



Legislation Text

File #: 13-0606, **Version:** 1

An Ordinance to Amend Chapter 111 of Title IX of the Ann Arbor City Code to Adopt the 2009 International Fire Code

The proposed ordinance amends Chapter 111 of Title IX of the Ann Arbor City Code to adopt the 2009 International Fire Code and make other changes related to the adoption of the 2009 International Fire Code. A copy of the 2009 International Fire Code is available for review in the office of the City Clerk. Approval of this ordinance is recommended.

The current ordinance adopts the 2003 IFC. It is necessary now to adopt the 2009 IFC, however, because the Michigan Building Code that Planning and Development Service is obligated to enforce makes reference to the 2009 IFC. This will ensure uniform enforcement by the Fire Department and Planning and Development Services.

The International Fire Code regulates conditions hazardous to life and property from the standpoint of fire and explosion and defines the scope of authority of the Fire Marshal. Section 9:101 of the Ann Arbor City Code currently marks and designates the "2003 International Fire Code" together with the provisions of Chapter 111 as the Fire Prevention Code of Ann Arbor. The Fire Service Unit is recommending your approval of the 2009 International Fire Code and related changes to Chapter 111, to be designated as the Fire Prevention Code of Ann Arbor.

A copy of the 2009 International Fire Code will be kept on file in the office of the City Clerk and made available to the public upon request through the offices of the City Clerk and Fire Service Unit - Bureau of Fire Prevention.

Prepared by: Warreka Farrackand, Fire Marshal

Reviewed by: John Seto, Safety Services Area Administrator

Approved by: Steven D. Powers, City Administrator

ORDINANCE NO. ORD-13-16

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Effective: July 18, 2013

FIRE PREVENTION

AN ORDINANCE TO AMEND SECTIONS 9:101, 9:104, 9:106, 9:108, 9:111, AND 9:117, AND TO DELETE SECTIONS 9:103 AND 9:112 OF CHAPTER 111 (FIRE PREVENTION) OF TITLE IX OF THE CODE OF THE CITY OF ANN ARBOR.

The City of Ann Arbor Ordains:

Section 1. That Section 9:101 of Chapter 111 of Title IX of the Code of the City of Ann Arbor be amended to read as follows:

9:101. - Adoption by reference.

That a certain document, copies of which are on file in the office of the city clerk and the office of the bureau of fire prevention, being marked and designated as "2003 International Fire Code" be and the same is adopted by reference, including all references therein printed except those sections and appendices herein amended or added, and this document, together with the provisions of this chapter, shall be known as the Fire Prevention Code of Ann Arbor regulating conditions hazardous to life and property from the standpoint of fire and explosion in the City of Ann Arbor and for defining the scope of authority of the fire marshal.

- (1) The City of Ann Arbor adopts the International Fire Code, 2009 edition, as published by the International Code Council, including Appendices B, C, D, E, F, G, H, and I, except those sections and appendices amended, deleted, or added as provided in this Chapter.
- (2) The IFC, together with the provisions of this Chapter, shall be known as the Ann Arbor Fire Prevention Code, which regulates conditions hazardous to life and property from the standpoint of fire and explosion in the City and defines the fire marshal's scope of authority.
- (3) A complete copy of the IFC is available to the public for inspection in the Ann Arbor City Clerk's Office and in the City of Ann Arbor Fire Prevention Bureau.

Section 2. That Section 9:103 of Chapter 111 of Title IX of the Code of the City of Ann Arbor be deleted as follows:

9:103. - Code on file. (Reserved)

Complete printed copies of the Fire Prevention Code and Supplements, therein adopted, are available for public use and inspection in the fire prevention bureau and the city planning and development services unit.

Section 3. That Section 9:104 of Chapter 111 of Title IX of the Code of the City of Ann Arbor be amended to read as follows:

9:104. - References in code.

References in the Fire Prevention Code and supplements to "state" shall mean the State of Michigan; references to "municipality" shall mean the City of Ann Arbor; references to the term "corporation counsel" shall be held to mean the attorney for the City of Ann Arbor; reference to the "bureau of fire prevention" shall mean the fire prevention bureau; reference to the term "code official" shall be held to mean the fire marshal.

The following terms, as used in this Chapter and the IFC shall have the following meanings:

- (1) "Building Board of Appeals" shall mean the board of appeals required under the Stille-DeRossett-Hale Single State Construction Code Act, MCL 125.1501, et seq and the Michigan Building Code, as adopted by the City in Chapter 100 of this Code.
- (2) "Fire Code Official" shall mean either the chief or the fire marshal of the City of Ann Arbor Fire Department and their designees.
- (3) "Fire Prevention Code" and "Code" shall mean the Ann Arbor Fire Prevention Code, consisting of the IFC, except those sections and appendices amended, deleted, or added as provided in this Chapter, together with the provisions of this Chapter.
- (4) "IFC" shall mean the edition of the International Fire Code adopted in this Chapter.
- (5) "Municipality" shall mean the City of Ann Arbor.
- (6) "State" shall mean the State of Michigan.

Section 4. That Section 9:106 of Chapter 111 of Title IX of the Code of the City of Ann Arbor be amended to read as follows:

9:106. - Permits required for fire safety- Periodic Fire Safety Inspections Required.

(1) Nonresidential structures shall be classified by use according to the classifications and definitions used in the 2003 International Fire Code IFC. Periodic fire safety inspections by the Fire Marshal, or his/her designee, are required for non-residential structures annually, every two years, or every three years, according to the use as provided below. Where multiple use groups apply to a structure, the applicable period for inspection for the entire structure will be the period applicable to the use group that represents the greatest percentage of the total commercial square footage of the structure.

The owner and/or lessee of each such structure shall obtain a permit from the fire department certifying that the premises have been inspected for fire safety. Permits shall be valid for the following time periods which vary according to the use of the structure:

Group One-Permit duration Fire Safety Inspection: 1 year: *Annually.*

- (A) Assembly use
 - (A-1) Theaters, etc.
 - (A-2) Nightclubs, etc.
 - (A-3) Libraries, etc.
 - (A-4) Churches, etc.
 - (A-5) Outdoor assembly
- (F) Factory and industrial use
 - (F-1) Moderate hazard
 - (F-2) Low hazard

(H) High hazard use

(E) Educational use

(I) Institutional use

Mixed use and occupancy

(M) Mercantile use

Group Two-Permit duration: Fire Safety Inspection: Every 2 years:

(B) Business use

(S) Storage use

Group Three-Permit duration: Fire Safety Inspection: Every 3 years:

(U) Utility and miscellaneous use

If occupancy(s) of a structure consists of multiple use groups which have different specified permit durations in cases where the secondary use is 10 percent or less of the total commercial square footage of the structure, the primary use permit term shall be applied.

(2) The Fire Marshal, or his/her designee, shall have the authority to enter a non-residential structure at all reasonable times to conduct an inspection required under this section and as provided in the IFC.

(a) If the structure is occupied, entry will first be requested.

(b) If the structure is unoccupied, a reasonable effort will be made to locate the owner or other person having charge or control of the structure and entry will be requested.

(c) If entry is refused, the Fire Marshal may employ any legal means to secure entry, including, but not limited to obtaining a warrant from a court of competent jurisdiction.

Section 5. That Section 9:108 of Chapter 111 of Title IX of the Code of the City of Ann Arbor be amended to read as follows:

9:108. - Appeals.

Whenever the chief of the fire department and/or the fire marshal shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department and/or the chief's or fire marshal's decision to the building board of appeals who shall conduct the appeal in accordance with the provisions contained in 2003 International Fire Code, Appendix A, Board of Appeals, within 30 days from the date of the decision appealed.

Section 6. That Section 9:111 of Chapter 111 of Title IX of the Code of the City of Ann Arbor be amended to read as follows:

9:111. - Penalties.

- (a) The following described violations shall have the penalty prescribed below applied to the violation (**See Ordinance on file in the City Clerk’s Office for violation tables**):
- (b) The imposition of 1 penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such situation or defects within a reasonable time; and when not otherwise specified, each act of violation and every day upon which such violation shall occur shall constitute a separate offense.
- (c) The application of the above penalties shall not be held to prevent the enforced removal of prohibited conditions by injunctive or other relief.
- (d) Unless another penalty is expressly provided for in this section or otherwise by the City Code any person who shall violate any of the provisions of the Fire Prevention Code hereby adopted or fail to comply therewith, or who shall violate 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 or specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the district court or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, upon conviction thereof, be punished by a fine of not less than \$10.00, nor more than \$500.00, or by imprisonment for a period of not to exceed 90 days or by both such fine or imprisonment in the discretion of the court.
- (e) A person may be prosecuted for violation of [Section 9:106 <file:///s01usr\Cycom\WPDOCS\D028\Local%20Settings\Temporary%20Internet%20Files\Content.IE5\level2\TITIXPORE_CH111FIPR.docx>](#) only after a notice is sent regarding the required inspection and there is a reasonable opportunity to complete the inspection.

Each provision of this chapter shall be enforceable against the person(s) occupying any commercial or residential property, as well as the owner or legal agent of the owner of the property under circumstances where the owner or owners legal agent knew or should have known of the conditions which constitute a violation.

Section 7. That Section 9:112 of Chapter 111 of Title IX of the Code of the City of Ann Arbor be deleted as follows:

9:112. - Changes in Code. (Reserved)

The following sections and subsections of the Fire Prevention Code are hereby amended or deleted as set forth and additional sections and subsections are added as indicated. Subsequent section numbers used in this chapter shall refer to the like numbered sections of the Fire Prevention Code.

SPECIAL RULES - CHAPTER 1

Section 101.2. Exceptions. Nothing contained in this code shall be construed as applying to the transportation of any article or thing shipped under the jurisdiction of and in compliance with the

regulations prescribed by the Interstate Commerce Commission, nor as applying to the military forces of the United States.

Section 104.6.3. Fire records. The fire chief of the fire department shall keep, in the office of the fire prevention bureau, a record of all fires and of all the facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, and whether such losses were covered by insurance, and if so, in what amount. Such record shall be made daily from the reports made by the fire department officers and inspectors. All such records shall be public.

Section 104.10. Investigation of fires. The code official shall investigate, or cause to be investigated, every fire or explosion occurring within the jurisdiction that is of a suspicious nature or which involves the loss of life or serious injury or causes destruction or damage to property. Such investigation shall be initiated as directed by the fire chief upon the occurrence of such fire or explosion; and if it appears that such an occurrence is of a suspicious nature, the code official shall immediately take charge of the physical evidence and, in order to preserve any physical evidence relating to the cause or origin of such a fire or explosion, the code official shall take means to prevent access by any person to the structure or premises until such evidence has been properly processed. The code official shall notify those persons designated by law to pursue investigation into such matters and shall further cooperate with authorities in the collection of evidence and prosecution of the case and shall pursue the investigation to its conclusion.

Section 104.11. Commanding aid. The fire chief, or any of his authorized subordinates, may command any adult (age 18 or older) person present at the scene of a fire, to aid in extinguishment thereof, and to assist in the protection of life or property. Any person willfully disobeying any such lawful requirement shall be deemed guilty of a violation of this Code.

SPECIAL RULES - CHAPTER 5

Section 503.1 Fire protection during construction. Fire department vehicular access to all structures under construction shall be provided at all times. In areas where ground surfaces are soft or likely to become soft, hard, all-weather surface access roads shall be provided. The fire protection water supply system, including fire hydrants, shall be installed and in service prior to placing combustible building materials for structures or combustible pretested fabricated building assemblies on the project site or utilizing them in the construction of building structures. If phased construction is planned, coordinated installation of the fire protection water system is permitted.

Section 506.1 Locking Fire Department Connection (FDC) caps. The fire code official is authorized to require locking FDC caps on fire department connections for water-based fire protection systems where the responding fire department carries appropriate key wrenches for removal.

Section 508.5.4 Obstruction of fire hydrants, outside Siamese fire connections or outside standpipe equipment. No person or persons shall place any obstruction whatever, nor shall any person responsible for such obstruction permit it to remain within 15 feet of any fire hydrant, outside Siamese fire connection or outside standpipe equipment. Should such obstruction exist, the fire official shall cause said obstruction to be removed at the owner's expense.

SPECIAL RULES - CHAPTER 6

Section 605.9.1 Outside wires. The fire chief may order the moving or removal of any electric,

telegraph, or telephone wire or any other wires hung in the city, whenever it shall appear to him that any such wire is so placed as to be liable to cause a fire or interfere with the proper protection of any building within the city against fire. The owner of any such wire shall move or remove the same to conform to the order of the fire chief within 24 hours after notice, in writing, shall have been served upon said owner, unless a longer time shall be prescribed.

SPECIAL RULES - CHAPTER 9

Section 904.11 Commercial cooking systems. An upgrade shall be required to a pre-engineered fixed fire protection system to meet U.L. 300 when one of the following have occurred or is about to occur.

1. A change from the use of an animal based cooking medium (lard) in a deep fat fryer to a vegetable based oil.
2. Use of a high efficiency fryer(s) in a commercial occupancy
3. Changes in appliance configuration
4. Unavailability of replacement parts for existing system(s)
5. System has not been maintained for more than a six-month period
6. Pre-requisite for maintaining insurance coverage on existing structure

Plans shall be submitted for approval, and a permit obtained, prior to installing an automatic extinguishing system.

A U.L. 300 upgrade identified by this section shall be required within two years of the effective date of the adoption of this ordinance.

Section 907.3.1.7. Interconnected smoke detectors shall be required in all boarding houses, rooming houses, fraternities, sororities, group quarters or similar buildings arranged for shelter and sleeping accommodations. A written plan for installation of the detectors shall be submitted to the fire prevention bureau within 90 days after the effective date of this ordinance. Installation of hard-wired interconnected smoke detectors shall be required within 2 years of the effective adoption date of this ordinance.

Section 8. That Section 9:117 of Chapter 111 of Title IX of the Code of the City of Ann Arbor be amended to read as follows:

9:117. - Smoke detectors required in dwellings.

Battery-powered or hard-wired single station smoke detectors shall be installed in the following:

1. *One- and two-family dwelling units.*
 - a. In all sleeping rooms.
 - b. Outside of each sleeping area, in the immediate vicinity of the sleeping rooms.
 - c. On each level of the dwelling unit, including basements.

2. *Existing apartment buildings.*

- a. Outside of each separate sleeping area, in the immediate vicinity of the sleeping rooms.
- b. On each level of the dwelling unit, including basements.

3. *Existing hotels.*

- a. In every guest room.
- b. In every living area and sleeping room within a guest suite.

The requirement for battery-operated smoke detectors will take effect July 1, 2004

Exceptions: Buildings with an approved fire alarm system, hardwired or interconnected smoke detectors system shall not require additional detectors where existing detectors meet the above requirements.

Section 9. That this Ordinance shall take effect on the tenth day following legal publication.

CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan, at its regular session of July 1, 2013.

Date

Jacqueline Beaudry, City Clerk

John Hieftje, Mayor

I hereby certify that the foregoing ordinance received legal publication on the Ann Arbor City Clerk's Webpage, July 8, 2013.

Jacqueline Beaudry, City Clerk