

CHARTER TOWNSHIP OF KALAMAZOO

ORDINANCE NO. 599

ADOPTED: MAY 29, 2018

EFFECTIVE: JULY 5, 2018

PORTABLE STRUCTURE ORDINANCE

An ordinance to define and regulate the placement of portable structures including tents, air-inflated structures and membrane-covered structures; to provide for a fire-watch in some situations; to require a site plan; to require a permit for the placement of such tent; portable structure; to provide an effective date; to provide standards for tents, canvas/membrane and air-inflated structures; and to repeal all ordinances or parts of ordinances in conflict therewith.

The Charter Township of Kalamazoo ordains:

Section 1
Name and Purpose

This Ordinance shall be known and cited as the “Kalamazoo Charter Township Portable Structure Ordinance”. The purpose of the Ordinance is to define and regulate the placement of portable structures including tents, air-inflated structures and membrane-covered structures; to provide for a fire watch in some situations; to provide standards for such structures; to require a site plan; and to require a permit for the use and placement of such tent(s).

Section 2
Definitions

For purposes of this Ordinance, the following words and phrases shall be defined as indicated:

- A. Tent - A structure, enclosure or shelter with sidewalls constructed of fabric or pliable material supported by any manner except by air or the contents that it protects.
- B. Canopy - A structure, enclosure or shelter constructed of fabric or pliable material supported by any manner except by air or the contents it protects, and is open without sidewalls or drops on 75 percent or more of the perimeter.
- C. Air-inflated structure - A structure that uses air-pressurized beams, arches or other elements to enclose space. Occupants of such a structure do not occupy the pressurized area used to support the structure.
- D. Membrane-Covered Cable Structure - A non-pressurized structure in which a mast and cable system provides support and tension to the membrane weather barrier and the membrane imparts structural stability to the structure.

- E. Membrane-covered Frame Structure - A non-pressurized building wherein the structure is composed of a rigid framework to support a tensioned membrane which provides the weather barrier.
- F. AHJ – The Charter Township of Kalamazoo, Kalamazoo County, Michigan.
- G. NFPA-1 - National Fire Protection Association-1 entitled the “Uniform Fire Code” including any additions, corrections or changes in currently in effect for the Charter Township of Kalamazoo.
- H. SCC– the Michigan Single-State Construction Code as administered and enforced by the Charter Township of Kalamazoo.
- I. Concession stand – is a structure from which food is prepared, served and sold on a temporary or seasonal basis, which is not a food truck. A concession stand may be part of a fair, ball park, or recreational facility but does not include a school sale, bake sale or other event at which packaged or pre-cooked food is brought to the stand to be sold.
- J. Portable structure – any type of structure identified in A – E of this Section.

Section 3 **Permit Required**

- A. **Permit Required.** Prior to the erection, use, placement, or operation of any of the following portable structures as defined herein, the owner or operator of the land on which the portable structure is to be located shall apply for a “portable structure permit” from the Charter Township of Kalamazoo Fire Chief or Fire Marshal or a designee. A portable structure permit shall be required for:
 - 1. Any air-supported portable membrane structure or tent having an area of in excess of 200 square feet.
 - 2. A canopy in excess of 400 square feet.
 - 3. All tents regardless of size that affect or are a part of the means of egress from any building.
 - 4. Portable structure permits are required for all picnics/carnivals on Township-owned property or any public right-of-way in addition to the above requirements

- B. **Exception to permit requirement.** The following portable structures shall not require a permit prior to the erection or operation thereof:
 - 1. A structure identified in Section 3A. herein that is used for the purpose of camping (NFPA 1:1.12.8(a)).
 - 2. Tents smaller than 1,000 square feet, or for private family events on the same lot with the residence.
 - 3. A picnic/carnival operated 2-1/2 days or less by a not-for-profit organization, and operated on private ground owned by and adjacent to said organization's facilities, requires no portable structure permit(s) (except adherence to the electrical standards under Section 5Q herein shall be required).

- C. Submittal requirements for Portable Structure Permit.** All applicants for a portable structure permit shall provide the following to the Charter Township of Kalamazoo Fire Department at least 30 days prior to the date intended for erection or operation thereof:
1. A site plan meeting the requirements of Section 4 of this Ordinance.
 2. A notarized letter from the property owner giving permission to put the tent on the property.
 3. A permit fee in an amount as shall be determined from time-to-time by resolution of the Township Board.
- D. Validity and time frame.** Portable structure permit(s) shall not be valid for more than 90 days in any 365-day period.
- E. Authority of Fire Marshal.** The Fire Marshal shall be permitted to revoke or suspend a permit or approval issued if any violation of this Ordinance is found upon inspection or in case any false statements or misrepresentations have been submitted in the application or plans on which the permit or approval was based. (NFPA 1:1.12.7.1).
- F. Issuance of Permit.** The Kalamazoo Charter Township Fire Department shall review the submittal and permit request and shall utilize the regulations and site plan parameters outlined herein to review the request as to whether it meets the standards required of this Ordinance. If changes or revisions are necessary, the AHJ shall notify the requestor that items are missing, needed or require changing within 72 hours of determination by the AHJ. Upon receipt of an application and review and approval of documentation contained therein, the AHJ shall issue a Portable Structure Permit which shall indicate the township's approval for the structure(s) and event(s) and shall contain the dates and times of the event and a signature of the approving official.

SECTION 4 **SITE PLAN REQUIRED**

All applicants for a portable structure permit shall submit a site plan or sketch plan acceptable to the AHJ which shall, at a minimum, provide the following:

- A. Provide a north arrow and show all permanent structures on the site, parcel or lot and their dimensions.
- B. Show the proposed location of the portable structure, its dimensions and its relationship to the permanent buildings and other portable structures, if applicable.
- C. The location of all property lines.
- D. Proposed location of all ingress/egress; temporary lighting; tent stakes; and generators, which shall be in compliance with the regulations contained in Section 5 of this Ordinance.

- E. Proposed location of all compressed gas tanks.
- F. A Scaled Plan with the scale indicated (USE 1/4" OR 1/8" SCALE) indicating size and location of the portable structure including all objects located or to be located within 20 feet of the portable structure.
- G. A Detailed Scope of Work/Event Plan/Brief Narrative describing the event.
- H. Dates and times of the event.
- I. Location of the event.
- J. The estimated number of attendees.
- K. Indicate the location of generators.
- L. Provide a floor plan of tables, chairs, stage (s), bars or counters, if any.
- M. Demonstrate/Depict Fire Department Access Routes on Plan (NFPA 1:18.1.3.1).
- N. Demonstrate/Depict Fire Hydrant locations on Plan (NFPA 1:18.1.3.2).
- O. All carnival rides shall provide a portable fire extinguisher with a minimum 2A10BC rating.
- P. Indicate the location of toilet facilities and the fixture count.
- Q. Provide operations plan for occupant load control, emergency exiting and security.
- R. Provide certificate of flame resistance for each portable structure.

SECTION 5

REGULATIONS APPLICABLE TO ALL PORTABLE STRUCTURES

The following regulations are applicable to all portable structures, regardless of whether a permit has been obtained or is required:

- A. No portable structure shall be permitted to remain on any part or parcel of land or a site for more than 90 days in any 365-day period unless a waiver has been granted by the AHJ.
- B. Exit and emergency lighting shall be required.
- C. All portable structures shall be located not less than 5 feet from property lines.
- D. All portable structures shall be supported and anchored to withstand a wind speed of 90 miles per hour (MPH).
- E. Stake lines, if utilized, shall be a minimum of 10 feet (120 inches) apart from all other stake lines and supports.
- F. Adjacent portable structures shall be spaced to provide an area to be used as a means of emergency egress. Where the 10-foot (120 inches) separation distance between stakes lines does not meet the means of egress required herein, the distance necessary for a means of egress shall govern.
- G. Generators and other internal combustion power sources shall be located a minimum of 20 feet from portable structures and shall be protected from public contact by fencing, barricades, etc.
- H. Combustible decorative material is strictly prohibited. Floor service and area surrounding the exterior of the portable structure up to 30 feet shall be free of combustible material that may present a fire hazard.
- I. All portable structures shall have posted in a conspicuous place thereon a certificate of the flame resistance of the tent fabric material which shall include the

name(s) and address(es) of the owner(s) of the structure, the date the fabric was last treated with flame resistant solution, the trade name or type of chemical used in treatment, the name of person or firm treating the material, and name of testing agency and test standard by which the fabric was tested (NFPA 1:25 2.2.)

- J. All stages and canopy areas are required to have a tagged certified (commercial grade) portable fire extinguisher in plain view and proper signage identifying that the extinguisher is present at the location.
- K. Smoking shall not be permitted in any portable structure. (NFPA 1:25 2.4.2.1)
- L. Compressed gas tanks such as helium tanks used for filling balloons need to be in a stand or secured in a manner, so the tank does not fall over.
- M. The AHJ shall be permitted to regulate all outdoor events such as carnivals and fairs as it pertains to access for emergency vehicles; to fire protection equipment; placement of stands, concession booths, and exhibits; and the control of hazardous conditions dangerous to life and property (NFPA 1:10.14.2).
- N. Open flames or other devices emitting flame, fire or heat, or any flammable or combustible liquids, gas, charcoal or other cooking device or any other unapproved devices shall not be permitted inside or located within 20 feet of the tent or membrane structures while open to the public unless approved by the Fire Marshal or his/her designee.
- O. Fire Protection Equipment to be provided. All portable structures shall provide fire protection equipment as follows:
 - 1) Portable dry chemical fire extinguishers with a minimum 2A-10BC rating shall be provided so that travel distance does not exceed 75 feet from any point to an extinguisher.
 - 2) Extinguishers shall have updated inspection tags (inspected annually), and shall be mounted on approved hangers. The hanging of extinguishers utilizing zip ties etc. is not acceptable.
 - 3) Certain use conditions (fireworks sales, etc.) may require pressurized water extinguishers in addition to the dry chemical type.
- P. Means of egress signing and regulations. All portable structures shall adhere to the following parameters as to means of egress:
 - 1) Exits shall be spaced at equal intervals as can be best accomplished.
 - 2) Any interior areas of the portable structure shall be located within 100 feet of an exit.
 - 3) Curtains over exit openings shall be of a color or colors that contrast the adjoining tent color, and curtains shall be on sliding metal supports, located a minimum of 80 inches above the floor surface. Curtains may be taped along edges with colored tape to achieve the contrast requirements stated above, if approved by the Fire Marshal or his/her designee.
 - 4) Exit doors, if required, shall open in the direction of travel.
 - 5) Exit signs shall be clearly posted at each exit for tents serving an Occupancy Load ("OL") of 50 persons or more. Exit signs shall be either listed and labeled in accordance with UL 924 as the "internally illuminated" type, or externally illuminated in accordance with the following:

- a) For Occupancy Load of 300 or less, two separate circuits, one of which is separate from all other circuits; or
 - b) For Occupancy Load of more than 300, two sources of power, one of which is an “emergency system” supplied by batteries or on-site generators, for a minimum of 90 minutes duration.
- 6) The required number and minimum width of exits shall be in accordance with the following:
- 7) Occupant load (OL) 10 to 199: Minimum 2 exits, minimum 72 inches per exit.
- a) OL 200 to 499: Minimum 3 exits, 72 inches per exit.
 - b) OL 500 to 999: Minimum 4 exits, 96 inches per exit.
 - c) OL 1,000 to 1,999: Minimum 5 exits, 120 inches per exit.
 - d) OL 2,000 to 2,999: Minimum 6 exits, 120 inches per exit.
 - e) Over 3,000: Minimum 7 exits, 120 inches per exit
- 8) All means of egress shall be illuminated at floor level during all times the tent is occupied. In most cases, the general lighting already available will satisfy this requirement.
- 9) No guy wire or guy rope shall cross any means of egress at a height of less than 7 feet. (NFPA 1: 25.1.3.2).
- 10) Tent stakes adjacent to any means of egress from any tent open to the public railed off, capped or covered as not to present a hazard to the public. (NFPA 1: 25.1.3.3).

Q. Electrical regulations. All portable structures in which electrical components are used or added shall adhere to the following electrical regulations:

- 1) Extension cords shall be free from splices, damages, or deterioration. (NFPA 1:11.1.5.3).
- 2) Extension cords shall have the proper amp capacity that is not less than the capacity of the appliance. Indoor extension cords may not be used for exterior use (NFPA 1:11.1.5.2).
- 3) Extension cords shall be grounded when serving grounded portable appliances. (NFPA 1:11.1.5.4).
- 4) The electrical system and equipment shall be isolated from the public by proper elevation or guarding, and all electrical fuses and switches shall be enclosed in approved enclosures. Cables on the ground in areas traversed by the public shall be placed in trenches or protected by approved covers (NFPA 1:25.1.9.3).
- 5) All generators must be properly electrically grounded with a grounding rod if the actual frame of the generator is not contacting the earth.
- 6) Generators and any other internal combustion power source shall be separated from portable membrane structures and tents by a minimum of 5 feet and shall be protected from contact by fencing, enclosure or other approved means. (NFPA 1:25.1.12.1).
- 7) Fuel tanks shall be of adequate capacity to permit uninterrupted operation during normal operating hours. Refueling shall be conducted only when not in use. (NFPA 1:25.1.12.2).

- 8) Fuel being used in the generators must be stored in proper fuel containers and properly sealed with appropriate spout covers, caps, etc.
- 9) A fire extinguisher (minimum 2A10BC in size) shall provide with the use of a generator. (NFPA 1:25.1.12.3)

SECTION 6 **REGULATIONS FOR AIR-INFLATED STRUCTURES**

Air-inflated structures as defined by this ordinance shall adhere to the following standards and are subject to the following regulations:

A. Inflation systems.

1. Primary inflation system and auxiliary inflation system: All air-inflated structures shall be provided with a primary and auxiliary inflation system. This inflation system shall consist of one or more blowers and shall include provisions for automatic control to maintain the required inflation pressures. The system shall be designed to prevent over pressurization of the system.
2. Additional requirement for air-inflated structures in excess of 1500 square feet in area. In addition to the primary inflation system, in buildings larger than 1500 square feet in area, an auxiliary inflation system shall be provided with sufficient capacity to maintain the inflation of the structure in case of primary failure. The auxiliary inflation system shall operate automatically when there is a loss of internal pressure and when primary blower system becomes inoperable. Wherever an auxiliary inflation system is required, an approved standby power generating system shall be provided. The system shall be equipped with suitable means for automatically starting the generator set upon failure of the normal electrical service and for automatic transfer of all of the required electrical functions at full power within 60 seconds of such service failure.

B. Blower equipment. Blower equipment in air-inflated structures shall meet all of the following requirements:

1. Blowers shall be powered by continuous-rated motors at the maximum power required for any flow condition as required by the structural design.
2. Blowers shall be provided with inlet screens, belt guards and other protective devices as required by the building official to provide protection from injury.
3. Blowers shall be housed within a weather-protecting structure.
4. Blowers shall be equipped with backdraft check dampers to minimize air loss when inoperative.
5. Not less than two blower units shall be provided, each of which has capacity to maintain full inflation pressure with normal leakage.

6. The blowers shall be designed to be incapable of over pressurization.
7. The auxiliary blower unit(s) shall operate automatically if there is any loss of internal pressure or if in operating blower unit becomes inoperative.
8. The design inflation pressure and the capacity of each blower system shall be certified by a professional engineer. (NFPA 1:25.5.3.2) (NFPA 101:11.9.3.2)

SECTION 7
ADDITIONAL STANDARDS AND REGULATIONS
FOR COOKING IN TEMPORARY STRUCTURES

- A) Portable structures and concession stands as defined herein in which food is prepared and/or served for human consumption (on site or take-away) are required to obtain a permit for food service from the Kalamazoo County Health Department.
- B) Mobile or temporary cooking shall not take place in tents that are open to the public. NFPA 1 50.7.1.6.1.

SECTION 8
CROWD MANAGERS AND FIRE WATCH REQUIREMENTS

In addition to any of the other requirements contained herein or any other Ordinance of the Charter Township of Kalamazoo (such as an Outdoor Gatherings Ordinance), the following regulations shall apply to fairs, crowds, temporary events and/or events at which portable structures are regulated by this Ordinance at which a total of more than 250 individuals are expected, the owner or occupant shall provide crowd managers and fire department watch as follows:

- a. The applicant shall provide Trained Crowd Managers, with a means of emergency responder notification, for all events at a ratio of 1 to 250 people. When the occupant loads exceed 250 individuals, additional trained crowd managers or crowd manager supervisors shall be provided at a ratio of 1 for every 250 occupants. (NFPA 101:12.7.6.1)
- b. The Fire Marshal shall have the authority to require Kalamazoo Township Fire Department Standby Fire Personnel, emergency response equipment, or an approved fire watch when potentially hazardous conditions or a reduction in a life safety feature exist due to the type of performance, display, exhibit, occupancy, contest or activity, an impairment to a fire protection feature, or the number of persons present. (NFPA 1:1.7.17.1)
- c. One (1) Kalamazoo Township Fire Department Fire Watch Personnel with a means of emergency forces notification shall be provided when actual occupant loads exceed 1,000 individuals in addition to the crowd manager requirements of this subsection.

SECTION 9
VIOLATION AND PENALTY

Any person, firm, association, partnership, corporation, or governmental entity who violates any of the provisions of this Ordinance or fails to adhere to a site plan approved hereunder; fails to obtain a permit, or fails to provide fire safety equipment or inspections as required herein; fails to adhere to the parameters of a permit issued, fails to remove a portable structure or otherwise violates any provision of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
1st Offense within 3-year period*	\$ 150.00	\$500.00
2nd Offense within 3-year period*	\$ 250.00	\$500.00
3rd Offense within 3-year period*	\$ 325.00	\$500.00
4th or More Offense within 3-year period*	\$ 500.00	\$500.00

* Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Charter Township of Kalamazoo has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation of this Ordinance exists shall constitute a separate violation of this Ordinance.

SECTION 10
SEVERABILITY AND SAVINGS CLAUSE

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect. Any matters, cases or prosecutions presently pending under an ordinance or ordinance provision that is repealed by this Ordinance may proceed to its natural conclusion as if such provision was in full force and effect.

SECTION 11
REPEAL

All ordinance or parts of ordinances in conflict herewith are hereby repealed. Charter Township of Kalamazoo Ordinance No. 596 adopting the NFPA 1 of 2018 as the Township Fire Code is hereby specifically deemed not to be in conflict herewith and no provision thereof is repealed by this ordinance.

SECTION 12
EFFECTIVE DATE

This ordinance shall take effect 30 days after publication, after adoption.

Charter Township of Kalamazoo
Mark E. Miller, Clerk