

**TOWNSHIP OF LYNDON  
COUNTY OF WASHTENAW, MICHIGAN**

**RESOLUTION NO. 19-07**

**RESOLUTION TO ADOPT FIRE CODE ORDINANCE NO. 2019-01**

At a regular meeting of the Lyndon Township Board, Washtenaw County, Michigan, held at the Township Hall, 17751 N. Territorial Rd., Chelsea, MI 48118, on the 9<sup>th</sup> of April, 2019, at 7:00 p.m.

PRESENT: Robert Mester, John Francis, Marc Keezer, Linda Reilly, Mary Jane Maze

ABSENT: None

The following preamble and resolution were offered by Reilly and seconded by Maze.

**WHEREAS**, Lyndon Township, Washtenaw County, Michigan, is in need of a revised fire code ordinance to prescribe uniform, enforceable regulations for the safeguarding of life and property from the hazards of fire and explosions; and

**WHEREAS**, pursuant to Section 1 of 1945 PA 246, as amended (MCLA 41.181), and Section 5 of 1951 PA 33, as amended (MCLA 41.805) authority is granted Townships to adopt a new National Fire Protection Association (NFPA) 1 Fire Code, 2018 Edition Fire Code with annexes, index, and amendments thereto; and

**WHEREAS**, the NFPA 1 Fire Code, 2018 Edition addresses fire and life safety for the public and first responders as well as property protection by providing a comprehensive, integrated approach for fire code regulation and hazard management.

**WHEREAS**, the NFPA 1 Fire Code, 2018 Edition supersedes the NFPA 1 Fire Code, 2000 Edition with annexes, index, and amendments thereto as Lyndon Township Ordinance No. 41, Adoption of Fire Prevention Code.

**NOW, THEREFORE, BE IT RESOLVED** that the Lyndon Township Board of Trustees adopts by reference the NFPA 1 FIRE CODE, 2018 EDITION with annexes, index, and amendments thereto as the Lyndon Township Fire Code Ordinance No. 2019-01 (EXHIBIT A).

A vote on the above Resolution was taken and was as follows:

ADOPTED:

Ayes: Mester, Francis, Keezer, Maze, Reilly

Nays: None

CERTIFICATION

I, Linda Reilly, the undersigned Township Clerk of the Township of Lyndon hereby certify that the foregoing resolution is a true and complete copy of a resolution adopted at a regular meeting of the Township Board of the Township of Lyndon held on 9th day of April, 2019, the original of which is on file in my office, and that notice of such meeting was given, and the meeting was conducted, pursuant to and in compliance with the Act No. 267, Michigan Public Acts of 1976, as amended.

  
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Linda Reilly  
Lyndon Township Clerk

**Township of Lyndon  
Washtenaw County, Michigan**

ADOPTION OF A FIRE CODE  
Ordinance Number 2019-01

An ordinance to adopt by reference the NATIONAL FIRE PROTECTION ASSOCIATION (“NFPA 1”) FIRE CODE, 2018 EDITION, and ANNEXES and INDEX; to prescribe regulations for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion; to amend certain provisions of the said NFPA 1 FIRE CODE 2018 including conflicts between it and the state construction code; board of appeals; open fires; and to repeal existing Ordinances or parts of Ordinances in conflict herewith.

**SECTION I  
TITLE**

This Ordinance shall be known and cited as the “Lyndon Township FIRE CODE Ordinance”.

**SECTION II  
PURPOSE**

This Ordinance is adopted pursuant to the authority vested in Townships by Section 1 of 1945 PA 246, as amended (MCLA 41.181), and Section 5 of 1951 PA 33, as amended (MCLA 41.805), the purpose of which Ordinance is to adopt a Fire Code with annexes, index, and amendments thereto; to prescribe regulations for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises.

**SECTION III  
ADOPTION OF "NFPA 1 FIRE CODE, 2018 EDITION"**

A certain document or booklet, which is marked and entitled as “NFPA 1 FIRE CODE, 2018 EDITION” and the annexes and index thereto, said Code being published by the National Fire Protection Association, official copies of which are on file in the office of the Township Clerk and which may be examined by the general public during regular business hours or by appointment, is hereby adopted by reference as if fully set forth herein. Print or electronic format can be made available through the Chelsea Area Fire Authority following the FOIA(Freedom of Information Act) pricing fee structure. Each and all of the regulations, provisions, penalties, conditions and terms thereof, except as they may hereafter be modified, shall be deemed adopted and made a part hereof by this reference as if fully set forth in this Ordinance.

**SECTION IV  
CONFLICTS**

Section 1.3.3 of the said NFPA1/ UNIFORM FIRE CODE, 2018 EDITION, regarding “Conflicts” is hereby amended to add Section 1.3.3.3 as follows:

**“1.3.3.3.** Where a conflict between this document and the Michigan Construction Code occurs, the specific requirements of the Michigan Construction Code shall apply”.

## **SECTION V BOARD OF APPEALS**

Section 1.10.1.1 of the said NFPA1/ UNIFORM FIRE CODE, is hereby amended to read as follows:

**1.10.1.1.** A Board of Appeals shall be established consisting of members and alternate members who shall be appointed by the Township of Lyndon Board of Trustees by reason of education, experience, and knowledge and are deemed to be competent to sit in judgment on matters concerning this Code and its enforcement

## **SECTION VI OPEN FIRES**

Section 10.10 of the said NFPA1/ UNIFORM FIRE CODE, 2018 EDITION, is hereby amended by the deletion of subsections 10.10.1 through 10.10.9 there under and by the addition of the following language:

**“10.10** Open fires, incinerators and commercial fireplaces shall be regulated by separate Township Ordinance.”

## **SECTION VII SAVING CLAUSE**

Nothing in this Ordinance or in the code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquiring or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

## **SECTION VIII EFFECTIVE DATE, SEVERABILITY AND REPEAL OF CONFLICTING ORDINANCES**

The within ordinance shall take effect 30 days after publication of a summary hereof, after adoption by the Township Board. The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, paragraph, section or subsection is declared void or inoperable for any reason, it shall not affect any other part or portion thereof. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.