

ORDINANCE #1171

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND CHAPTER 1610 OF THE LANSING CODIFIED ORDINANCES, "UNIFORM FIRE CODE AND UNIFORM FIRE CODE STANDARDS," BY ADOPTING BY REFERENCE THE 2009 INTERNATIONAL FIRE CODE.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 1610 of the Codified Ordinances of the City of Lansing, Michigan, be and is hereby amended to read as follows:

CHAPTER 1610. UNIFORM FIRE CODE AND UNIFORM FIRE CODE STANDARDS*

1610.01. Adoption of ~~2003 edition of the~~ 2009 International Fire Code; ~~file copies; references and citations; conflict of laws.~~

(a) For the purpose of ESTABLISHING THE MINIMUM REQUIREMENTS CONSISTENT WITH NATIONALLY RECOGNIZED GOOD PRACTICE FOR PROVIDING A REASONABLE LEVEL OF LIFE SAFETY AND PROPERTY PROTECTION FROM THE HAZARDS OF FIRE, EXPLOSION, OR DANGEROUS CONDITIONS IN NEW AND EXISTING BUILDINGS, STRUCTURES, AND PREMISES AND TO PROVIDE SAFETY TO FIREFIGHTERS AND EMERGENCY RESPONDERS DURING EMERGENCY OPERATIONS, ~~protecting and preserving the public health, safety and welfare; to safeguard life and property from fire and explosion hazards; to adopt a fire prevention code and regulate the storage, handling and use of hazardous materials, substances and devices; and to provide for the issuance of permits for hazardous uses or operations,~~ the City hereby adopts ~~that certain code known as the~~ 2009 International Fire Code, including Appendices B, C, ~~and D, E, F, G, H, AND I,~~ published by the International Code Council, Inc. WITH THE ADDITIONS, DELETIONS, AND REVISIONS CONTAINED IN THIS CHAPTER. ~~, being particularly the entire 2003 edition (referred to in this chapter as this "Code" or the "International Fire Code"), save and except such portions as are hereinafter deleted, modified or amended in Section 1610.02. Three copies~~ A COPY of this code are IS on file in the Office of the City Clerk for the City of Lansing, and the same, as amended in Section 1610.02, are hereby adopted and incorporated in this chapter as if set out at length herein. From and after the effective date of this section, the provisions of this Code, as amended in this chapter, shall be controlling within the limits of the City of Lansing.

(b) References throughout these codified ordinances to the International Fire Code shall be deemed to mean the International Fire Code adopted in subsection (a) and it may be so cited. References throughout these codified ordinances to the Fire Prevention Code of the City of Lansing shall be synonymous with this International Fire Code, including its amendments adopted therein.

(c) Unless otherwise expressly provided, in the event of a conflict between any of the provisions of the International Fire Code, herein adopted, and a provision of this chapter, or any other provision of these Codified Ordinances, or any other local ordinance, resolution, rule or regulation, the local provision shall control. In the event of a conflict between any of the provisions of the International Fire Code, herein adopted, and state law, including rules and regulations promulgated pursuant to state law, the state law shall control. In the event of a conflict between any of the provisions of the International Fire Code, herein adopted, and a provision of any other standard technical code adopted by reference by the City of Lansing, the stricter or higher standard shall control.

1610.02. Amendments.

The International Fire Code, adopted in Section 1610.01, is hereby amended as follows: *I.F.C. Section 101.1 Title* is hereby amended to insert the City of Lansing as the name of jurisdiction.

I.F.C. Section ~~102.6~~ 102.7 Referenced Codes and Standards is hereby amended by including the following language:

The codes and standards referenced in this code shall be those that are listed in Chapter ~~45~~ 47 and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. This code and standards referenced in this code shall be the most recently published edition or version. Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply.

I.F.C. SECTION 103.2 SHALL BE REPLACED WITH THE FOLLOWING:

THE FIRE CODE OFFICIAL SHALL BE APPOINTED BY THE FIRE CHIEF, SUBJECT TO APPLICABLE FEDERAL, STATE, AND LOCAL LAW, INCLUDING THE PROVISIONS OF ANY GOVERNING COLLECTIVE BARGAINING AGREEMENT.

I.F.C. Section 105.1 General is hereby amended by adding the following language:

The Lansing Fire Department shall have the authority to charge a fee for permits required under the international fire code and for fire inspection services. A fee schedule shall be developed by the Fire Chief, approved by the Mayor and subject to City Council adoption by resolution.

I.F.C. Section 105.2 Application is hereby deleted and a new section added as follows:

All applications for a permit required pursuant to this code shall be made to the Fire DEPARTMENT ~~Prevention Bureau of the City of Lansing~~. Applications shall be accompanied by such plans as are required by the City of Lansing.

The application for a permit required pursuant to this code shall be accompanied by the appropriate fee, which shall be non refundable. Fees for permits required by this code shall be set by resolution of City Council of the City of Lansing.

I.F.C. Section 108 Board of Appeals is hereby deleted and replaced with the following language:

Appeals

The Board of Appeals for appeals made under the Fire Prevention Code of the City of Lansing shall be the Building Board of Appeals established in Section ~~113~~ 442 of the ~~International~~ MICHIGAN Building Code adopted in Section 1420.01 of the Codified Ordinances of Lansing. This Board shall determine the suitability of alternative materials and the type of construction and provide reasonable interpretations of the provisions of this code. The Board shall render all decisions and findings in writing to the Fire Chief, with a duplicate copy to the appellant, and may recommend to the executive body such new legislation for engaging in the following activities, operations, practices or functions:

(1) *Fire suppression systems.* To design, install, modify, test, service and maintain any and all fire suppression systems in accordance with any and all codes that apply to this installation.

(2) *Fire alarm systems.* To design, install, modify, test, service and maintain any and all fire alarm systems in accordance with any and all codes that apply to this installation.

(3) *Open burning.* To ignite or burn material of any type on private land or on publicly owned or controlled land, except as provided in this code.

(4) *Fireworks.* To conduct a public display or to use for agricultural or pest control purposes as permitted by State law.

I.F.C. Section 109.3 Violation Penalties is hereby deleted in its entirety.

~~*I.F.C. Section 109.3.1 Abatement of Violation* is hereby amended to delete section number 109.3.1 and insert section number 109.3.~~

I.F.C. Section 111.4 Failure to Comply is hereby deleted and a new section 111.4 is added to read as follows:

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition shall be subject to the penalties codified in Section 1610.99 of this Code.

I.F.C. Section 307 Open Burning is hereby deleted and a new section 307 is added as follows:

~~*Open Burning*~~ *RECREATIONAL FIRE*

(1) *Permit required.* A permit is required to kindle or maintain any ~~outdoor burning, including bonfires and~~ recreational fires.

(2) *Location restricted.* There shall be no ~~open burning~~ RECREATIONAL FIRES of any type on publicly owned or controlled land, including bridges, streets and other public places which have not been set aside by the public authority for such purpose.

(3) *Exceptions.*

(a) *Controlled burning.* When determined by the Fire Chief OR HIS OR HER DESIGNEE to be in the public interest, the Chief may issue a permit for controlled burning.

(b) *Outdoor cooking.* Appliances, such as chimneas, gas and charcoal grills may be used in such a manner so they do not endanger the life or property of others. No person shall use any permanent barbecue, portable barbecue, chimnea, outdoor fireplace, or grill, OR OTHER DEVICE for the disposal of rubbish, trash or combustible material.

(4) *Attendance.* ~~Bonfires and other open burning~~ RECREATIONAL FIRES shall be constantly attended by a competent person until such fire is extinguished. This person shall have a garden hose connected to a water supply, ~~or~~ AND other fire-extinguishing equipment readily available for use. recreational fires shall be in accordance with the provisions of this code.

(5) *Prohibition or discontinuance by Chief.* The Chief OR HIS OR HER DESIGNEE may prohibit or terminate any or all ~~outdoor burning~~ RECREATIONAL FIRES when atmospheric conditions or local conditions make such fires hazardous, or when the Chief OR HIS OR HER DESIGNEE determines such action is necessary to protect public safety.

(6) *Illegal burning.* Kindling or maintaining any outdoor burning in violation of this section, failing to comply with the requirements of this section, failing to comply with an order of the Chief OR HIS OR HER DESIGNEE as provided in this section or otherwise failing to comply with the requirements of this section shall be illegal. ~~The Fire Marshal and other members of the Fire Prevention Bureau of the City of Lansing are specifically authorized to enforce this section.~~

I.F.C. Section 503 Fire Lanes is hereby added as follows:

~~(1) *Purpose.* This section is to be interpreted as the standard of care necessary to protect both people and property within the City of Lansing in case of a fire or similar emergency in any of those establishments herein defined through the use of controlled fire lanes.~~

(2) (1) *Authority.* ~~The Fire DEPARTMENT Marshal of the Fire Prevention Bureau of the City of Lansing shall be responsible for~~ MAY establishing fire lanes on both public and private property within the City. The following criteria shall be used in determining the necessity of fire lanes:

~~(A) (a) Fire lanes shall be established by the Fire Prevention Bureau as deemed necessary, at the following locations. This list shall not be deemed to be exclusive, but shall be deemed to be a guide to the type of establishment where necessary:~~

~~(1) Apartment complexes;~~

~~(2) Auditoriums and all like places of public assembly;~~

~~(3) Churches;~~

~~(4) Hospitals, convalescent homes and nursing homes;~~

~~(5) Hotels, motels and boarding houses;~~

~~(6) Manufacturing sites;~~

~~(7) Multiple private residential areas; and~~

~~(8) Shopping centers.~~

~~(B) (b) The necessity of access into the above enumerated areas from public thoroughfares shall be considered when establishing fire lanes.~~

~~(C) (c) The necessity of traffic lanes that are free from parked vehicles, both to and around the above enumerated AFFECTED establishments, and that are capable of handling City fire vehicles, shall also be considered.~~

~~This determination shall be made whenever the FIRE DEPARTMENT Bureau deems that such lanes are necessary for the safety of occupants and property of such establishments or when, after being petitioned by a private land owner to have fire lanes established on his or her property, the Bureau FIRE DEPARTMENT declares fire lanes NECESSARY thereon in accordance with the above criteria. This section shall apply to all such existing facilities within the City. The Fire Marshal CHIEF or HIS OR HER DESIGNEE designated representative shall notify the land owner of any such property whereon fire lanes are established, by mailing notice of the same to the address of the owner as identified in the records of the City Assessor.~~

~~(3) (2) Records. The Fire DEPARTMENT Prevention Bureau shall keep an accurate up to date record of all fire lanes established within the City.~~

~~(4) (3) Signs. All fire lanes shall be conspicuously posted with uniform fire lane signs prescribed by the Fire Marshal CHIEF OR HIS OR HER DESIGNEE and erected not more than 100 feet apart in all areas designated as fire lanes. The erection and maintenance of such signs shall be the responsibility of the property owner. Any owner who, upon notification that a fire lane has been established on his or her property and within thirty days thereof, fails to erect uniform fire lane signs, shall be in violation of this~~

section and subject to the penalty provided in Section 1610.99 of the Codified Ordinances of the City. Further, when such signs are not erected within 30 days of notification, Council may direct such signs to be erected and the cost thereof assessed against the property on the next general assessment roll of the City.

~~(5)~~ (4) *Permitted parking.* The Fire ~~Marshal~~ CHIEF OR HIS OR HER DESIGNEE may grant permission for parking of certain vehicles, objects or trailers in designated fire lanes for limited periods where such parking will not interfere with the use of the fire lane by emergency vehicles. Whenever such permission is granted, a record of the same shall be kept by the Fire DEPARTMENT ~~Prevention Bureau~~. In conjunction with such permission, the FIRE DEPARTMENT ~~Bureau~~ shall furnish a sign to be posted conspicuously on the vehicle, object or trailer stating that permission to so park has been granted and stating the duration that it may remain so parked.

~~(6)~~ (5) *Guidelines for fire lanes at construction sites.* The Fire CHIEF ~~Marshal~~ OR HIS OR HER DESIGNEE shall establish guidelines for use by the Building Safety Division in determining the need for fire lanes at all new construction sites and at sites where existing structures are being modified. These guidelines shall include minimum dimensions for such fire lanes so as to provide adequate maneuverability for City fire vehicles. The Fire DEPARTMENT ~~Prevention Bureau~~ shall make a final check of all plans for such building or alteration upon submission of the same by the Building Safety Division. The Fire DEPARTMENT ~~Prevention Bureau~~ shall either approve or reject such plans within 20 days of such submission and, if rejected, shall state the reasons for the same. After rejection, such plans may be resubmitted for approval after the necessary changes have been made.

~~(7)~~ (6) *Removal of vehicles, etc., from fire lanes.* When any member of the Fire department or the Police Department observes any vehicle, trailer or other object parked in a fire lane as herein established, and such vehicle, trailer or other object is not in such fire lane under authority of subsection ~~(e)~~ (4) hereof, he or she shall remove such vehicle, trailer or other object or cause the same to be removed at the expense of the owner. If any vehicle, trailer or other object is so located within a fire lane at a time the Fire Department is responding to an alarm which necessitates use of such fire lane, then any member of the Police Department or the Fire Department may move such vehicle, trailer or other object or cause the same to be moved by any means possible without liability for and damage being incurred by the City or any officer, agent or employee thereof.

~~(8)~~ (7) *Prohibited parking; citations.*

(a) No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a law enforcement officer, fire-fighter or traffic control device, within 15 feet of a fire hydrant.

(b) No person shall stop, stand or park a vehicle, whether occupied or not, in an area designated as a fire lane, on public or private property, except when necessary to avoid

conflict with other traffic or at the direction of a law enforcement officer, fire-fighter or traffic control device.

(c) The Fire MARSHAL and other members of the Fire DEPARTMENT ~~Prevention Bureau~~ shall have the power and authority of a police officer to issue uniform traffic citations for a violation of any of the provisions of this section.

~~(9)~~ (8) *Appeals*. Notwithstanding the provisions of section 108 of this code, the following shall be the method of appeal from any decision of the Building Board of Appeals as it may pertain to this section:

If any land owner is aggrieved by any decision as to the establishment of fire lanes, he or she shall, within 30 days of the date of mailing of the fire lane establishment notice as provided for in subsection ~~(b)~~ (c) hereof, or within 30 days of the denial of a petition to establish a fire lane, file with the Board of Appeals a written exception to such decision, together with his or her reasons for the same.

~~DURING THE NEXT SCHEDULED MEETING OF Within 10 days from the date of receipt of such exception by the Board of Appeals, OR A SPECIAL MEETING SET FOR HEARING THE EXCEPTION, it shall, after consideration of the reasons for the exception, affirm, modify or rescind its original decision. If the aggrieved party is still without satisfaction, he or she may file an appeal with Council through the Office of the City Clerk. The City Clerk shall then place the appeal on the agenda for the next applicable council meeting. Council shall rule on such appeal within a reasonable time, but not later than 30 days from the date the appeal was placed on the agenda. Subsequent to the determination by Council, the aggrieved party may file a petition with the appropriate court.~~

I.F.C. Section ~~508.5~~ 507.5 Fire Hydrant Systems is hereby amended to include the following language:

Fire hydrant systems shall comply with sections 507.5.1 – 507.5.6 ~~508.5.1 through 508.5.6~~. installation of new and replacement hydrant systems and at the point of tap-in to a water main, shall be completed by the Lansing Board of Water and Light, pursuant to the terms and conditions of the collective bargaining agreement between the Board of Water and Light and the International Brotherhood of Electrical Workers (IBEW) Local 352, and shall follow the requirements for design and maintenance as set forth by the Board of Water and Light, and as approved by the Fire Chief OR HIS OR HER DESIGNEE.

I.F.C. Section 603.8 Incinerators is hereby deleted and a new section 603.8 is added as follows:

Incinerators

(1) *General.* Free-standing noncommercial incinerators not connected to buildings are not permitted. Permitted incinerators shall be in accordance with other governing agencies' requirements regulating emissions. For other requirements, see the ~~International~~ MICHIGAN Building Code, as adopted in Section 1420.01 of the Codified Ordinances of the City of Lansing, and the ~~International~~ MICHIGAN Mechanical Code, as adopted in Section 1426.01 of the Codified Ordinances of Lansing.

(2) *Maintenance.* Incinerators shall be maintained in good condition at all times.

(3) *Discontinuance.* The Fire Chief AND HIS OR HER DESIGNEE is authorized to require incinerator use to be immediately discontinued if the Chief OR HIS OR HER DESIGNEE determines that smoke emissions are offensive to the occupants of surrounding property ~~of~~ OR if the use of the incinerator is determined by the Chief OR HIS OR HER DESIGNEE to constitute a hazardous condition.

I.F.C. Section ~~903.2.10.3~~ 903.2.11.3 Buildings Over 55 Feet in Height is hereby amended to include the following:

This section shall include the adopted State of Michigan Bureau of Construction Codes Amendments to the International Building Code.

I.F.C. Section ~~907.2.12~~ 907.2.13 High Rise buildings is hereby amended to include the following:

This section shall include the adopted State of Michigan Bureau of Construction Codes Amendments to the International Building Code.

I.F.C. Section 905.11 Existing Buildings is hereby deleted in its entirety.

I.F.C. Section 907.3 Where Required--Retroactive in Existing Buildings and Structures is hereby deleted in its entirety AND REPLACED WITH THE FOLLOWING LANGUAGE:

CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS SHALL MEET THE REQUIREMENTS OF THE MICHIGAN BUILDING CODE ADOPTED IN CHAPTER 1420.

I.F.C. Section 3204.3.1.1 Location is hereby deleted and a new section 3204.3.1.1 is added as follows:

Stationary containers shall be located in accordance with section 3204.3.1 ~~3203.6~~. Containers of cryogenic fluids shall not be located within diked areas containing other hazardous materials. The geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited are to be determined by the Lansing Fire Chief OR HIS OR HER DESIGNEE in accordance with NFPA 30 FLAMMABLE AND COMBUSTIBLE LIQUIDS CODE, Department of Environmental Quality, SECTIONS

3204.3.1.1.1 – 3204.3.1.1.5, TABLE 3204.3.1.1, and any other applicable code or standard recognized by the Fire Chief OR HIS OR HER DESIGNEE.

I.F.C. Section ~~3404.2.9.5.1~~ 3404.2.9.6.1 Locations Where Above-ground Tanks are Prohibited is hereby deleted and a new section 3404.2.9.5.1 is added as follows:

The geographic limits in which the storage of class I and class II liquids in above-ground tanks outside of buildings is prohibited is to be determined by the Lansing Fire Chief OR HIS OR HER DESIGNEE in accordance with NFPA 30 FLAMMABLE AND COMBUSTIBLE LIQUIDS CODE, Department of Environmental Quality, and any other applicable code or standard recognized by the Fire Chief OR HIS OR HER DESIGNEE.

I.F.C. Section 3406.2.4.4 Locations Where Above-ground Tanks are Prohibited is hereby deleted and a new section 3406.2.4.4 is added as follows:

The geographic limits in which the storage of class I and class II liquids in above-ground tanks is prohibited are to be determined by the Lansing Fire Chief OR HIS OR HER DESIGNEE in accordance with NFPA 30 FLAMMABLE AND COMBUSTIBLE LIQUIDS CODE, Department of Environmental Quality, and any other applicable code or standard recognized by the Fire Chief OR HIS OR HER DESIGNEE.

I.F.C. Section 3804.2 Maximum Capacity Within Established Limits is hereby deleted and a new section 3804.2 is added as follows:

The geographic limits in which the storage of liquified petroleum gas is restricted for the protection of heavily populated or congested areas is to be determined by the Lansing Fire Chief OR HIS OR HER DESIGNEE in accordance with NFPA 58, THE LIQUEFIED PETROLEUM GAS CODE, the ~~International~~ MICHIGAN Mechanical Code, and any other applicable code or standard recognized by the Fire Chief OR HIS OR HER DESIGNEE. The aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7570l).

Exception: In particular installations, this capacity limit shall be determined by the Fire CHIEF OR HIS OR HER DESIGNEE ~~Code Official~~, after consideration of special features such as topographical conditions, nature of occupancy, and proximity to buildings, capacity of proposed containers, degree of fire protection to be provided and capabilities of the local fire department.

I.F.C. CHAPTER 46, CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS, IS HEREBY AMENDED AS FOLLOWS:

SECTIONS 4601-4604 ARE DELETED AND REPLACED WITH THE FOLLOWING LANGUAGE:

CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS SHALL MEET THE REQUIREMENTS OF THE MICHIGAN BUILDING CODE ADOPTED IN CHAPTER 1420.

I.F.C. Chapter 45 47 Referenced Standards is hereby amended to include the following language:

Referenced standards shall be the most current publication or standard.

The following appendices are hereby amended to include the following language:

Appendix B Fire Flow Requirements for Buildings

Section B105.2 Building Other Than One- and Two-family Dwellings is hereby amended to include the following language:

No supply shall be permitted using piping less than 8 inches in diameter.

Appendix D Fire Apparatus Access Roads

Section D101.1 Scope is hereby amended to include the following language:

Fire apparatus access roads shall be in accordance with this appendix, all other applicable requirements of the International Fire Code or as required by the Fire Chief OR HIS OR HER DESIGNEE.

***APPENDIX I FIRE PROTECTION SYSTEMS-NONCOMPLIANT CONDITIONS
UNDER SECTION I101.3, PARAGRAPH 3.1 IS HEREBY DELETED.***

1610.025. Reserved.

1610.03. Violations.

(a) No person shall violate any of the provisions of this chapter or fail to comply therewith, or violate or fail to comply with any order or regulation made thereunder, or build in violation of any detailed specifications or plans submitted and approved thereunder, or violate the terms of any license or permit issued thereunder.

The imposition of one penalty for a violation of or noncompliance with any of the provisions of this chapter shall not excuse the violation or permit it to continue, and any person violating or failing to comply shall be required to correct or remedy such violation or noncompliance within a reasonable time. When not otherwise specified, a separate offense shall be deemed committed each day that prohibited conditions are maintained.

(b) The application of the penalty set forth in Section 1610.99 shall not be held to prevent the enforced removal or correction of prohibited conditions.

(c) Any of the requirements of this chapter specified for a certain section shall also apply to any other section in which the same condition, operation or hazard exists of a similar nature, whether or not specifically stated.

~~(d) The disregard of any order or directive and/or the noncompliance with any of the requirements of this chapter by any City licensed business or individual shall constitute sufficient basis for the suspension or revocation of any City license.~~

1610.98. Issuance of municipal civil infraction citations and violation notices.

The Fire Marshal and all fire inspectors are hereby designated as the authorized City officials to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the Municipal Ordinance Violations Bureau) as provided in Chapter 203 of Part 4, Section 8 of these Codified Ordinances.

1610.99. Penalty.

(a) *Municipal civil infraction.* Whoever violates any of the provisions of this chapter—~~except Section 1610.02 (I.F.C. Section 511.1(h) Prohibited Parking; Citations),~~ is responsible for a municipal civil infraction and shall be subject to the civil fine provided in Section 203.06 of these Codified Ordinances, plus costs and other sanctions, for each infraction. Repeat offenses shall be subject to increased fines as provided by Section 202.99(c)(2).

~~(b) *Civil fine.* A fire lane violation under Section 1610.02 (I.F.C. Section 511.1(h) Prohibited Parking; Citations) shall be subject to the civil fine provided in Part 4, Section 8 of these Codified Ordinances, plus costs and other sanctions, for each infraction.~~

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared 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 4. This ordinance shall take effect on the 30th day after enactment, unless given immediate effect by City Council.