

# CITY OF KEEGO HARBOR

2025 Beechmont, Keego Harbor, Michigan 48320 (248) 682-1930

## ORDINANCE NO. 461

AN ORDINANCE TO AMEND CHAPTER 11, "FIRE PREVENTION AND PROTECTION", ARTICLE II. FIRE PREVENTION CODE, OF THE CITY OF KEEGO HARBOR MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2015 INTERNATIONAL FIRE CODE.

The City of Keego Harbor, Oakland County, Michigan Ordains:

**Section 1:01.** That Chapter 11, Fire Prevention and Protection, Article II, Fire Prevention Code, of the City of Keego Harbor Municipal Code, is amended to read as follows:

Sec. 11-36 – International Fire Code, 2015 edition.

(a)

The International Fire Code, 2015 Edition, as published by the International Code Council including Appendix Chapters B, C, D, E, F, G, H, I, J, K, L, and M, is hereby adopted and incorporated by reference and made a part of this chapter as if fully set forth in this article with the insertions and amendments adopted as set forth in this article. The adoption by reference of the International Fire Code, 2015 Edition, does not include any provision that is inconsistent with the State of Michigan Fire Prevention Code Act, Public Act 207 of 1941, as amended, found at MCL 29.1 et seq., or any rule promulgated under the Act; and any inconsistent provisions shall not be enforced. The International Fire Code, 2015 Edition is available for inspection at the office of the city clerk.

(b)

The Chief of the Charter Township of West Bloomfield Fire Department, or designee, shall be designated the "fire code official" for the City of Keego Harbor as used in the International Fire Code, 2015 Edition.

**Cross reference—** Provisions regulating open burning designated as supplemental to fire prevention code, Section 11-3.

**State Law reference—** Authority to adopt technical codes of reference, MCL 42.23.

### Sec. 11- 37. Amendments.

The following sections of the International Fire Code, 2015 Edition, are amended, as completed, supplemented, or added as follows:

Sec. 101.1. *Title.* City of Keego Harbor.

Sec. 105.1.1. *Permits Required.* Amended to add the following sentence:

Permit fees are established, and from time-to-time amended, by resolution of the City of Keego Harbor City Council.

*Sec. 108.1. Board of Appeals.* Amended to read:

The Construction Board of Appeals established and maintained pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, Public Act No. 230 of 1972, as amended, and found at MCL 125.1501 et seq., administered and enforced under Article II of Chapter 5 of the City of Keego Harbor Municipal Code, shall serve as the Board of Appeals for purposes of this Code.

*Sec. 108.4. Court Review.* Amended to add:

Any person having the right to appeal to the Board of Appeals shall have a limited right to appeal a decision of the Board of Appeals to the Oakland County Circuit Court, in the manner required by law, no later than twenty-one (21) days after the date of the meeting at which the decision of the Board of Appeals is made. The scope of review on appeal is limited to correction of errors of law by the Board of Appeals.

*Sec. 109.4. Violation Penalties.* Amended to specify offenses as misdemeanors, a maximum fine of five hundred dollars (\$500.00) and maximum imprisonment of ninety (90) days; and amended to add the following sentence:

The imposition of one or more penalties for a violation of the Code does not excuse the violation or permit it to continue; all persons responsible for compliance with the Code shall be required to correct or remedy the violation or defect within the time specified by the fire code official.

*Sec. 111.4. Failure to Comply.* Amended to specify a minimum fine of two hundred fifty dollars (\$250.00) and a maximum fine of five hundred dollars (\$500.00).

*Sec. 307. Open Burning and Recreational Fires.* Amended to read:

Open burning is regulated by the City of Keego Harbor Open Burning Ordinance, codified in Chapter 11, Article I, of the City of Keego Harbor Municipal Code.

*Sec. 505. Premises Identification.* Amended to read:

Premises Identification is regulated by the City of Keego Harbor Property Identification Ordinance.

*Sec. 5002.1. Definitions.* Amended to add definitions for emergency response, expense of an emergency response and responsible party to read:

*Emergency response.* The dispatch, provision and/or utilization of police, fire, emergency medical, rescue services and/or other services by the city at an incident involving the release, leakage, spillage, exposure, use, handling, storage, transportation, processing, disposal and/or unauthorized discharge of hazardous materials.

*Expense of an emergency response.* The direct and reasonable costs incurred by the city when making an emergency response, including, without limitation, the costs of providing police, fire department, emergency medical, rescue, clean-up, restoration or other services at the scene of the emergency response. These costs further include, without limitation, all of the salaries and wages of the city personnel responding to the incident, all salaries and wages of city personnel engaged in investigation, supervision and report preparation, and all

costs for materials and equipment utilized, and any other expenses incurred by the city in cleaning up, inspecting, testing and restoring the site of an emergency response.

*Responsible party.* An individual, corporation, partnership, association or other legal entity, or any combination thereof, who owns, possesses or controls a hazardous material involved in an unauthorized discharge, or whose transportation, storage, handling, sale, use or processing of a hazardous material causes or results in an unauthorized discharge.

*Section 5003.3.1.4. Responsibility for cleanup.* Amended to add:

The person, firm or corporation responsible for an unauthorized discharge shall institute and complete all actions necessary to remedy the effects of such unauthorized discharge, whether sudden or gradual, at no cost to the City. When deemed necessary by the fire code official, cleanup may be initiated by the fire department or by an authorized individual or firm. The liability for and recovery of costs of the cleanup shall be governed by the Michigan Natural Resources and Environmental Protection Act, MCL 324.20101 et seq., or any other that law preempts the cost recovery provisions of this chapter, and the City may pursue collection of such costs of the cleanup in a civil action, pursuant to all applicable laws.

*Sec. 907.1.4. Class A circuits required.* Amended to add:

Fire alarm systems, including the initiating devices, notification appliances and signaling line circuits shall be wired in a "Class A", four (4) wire method in accordance with NFPA 72, and subject to the additional requirement that the outgoing and return conductors for the control unit be separated at all points by at least four (4) feet where installed horizontally and at least one (1) foot where installed vertically.

*Section 5504.3.1.1.3. Location.* Supplemental amendment to require:

In addition to not exceeding the limits established by current National Fire Protection Association (NFPA) code requirements, the storage of flammable cryogenic fluids in stationary containers is prohibited except: (1) as disclosed and permitted by an approved site plan in connection with a permitted use of property under the City Zoning Ordinance or (2) if determined by the Fire Code Official to be allowed by the State of Michigan Fire Prevention Code, Public Act 207 of 1941, as amended, or rules promulgated under that Act, and in compliance with all other applicable governmental regulations.

*Section 5601.1.3. Fireworks.* Amended to add exception 5 to read as follows:

5. Activities pursuant to and in compliance with a permit obtained as provided in Section 15-2.07 of the City of Keego Harbor Municipal Code and the State law referenced in that Section.

*Section 5704.2.9.6.1. Locations where above-ground tanks are prohibited.* Supplemental amendment to require:

The storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited except: (1) as disclosed and permitted by an approved site plan in connection with a permitted use of property under the City Zoning Ordinance or (2) if determined by the fire code official to be allowed by the State of Michigan Fire Prevention Code, Public Act 207 of 1941, as amended, or rules promulgated under that Act, and in compliance with all other applicable governmental regulations.

*Section 6104.2. Maximum capacity within established limits.* Supplemental amendment to require:

For the protection of heavily populated or congested areas, the capacity limitations in this Section for storage of liquefied petroleum gas shall apply within any protection area established by current National Fire Protection Association (NFPA) code requirements and to all properties except as disclosed and permitted by an approved site plan for a permitted use under the City Zoning Ordinance.

**Section 2:01. Severability Clause.**

The provisions of this Ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

**Section 3:01. Savings clause.**

Nothing in this division shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**Section 4:01. Repealer.**

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

**Section 4:01 Effective Date.**

This Ordinance shall take effect 30 days from and after approval and publication in a newspaper, general circulation, by the City of Keego Harbor.

Made and passed by the City Council of the City of Keego Harbor this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
LINDA VOLL, City Clerk

**MOTION TO ADOPT ORDINANCE**

Motion by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the foregoing Ordinance be adopted.

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ORDINANCE DECLARED ADOPTED.

CERTIFICATE OF CLERK

I, LINDA VOLL, being the duly appointed Clerk of the City of Keego Harbor, do hereby certify that the above Ordinance No. \_\_\_\_\_ is a true copy of the Ordinance adopted by the City Council of the City of Keego Harbor, Oakland County, Michigan, at a regular meeting thereof held on \_\_\_\_\_, 2017.