

Chapter 10

FIRE PREVENTION AND PROTECTION¹

Art. I. In General, §§ 10-1--10-15

Art. II. Emergency Preparedness, §§ 10-16--10-28

ARTICLE I. IN GENERAL

Sec. 10-1. Obstruction of Fire Hydrants.

No person shall place any obstruction whatever, nor shall any person responsible for such obstruction permit it to remain, within fifteen (15) feet of any fire hydrant.
(Code 1957, § 9.92)

Sec. 10-2. Fire Hydrant Openings.

No person, except members of the Fire Department or of the Department of Public Service shall use any fire hydrant except in case of emergency, without first securing permission from the Department of Public Service 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 Fire Department hydrant wrench.
(Code 1957, § 9.93)

Sec. 10-3. Fire Inspection.

The Fire Chief is hereby 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 thereof with regard to fire hazards and the condition, size, arrangement and efficiency of any and all appliances for fire fighting. The Fire Chief is hereby empowered to appoint members of the regular personnel of the Fire Department to make the inspection herein provided, who shall report in writing the results of the inspection to the Fire Chief and who are hereby empowered to make such written orders for the correction of any hazard or deficiency in fire fighting appliances as the Fire Chief is authorized to make. Every order made by the Fire Chief or by authorized members of the Fire Department shall be promptly obeyed and complied with.
(Code 1957, § 9.94)

¹ **Cross References** – Department of Fire, §2-117 et seq; buildings and building regulations, Ch. 7; fire prevention code adopted, §7.1; “fire limits” defined, §7-2; Fire Chief certificate for issuance of licenses, §13-9; restaurants, §13-30 et seq.
State law references – State Fire Protection Act, MCL §29.1 et seq., MSA §4.559(1) et seq.; crimes related to explosives and bombs, MCL §750.200 et seq., MSA §28.397 et seq.; crimes related to fires, MCL §750.240 et seq., MSA §28.437 et seq.

Sec. 10-4. Starting Fires by Smoking.

It shall be unlawful for any person in smoking or attempting to light or to smoke a cigarette, cigar or pipe, to set fire to any bed, bedding, furniture, curtains or draperies in any hotel, lodging house or tourist home in the city.
(Code 1957, § 9.98)

Secs. 10-5. --10-15. Reserved.

ARTICLE II. EMERGENCY PREPAREDNESS²

Sec. 10-16. Intent and Purpose.

(a) *Generally.* It is the intent and purpose of this article to establish an organization that will ensure the complete and efficient utilization of all municipal resources during periods of emergency and disaster.

(b) *Coordinating agency.* The City of Grosse Pointe Park Fire Department. will be the coordinating agency responsible for the city-wide emergency preparedness; it will provide the means through which the City Council and the Mayor may exercise the authority and discharge the responsibilities vested in them by this article and Act No. 390, Public Acts of 1976.

(c) *Effect upon normal municipal responsibilities, volunteer agencies.* This article will not relieve any elected officials or municipal departments of the normal responsibilities or authority given by general law or local ordinance, nor will it affect the work of the American Red Cross or other volunteer agencies organized for relief in a natural disaster.
(Ord. No. 100, § 1, 3-30-83)

Sec. 10-17. Definitions.

For the purpose of this article, certain words used herein are defined as follows:

Coordinator. The word “coordinator” shall mean a person appointed to coordinate emergency planning and services within the City or as prescribed in this article. In the absence of an appointed person, “coordinator” shall mean the Fire Chief.

Disaster. The word “disaster” means an occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause, including, but not limited to, fire, flood, snow, ice or wind storm, wave action, oil spills, water contamination requiring emergency action to avert danger or damage, utility failure, hazardous peacetime radiological incident, major transportation accident, epidemic, air contamination,

² **Editors note-**Ord. No.100, Arts. I-II, adopted March 24, 1983, and effective March 30, 1983, amended Ch. 10 of this Code by addition of provisions designated, at the editor’s discretion, as Art. II, §§ 10-16 -- 10-28.
Cross references – Administrative service, §2-16 et seq.; buildings and building regulations, Ch. 7; flood prevention and protection, Ch. 11.

blight, drought, infestation, explosion, riot, or hostile military or paramilitary action. Riots and other civil disorders are not within the meaning of this term, unless they directly result from, and are an aggravating element of, the disaster.

District Coordinator. The term “district coordinator” means the state police district Emergency Services Coordinator or his authorized representative. Emergency operations plan means the city emergency operations plan, which has been prepared under Section 10-20(b) of this article, to coordinate disaster response and recovery within the City.

Emergency Services. The term “emergency services” shall have a broad meaning to include preparations for, and relief from, the effects of natural and man-made disasters as defined herein, and to include civil defense.

Emergency Services Forces. The term “emergency services forces” means all disaster relief forces; all agencies of the municipal government, private and volunteer personnel, public officers and employees; and all other persons or groups of persons having duties or responsibilities under this article or pursuant to a lawful order or directive authorized by this article

Emergency Services Volunteer. The term “emergency services volunteer” shall mean any person duly registered and appointed by the Coordinator and assigned to participate in the emergency services activity.

Emergency Situation. The term “emergency situation” means any situation confronting a community requiring emergency actions of a lesser nature than a disaster, as defined above, to include, but not be limited to, civil disturbances, labor strikes, visits by national or international dignitaries, and build-up activities prior to an actual disaster.

Mayor and Council. The word “Mayor” shall mean the chief elected official of the City, or in his absence, the Mayor pro tem; and “Council” shall mean the City Council of the City of Grosse Pointe Park.

State of Disaster. The term “state of disaster” means a declaration by executive order or proclamation by the governor, under the provisions of Act 90, Public Acts of 1976, which activates the disaster response and recovery aspects of state, local and interjurisdictional disaster emergency plans and authorizes the deployment and use of any forces to which the plan or plans apply.

State of Emergency. The term “state of emergency” means a declaration by the Mayor, pursuant to this article, which activates the disaster response and recovery aspects of the city emergency operations plan and authorizes the deployment and use of any municipal forces to which the plan applies.

(Ord. No. 100, § 2, 3-30-83)

Sec. 10-18. Organization for Emergency Services- Establishment.

The City Manager, with the approval of the Council, is hereby authorized and directed to create an organization to prepare for community disasters, utilizing to the fullest extent existing

agencies within the municipality. The City Manager shall be the director of the emergency services forces of the City and shall be responsible for their organization, administration and operation, working through the Coordinator.

(Ord. No. 100, § 3, 3-30-83)

Sec. 10-19. Same - Composition.

The organization for providing emergency services shall consist of the following:

- (1) The Grosse Pointe Park Fire Department. The chief of the Fire Department shall be known as the Coordinator for Emergency Services. Such assistants and other employees as are deemed necessary for the proper functioning of the organization will be employed;
- (2) The employees, equipment and facilities of all municipal departments, boards, institutions and commissions suitable for, or adaptable to emergency services activities may be designated as part of the total emergency services forces. Such designations shall be by the City Manager, with the approval of the Council.

(Ord. No. 100, §3, 3-30-83)

Sec. 10-20. Same - Cooperation in Formulating Emergency Operations Plan.

All officers and employees of departments, commissions, boards, institutions and other agencies of the city government designated by the City Manager, with the approval of the Council, as emergency services forces, shall cooperate with the Emergency Services Coordinator in the formulation of the emergency operations plan, and they shall assist the Coordinator in all matters pursuant to the provisions of this article.

(Ord. No: 100, § 3, 3-30-83)

Sec. 10-21. Emergency Services Coordinator-Designated; Appointment of Assistants.

(a) The Fire Chief, with the approval of the Council, shall act as Emergency Services Coordinator.

(b) Assistant coordinators shall be designated to work with the Coordinator on emergency planning matters. Assistant Coordinators shall be selected and shall serve as follows:

- (1) There shall be one such assistant coordinator appointed from each city department, as designated by the department head, with the approval of the City Manager, as part of the emergency services forces;
- (2) Assistant coordinators shall assume the duties of the Coordinator whenever he is unavailable during disasters or emergency situations, in the order of designation by the City Manager, acting upon the recommendation of the Coordinator.

(Ord. No. 100, § 4, 3-30-83)

Sec. 10-22. Same - Powers; Duties.

(a) The Emergency Services Coordinator shall be responsible for the administration, planning, coordination and operation of all emergency preparedness activities in the City. He shall maintain liaison with county, state and federal authorities, and the authorities of adjacent and nearby political subdivisions so as to ensure the most effective emergency operations.

(b) His duties shall include, but not be limited to, the following:

- (1) Development of the city emergency operations plan, and any other appropriate disaster plans, for the immediate use of all of the facilities, equipment, manpower and other resources of the City, for the purpose of minimizing or preventing damage to persons or property and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety and general welfare;
- (2) Coordinating the recruitment and training of volunteer personnel and agencies to augment the personnel and facilities of the City for emergency purposes;
- (3) Through public information program, educating the population as to actions necessary and required for the protection of persons and property in case of a disaster;
- (4) Conducting practice alerts and exercises to ensure the efficient operation of the City's emergency organization and to familiarize residents of the City with emergency regulations, procedures and operations;
- (5) Coordinating the activity of all other public and private agencies engaged in any emergency or disaster relief programs;
- (6) Negotiating with owners or persons in control of buildings or other property for the use of such buildings or property for emergency or disaster relief purposes, and designating suitable buildings as public shelters;
- (7) Establishing and maintaining administrative control over a local radiological defense program, to include emergency preparations for both peacetime radiation incidents and international wartime disasters;
- (8) Coordinating municipal emergency preparedness activities with those at the county level and adjacent municipalities.

(Ord. No. 100, § 6, 3-30-83)

Sec. 10-23. Mayor; Powers; Duties.

(a) The Mayor may exercise the emergency power and authority as specified herein. Whenever a situation requires, or is likely to require, that the Mayor invoke such power and authority, he shall, as soon as reasonably expedient, convene the Council to perform its

legislative and administrative duties as the situation demands, and shall report to that body relative to emergency activities. Nothing in this article shall be construed as abridging or curtailing the powers of the Council, unless specifically provided herein.

(b) Under the following circumstances, the Mayor, or in his absence, the Mayor pro tem, may declare that a state of emergency exists in the City and may authorize the Coordinator to assemble and utilize the emergency services forces in accordance with the city emergency operations plan, and he may authorize the City Manager to prescribe the manner and conditions of the use of such emergency services forces:

- (1) Whenever, on the basis of information received from authoritative sources, he feels that a large-scale disaster or emergency situation in the City or state is imminent;
- (2) During any period of disaster in the City or state and thereafter as long as he shall deem it necessary.

(c) Whenever the Mayor, or in his absence the Mayor pro tem, deems that any condition in the City is beyond the control of local, public or private agencies or has attained or threatens to attain the proportions of a major disaster, he may request the governor to declare that a state of disaster exists therein, by instructing the Coordinator to contact the District Coordinator in accordance with Section 14, Act 390, Public Acts of 1976.

(d) The Mayor, or in his absence the Mayor pro tem, with the approval of the Council., is hereby empowered and has the authority:

- (1) To appropriate and expend funds, make contracts and to obtain and distribute equipment, materials and supplies, for disaster purposes;
- (2) To provide for the health and safety of persons and property, including emergency assistance to the victims of disaster;
- (3) To assign and make equipment available for duty, the employees, property or equipment of the municipality relating to: fire fighting; engineering; rescue; health, medical and related services; police; transportation; construction; and similar items or service for disaster relief purposes within or without the physical limits of the municipality;
- (4) In the event of a foreign attack upon this state, to waive procedures and formalities otherwise required by law pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of permanent and temporary workers, the utilization of volunteer workers, the rental of equipment, the purchase and distribution with or without compensation of supplies, materials and facilities, and the appropriation and expenditure of public funds;

(e) The Mayor, with the approval of the Council, shall establish procedures for the succession of government during emergencies, where officials are unavailable for exercising the powers and discharging the duties of their respective offices;

(f) The Mayor, with the approval of the Council, may make regulations permitting the Coordinator to assemble and utilize the emergency services forces and provide disaster relief aid as prescribed in subsections 10-21(b) through (d); and

(g) When obtaining formal approvals would result in delay of relief activity, the Mayor, or in his absence the Mayor pro tem, may, until the Council convenes, waive procedures and formalities otherwise required, pertaining to: the performance of public works; entering into contracts; the incurring of obligations; the employment of permanent and temporary workers; the rental of equipment; the purchase and distribution of supplies, materials and facilities; and expenditure of existing funds; and the Council is also empowered to waive any such procedures and formalities.

(Ord. No. 100, § 5, 3-30-83)

Sec. 10-24. Emergency Services Volunteers; Appointments; Records.

(a) Each department, commission, board or other agency of city government may at any time appoint or authorize the appointment of volunteer citizens to augment the personnel of such city department, commission, board or agency in time of emergency. Such individuals shall be enrolled as emergency services volunteers and shall be subject to the rules and regulations set forth by the respective department, commission, board or agency head for such volunteers.

(b) The Coordinator may enlist volunteer citizens to form the personnel of an emergency service for which the City has no counterpart, or to temporarily augment personnel of the City engaged in emergency activities. The Coordinator shall maintain formal records of all such volunteers for worker's compensation purposes.

(Ord. No. 100, § 7, 3-30-83)

Sec. 10-25. Rights of City Employees Assigned to Emergency Services Forces,

City employees assigned to duty as a part of the emergency services forces pursuant to the provisions of this article, shall retain all of the rights, privileges and immunities of City employees, and shall receive the compensation incident to their employment.

(Ord. No. 100, § 8, 3-30-83)

Sec. 10-26. No Governmental or Private Liability Incurred in Implementing Article.

(a) This article is an exercise by the City of its governmental functions for the protection of the public health, safety and general welfare. As such, neither the City nor agents and representatives of the City, nor any individual, receiver, firm, partnership, corporation, association nor trustee, nor any of the agents thereof acting in good faith carrying out, complying with, or attempting to comply with this article shall be liable for any damage sustained to persons or property as a result of said activity.

(b) Any person owning or controlling real estate or other premises, who voluntarily and without compensation grants the City the right to inspect, designate and use the whole or any part of such real estate or premises for the purpose of sheltering persons during a disaster or

during an authorized practice disaster exercise, shall not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission, or for loss of, or damage to, the property of such person.

(Ord. No. 100, § 9, 3-30-83)

Sec. 10-27. Conflicting Ordinances, Orders, Rules and Regulations; Suspended at Times when Provisions of this Article in Effect.

At all times when the orders, rules and regulations made and promulgated pursuant to this article shall be in effect, they shall supersede all other existing ordinances, orders, rules and regulations, insofar as the latter may be inconsistent therewith.

(Ord. No. 100, § 10, 3-30-83)

Sec. 10-28. Violations.

It shall be unlawful for any person willfully to obstruct, hinder or delay any emergency services forces in the enforcement or accomplishment of any rule or regulation issued pursuant to this article, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this article. It shall likewise be unlawful for any person to wear, carry or display any emblem, insignia or other means of identification as a member of the emergency services forces of the City, unless authority to do so has been granted to such person by proper officials.

(Ord. No. 100, § 11, 3-30-83)

Cross reference-Penalty for violation of Code, § 1-8.