Chapter 38

FIRE PREVENTION AND PROTECTION*

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*Cross reference(s)—Buildings and building regulations, ch. 14; civil emergencies, ch. 22; open fires in parks, ‘ 54-5; hazardous waste, ‘ 62-71 et seq.

State law reference(s)—Crimes relating to fires, MCL 750.240 et seq., MSA 28.437 et seq.; following or parking near a fire apparatus, MCL 257.679, MSA 9.2379; obstructing, endangering or disobeying firefighters, MCL 750.241, MSA 28.438; fire prevention code, MCL 29.1 et seq., MSA 4.559(1) et seq.
ARTICLE I. IN GENERAL

Sec. 38-1. Fire hydrant openings.

No person, except authorized city officers and employees, shall use any fire hydrant except in case of emergency without first securing permission from the department of public works for such use, and paying or agreeing to pay for the water to be used. In no case shall any wrench or tool be used on any fire hydrant other than a regulation city hydrant wrench.
(Code 1971, ' 9.45)

Sec. 38-2. Fire inspection.

The fire chief is empowered to enter at any and all reasonable times upon and into any premises, building or structure for the purpose of examining and inspecting the premises, building or structure, to ascertain the conditions with regard to fire hazards and the condition, size, arrangement and efficiency of any and all appliances for firefighting. If such inspection shall disclose any fire hazard or any deficiency in firefighting appliances, the fire chief shall order the condition remedied. Every order made by the fire chief shall be promptly obeyed and complied with.
(Code 1971, ' 9.46)

State law reference(s)--Fire marshal and firefighters, investigative and emergency powers, MCL 29.7a, MSA 4.559(7a); inspection of buildings to discover fire hazards, MCL 29.8, MSA 4.559(8).

Sec. 38-3. Open fires.

(a) It shall be unlawful for any person to burn paper, rubbish or any flammable waste material within the city.

(b) It shall be unlawful for any person to burn off grass, weeds, leaves or other flammable substance off from a field or lot without obtaining either verbal or written permission from the fire chief or his assistant or a fire captain; and whenever the fire chief, his assistant or a fire captain, shall deem it imprudent for such burning, whether because of dryness, water shortage, high winds or particularly hazardous location, he may refuse such permission.

(c) Nothing in this section shall be construed as affecting any civil liability imposed by the laws of the state for damages to persons or property as a result of the starting of any fire, whether the same was started with or without the permission required in this section.

(d) Nothing in this section shall be construed as imposing any civil liability for damages on the city, or the fire department, or the fire chief, or any member of the fire department, by reason of the granting or refusing to grant the permission required in this section. (Code 1971, ' 9.49)

(e) Recreational fires, using only untreated lumber, are only permitted if they are in a fire pit that is at least 4 inches above ground, not more than 3 feet across in any direction, contained on all sides, has a screened top, and is at least 15 feet away from the lot line or any structure. (2012-247)

State law reference(s)--Open burning of leaves or grass clippings, MCL 324.11522, MSA 13A.11522.

Secs. 38-4--38-35. Reserved.
ARTICLE II. VOLUNTEER FIRE DEPARTMENT*

*Cross reference(s)--Departments, ‘ 2-151 et seq.

State law reference(s)--Civil service for fire and/or police departments, MCL 38.501 et seq., MSA 5.3351 et seq.; investigative and emergency powers, MCL 29.7a, MSA 4.559(7a).

DIVISION 1. GENERALLY

Sec. 38-36. Department rules.

The fire chief shall adopt rules and regulations for the government of the volunteer fire department, subject to the approval of the city council, which shall be entered in a book of fire department rules and which may be changed and repealed by the fire chief upon notice to and approval by the city council. Such rules and regulations shall designate the chain of command for the department so that in the absence or disability of the chief the responsibility for the operation of the department shall immediately and automatically be vested in the next ranking officer or member of the department present.

(Code 1971, ‘ 1.47)

Secs. 38-37--38-60. Reserved.

DIVISION 2. FIRE CHIEF*

*Cross reference(s)--Officers and employees, ‘ 2-96 et seq.

Sec. 38-61. Appointment; duties.

(a) A fire chief shall be appointed by the council on recommendation by the city manager. The fire chief shall enforce all state laws and provisions of this Code and issue necessary orders with respect to the following:

(1) The prevention of fires.

(2) The storage and use of explosives and flammables.

(3) The maintenance of fire alarm systems, both automatic and private, and all fire extinguishing equipment.

(4) The maintenance and use of fire escapes.
(5) The maintenance of fire protection and the elimination of fire hazards in all buildings and structures.

(6) The maintenance and adequacy of fire exits from factories or shops, schools, hotels, asylums, hospitals, churches, halls, theaters and all other places in which numbers of persons work or congregate for any purpose.

(7) The performance of other public services of an emergency nature assigned to him.

(8) The maintenance and care of all property and equipment used by the fire department.

(b) In addition, the fire chief shall:

(1) Investigate the origin, cause and circumstances of fires within the city.

(2) Order and supervise fire drills in all schools and educational institutions as required by law.

(3) Direct an educational fire prevention program.

(Code 1971, ' ' 1.46, 1.49)