release facts regarding fires or other emergencies to the news media. All other personnel shall refer all media inquiries to the chief or the designee.

Members of the public will be allowed in the fire station only when accompanied by a member of the department.

The public will always be treated courteously and professionally by all department personnel.

(Ord. No. 156-A74, § 1, 11-20-96)

Sec. 7-69. Emergency responses.

Pursuant to Public Act 300 of 1949, when responding to emergencies, all personnel will drive emergency vehicles with appropriate concern for the safety of the public and defensive driving. Use of emergency signals on vehicles shall be considered a request for the right-of-way from other drivers.

Use of emergency signal equipment shall be permitted only when the department has been officially dispatched to an emergency.

(Ord. No. 156-A74, § 1, 11-20-96)

Sec. 7-70. Department equipment.

Lost or damaged equipment shall be reported as soon as possible to an officer. Township property shall be disposed of only with the prior approval of the township board. All department-issued equipment shall be returned to the chief by personnel leaving the department.

(Ord. No. 156-A74, § 1, 11-20-96)

Sec. 7-71. Use of fire station.

Only township-owned vehicles and equipment may be kept at the fire station. Department equipment shall not be borrowed for private use.

Private vehicles must be parked in designated areas only.

(Ord. No. 156-A74, § 1, 11-20-96)

Sec. 7-72. Authorization to form charitable organization.

The personnel of the fire department are authorized to incorporate a tax-exempt charitable organization that shall be known as "The Milford Township Firefighters Association." The purpose of the association shall be to provide for the social development of personnel and the betterment of fire protection in the township. The association shall be a designated 501(c)(3) charity duly incorporated under the laws of the state and pursuant to applicable Internal Revenue Service regulations. The association may elect its own officers. The financial records of the association shall be audited annually by two active members selected at random by the chief, who shall report their findings to the membership at the association's February business meeting.

(Ord. No. 156-A74, § 1, 11-20-96)