

**CITY OF AUBURN HILLS  
ORDINANCE NO. 15-865**

AN ORDINANCE TO AMEND CHAPTER 38, FIRE PREVENTION AND PROTECTION OF THE AUBURN HILLS CITY CODE, AS AMENDED AND TO PROVIDE BASIC FIRE CONTROL MEASURES AND REGULATIONS COVERING CONDITIONS WHICH COULD IMPEDE OR INTERFERE WITH FIRE SUPPRESSION FORCES AND TO ADOPT BY REFERENCE THE 2012 EDITION OF THE INTERNATIONAL FIRE CODE, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL INC., FOR THE PURPOSE OF SAFEGUARDING LIVES AND PROPERTY FROM THE HAZARDS OF FIRE AND EXPLOSIONS AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF AND TO REPEAL ORDINANCE NUMBER 728 AND ORDINANCE NUMBER 835, AS AMENDED.

THE CITY OF AUBURN HILLS ORDAINS:

Section 1

Chapter 38, Fire Prevention and Protection, of the Auburn Hills City Code, as amended, is hereby amended to now read as follows:

CHAPTER 38

FIRE PREVENTION AND PROTECTION

ARTICLE I: INTERNATIONAL FIRE CODE

Sec. 38-1. Adoption of the 2012 International Fire Code By Reference

Pursuant to the provisions of Section 3(K) of act 279 of the Public Acts of 1909, State of Michigan, the 2012 edition of the International Fire Code, as promulgated, by the International Code Council Inc., is hereby adopted by reference by the City of Auburn Hills for the purpose and intent of prescribing minimum requirements and controls to safeguard life, property or public welfare from the hazards of fire and explosion arising from the storage, handling or use of substances, materials or devices and from conditions hazardous to life, property or public welfare in the use or occupancy of building, structures, sheds, tents, air supported structures, lots or premises. All materials within the intent of this Code and not covered by this Code shall comply with referenced standards listed in Chapter 80.

Sec. 38-2. Code On File

One complete printed copy of the 2012 edition of the International Fire Code, herein adopted is available for public use and inspection at the office of the City Clerk.

Sec. 38-3. References In Code

Where the words "name of jurisdiction" are used in the International Fire Code, it shall be held to mean the City of Auburn Hills.

Sec. 38-4. References In Code

Where references are made in the Code to the "International Building Code" it shall be held to mean the 2012 edition of the Michigan Building Code.

Where reference is made in the Code to the "International Mechanical Code" it shall be held to mean the 2012 edition of the Michigan Mechanical Code.

Sec. 38-5. State Regulations Prevail

Whenever state law or regulations apply a higher standard or requirements than is provided in this Code, the higher requirement or standard of state law shall prevail

Sec. 38-6. Authority For Enforcement

Enforcement of this Ordinance may be by the Fire Chief, Asst. Fire Chief, Fire Marshal, Fire Inspectors, Building Code Official, Building Inspectors, Sworn Police Officers, and those other persons authorized by

City Ordinances and/or the City Code, and said enforcement officers shall have the authority to issue appearance citations pursuant to Act 175 of the Public Acts of 1927 of the State of Michigan, as amended, for violations of this Ordinance.

#### Sec.38-7. Maintenance Of Fire Suppression Equipment

A person shall not obstruct, remove, tamper with or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under provisions of the Code, except for the purpose of extinguishing fire, training or testing purposes, recharging or making necessary repairs or when permitted by the Code Official. Whenever a fire appliance is removed as herein permitted, it shall be replaced or reinstalled as long as the purpose for which it was removed has been accomplished. Defective and non-approved fire appliances or equipment shall be replaced or repaired as directed by the Code Official.

#### Sec. 38-8. False Alarms

It shall be unlawful for any person and/or entity to summon in any way the Fire Department unless a valid reason for their response is present or for any person or entity to fail to maintain a properly operating alarm system.

#### Sec. 38-9. Nuisance False Alarms

- A. The intent of this section is to facilitate the reduction of nuisance false fire alarm activations.
- B. A nuisance false fire alarm is defined as any alarm condition which is reported to the Fire Department, not resulting from a condition for which the alarm was intended.
- C. Any fire alarm user whose fire alarm system initiates more than two (2) nuisance false fire alarms in a calendar year shall be required to pay penalties to the City of Auburn Hills.
  - 1. Upon notification of the first and any subsequent False Fire Alarm, the Fire Alarm User shall be required to have the Fire Alarm System inspected and serviced by a Fire Alarm Provider when it is determined that the False Fire Alarm was caused due to a malfunction of the system, lack of maintenance or when a determination as to the reason for activation can not be made. Documentation of service shall be provided to the Auburn Hills Fire Department within fourteen (14) days of said inspection.

Within fourteen (14) days of the False Fire Alarm Notification date, the Fire Alarm User shall return the completed False Fire Alarm Notification form to the Auburn Hills Fire Department.
  - 3. Failure by the Fire Alarm User to return the form shall be justification for automatic billing of the False Fire Alarm Fee.
- D. All fees must be paid to the City within thirty (30) days from the date of invoice requesting payment of fee(s).
- E. Any person including an alarm service person, fire protection contractor, or other contractor who, because of work affecting the Fire Alarm System either directly or indirectly, initiates a False Fire Alarm without prior notification having been made to the Auburn Hills Fire Department, and central station monitoring company, shall be subject to a false alarm fee and/or citation. A central station monitoring company who initiates a False Fire Alarm after having been notified of work affecting the Fire Alarm System shall be subject to a false fire alarm fee and/or citation.
- F. Any willful misrepresentation by a Fire Alarm Provider as to inspection, maintenance, or repair services rendered to a Fire Alarm System shall be considered a misdemeanor for each incident.
- G. Documentation provided to the Auburn Hills Fire Department of maintenance or repair to the Fire Alarm System after occurrence of a False Fire Alarm may be considered in determining whether or not to assess the False Fire Alarm Fee.

- H. Severe weather, power outages, transmission line malfunctions, malicious acts of person(s) not under control of the Fire Alarm User, or any other causes clearly beyond the control of the Fire Alarm User will be considered in determining whether or not punitive action will be taken against the Fire Alarm User as provided in this Ordinance.

#### Sec. 38-10. Activation Of Fire Alarm Systems

A person or entity shall not activate a fire alarm system in any building or place within the City of Auburn Hills unless a valid fire emergency exists within that building or place. A fire alarm system is any system which, upon activation, warns the occupants of the building or place that a fire emergency exists.

#### Sec. 38-11. Changes In The Code

The following sections and subsections of the International Fire 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 like numbered sections of the International Fire Code.

##### F-101.1 Title

These regulations as set forth herein, shall be known as the Fire Prevention Code of the City of Auburn Hills and are herein referred to as such or as "this Code".

##### F-103.1 General

The department of fire prevention is established within the jurisdiction under the direction of the Code Official. The function of the department shall be the implementation, administration and enforcement of the provisions of this code. It shall be the duty and responsibility of the Fire Chief as the designated Code Official to enforce the provisions of this Code.

##### F-103.3.1 Deputy

The Code Official is authorized to designate an employee as deputy who shall exercise all powers of the Code Official during the temporary absence or disability of the Code Official.

##### F-104.11.2 Open Buildings Due To Fire

The Code Official or his duly authorized representative is empowered to order the securing of fire damaged buildings. If the owners of the affected building are present, this order shall be given to them. If no owners or representatives of the building are present, the Code Official or his duly authorized representative may have the building secured. The expense of securing shall be a debt to the City from the responsible owner and shall be collected as any other debt to the City.

##### F-104.11.2.1 Compliance With Orders

A person shall not willfully fail or refuse to comply with any lawful order or direction of the Police or Fire Official or to interfere with the compliance attempts of another individual.

##### F-104.11.2.2 Authorized Emergency Vehicles/Equipment

A person shall not, without proper authorization from the Fire Official in charge of said Fire Department emergency equipment, cling to, attach himself to, climb upon or into, board or swing upon any Fire Department emergency vehicle, whether same is in motion or at rest, or sound the siren, horn, bell or other sound producing device thereon, or to manipulate or tamper with any levers, valves, switches, starting devices, brakes, pumps or any equipment or protective clothing on, or a part of, any Fire Department emergency vehicle.

##### F-104.11.2.3 Damage Or Injury To Fire Department Equipment Or Personnel

It shall be unlawful for any person to damage or deface, or conspire or attempt to damage or deface any Fire Department emergency vehicle at anytime, or to injure, or conspire or attempt to injure Fire Department personnel while performing departmental duties.

##### F-104.11.4 Vehicles Crossing Fire Hose

A vehicle shall not be driven or propelled over any unprotected fire hose of the Fire Department when laid down on any street, alley way, private drive or any other vehicular roadway without consent of the Fire Official in command of said operations.

#### F-108 Appeals

##### F-108.2.1 Application

Any person shall have the right to appeal a decision of the Code Official to the Building Construction/Fire Prevention Board of Appeals. An application for appeal shall be based on a claim that the true intent of this Code, or the rules legally adopted there under, have been incorrectly interpreted, the provisions of the Code do not fully apply or an equally good or better method of fire prevention is proposed. The application shall be filed with the Building Official within twenty (20) days after the notice was served.

##### F-108.2.2 Appeals Process

Appeals to the Board may be taken by any person aggrieved by any decision or interpretation of the Code Official made under the provisions of this Code. The Board of Appeals for the Code shall be the City of Auburn Hills Building Code Construction Board of Appeals.

#### F-114 Restitution

When the Fire Department or any persons authorized to enforce this Ordinance are called to respond to any emergency or incident which was the result of a violation of federal, state or local regulation governing fire safety, or from gross negligence, the responsible person or entity shall reimburse the City of Auburn Hills for all costs incurred as a result of the emergency or incident.

##### F-114.1 Arson

In any case in which arson takes place, the person(s) convicted of that crime, or of any lesser charge, or by way of a plea bargain, shall be financially responsible for all costs of investigating, suppressing and overhauling the fire and/or for any EMS service, for any board-up services and/or for any other security procedures performed by the City of Auburn Hills or their agents.

##### F-114.2 Hazardous Materials

In any case in which a hazardous material response is performed by the Auburn Hills Fire Department, or the Oakland County Hazardous Materials Response Team, the person(s) responsible for allowing the condition to occur and/or exist shall be responsible for the costs of any work and for clean-up work performed by the City of Auburn Hills or their agents. The term "hazardous material" as used in this section is defined in Chapter 50.

##### F-114.3 Special Response Unit

In any case where a Special Response Unit (SRU) is required, the person(s) responsible for the need for such unit to arrive at a call shall be financially responsible for the usage of such unit. A SRU carries special equipment for hazardous materials incidents, building collapse and/or elevated, confined and subterranean spaces and needs.

##### F-114.4 Alcohol and Drugs

In any case where abuse of alcohol or drugs can be proven to have contributed to the cause of the emergency response by the City of Auburn Hills or its agents, the person(s) proven to be on alcohol or drugs shall be financially responsible for the cost of any work performed by the City of Auburn Hills or its agents.

#### F-304.3.3 Dumpsters

Dumpsters shall be located a minimum of fifteen (15) feet from any building or structure. (Exception: dumpsters connected to a non-combustible compactor within a building or structure).

#### F-307 Burning

#### F-307.3.1 Bonfires

Bonfires shall be for ceremonial or special functions approved by the Code Official. A bonfire shall not be conducted within fifty (50) feet of a structure or combustible material unless the bonfire is contained in a barbecue pit or outdoor fireplace. Conditions which could cause a fire to spread within (50) feet of a structure shall be eliminated prior to ignition.

#### F-307.2 Permit Required

A permit shall be required from the Code Official for bonfires. Before burning occurs, a bonfire permit shall be obtained.

##### F-307.2.1.1 Revoking Permits

Permits may be revoked at the discretion of the Code Official.

##### F-307.2.2 Open Burning

Subject to the provisions of F-307.3.1, F-307.2 and F-307.2.2.1 open burning shall be allowed by the property owner on the owner's property without prior notification to the Code Official for small quantities of leaf and brush burning, provided that such leaf and brush burning is not conducted within a public right of way. Open burning shall be permitted between the hours of dawn and dusk only.

##### F-307.2.2.1 Seasonal Dates for Open Burning

Days of burning are limited to Monday, Wednesday, Friday and Saturday only during the dates listed below.

- a. Spring: May 1 through May 31
- b. Fall: October 15 through November 30

##### F-307.2.2.2 Prohibited Burning

The Code Official shall prohibit open burning that will be offensive or objectionable due to smoke or odor emissions, and when atmospheric conditions or local circumstances make such fires hazardous.

The burning of trash, garbage, or construction materials shall not be permitted. Open burning shall be prohibited on commercial, industrial, multiple-family residential and mobile home properties. The Code Official shall order the extinguishment of any open burning which creates or adds to a hazardous or objectionable condition.

### F-503 Fire Apparatus Access Roads

#### F-503.1 Fire Apparatus Access Roads Where Required

The Code Official shall require and designate public or private fire apparatus access roads as deemed necessary for the efficient and effective use of fire apparatus. Fire apparatus access roads shall be provided and maintained in accordance with the International Fire Code.

#### F-503.3 Marking

All fire apparatus access roads shall be conspicuously posted with uniform "NO PARKING FIRE LANE" signs in keeping with the standard established in the Michigan Manual of Traffic Control Devices, as revised, and as prescribed by the Code Official and erected on both side of the fire apparatus access roads. Signs shall be erected no farther than one hundred (100) feet apart in all areas designated as fire apparatus access roads. Signs shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

#### F-503.7 Authority To Remove Obstructions

If any vehicle, trailer or other object is so located within a fire apparatus access road or at any other location prohibited by this Ordinance at a time the Fire Department is responding to an

alarm which necessitates use of such fire apparatus access road and/or other said location, then any member of the City Police or Fire Department may move or cause same to be moved by any means necessary without liability for any damage being incurred by the City of Auburn Hills or any officer, agent or employee thereon.

## F-506 Keyboxes

### F-506.1 General

The Code Official may require a key box to be installed in an accessible location where access is necessary for life saving or to verify the existence of a fire or other emergency in those buildings equipped with or required to be equipped with automatic fire detection or automatic fire suppression systems or equipment. The Code Official may require a key box to be installed in an accessible location in strip malls or multi-tenant buildings that are not required to be equipped with an automatic fire detection or automatic fire suppression system.

#### F-506.1.3 Type, Contents, Installation

The key box shall be of a type approved by the Code Official, shall contain keys to gain necessary access as required by the Code Official and shall be installed in a manner approved by the Code Official. The City of Auburn Hills Police and Fire Department shall have possession of the only keys to the box. In the event the locks are changed for which keys are provided, the Fire Department shall be notified immediately. Emergency contact names and telephone numbers shall be provided for the key box.

### F-506.3 Alarms

At the request of the owner or tenant, the Code Official shall permit a key box tamper switch connection to the building or fire alarm system.

## F-507 Fire Hydrants

### F-507.5.1 Installation

Fire hydrants shall be located at each intersection with intermediate hydrants so that they are not over three hundred (300) feet from the farthest point of any building and so that spacing between hydrants does not exceed three hundred (300) feet. The three hundred (300) feet spacing between hydrants shall be scaled along paved streets or driveways of approved width and construction such as a piece of fire apparatus would travel in an emergency situation.

#### F-507.5.1.2 White Stripe

A high visibility white stripe shall be painted on the upper flange of all fire hydrants, public or private.

#### F-507.5.1.3 Steamer Caps

The four (4) inch steamer caps on all fire hydrants shall be painted according to the following:

- White on 4.00 inch mains
- Red on 6.00 inch mains
- Orange on 8.00 inch mains
- Green on 12.00 inch mains or larger

#### F-507.5.4 Blocking Fire Hydrants And Fire Department Connections

It shall be unlawful to obscure from view, damage, deface, obstruct or restrict the access to any fire hydrant or Fire Department Connection. No parking shall be permitted and/or no obstruction shall be placed or constructed within fifteen (15) feet of any fire hydrant or Fire Department connection, public or private.

If, upon the expiration of time mentioned in a notice of violation, obstructions or encroachments are not removed, the Code Official shall proceed to remove the same. The expense incurred shall be a debt to the City from the responsible person, and, if necessary, the legal authority of the municipality shall institute appropriate action for recovering of such costs.

#### F-507.5.7 Hydrant Use Approval

A person shall not use or operate any fire hydrant intended for use of the Fire Department for fire suppression purposes unless such person first obtains permission and secures a permit for such use from the City of Auburn Hills Department of Public Works. This section shall not apply to the use of such hydrants by a person employed by and authorized to make such use by the water authority having jurisdiction.

#### F-604.7 Emergency Lighting Circuits

The electrical circuits controlling the emergency lighting, exit signs and alarm systems shall be properly labeled and secured in the "on" position.

#### F-901.2 Plan Reviews and Installations

##### F-901.1.1 Definition

Certified: a firm certified by the Michigan Department of Consumer and Industry Services to install and maintain fire alarm and/or suppression equipment/systems pursuant to Act 144 of the Public Acts of 1982, and with respect to the installation and maintenance of fire alarms and/or suppression equipment/systems in locations other than those set forth in Act 144 of the Public Acts of 1982, the firm and/or individual shall be licensed pursuant to the requirements of Act 192 of the Public Acts of 1984, as amended, and/or Act 217 of the Public Acts of 1956, as amended.

##### F-901.3.1 Review Fees

When at the discretion of the Code Official plans and specifications are reviewed by an outside consultant, the person or firm submitting the plans and specifications shall be responsible for the total consulting fees and administration charges as established by Resolution of the City Council. The Code Official shall select the consultant.

##### F-901.3.2 Certification Required

Any installation, testing, repair or maintenance of fire alarm or suppression systems required by this Code or the Building Code shall be performed only by a certified fire alarm or suppression firm and/or individual or by a firm and/or individual licensed pursuant to Act 192 of the Public Acts of 1984, as amended, and/or Act 217 of the Public Acts of 1956, as amended.

##### F-903.3.5 Water Supplies

Water supplies for automatic sprinkler systems shall comply with this section and the standards referenced in Section 903.3.1. A minimum of ten (10) p.s.i. safety factor between the available water pressure and the sprinkler system demand shall be provided on all hydraulically calculated sprinkler systems. The potable water supply shall be protected against backflow in accordance with this section, the International Plumbing Code and the City of Auburn Hills Water Department standards.

#### F-903.3.7 Fire Department Connections

In any building or structure required to be equipped with a Fire Department connection, the connection shall be located within one hundred (100) feet of a fire hydrant and within fifty (50) feet of a minimum twenty (20) feet paved driveway or street. The location of the Fire Department Connection shall be approved by the Code Official.

##### F-903.3.7.1 Utilities

Gas meters, propane tanks, overhead electrical services and transformers shall not be located on the same side of the building or structure as the Fire Department connection unless a clear distance of one hundred fifty (150) feet can be maintained between the utilities and the Fire Department connection.

##### F-903.3.7.2 Fire Department Connection Type

All required Fire Department connections shall be equipped with a single 4" Storz connection with 30 degree downturn (exception: existing Siamese fire department connections).

#### F-903.3.7.3 Audio/Visual

A horn and white strobe light shall be installed directly above the Fire Department connection and shall be connected to the water flow alarm valve or water flow switch. A water flow alarm valve or water flow switch activation shall activate the horn and strobe.

### F-906 Portable Fire Extinguishers.

#### F-906.11 Sale of Defective Fire Extinguishers

A person shall not sell, trade, loan or give away any form, type or kind of fire extinguisher which is not approved by the Code Official, or which is not in proper working order, or the contents of which do not meet the requirements of the Code Official. The requirements of this section shall not apply to the sale, trade or exchange of obsolete or damaged equipment for junk, when said units are permanently disfigured or marked with permanent signs identifying the units as junk.

### F-5601 Explosives, Fireworks And Indoor Pyrotechnics

#### F-5601.2.4.3 Fireworks

The rules and regulations for outdoor fireworks displays shall be in accordance with NFPA 160, 58, 1123, 1126 and the Liquefied Petroleum Gas Rules, 1984 Edition, as promulgated by the State Fire Safety Board.

#### F-5601.2.4.4 Permit Required

A permit to conduct indoor or outdoor fireworks displays shall be required. The permit shall be obtained from the Code Official prior to the display. All applicable fees shall be submitted to the Auburn Hills Fire Department prior to the display. The permit fee shall be established by Resolution of the City Council.

#### F-5601.2.4.5 Indoor Pyrotechnics

The rules and regulations for indoor pyrotechnic displays shall be in accordance with NFPA 1126 and 160.

### F-5701.1.1 Referenced Documents

The provisions of this chapter, The Michigan Mechanical Code and NFPA 30 and 30A listed in Chapter 45 shall apply to the storage, handling and processing of flammable and combustible liquids in addition to the requirements of Chapter 50. The Rules for Storage of Flammable and Combustible Liquids, as promulgated by the State Fire Safety Board, are hereby adopted by reference.

### F-6101.1.1 Referenced Documents

The provisions of this chapter and NFPA 58 listed in Chapter 47, shall apply to equipment, process and operation for storage, use, handling, installation, and maintenance of liquefied petroleum gas in addition to the requirements of Chapter 50. The Liquefied Petroleum Gas Rules, 1984 Edition, as promulgated by the State Fire Safety Board are hereby adopted by reference.

## ARTICLE II: HAZARDOUS MATERIALS DISCLOSURE AND PERMITTING

### Section 38-51. Hazardous Materials Operating Permit.

No business shall use, handle, store, possess and/or locate a hazardous material within the City of Auburn Hills without a Hazardous Materials Operating Permit issued pursuant to this Ordinance, the adopted Fire Code, Section 14i of Act 154, as amended, and Section 5p of the Michigan Fire Prevention Code (Act 207, as amended). All businesses shall complete and file a Business Information Form and Hazardous Materials Survey with the Fire Department, regardless of whether they have hazardous materials or not upon request of the Code Enforcement Official.

### Section 38-52. Hazardous Materials Management Plan.



No business shall use, handle, store, possess and/or locate a hazardous material in quantities which meet or exceed the threshold amounts listed in the Department of Consumer and Industry Services, Michigan Office of Fire Safety - Bulletin No. 9 (Fire Department Hazardous Material Emergency Planning Responsibilities - Attachment B) and sections and tables referenced by section 105.6.20 of the Fire Code within the City of Auburn Hills without having first filed a Hazardous Materials Management Plan (HMMP) with the Code Enforcement Official. Where Bulletin No 9 and section 105.6.20 list different amounts, the more stringent requirement shall apply. The approved HMMP shall be followed at all times, including the event of any spill, discharge, seepage, runoff, or leakage of any hazardous materials.

- A. In general, major elements of the HMMP include:
  - 1. General Facility Information
  - 2. Emergency Notifications
  - 3. Facility Evacuation Information
  - 5. Hazardous Material Operating Procedures and Secondary Containment
  - 6. Chemical Inventory
  - 7. Standard Operating Procedure for Spill Cleanup
  - 8. Floor plan and site plan of the facility
- B. A Pollution Incident Prevention Plan (PIPP) expressly approved by the Waste Management Division (WMD) within the Michigan Department of Environmental Quality (MDEQ), under the authority of Part 31 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451) shall be deemed to comply with the requirements of this section.
- C. The HMMP shall be valid for five (5) years and renewed prior to expiration. However, an updated HMMP shall be filed for review and approval by the City whenever there is a change in the use, handling, storage, or amounts of any hazardous materials.

#### Section 38-53. Permit Data Base

The Code Enforcement Official shall maintain a database which includes the permit status of all businesses subject to this Article.

#### Section 38-54. Inspections.

The Code Enforcement Official or his staff shall inspect all structures and premises utilized by employers as often as may be necessary for the purpose of verifying the accuracy of the information provided under this Article and ascertaining whether there exist any violations of this Article or any other federal or state statutes, rules or regulations, or local ordinances relating to the use, storage, handling or disposal of hazardous materials, or other Fire Code violations. In those cases where the Code Enforcement Official observes or otherwise discovers violations of federal or state statutes, rules or regulations relating to the use storage, handling or disposal of hazardous materials, such violations shall be reported to the appropriate federal or state agency authorized to enforce such statute, rule or regulations. In addition, the Code Enforcement Official may request the City Attorney, upon proper authorization, to commence the appropriate legal proceedings to ensure compliance with this Article.

#### Section 38-55. Penalties.

It shall be unlawful for a party, or any officer, director, or employee of a business to fail to comply with the provisions of this Article, or to misrepresent, falsify, conceal, destroy or fail to retain information necessary to comply with this Article. The dissolution of a corporation shall not discharge its directors, officers or employees from liability for such conduct.

#### Section 38-56. Fees.

Businesses subject to this Article shall pay a permit fee to the City of Auburn Hills, sufficient to cover the implementation of this Article, including expenses incurred by the Code Enforcement Official and his staff. The amount of the permit fee shall be established by resolution of the Auburn Hills City Council and shall

be amended as necessary by the Auburn Hills City Council. Businesses that are delinquent in filing a permit application, paying the permit fee or both, shall be subject to late fees as established by resolution of the Auburn Hills City Council.

Section 2 Repealer.

Ordinance Number 728 and Ordinance Number 835 are hereby repealed. All other 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 3 Penalty.

Except as otherwise provided in this Ordinance, any person, persons or entity violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction therefore, shall be punished by a fine of not more than \$500 and costs of prosecution, or by imprisonment for not more than 90 days, or by both fine, costs and imprisonment at the discretion of the Court.

Section 4 Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law when they were commenced.

Section 5 Severability.

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 6 Effective Date.

The provisions of this Ordinance are hereby ordered to take effect upon publication in the manner prescribed by the Charter of the City of Auburn Hills.

Section 7 Adoption.

This Ordinance is hereby declared to have been adopted by the City Council of the City of Auburn Hills at a meeting thereof duly called and held on the 26<sup>th</sup> day of January, 2015, and ordered to be given publication in the manner prescribed by the Charter of the City of Auburn Hills.

**AYES: Mayor Pro Tem Kittle, Council Members Burmeister, Knight, Mitchell, Verbeke**

**NAYES: None**

**ABSENT: Mayor McDaniel, Council Member Hammond**

**ABSTENTIONS: None**

**ORDINANCE 15-865 ADOPTED (5-0)**

STATE OF MICHIGAN)

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COUNTY OF OAKLAND)

I, the undersigned, the duly qualified and appointed City Clerk of the City of Auburn Hills, Oakland County, Michigan do hereby certify that the foregoing is a true and complete copy of Ordinance No. 15-865 adopted at a regular meeting of the City Council held on the 26<sup>th</sup> day of January, 2015, the original of which is on file in my office.

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Kevin R. McDaniel, Mayor

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Terri Kowal, City Clerk