

**CHAPTER 26****ARTICLE IX**

**AN ORDINANCE to amend Chapter 26 of the 1984 Detroit City Code, *Housing*; by adding Article IX, *Senior Citizen Housing*, by adding Sections 26-9-1 through 26-9-5, to indicate the purpose of the ordinance; set forth definitions; to require alternative emergency energy sources; and to address the enforcement of this ordinance.**

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:

**Section 1.** Chapter 26 of the 1984 Detroit City Code, *Housing*; Article IX, *Senior Citizen Housing*, by adding Sections 26-9-1 through 26-9-5, to read as follows:

**CHAPTER 26. HOUSING****ARTICLE IX. SENIOR****CITIZEN HOUSING****Sec. 26-9-1. Purpose.**

The purpose of this ordinance is to require senior housing facilities to install alternative emergency energy sources in order to be prepared for an interruption of normal electrical supply, which will decrease the probability of injury and death among residents of senior housing facilities.

**Sec. 26-9-2. Definitions.**

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Emergency generator* means a stationary combustion device, such as a reciprocating internal combustion engine or turbine that serves solely as a secondary source of mechanical or electrical power whenever the primary energy supply is disrupted or discontinued during power outages or natural disasters as defined by *Environmental Protection Act, 40 CFR §98.6*.

*Fuel cell energy system* means one or more fuel cells or fuel cell stacks and an inverter or other power conditioning unit. A fuel cell energy system may also include a fuel processor. As used in this subdivision and in accordance with *MCL 207.822(t)*:

(1) *Fuel cell* means an electrochemical device that uses an external fuel and continuously converts the energy released from the oxidation of fuel by oxygen directly into electricity without combustion and consists of an anode, a cathode, and an electrolyte.

(2) *Fuel cell stack* means an assembly of fuel cells.

(3) *Fuel processor* means a device that converts a fuel, including, but not limited to, methanol, natural gas, or gasoline, into a hydrogen rich gas, without combustion for use in a fuel cell.

*Senior Citizen* means a resident that is 55 years of age or older.

*Senior Housing facility* means an institution other than a hospital or hotel that provides housing or room and board to persons aged 55 years or older, and is licensed through the state of Michigan or operates exclusively as any of the following:

(1) *Assisted Living* means a residential care facility designed primarily for older people who typically have no serious health problems but who may have chronic or debilitating conditions requiring assistance with daily activities. Permitted services include but are not limited to staff-supervised meals, housekeeping, personal care, medication supervision, and social activities. Both private and shared sleeping rooms may be provided. Facilities providing regular care under supervision of physicians are not considered assisted living facilities;

(2) *Congregate Care* means a dependent elderly housing facility with cooking facilities within the unit, but with a central dining service option;

(3) *Home for the Aged* means a supervised personal care facility, other than a hotel, adult foster care facility, hospital, nursing home, or county medical care facility that provides room, board, and supervised personal care to 21 or more unrelated, non-transient, individuals 55 years of age or older. Home for the aged includes a supervised personal care facility for 20 or fewer individuals 55 years of age or older if the facility is operated in conjunction with and as a distinct part of a licensed nursing home, as defined by the *Public Health Code, MCL 333.21335*:

(4) *Independent Living* means a multiple-family housing form with full facilities for self-sufficiency in each individual dwelling unit; or,

(5) *Nursing Home* means a facility that provides organized nursing care and medical treatment to seven or more unrelated individuals suffering or recovering from illness, injury, or infirmity, and which is not a unit in a correctional facility that is operated by the Michigan Department of Public Health, as set forth in Section 44-5-1 of this Code.

*Storage battery* means a battery that is used to start an internal combustion engine or as the principal electrical power source for a vehicle, in which the elec-

trodes are grids of lead containing lead oxides that change in composition during charging and discharging, and the electrolyte is dilute sulfuric acid, as set forth in *MCL 324.17101(c)*.

*Uninterruptible power supply or uninterruptible power source* means an electrical apparatus that provides emergency power to a load when the input power source or main power fails.

**Sec. 26-9-3. Alternative emergency energy source required.**

All senior housing facilities as defined in Section 26-9-2 of this Article shall have an alternative emergency energy source as listed in either Subsection 26-9-4 (a) or Section 26-9-4 (b) of this Article.

**Sec. 26-9-4. Alternative emergency energy source options.**

(a) All senior housing facilities under this section shall have an alternative emergency energy source under Subsection (a) or under Subsection (b) of this Section. In accordance with the *National Electrical Code 70, Article 700.12(A)-(E)*, an alternative emergency energy source shall include at least one of the following:

(1) A storage battery shall be used as a source of power for emergency systems and shall be of suitable rating and capacity to supply and maintain the total load for a minimum period of one and a half hours.

a. The storage battery may be alkali or acid type and shall be designed and constructed to meet the requirements of emergency service and shall be compatible with the charger for that particular installation as in accordance with *NEC 70, Article 700.12(A)*.

b. Automotive type batteries shall not be used.

c. An automatic battery charging means shall be provided by the senior housing facility.

(2) An uninterruptible power supply shall be used to provide power for emergency systems and shall comply with the applicable provisions of *NEC 70, 700.12(A)*.

(3) A separate service shall be a service conductor sufficiently remote electrically and physically from any other service conductors to minimize the possibility of simultaneous interruption of supply, and shall be in accordance with the standards set forth in the *Article 230 of the NEC*.

(4) A fuel cell system used as a source of power for emergency systems shall be of suitable rating and capacity to supply and maintain the total load for not less than two hours of full demand operation.

a. Installation of a fuel cell system shall meet the requirements of *Parts II through VIII of Article 692 of the NEC*.

b. Where a single fuel cell system serves as the normal supply for the building, it shall not serve as the sole source of power for the emergency standby system.

(b) All senior housing facilities as defined in this Article shall have an emergency generator in accordance with Subsection (b) of this Section, or an alternative emergency energy source under Subsection (a) of this Section.

(1) The generator shall provide no less than four hours of service.

(2) The generator shall generate enough power to provide lighting at all entrances and exits and to operate equipment to maintain fire detection, alarm, and extinguishing systems, telephone switchboards, heating and cooling plant controls, and other critical mechanical and medical equipment essential to the safety and welfare of the residents, personnel, and visitors.

(3) The senior housing facility shall implement a monthly emergency generator system inspection, testing, and maintenance procedure.

a. The generators are to be exercised for a minimum of 30 minutes each month, in compliance with *National Fire Protection Association, 110 (12) Section 7.9.2.4*.

b. A written record of generator inspections, tests, exercising, operation and repairs is to be maintained by the senior housing facility for three years and available for review upon request by a City official or employee. These records must also include:

(i) The date of the testing and inspection; and

(ii) The name(s) and the credentials of the person(s) providing the service, identification of unsatisfactory conditions and corrective action taken, including parts replaced, and any testing of repairs recommended by the manufacturer.

(4) The senior housing facility shall maintain an onsite fuel source to power emergency generators that will keep emergency power systems operational during the loss of electricity. The onsite fuel source shall be stored in compliance with state regulations.

(5) The City of Detroit's Buildings, Safety Engineering and Environmental Department and the City of Detroit Fire Marshal or agent, shall be present to witness the initial acceptance testing of the generator in accordance with *National Fire Protection Association, 110*.

**Sec. 26-9-5. Enforcement.**

(a) The City of Detroit's Buildings, Safety Engineering and Environmental Department has the authority to inspect the senior housing facility to ensure compliance with this ordinance should a complaint be made regarding the alternative emergency energy sources.

(b) The City of Detroit Fire Marshal has the authority to inspect the senior housing facility to ensure compliance with this ordinance during an annual inspection and any other inspection of the facility.

(c) In accordance with Section 41(3) of the *Michigan Home Rule City Act*, being MCL 117.41(4) and Sections 1-1-9(c) and 8.5-2-1, of the 1984 Detroit City Code, a violation of this article is deemed to be a blight violation.

(d) Owners of the senior housing facility who violate any section of this article may be issued a blight violation notice pursuant to Chapter 8.5 of the 1984 Detroit City Code for each day that the violation continues.

**Secs. 26-9-6—26-9-30. Reserved.**

**Section 2.** This ordinance is hereby

declared necessary to preserve the public peace, health, safety, and welfare of the People of the City of Detroit.

**Section 3.** All ordinances, or parts of ordinances, that conflict with this ordinance are repealed.

**Section 4.** In the event this ordinance is passed by two-thirds (2/3) majority of City Council Members serving, it shall be given immediate effect and become effective upon publication in accordance with Section 4-118 of the 2012 Detroit City Charter. Where this ordinance is passed by less than a two-thirds (2/3) majority of City Council Members serving, it shall become effective on the thirtieth (30) day after enactment, or on the first business day thereafter, in accordance with Section 4-118 of the 2012 Detroit City Charter.

(J.C.C. Page )	February 19, 2019
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JANICE M. WINFREY  
City Clerk

