



Legislation Text

File #: 17-0399, **Version:** 1

An Ordinance to Amend Sections 9:101, 9:103, 9:104, 9:105, 9:108, 9:109, 9:114, 9:115, 9:116, And 9:118, and to Delete Section 9:111, of Chapter 111, Fire Prevention, of Title IX of the Code of the City of Ann Arbor (Ordinance ORD-17-09)

Attached for your consideration is an ordinance amendment to update the City's Fire Prevention Code in Chapter 111 of the City Code by adopting the 2015 edition of the International Fire Code (Section 9:101). The ordinance also specifies sections of the IFC that are amended to tailor the IFC to the City of Ann Arbor's circumstances. (Section 9:103).

Other than the provisions relating to the IFC and minor housekeeping changes, the ordinance amendment accomplishes the following:

- Consolidates the penalty provisions into one short paragraph that makes all violations civil infractions subject to a maximum civil fine of \$1,000, except as otherwise expressly provided. (Section 9:103 [109.4]).
- Expressly provides in several sections that a violation of the section is a misdemeanor punishable by a maximum fine of \$500 and/or 90 days imprisonment.
- Adopts reference to the 2016 edition of the National Fire Protection Association 55; Compressed Gases and Cryogenic Fluids Code to allow better code enforcement against life threatening gases that have emerged within the City.

Prepared by: Warreka Farrackand, Fire Marshal

Reviewed by: Ellen Taylor, Assistant Fire Chief

Reviewed by: Larry Collins, Fire Chief

Approved by: Howard S. Lazarus, City Administrator

ORDINANCE NO. ORD-17-09

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FIRE PREVENTION

AN ORDINANCE TO AMEND SECTIONS 9:101, 9:103, 9:104, 9:105, 9:108, 9:109, 9:114, 9:115, 9:116, AND 9:118, AND TO DELETE SECTION 9:111, 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.

(1) The City of Ann Arbor adopts the International Fire Code, 2009 2015 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 amended to read as follows:

9:103. - Reserved. Amendments to and deletions from IFC

The following sections and subsections of the IFC are amended or deleted as set forth in this section:

101.1 Title. Deleted. See Section 9:101(2).

102.7 Referenced codes and standards is amended to read as follows:

The codes and standards referenced in this Code shall be those that are listed in Chapter 80 of the IFC, except that all references to NFPA 55 in this Code and as listed in Chapter 80 of the IFC shall mean the 2016 edition of NFPA 55. Such codes and standards shall be considered a part of the requirements of this Code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2.

104.8 Modifications. Deleted. See Section 9:105.

104.11.2 Obstructing operations is amended by adding the following language:

A violation of this section is punishable by a fine of not more than \$500.00 or by imprisonment for a period not to exceed 90 days or by both, plus costs of prosecution.

104.11.3 Systems and devices is amended by adding the following language:

A violation of this section is punishable by a fine of not more than \$500.00 or by imprisonment for a period not to exceed 90 days or by both, plus costs of prosecution.

107.4 Supervision is amended by adding the following language:

A violation of this section is punishable by a fine of not more than \$500.00 or by imprisonment

for a period not to exceed 90 days or by both, plus costs of prosecution.

107.6 Overcrowding. Deleted. See Section 9:118.

Section 108 Board of Appeals. Deleted in its entirety. See Section 9:108.

109.3.4 Unauthorized tampering is amended by adding the following language:

A violation of this section is punishable by a fine of not more than \$500.00 or by imprisonment for a period not to exceed 90 days or both, plus costs of prosecution.

109.4 Violation penalties is amended to read as follows:

Except as otherwise expressly provided in this Code, persons who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this Code, shall be responsible for a civil infraction punishable by a civil fine of not more than \$1,000.00, plus costs and all other remedies available by statute. Each day of violation shall be a separate violation.

111.4 Failure to comply is amended by adding the following language:

A violation of this section is punishable by a fine of not more than \$500.00 or by imprisonment for a period not to exceed 90 days or by both, plus costs of prosecution.

305.4 Deliberate or negligent burning is amended by adding the following language:

A violation of this section is punishable by a fine of not more than \$500.00 or by imprisonment for a period not to exceed 90 days or by both, plus costs of prosecution.

316.3 Pitfalls is amended by adding the following language:

A violation of this section is punishable by a fine of not more than \$500.00 or by imprisonment for a period not to exceed 90 days or by both, plus costs of prosecution.

401.5 Making false report. Deleted. See Section 9:114.

401.8 Interference with fire department operations is amended by adding the following language:

A violation of this section is punishable by a fine of not more than \$500.00 or by imprisonment

for a period not to exceed 90 days or by both, plus costs of prosecution.

603.7.1 Unauthorized operation is amended by adding the following language:

A violation of this section is punishable by a fine of not more than \$500.00 or by imprisonment for a period not to exceed 90 days or by both, plus costs of prosecution.

901.8 Removal of or tampering with equipment is amended by adding the following language:

A violation of this section is punishable by a fine of not more than \$500.00 or by imprisonment for a period not to exceed 90 days or by both, plus costs of prosecution.

901.8.1 Removal of or tampering with appurtenances is amended by adding the following language:

A violation of this section is punishable by a fine of not more than \$500.00 or by imprisonment for a period not to exceed 90 days or by both, plus costs of prosecution.

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 [chapter](#).

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 [as](#) adopted in this chapter [with amendments and deletions as indicated](#).
- (5) "Municipality" shall mean the City of Ann Arbor.
- (6) "State" shall mean the State of Michigan.

Section 4. That Section 9:105 of Chapter 111, of Title IX of the Code of the City of Ann Arbor be amended to read as follows:

9:105. - Modifications.

The Chief of the Fire Department and/or the fire marshal shall have the power to modify any of the

provisions of the fire prevention code [this Code](#) upon application, in writing, by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code, provided that the spirit of the Code be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief of the Fire Department and/or the fire marshal thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

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 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 [this Code](#) do not apply or that the true intent and meaning of the code [this Code](#) have been misconstrued or wrongly interpreted, the applicant may appeal from the Chief's or Fire Marshal's decision to the Building Board of Appeals within 30 days from the date of the decision appealed.

Section 6. That Section 9:109 of Chapter 111, of Title IX of the Code of the City of Ann Arbor be amended to read as follows:

9:109. - New materials, process or occupancies which may require permits.

The Director of Building, Chief of the Fire Department, and the Fire Marshal, or their duly appointed representatives, shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any materials, processes or occupancies, which shall require permits, in addition to those enumerated in said code [this Code](#). The Fire Marshal shall post such a list in a conspicuous place in his office, and distribute copies thereof to interested persons, the City Clerk and the City Attorney.

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

9:111. - Penalties.

(a) The following described violations shall have the penalty prescribed below applied to the violation:

Civil Infraction Violations		
Ann Arbor City Code Section Number	Description	Fine
9:117	Smoke detectors required in	\$100.00

9:101	Transporting IFC Violation:	50.00
9:101	Location IFC Violation: 303.	50.00
9:101	Location fuel containers IFC	50.00
9:101	Attendant IFC Violation: 303	50.00
9:101	Fire extinguishers IFC Viola	50.00
9:101	Waste accumulation prohibite	25.00
9:101	Waste material IFC Violatio	25.00
9:101	Storage IFC Violation: 304.2	25.00
9:101	Spontaneous ignition IFC V	25.00
9:101	Capacity exceeding 5.33 cub 304.3.2	25.00
9:101	Capacity exceeding 1.5 cubic 304.3.3	25.00
9:101	Clearance from ignition sourc	50.00
9:101	Hot ashes and ignition source	50.00
9:101	Permit required IFC Violatio	50.00
9:101	Recreational fires IFC Viola	50.00
9:101	Open flame cooking devices	100.00
9:101	Liquid-petroleum-gas-fueled Violation: 308.1.4	100.00
9:101	Location near combustibles	50.00
9:101	Aisles and exits IFC Violatio	50.00
9:101	Group A occupancies (open Violation: 308.3	50.00
9:101	Fixtures and displays IFC V	25.00
9:101	Highly combustible goods IF	50.00
9:101	Storage in buildings IFC Vic	25.00
9:101	Ceiling clearance IFC Violat	25.00
9:101	Means of egress IFC Violati	25.00
9:101	Equipment rooms IFC Viola	25.00
9:101	Attic, under-floor concealed s 315.2.4	25.00
9:101	Fueled equipment IFC Viola	50.00
9:101	Outside storage IFC Violatio	25.00
9:101	Storage beneath overhead p IFC Violation: 315.3.1	25.00
9:101	Height IFC Violation: 315.3.	25.00
9:101	Where required (fire safety e Violation: 404.2	100.00

9:101	Maintenance of exterior door Violation: 504.2	50.00
9:101	Address numbers IFC Viola	25.00
9:101	Trapdoors to be closed IFC	100.00
9:101	Portable unvented heaters	50.00
9:101	Prohibited locations (unvente Violation: 603.4.1	50.00
9:101	Exit signs IFC Violation: 604	100.00
9:101	Means of egress illumination	100.00
9:101	Maintenance (emergency or IFC Violation: 604.3	100.00
9:101	Written records IFC Violatio	50.00
9:101	Abatement of electrical hazar	100.00
9:101	Illumination IFC Violation: 6	50.00
9:101	Working space and clearance	25.00
9:101	Labeling IFC Violation: 605.	25.00
9:101	Multi-plug adaptors IFC Viol	25.00
9:101	Power tap design IFC Viola	25.00
9:101	Power supply (power taps)	25.00
9:101	Extension cords IFC Violatio	25.00
9:101	Power supply (extension cord	25.00
9:101	Maintenance IFC Violation:	25.00
9:101	Grounding IFC Violation: 60	25.00
9:101	Unapproved conditions IFC	100.00
9:101	Signs IFC Violation: 608.7	25.00
9:101	Maintenance (fire-resistance 703.1	25.00
9:101	Opening protectives IFC Vid	25.00
9:101	Hold-open devices and closu	25.00
9:101	Door operation IFC Violatio	25.00
9:101	Restricted occupancies IFC	25.00
9:101	Obstruction of means of egre	50.00
9:101	Open flame IFC Violation: 8	50.00
9:101	Electrical fixtures and wiring	25.00
9:101	Artificial vegetation IFC Viol	25.00
9:101	Lights IFC Violation: 806.5	25.00
9:101	Foam plastics IFC Violation	100.00
9:101	Obstruction of means of eare	100.00

9:101	Inspection, testing and maintenance 901.6	100.00
9:101	Records IFC Violation: 901.6	100.00
9:101	Commercial cooking equipment 904.11.5	100.00
9:101	Cleaning IFC Violation: 609	100.00
9:101	Extinguishing system service 904.11.6.2	100.00
9:101	Cabinets IFC Violation: 905	50.00
9:101	Cabinet equipment identification	25.00
9:101	Locking cabinet doors (fire protection) Violation: 905.7.2	50.00
9:101	Where required (fire extinguishers) 906.1	50.00
9:101	Cooking grease fires IFC Violation	50.00
9:101	Conspicuous location IFC Violation	50.00
9:101	Unobstructed and unobscured	25.00
9:101	Hangers and brackets IFC Violation	25.00
9:101	Cabinets IFC Violation: 906	25.00
9:101	Maintenance required (fire alarm) 907.9.1	25.00
9:101	Testing (fire alarms) IFC Violation	25.00
9:101	Maintenance inspection and testing Violation: 907.9.5	100.00
9:101	Existing buildings (fire department access) Violation: 912.2.2	50.00
9:101	Access (fire department connection) 912.3	50.00
9:101	Testing and maintenance (fire department access) 913.5	100.00
9:101	Exit sign illumination IFC Violation	100.00
9:101	Power source (emergency illumination) 1011.5.3	100.00
9:101	Illumination emergency power	100.00
9:101	Furnishings and decorations	100.00
9:101	Obstructions IFC Violation:	100.00
9:101	Security of areas IFC Violation	50.00
9:101	Physical protection IFC Violation	50.00
9:101	Securing compressed gas, cylinders Violation: 3003.5.3	50.00

9:101	Compressed gas cylinder, code Violation: 3003.6.1	50.00
9:101	Caps and plugs IFC Violation	50.00
9:101	Ledges, platforms, elevators	50.00
9:101	Upright storage IFC Violation	50.00
9:101	Design, construction and capacity Violation: 3404.3.1	50.00
9:101	Labeling IFC Violation: 3404	50.00
9:101	Capacity IFC Violation: 3404	50.00
9:101	Number of storage cabinets	50.00
9:101	Portable fire extinguishers IFC	50.00
9:101	Basement storage IFC Violation	50.00

Misdemeanor Violations	
Ann Arbor City Code Section Number	Description
9:106	Permits required for fire safety
9:114	False alarm
9:115	Injury to fire equipment
9:116	Starting fires in buildings
9:118	Overcrowding
9:101	Obstructing operations IFC Violation 104.1
9:101	Systems and devices IFC Violation 104.11
9:101	Rendering equipment inoperable IFC Violation
9:101	Unlawful acts IFC Violation 109.1
9:101	Unauthorized tampering IFC Violation 109.1
9:101	Abatement IFC Violation 110.4
9:101	Failure to comply IFC Violation 111.4
9:101	Deliberate or negligent burning IFC Violation
9:101	Making a false report IFC Violation 401.5
9:101	Interference with Fire Department operation 401.8
9:101	Pitfalls IFC Violation 316.3
9:101	Unauthorized operation IFC Violation 603.1
9:101	Removal of or tampering with equipment IFC 901.8
9:101	Removal of or tampering with appurtenance 901.8.1

9:101	Reliability IFC Violation 1030.2
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(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 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 8. That Section 9:114 of Chapter 111, of Title IX of the Code of the City of Ann Arbor be amended to read as follows:

9:114. - False alarm.

No person or persons shall willfully turn in, sound, or cause to be communicated to the Fire Department a false alarm of fire or any other false alarm requiring the response of any emergency equipment, vehicle or fire personnel. **A violation of this section is punishable by a fine of not more than \$500.00 or by imprisonment for a period not to exceed 90 days or by both, plus costs of prosecution.**

Section 9. That Section 9:115 of Chapter 111, of Title IX of the Code of the City of Ann Arbor be amended to read as follows:

9:115. - Injury to fire equipment.

No person shall willfully molest, take for his own private use or damage in any manner, any firefighting equipment or apparatus or anything pertaining to the fire protection system or firefighting

service, or drive any vehicle upon or against or over any hose or equipment of the Fire Department. A violation of this section is punishable by a fine of not more than \$500.00 or by imprisonment for a period not to exceed 90 days or by both, plus costs of prosecution.

Section 10. That Section 9:116 of Chapter 111, of Title IX of the Code of the City of Ann Arbor be amended to read as follows:

9:116. - Starting fires in buildings.

No person shall carelessly, recklessly, or negligently cause a fire in or to any hotel, motel, rooming house, lodging house, multifamily, apartment house, town house, row house, office, commercial occupancy, school, church, hospital, place of assembly, nursing home, home for the aged, storage building, factory or any other building other than an owner occupied single-family dwelling; to any bedding, furniture, curtains, drapery, fixtures or any other furnishings therein so as to endanger life or property in any way. A violation of this section is punishable by a fine of not more than \$500.00 or by imprisonment for a period not to exceed 90 days or by both, plus costs of prosecution.

Section 11. That Section 9:118 of Chapter 118, of Title IX of the Code of the City of Ann Arbor be amended to read as follows:

9:118. - Overcrowding.

A person shall not permit the overcrowding or admittance of any person beyond the approved occupant load. The code official, upon finding overcrowded conditions or obstructions in aisles, passageways or other means of egress, or upon finding any condition which constitutes a hazard to life and safety, shall cause the occupancy, performance, presentation, spectacle or entertainment, to be stopped until such a condition or obstruction is corrected and the addition of any further occupants prohibited until the approved occupant load is reestablished. For purposes of this section overcrowding shall be defined as a condition in which the number of persons exceeds the total number of occupants permitted to occupy a structure at 1 time. A violation of this section is punishable by a fine of not more than \$500.00 or by imprisonment for a period not to exceed 90 days or by both, plus costs of prosecution.

Section 12: In the event any court of competent jurisdiction shall hold any provision of this Ordinance invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision thereof.

Section 13: 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 June 19, 2017.

Jacqueline Beaudry, City Clerk

Date

Christopher Taylor, Mayor

I hereby certify that the foregoing ordinance received legal publication on the City Clerk's Webpage on June 22, 2017.

Jacqueline Beaudry, City Clerk