

## Chapter 14

### FIRE PREVENTION AND PROTECTION\*

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\***Cross references** – Building and building regulations, ch. 6; fires in parks, § 22-39; use of public hydrants, § 38-59.

**State law references** – State fire prevention code, MCL 29.1 et seq.; crimes related to fires, MCL 750.240 et seq.; crimes related to explosives and bombs, MCL 750.200 et seq.; explosives act, MCL 29.41 et seq.

## POTTERVILLE CODE

## ARTICLE I. IN GENERAL

**Secs. 14-1 – 14-30. Reserved.**

## ARTICLE II. FIRE PREVENTION CODE\*

### Sec. 14-31. International Fire Code Adopted.

Pursuant to the provisions of section (k) of Public Act No. 279 of 1909 (MCL 17.3(k)), the home rule cities act, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion, the International Fire Code, 2000 Edition, is hereby adopted by reference, as modified in this article, and as so adopted shall be known as the Pottersville Fire Code.  
(Ord. No. 03-205, § 52-1, 4-14-2003)

### Sec. 14-32. Amendments to International Fire Code.

The following sections of the International Fire Code are hereby amended and revised as follows:

Section 101.1. Title. These regulations shall be known as the fire code of the city, hereinafter referred to as “this code.”

Section 109.3. Violation Penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof, or who shall erect, install, alter, repair, or perform work in violation of the approved construction documents or directives of the code official, or of a permit or certificate used under the provisions of this code, shall be guilty of a municipal civil infraction punishable by a fine of not more than \$500.00. Each day the violation continues shall be deemed a separate offense.

Section 109.3.1. Abatement of Violation. In addition to the imposition of penalties herein described, the code official is authorized to insti-

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\***State law references** – State fire prevention code, MCL 29.1 et seq.; local rules must be consistent with state code, MCL 29.31; crimes relating to fires, MCL 750.200 et seq.

tute 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 businesses, or occupancy of a structure on or about any premises.

Section 111.4. Failure to Comply. 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 pay a fine of not less than \$100.00 or more than \$500.00.

Section. 307.6. It shall be unlawful to burn rubbish or trash.  
(Ord. No. 03-205, § 52-2, 4-14-2003)

### Sec. 14-33. Storage limitations.

The limits referred to in certain sections of the Fire Code of the City of Pottersville are hereby established as follows:

- (1) Section 3204.3.1.1: The limits as established by the state office of fire safety.
  - (2) Section 3404.2.9.5.2: The limits as established by the state office of fire safety.
  - (3) Section 3406.2.4.4: The limits as established by the state office of fire safety.
  - (4) Section 3804.2: The limits as established by the state office of fire safety.
- (Ord. No. 03-205, § 52-3, 4-14-2003)

**Secs. 14-34 – 14-60. Reserved.**

## ARTICLE III. FIREWORKS†

### Sec. 14-61. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except

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†**Cross reference** – Fireworks, firearms and other weapons, § 22-41.

where the context clearly indicates a different meaning:

Fireworks means and includes any device made from combustible or explosive compositions, compound, or tablet, or any substance or combination of substances containing nitrates, chlorates, oxalates, sulfates of lead, barium, antimony, arsenic, mercury, nitroglycerin, phosphorus, or any other modern explosive prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, toy guns in which explosives are used, firecrackers, torpedoes, skyrockets, Roman candles, cone fountains, dago bombs, sparklers, or other devices or like construction. The term "fireworks" shall not include any auto flares; paper caps containing not in excess of an average of 0.25 grain (one-quarter grain) of explosive content per cap; toy pistols, toy canes and toy guns and other devices for the use of caps; sparklers containing not more than 0.0125 pounds of burning portions per sparkler, and toy snakes not containing mercury.

(Ord. No. 03-205, § 52-4.1, 52-4.2, 4-14-2003)

**Cross reference** – Definitions generally, § 1-2.

#### **Sec. 14-62. Exceptions to article provisions.**

The possession, transportation, sale or use of blank cartridges or blank cartridge pistols for show or theater or for the training or exhibiting of dogs, or for signal purposes or athletic events or by railroads, or for the use by the militia or any organization or war veterans, shall be permitted notwithstanding the other provisions of this article.

(Ord. No. 03-205, § 52-4.2, 4-14-2003)

#### **Sec. 14-63. Manufacture, sale, distribution and possession.**

Except as otherwise permitted by state law, no person shall manufacture, sell, expose for sale, keep with intent to sell, distribute, transport, or possess any fireworks within the city.

(Ord. No. 03-205, § 52-4.3, 4-14-2003)

#### **Sec. 14-64. Exploding or igniting fireworks within city.**

Except as otherwise permitted by this article, no person shall explode, cause to explode, use or ignite any fireworks within the city.

(Ord. No. 03-205, § 52-4.4, 4-14-2003)

#### **Sec. 14-65. Sale to minors.**

Notwithstanding any other law, regulation or ordinance, it shall be unlawful to sell, offer to sell, distribute, give or furnish any fireworks to any person under the age of 18 years.

(Ord. No. 03-205, § 52-4.5, 4-14-2003)

#### **Sec. 14-66. Storage.**

The storage of fireworks at the site of a wholesaler, dealer, retailer, or jobber shall be regulated pursuant to the provisions of the state fireworks law, section 243d of Public Act No. 358 of 1968 (MCL 750.243d), which section, and any subsequent amendments, are hereby incorporated by reference and made a part of this Code.

(Ord. No. 03-205, § 52-4.6, 4-14-2003)

#### **Sec. 14-67. Labeling and packaging; seizure.**

All fireworks which are possessed, stored, sold, displayed, or distributed within the city shall be properly labeled and packaged as required by regulations of the state department of agriculture and the U.S. Consumer Product Safety Commission. Any fireworks which are improperly labeled, stored, or packaged are hereby declared to be contraband and subject to immediate seizure and destruction by the fire marshal and chief of police, in addition to any other penalty provided in this Code.

(Ord. No. 03-205, § 52-4.7, 4-14-2003)

#### **Sec. 14-68. Permit.**

(a) *Grant; transferability.* The city council may, upon receipt of written application, grant a permit for the supervised public display of fireworks by fair associations, amusement parks, or

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other organizations or groups approved by the city council, or permits for outdoor pest control or agricultural purposes. Applications for permits shall be made in writing on forms provided by the director of the department of state police. The display shall be of such a character and so located, discharged or fired so as, in the opinion of the chief, after proper investigation, not to be hazardous to property or endanger any person. No permit granted under this section shall be transferable.

(b) *Bond or certificate of public liability insurance.* The permittee shall furnish a bond or certificate of public liability insurance in an amount deemed adequate by the chief of police for the payment of all damages which may be caused to persons or property by reason of the permitted display.

(Ord. No. 03-205, § 52-4.8, 4-14-2003)