

**CITY OF DEARBORN HEIGHTS  
ORDINANCE NO. H-11-14**

AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING SECTIONS 7-26 AND 7-28 (WHICH PREVIOUSLY ADOPTED THE MICHIGAN BUILDING CODE 2009, HAD THE CITY ASSUME RESPONSIBILITY FOR ENFORCEMENT OF PUBLIC ACT NO. 230 OF 1972 AND OF SAID CODE, AND DESIGNATED AN ENFORCING AGENCY), AND BY AMENDING SECTIONS 7-29 AND 7-31 (WHICH PREVIOUSLY ADOPTED THE MICHIGAN RESIDENTIAL CODE 2009, HAD THE CITY ASSUME RESPONSIBILITY FOR ENFORCEMENT OF PUBLIC ACT NO. 230 OF 1972 AND OF SAID CODE, AND DESIGNATED AN ENFORCING AGENCY) IN ORDER TO ADOPT FURTHER PROVISIONS REGARDING FLOODPLAIN MANAGEMENT AND TO DESIGNATE REGULATED FLOOD HAZARD AREAS UNDER THE STATE CONSTRUCTION CODE ACT, PUBLIC ACT NO. 230 OF 1972, AS AMENDED.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEARBORN HEIGHTS, THAT SECTIONS 7-26, 7-28, 7-29, AND 7-31 OF THE CODE OF ORDINANCES OF THE CITY OF DEARBORN HEIGHTS, MICHIGAN ARE HEREBY AMENDED TO READ AS FOLLOWS:

SECTION I.

**ARTICLE II. BUILDING CODES**

**Sec. 7-26. Adoption of the Michigan Building Code by reference.**

(a) In general. A certain booklet, three (3) copies of which are on file in the office of the City Clerk of Dearborn Heights, being marked and designated the Michigan Building Code 2009 (which incorporates the 2009 edition of the International Building Code), including all portions thereof, as published by the International Code Council, Inc., be and is hereby adopted as the code of the City of Dearborn Heights for providing "minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations" (as stated in Section 101.3 of the code), except to the extent that the Michigan Residential Code 2009 applies (as alluded to in Section 101.2 of the code). Each and all of the regulations, provisions, conditions, and terms of such Michigan Building Code, 2009 edition, published by the International Code Council, Inc., on file in the office of the City Clerk of the City of Dearborn Heights, are hereby referred to, adopted, and made a part hereof as if fully set forth in this Ordinance. Further, the City assumes full responsibility pursuant to Act 230 of the Public Acts of 1972, as amended, for the administration and enforcement of the Act and the Michigan Building Code throughout its corporate limits and hereby designates the Director of the Building and Engineering Department

as the enforcing agency to discharge the City's responsibility under the Act and under the Michigan Building Code.

(b) Optional provisions. The Michigan Building Code 2009 is adopted by reference, but the following item needs to be addressed by its terms: Appendix G is specifically adopted by references as required by Section 101.2.1 of the code. Appendix G of the Michigan Building Code shall be enforced within the City of Dearborn Heights by the enforcing agency as noted in and designated in subsection (a) above of this Section 7-26.

(c) Designation of Regulated Flood Prone Hazard Areas. The Federal Emergency Management Agency ("FEMA") Flood Insurance Study ("FIS") entitled "Wayne County, Michigan (All Jurisdictions)" and dated 2/2/12 and the Flood Insurance Rate Map(s) ("FIRMS") panel number(s) of 26163C, 0227E, 0231E, 0232E, 0233E, 0234E, 0241E, 0242E, 0243E, 0244E, 0253E, 0261E, 0263E, and 0264E dated 2/2/12 are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) of the Michigan Residential Code.

#### **Sec. 7-28. Provisions to fulfill publication and notice requirements.**

(a) In general. Pursuant to Section 117.3(k) of the Michigan Compiled Laws, the City shall publish a true copy of this Ordinance, but the City shall not publish a true copy of the Michigan Building Code in its entirety.

(b) Notice of right to inspect, use, and/or obtain. The office of the City Clerk is the location where complete, true copies of this Ordinance and the Michigan Building Code may be inspected, obtained, and/or used. In compliance with State law and the Charter, these documents are records of a public body that are to be available for inspection by, and distribution to, the public at all times. The office of the City Clerk is located at 6045 Fenton, Dearborn Heights, Michigan 48127.

#### **Sec. 7-29. Adoption of the Michigan Residential Code by reference.**

(a) In general. A certain booklet, three (3) copies of which are on file in the office of the City Clerk of Dearborn Heights, being marked and designated the Michigan Residential Code 2009 (which incorporates the 2009 edition of the International Residential Code for One- and Two-Family Dwellings), including all portions thereof, as published by the International Code Council, Inc., be and is hereby adopted as the code of the City of Dearborn Heights providing "minimum requirements to safeguard the public safety, health and general welfare" (as stated in Section 101.3 of the code), relative to certain residential dwellings (as delineated in Section 101.2 of the code). Each and all of the regulations, provisions, conditions, and terms of such Michigan Residential Code, 2009 edition, published by the International Code Council, Inc., on file in the office of the City Clerk of the City of Dearborn Heights, are hereby referred to, adopted, and made a part hereof as if fully set forth in this Ordinance. Further, the City assumes full responsibility pursuant to Act 230 of the Public Acts of 1972, as amended, for the administration and enforcement of the Act and the Michigan Residential Code throughout its

corporate limits and hereby designates the Director of the Building and Engineering Department as the enforcing agency to discharge the City's responsibility under the Act and under the Michigan Residential Code.

(b) Optional provisions. The Michigan Residential Code 2009 is adopted by reference, but the following item needs to be addressed by its terms: All appendices are specifically adopted by references as required by Section R102.5 of the code.

(c) Designation of Regulated Flood Prone Hazard Areas. The Federal Emergency Management Agency ("FEMA") Flood Insurance Study ("FIS") entitled "Wayne County, Michigan (All Jurisdictions)" and dated 2/2/12 and the Flood Insurance Rate Map(s) ("FIRMS") panel number(s) of 26163C, 0227E, 0231E, 0232E, 0233E, 0234E, 0241E, 0242E, 0243E, 0244E, 0253E, 0261E, 0263E, and 0264E dated 2/2/12 are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) of the Michigan Residential Code.

#### **Sec. 7-31. Provisions to fulfill publication and notice requirements.**

(a) In general. Pursuant to Section 117.3(k) of the Michigan Compiled Laws, the City shall publish a true copy of this Ordinance, but the City shall not publish a true copy of the Michigan Residential Code in its entirety.

(b) Notice of right to inspect, use, and/or obtain. The office of the City Clerk is the location where complete, true copies of this Ordinance and the Michigan Residential Code may be inspected, obtained, and/or used. In compliance with State law and the Charter, these documents are records of a public body that are to be available for inspection by, and distribution to, the public at all times. The office of the City Clerk is located at 6045 Fenton, Dearborn Heights, Michigan 48127.

## **SECTION II.**

### **REPEAL**

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

## **SECTION III.**

### **SEVERABILITY**

Should any section, subsection, clause, or phrase of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

SECTION IV.

**EFFECTIVE DATE**

This ordinance shall become effective upon publication as provided by law.

SECTION V.

**AUTHENTICATION**

This is to certify that the undersigned do hereby authenticate the foregoing record of the ordinance herein set forth.

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DANIEL S. PALETKO, Mayor

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WALTER J. PRUSIEWICZ, Clerk

**CERTIFICATION**

I hereby certify that the foregoing is a true and correct copy of this ordinance adopted by the Council for the City of Dearborn Heights at a regular meeting of the Council held on the 24<sup>th</sup> day of January, 2012, and became effective by publication in the official newspaper of the City of Dearborn Heights on the 1<sup>st</sup> day of February, 2012.

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WALTER J. PRUSIEWICZ, Clerk

Publication Date: February 1, 2012.