

THE GENERAL LAW VILLAGE ACT (EXCERPT)
Act 3 of 1895

CHAPTER X
FIRES AND FIRE DEPARTMENT.

70.1 Ordinances and regulations; fire department and fire companies; fire fighters; rules and regulations.

Sec. 1. The council may adopt ordinances and regulations to protect against fires and may establish and maintain a fire department and organize and maintain fire companies. Unless otherwise provided in an ordinance adopted under section 8 of chapter V that delegates the authority to the fire chief, the council may employ and appoint fire fighters; and make and establish rules and regulations for the government of the department, the employees, fire fighters, and officers of the department; and for the care and management of the vehicles, equipment, property, and buildings of the department. Fire fighters shall comply with the fire fighters training council act of 1966, 1966 PA 291, MCL 29.361 to 29.377.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2878;—CL 1915, 2752;—CL 1929, 1661;—CL 1948, 70.1;—Am. 1985, Act 173, Imd. Eff. Dec. 2, 1985;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

70.2 Vehicles and equipment; water supply.

Sec. 2. The council may purchase and provide suitable vehicles and equipment for the extinguishment of fires; and provide for a convenient supply of water for the use of the fire department.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2879;—CL 1915, 2753;—CL 1929, 1662;—CL 1948, 70.2;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

70.3 Necessary buildings for keeping vehicles and equipment.

Sec. 3. The council may also provide or erect all necessary buildings for keeping the vehicles and equipment of the fire department.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2880;—CL 1915, 2754;—CL 1929, 1663;—CL 1948, 70.3;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

70.4 Chief of fire department; appointment; duties; section subject to ordinance.

Sec. 4. The council may provide by ordinance or resolution for the appointment of a chief of the fire department, who shall be subject to the direction of the president and the regulations of the council. The chief of the fire department shall supervise and direct the department, and the care and management of the vehicles, equipment, and property of the department. This section is subject to an ordinance adopted under section 8 of chapter V.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2881;—CL 1915, 2755;—CL 1929, 1664;—CL 1948, 70.4;—Am. 1985, Act 173, Imd. Eff. Dec. 2, 1985;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

70.5 Repealed. 1998, Act 254, Imd. Eff. July 13, 1998.

Compiler's note: The repealed section pertained to failure of person to comply with command of fire department chief.

70.6 Storage and handling of hazardous substances; prevention and suppression of fires; ordinance; fire inspectors; authority subject to state and federal law.

Sec. 6. (1) The council may provide by ordinance for the storage and handling of combustible, explosive, or other hazardous substances.

(2) The council may provide by ordinance for the prevention and suppression of fires. The ordinance may prescribe, but need not be limited to, the manner of construction of buildings and other structures within the village or certain districts of the village.

(3) The council may provide by ordinance for the appointment of fire inspectors, and may appoint fire inspectors. The ordinance may provide for the periodic examination by the fire inspectors of the stoves, furnaces, and heating apparatus and devices in all dwellings, buildings, and structures within the village, and in all places where combustible or explosive substances are kept, and authorize fire inspectors to require stoves, furnaces, and heating apparatus and devices that pose a fire hazard to be put in a safe condition.

(4) The authority granted under this section is subject to state and federal law.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2883;—CL 1915, 2757;—CL 1929, 1666;—CL 1948, 70.6;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

70.7, 70.8 Repealed. 1998, Act 254, Imd. Eff. July 13, 1998.

Compiler's note: The repealed section pertained to erection or construction of wooden buildings and to restriction of certain dangerous trades or shops.

70.9 Building or structure as nuisance; abatement or removal.

Sec. 9. Every building or structure erected, placed, enlarged, or kept, in violation of any ordinance or regulation lawfully made for the prevention of fires, is a nuisance, and may be abated or removed by the direction of the council under procedures set forth in an ordinance adopted for that purpose.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2886;—CL 1915, 2760;—CL 1929, 1669;—CL 1948, 70.9;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

70.10 Compensation of officers, fire fighters, and employees; compensation for injuries.

Sec. 10. The officers, fire fighters, and employees of the department shall receive compensation as the council may provide. The council may provide suitable compensation for an injury to person or property which a fire fighter receives in consequence of the performance of the fire fighter's duty at a fire.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2887;—CL 1915, 2761;—CL 1929, 1670;—CL 1948, 70.10;—Am. 1978, Act 13, Imd. Eff. Feb. 8, 1978.

70.11 Authorized razing of buildings; damages; determination by jury.

Sec. 11. (1) The chief in charge of the department at any fire, with the concurrence of the president or any 2 trustees, may cause any building to be pulled down or destroyed to arrest the progress of the fire.

(2) If a building is so pulled down or destroyed, a person having an interest in the building may present a claim for damages to the council of the village. The council shall pay the claimant damages as may be just under all the circumstances, taking into consideration whether or not such loss would probably have occurred to the building even if it had not been pulled down or destroyed, and whether the building was insured or not.

(3) If the council and the claimant are not able to agree upon the amount of damages to be paid, then the amount of damages shall be ascertained by the appraisal of a jury to be selected in the same manner as in cases of a jury to appraise damages for taking private property for public use. The jury may visit the premises and may hear all the proofs in the case, and shall allow the claimant the amount of damages as they may consider proper under the standard set forth in subsection (2).

(4) If the jury is not able to agree, a new jury shall be empaneled as provided in subsection (3) until a jury is obtained that does agree.

(5) The council shall pay such claimant the amount of damages fixed by a jury under subsection (3) or (4).

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2888;—CL 1915, 2762;—CL 1929, 1671;—CL 1948, 70.11;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

70.12 Watercraft on navigable streams; regulation.

Sec. 12. The council of a village located upon any of the navigable waters of the state may by ordinance prescribe regulations, to be observed by owners, masters, and employees of watercraft, necessary to prevent fires in a harbor and to prevent the communication of fire from watercraft, and may prescribe in such an ordinance the manner of collecting any sanction imposed by the ordinance.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2889;—CL 1915, 2763;—CL 1929, 1672;—CL 1948, 70.12;—Am. 1994, Act 16, Eff. May 1, 1994.

70.13 Police force; employment; compliance with standards.

Sec. 13. (1) The council may establish a police force, and may authorize the president to appoint, with the consent of the council, the number of police officers and other personnel that the council considers expedient for the good government of the village and protection of persons and property. The council by ordinance may delegate authority to the police chief to employ police officers and other personnel. This subsection is subject to an ordinance adopted under section 8 of chapter V.

(2) The police force shall comply with the minimum employment standards for law enforcement officers published by the law enforcement council under the Michigan law enforcement officers training council act of 1965, 1965 PA 203, MCL 26.601 to 26.616.

History: Add. 1998, Act 254, Imd. Eff. July 13, 1998.

Compiler's note: The reference in this section to "Michigan law enforcement officers training council act of 1965, 1965 PA 203, MCL 26.601 to 26.616" evidently should read "Michigan law enforcement officers training council act of 1965, 1965 PA 203, MCL 28.601 to 28.616".

70.14 Police officers; powers, duties, and authority.

Sec. 14. The council shall adopt rules for the government of the police, prescribe the powers and duties of police officers and other personnel, and invest them with authority necessary for the preservation of quiet and

good order in the village. The police shall suppress riots, disturbances, and breaches of the peace; arrest any person fleeing from justice; apprehend upon view any person found violating a state law or village ordinance in a manner involving a breach of the peace and, unless the violation constitutes a civil infraction, take the offender before the proper magistrate or officer, to be punished; make complaints before the proper magistrate of any person known or believed by the police to have violated a state law or village ordinance; serve process that may be delivered to the police for that purpose; and generally perform duties required by the council for the good government of the village.

History: Add. 1998, Act 254, Imd. Eff. July 13, 1998.

70.15 Police chief; nomination; appointment; service; duties.

Sec. 15. The president may nominate and the council may appoint a chief of police of the village. The police chief shall serve at the pleasure of the council, unless the council has agreed to some other condition of appointment, and is subject to the direction of the president and council, or, if provided by ordinance adopted under section 8 of chapter V, the village manager. The police chief shall see that all the ordinances and regulations of the council, made for the preservation of quiet, and good order, and the protection of persons and property, are promptly enforced.

History: Add. 1998, Act 254, Imd. Eff. July 13, 1998.

70.16 Village police officer; powers vested; authority.

Sec. 16. (1) A police officer of the village, within the village, is vested with all the powers conferred upon sheriffs for the preservation of quiet and good order and has the power to serve and execute all process directed or delivered to the police chief, in all proceedings for violations of the ordinances of the village.

(2) A police officer of a village has the same authority within the village as a deputy sheriff to execute a bench warrant for arrest issued by a court of record or a municipal court.

History: Add. 1998, Act 254, Imd. Eff. July 13, 1998.

70.18 Department of public safety; creation; director; officers; structure.

Sec. 18. (1) The council may by ordinance create a department of public safety and delegate to it all the power, authority, and duties which may be exercised by a fire department or a police department or both. If the ordinance provides for the combination of existing police and fire entities, it shall provide for a right of referendum and become effective as provided in section 1(4) of chapter II.

(2) The department of public safety shall be headed by the director of public safety, who shall be the commanding officer of the department. The president shall nominate and the council appoint the director of public safety. The director of public safety is subject to the direction of the president and council, or, if provided by ordinance adopted under section 8 of chapter V, the village manager.

(3) If authorized by ordinance, the director of public safety may employ public safety officers and other personnel. The director of public safety shall direct the police and fire work of the village and be responsible for the enforcement of law and order, the protection of life and property against fire, and the performance of other public services of an emergency nature assigned to the department of public safety.

(4) If a department of public safety is established, a reference to the chief of police or the chief of the fire department contained in a state statute or village ordinance shall be considered to refer to the director of public safety.

(5) The council may structure the department of public safety so that separate police and fire entities may be continued.

History: Add. 1998, Act 254, Imd. Eff. July 13, 1998.