

Introduced: April 03, 2023
Adopted: April 17, 2023
Effective: May 11, 2023

CITY OF CHARLOTTE

ORDINANCE NO. 2023-04

AN ORDINANCE TO AMEND CHAPTER 30 - FIRE PREVENTION AND PROTECTION - OF THE CODE OF THE CITY OF CHARLOTTE BY AMENDING THE TITLE TO ARTICLE II, AND BY AMENDING SECTIONS 30-26 AND 30-27 THEREOF IN ORDER TO ADOPT THE NFPA 2018 FIRE CODE, BY REFERENCE TO REPLACE THE INTERNATIONAL FIRE CODE, 2000 EDITION, AND TO MAKE LOCAL CHANGES THERETO, AND TO ADD SECTIONS 30-28, 30-29, 30-30 AND 30-31, AND TO AMEND SECTIONS 30-51, 30-53, 30-54, 30-57, 30-59, 30-61 THROUGH 30-66 TO MAKE CONSISTENT WITH THE ADOPTED CODE.

Councilmember Dyer moved the following:

THE CITY OF CHARLOTTE ORDAINS:

SECTION 1. THE TITLE OF ARTICLE II, AND THE TITLE TO SECTION 30-27 ARE AMENDED, AND THE TITLES TO SECTIONS 30-28 AND 30-29, AND SHALL READ AS FOLLOWS:

Article I. In General

30-1 – 30-25 Reserved

Article II. Fire Code (National Fire Protection Association)

30-26 Repeal of existing Code and adoption of Code by reference

30-27 Changes in the NFPA 2018 Fire Code

30-28 Fire Code Violations

30-29 Fire Inspections

30-30 Fire Insurance Escrow Act

30-31 Freestanding Wood Burning Furnace

ARTICLE I. IN GENERAL

§§ 30-1 – 30-25 RESERVED.

SECTION 2. SECTIONS 30-26 AND 30-27 ARE AMENDED, AND SECTIONS 30-28 THROUGH 30-31 ARE ADDED AND SHALL READ AS FOLLOWS:

§ 30-26 REPEAL OF EXISTING CODE AND ADOPTION OF CODE BY REFERENCE.

Pursuant to the provisions of Public Act 279 of 1909, § 3(k), being M.C.L.A. § 117.3(k), as amended, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the NFPA 2018 Edition including all documents listed in chapter 2 of NFPA 1 2018 edition is hereby adopted by reference, as modified herein, and as so adopted shall be known as the "Charlotte Fire Prevention Code" and shall replace the existing "Charlotte Fire Prevention Code" previously adopted which is hereby repealed. Whenever the words "authority having jurisdiction" are used in the Fire Prevention Code, it shall mean the Fire Chief and his or her designees. Whenever the words "governing authority" are used, it shall mean the City of Charlotte.

(1993 Code, § 30-26) (Am. Ord. passed 9-22-2003)

§ 30-27 CHANGES IN NFPA 2018 Edition.

The following articles or sections of the NFPA 2018 Edition are hereby added, amended, or deleted as hereinafter set forth. Subsequent article, division, and section numbers used in this § 30-27 shall refer to the like numbered articles, divisions, and sections of the NFPA 1 2018 Edition unless specified otherwise.

(A) 1.7.14 Certification of occupancy

Occupancy of any structure besides one- and two-family dwellings is prohibited until a final certification of occupancy is issued. A certification of occupancy shall be reviewed and approved by the fire chief or his designated agent after meeting the requirements of the code.

(B) 1.12.8 Permits

Permits shall be required as outlined in the City of Charlottes Fee Schedule.

(C) 16.3.4.3 Access for Firefighters

Any structure besides a one- and two-family residence is required to have an access box installed in an area designated by the fire chief or his designee.

All buildings that have an elevator are required to have an elevator key lock box installed in an area designated by the fire chief or his designee.

Access box order forms are available by contacting the Charlotte Fire Department.

(D) 10.10 Open Fires

Open burning should comply with sections 10.10 through 10.10.5.2 of the code. Open burning shall consist of only recreational fires. Under certain conditions, the fire chief or his designee may allow the burning of brush by permit.

(E) 3.2 NFPA Official Definitions

3.3.226 shall be amended to read as follows:

3.3.226 Recreational fire. Fuel used for a recreational fire shall be untreated dry-season wood or charcoal. The total area for the fire shall not exceed 3 FT in diameter and 2 FT in height.

(F) Board of Appeals

The City Council of the City of Charlotte is hereby constituted as the Board of Appeals under this Fire Prevention Code.

30-28 Violation of Fire Code

Any person who shall violate any provision of this code or standard hereby adopted or fail to comply therewith; or who shall violate or fail to comply with any order made thereunder; or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder; or fail to operate in accordance with any certification or permit issued thereunder, and from which no appeal has been taken; or who shall fail to comply with any order as affirmed or modified by a court of competent jurisdiction within the time frame fixed herein, shall severally for each and every such violations and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not less the \$100 nor more the \$500 or by imprisonment for not less than 1 day nor more then 90 days or by both such fine and imprisonment. Those fines and or imprisonment shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy the violation or defects within a reasonable timeframe. Each day the violation continues and prohibited conditions are maintained shall constitute a separate offense.

30-29 Fire Inspections

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 same, to ascertain the conditions with regard to fire hazards, and the condition, size, arrangement, and efficiency of any and all appliances for detection, notification, or fire suppression. The Fire Chief is empowered to appoint members of the regular personnel of the Fire Department to make the inspection, who shall report in writing to the Fire Chief the results of the inspection, and who are empowered to make any written orders for the correction of any hazard or deficiency in detection, notification, or fire suppression appliances as outlined in the code. Every order made by the Fire Chief or by authorized members of the Fire Department shall be promptly complied with.

30-30 Fire Insurance Escrow Act

The City of Charlotte is hereby authorized to participate in the Fire Insurance Withholding Program as set forth in Public Act 495 of the Michigan Public Acts of 1980. The Fire Chief or his or her designee of the Fire Department is hereby designated administrator of the Fire Insurance Withholding Program for the City of Charlotte.

30-31 Free Standing Wood Burning Furnace

Definition: Any device or structure that is:

- (a) Designed, intended, or used to provide heat and/or hot water to any residence or any structure; and
- (b) Operated by the burning of wood or other solid fuel; and
- (c) Not located within the structure for which it is providing heat or hot water.

Excluded from the definition of a freestanding wood-burning furnace is any device which is not designed or used to heat a structure other than the structure in which it is located.

Prohibition: Except as provided below, it shall be unlawful to install, use, maintain or operate a freestanding wood-burning furnace, and to cause or permit the installation or operation of a freestanding wood-burning furnace, within the city of Charlotte.

Separation Requirements: A freestanding wood-burning furnace shall be permitted under the following circumstances:

- (a) Where it is located no closer than 660 feet from any adjoining residential or commercial structure (excluding in this calculation the structure for which it is used to provide heat and/or hot water);
- (b) That the unit be inspected and a boiler permit be obtained, as required under the applicable mechanical code.

§§ 30-50 RESERVED.

SECTION 3. SECTIONS 30-51, 30-53, 30-54, 30-57, 30-59, 30-61 THROUGH 30-66 ARE AMENDED AND SHALL READ AS FOLLOWS:

§ 30-51 AUTHORITY AT FIRES AND OTHER EMERGENCIES.

(A) The fire chief or his designee may be in charge at the scene of a fire or other emergency involving the protection of life or property, are empowered to direct such operations as may be necessary to extinguish or control any suspected or reported fires, gas leaks or other hazardous conditions or situations or of taking any other action necessary in the reasonable performance of their duty.

(B) The fire chief or his designee prohibits any person, vehicle, or object from approaching the scene and may remove or cause to be removed from the scene any person, vehicle, or object which may impede or interfere with the operations of the Fire Department. The fire chief or his designee may remove or cause to be removed any person, vehicle, or object from hazardous areas. All persons ordered to leave hazardous areas shall do so immediately and shall not reenter the area until authorized to do so by the fire chief or his designee.

(1993 Code, § 30-51)

§ 30-53 COMPLIANCE WITH ORDERS.

A person shall not willfully fail or refuse to comply with any lawful order or direction of the fire chief or his designee or to interfere with the compliance attempts of another individual.

(1993 Code, § 30-53)

§ 30-54 VEHICLES CROSSING FIRE HOSE.

A vehicle shall not be driven or propelled over any unprotected fire hose of the Fire Department when laid down on any street, alleyway, private drive, or any other vehicular roadway without the consent of the fire chief or his designee in command of the operation.

(1993 Code, § 30-54)

§ 30-57 OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES.

Upon the approach of any authorized emergency vehicle, giving an audible and visual signal, the operator of every other vehicle shall immediately drive the vehicle to a position as near as possible and parallel to the right-hand edge or curb of the street or roadway, clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle shall have passed, unless otherwise directed by the fire chief or his designee or a police officer.

(1993 Code, § 30-57)

§ 30-59 UNLAWFUL BOARDING OR TAMPERING WITH FIRE DEPARTMENT EMERGENCY EQUIPMENT.

A person shall not, without proper authorization from the fire chief or his designee in charge of the Fire Department emergency equipment, cling to, attach himself to, climb upon or into, board, or swing upon any Fire Department emergency vehicle, whether the vehicle is in motion or at rest, or sound the siren, horn, bell or other sound-producing devices thereon, or manipulate or tamper with or attempt to manipulate or tamper with any levers, valves, switches, starting devices, brakes, pumps or any equipment or protective clothing on or a part of any Fire Department emergency vehicle.

(1993 Code, § 30-59)

§ 30-61 BLOCKING FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS.

(A) It shall be unlawful to obscure from view, damage, deface, obstruct, or restrict the access to any fire hydrant or any Fire Department connection for the pressurization of fire suppression systems, including fire hydrants and Fire Department connections that are located on public or private streets and access lanes or on private property.

(B) If upon the expiration of the time mentioned in a notice of violation of this section, the obstructions or enforcements are not removed, the fire chief or his designee shall proceed to remove the obstruction. The cost incurred in the performance of necessary work shall be paid from the City Treasury on a certificate of the fire chief or his designee and with the approval of the City Manager, and the City Attorney shall institute appropriate action for the recovery of such costs.

(1993 Code, § 30-61)

§ 30-62 APPROVAL FOR HYDRANT USE.

A person shall not use or operate any fire hydrant intended for use of the Fire Department for fire suppression purposes unless such person first secures a permit for such use from the fire chief or his designee and the water company having jurisdiction. This section shall not apply to

the use of such hydrants by a person employed by and authorized to make such use by the water company having jurisdiction.

(1993 Code, § 30-62)

§ 30-63 LOCATION OF FIRE HYDRANTS AND WATER MAINS.

The fire chief or his designee shall recommend to the City Manager the location of new fire hydrants or relocation of existing fire hydrants and the placement of water mains or replacement of inadequate water mains located upon public property when deemed necessary to provide an adequate fire flow and distribution pattern. A fire hydrant shall not be placed into or removed from service until approved by the fire chief or his designee.

(1993 Code, § 30-63)

§ 30-64 PRIVATE FIRE HYDRANTS FOR CERTAIN HAZARDOUS OCCUPATIONS.

All shipyards, oil storage plants, lumberyards, amusement or exhibition parks and educational or institutional complexes, and similar occupancies and uses involving high fire hazards or life-threatening hazards and which are located more than 150 feet from a public street or which require quantities of water beyond the capabilities of the public water distribution system shall be provided with properly placed fire hydrants. Such fire hydrants shall be capable of supplying fire flows as required by the Fire Chief or his designee and shall be connected to a water system in accordance with accepted engineering practices. The Fire Chief or his designee shall designate and approve the number and location of fire hydrants. The Fire Chief or his designee may require the installation of sufficient fire hoses and equipment housed in accordance with the approved rules and may require the establishment of a trained fire brigade when the hazard involved requires such measures. Private hydrants shall not be placed into or removed from service until approved by the Fire Chief or his designee.

(1993 Code, § 30-64)

§ 30-65 MAINTENANCE OF FIRE SUPPRESSION EQUIPMENT.

A person shall not obstruct, remove, tamper with, or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provisions of the Fire Prevention Code adopted in this chapter, except for the purpose of extinguishing fire, training, or testing purposes, recharging or making necessary repairs or when permitted by the Fire Chief or his designee. Whenever a fire appliance is removed as permitted in this section, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished. Defective and nonapproved fire appliances or equipment shall be replaced or repaired as directed by the Fire Chief or his designee.

(1993 Code, § 30-65)

§ 30-66 SALE OF DEFECTIVE FIRE EXTINGUISHERS.


A person shall not sell, trade, loan, or give away any form, type, or kind of fire extinguisher which is not approved by the Fire Chief or his designee or which is not in proper working order or the contents of which do not meet the requirements of the Fire Chief or his designee. The requirements of this section shall not apply to the sale, trade, or exchange of obsolete or damaged equipment for junk when such units are permanently disfigured or marked with a permanent sign identifying the unit as junk.

(1993 Code, § 30-66)

This ordinance shall become effective 20 days after publication.

Second, Van Langevelde, Carried (7) Yeas. (0) Nays.

Dated: April 17, 2023



Michael Armitage, Mayor



Mary LaRocque, Clerk

