

CITY OF FLAT ROCK
WAYNE COUNTY, MICHIGAN

Ordinance No. 333-C

**AN ORDINANCE TO AMEND CHAPTER 42 OF THE CODE OF
THE CITY OF FLAT ROCK BY AMENDING SECTIONS 42-26
AND 42-27, ARTICLE II, ENTITLED "FIRE PREVENTION
CODE."**

THE CITY OF FLAT ROCK ORDAINS:

SECTION I. Chapter 42 of the Code of the City of Flat Rock is hereby amended by amending Sections 42-26 and 42-27 of Article II, entitled "Fire Prevention Code," to read as follows:

Sec. 42-26. Adoption.

That a certain document, three copies of which are on file in the office of the city clerk of the City of Flat Rock, being marked and designated as the International Fire Code, 2009 Edition, including Appendix Chapters B, C, D, I, and J (see International Fire Code Section 101.2.1, 2009 Edition), as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Flat Rock for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Flat Rock and providing for the issuance of permits for hazardous uses or operations; and each and all other regulations, provisions, conditions and terms of such International Fire Code, 2009 Edition, published by the International Code Council, on file in the office of the City of Flat Rock are hereby referred to, adopted, and made a part hereof as if fully set forth in this article, with the additions, insertions, deletions and changes, if any, prescribed in section 42-27 of this article.

Sec. 42-27. Additions, insertions, and changes.

That the following sections are hereby revised as follows:

Section 101.1. Insert: City of Flat Rock.

Section 108.1, amended to read:

- (1) Appeals: Appeals from a decision of the Code Official under the provisions of this Code shall be heard by the Building and Safety Appeal Board as established in Section 18-600 of Chapter 18, Article XI, of the Michigan Building Code.

Section 109.3, revise:

Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, or repair or do work in violation of the approved construction documents or directive of the code official, or of a permit or certificate used under provisions of this code, shall be responsible for a violation of a municipal civil infraction. Each day that violation continues after due notice has been served shall be deemed a separate offense.

Section 111.4, revise:

Failure to comply. 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 responsible for a municipal civil infraction.

Section 503.2.2, add the following:

Authority and criteria for establishing fire lanes. The fire official shall be responsible for establishing fire lanes on private property within the City of Flat Rock. The following criteria shall be used in determining the necessity of said fire lanes.

- (1) Fire lanes shall be established, as deemed necessary at the following locations:
 - (a) Apartment complexes
 - (b) Auditoriums
 - (c) Churches
 - (d) Hospitals, convalescent homes, nursing homes, etc.

- (e) Hotels, motels, boarding houses, etc.
 - (f) Manufacturing sites
 - (g) Multiple private residential areas
 - (h) Shopping centers
 - (i) Office buildings
 - (j) Thoroughfares, roads and streets too narrow for safe passage, including all such public roads which do not exceed twenty-two (22) feet in width upon which both sides may be deemed fire lanes and such public roadways which do not exceed thirty-two (32) feet in width upon which the fire hydrant side may be deemed a fire lane.
- (2) The necessity of access into the above enumerated areas from public thoroughfares.
 - (3) The necessity of traffic lanes free from parked vehicles both to and around the above-enumerated establishments capable of handling City fire vehicles.

This determination shall be made in accordance with the above criteria:

- (1) Whenever the fire official deems such lanes necessary for the safety of occupants and property of the above enumerated establishments, or
- (2) When, after petitioned by a private lane owner or his authorized representative to have said fire lanes established on his or her property, or
- (3) Upon public thoroughfares, roads, and streets whenever the fire official deems such lanes necessary for the safety of people or property.

This Article shall apply to all such existing facilities within the City of Flat Rock and new construction sites or modification of existing structures. It shall be the duty of the fire official to notify the land owner of any such property whereon fire lanes are established, by mailing notice of same to the address of the owner as found in the records of the City Assessor.

Section 503.3, revise:

Posting, Uniformity, Responsibility.

- (a) All fire lanes shall be conspicuously posted with uniform fire lane signs in keeping with the standard established in the Michigan Manual of Uniform Traffic Control devices as revised and prescribed by the fire official and erected no further than one hundred (100) feet apart in all areas designated as fire lanes. Signs may be required to be double sided. The erection and maintenance of said signs shall be the responsibility of the property owner with regard to private property and the responsibility of the City with regard to public property. Any owner who, upon notification that a fire lane has been established on his property and within thirty (30) days thereof fails to erect uniform fire lane signs shall be in violation of this Article and subject to punishment as provided by this Code. Further, when said signs are not erected within thirty (30) days of notification, the City Council may direct said signs to be erected and the cost thereof assessed against the property on the next general assessment roll of the City.

The legends used shall contain the words "Fire Lane" along with a basic "No Parking or Standing" or "No Standing or Parking" prohibitive message. The exceptions to this designation will occur when loading zones (either commercial, service or passenger) or taxicab standing zones are required for the operation of the property, and when such zones or areas do not impede emergency vehicle access, as determined by the fire official. In these instances, appropriate signs in keeping with the standards delineated by the Michigan Manual of Uniform Traffic Control Devices, containing such legends as "No Parking - Loading Zone", or "No Parking - Loading Zone - 5 Minute Limit", or "No Parking - Taxicab Stand", shall be posted.

- (b) Exceptions. Should it become necessary in the interest of the public peace, health, safety or welfare, the fire official 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 usage of the fire lane by emergency vehicles. Whenever such permission is granted, a record of same shall be kept by the Department. In conjunction with such permission, the Department shall furnish a sign to be posted conspicuously on the vehicle, object

or trailer stating that permission to so park has been granted and the duration that it may remain so parked.

- (c) Guidelines for Fire Lanes - New Construction and Modification of Existing Structures. It shall be the duty of the fire official to establish guidelines for use in determining the need for fire lanes on all new construction sites and a modification of existing structures. These guidelines shall include those criteria found in Section 503 and Appendix D of the International Fire Code, 2009 Edition, and shall further include minimum dimensions for said fire lanes so as to provide adequate maneuverability for City fire vehicles during the construction phases of the project. The Fire Official shall make a check of all plans for such building or alterations upon submission of same by the Building Department. The Fire Official shall either approve or reject such plans within twenty (20) days of such submission and, if rejected, shall state the reasons for same. After rejection, such plans may be resubmitted for approval after the necessary changes have been made.
- (d) Enforcement Responsibility. The fire official is hereby empowered to issue an ordinance violation ticket to the owner or operator of the property at any time should the necessary signing as described in Section 503.3 be missing, improperly installed, in poor repair, or otherwise in such condition as to not convey the intended message to a reasonably observant and prudent person. A further ordinance violation ticket may be issued to the owner or operator of the property at any time should certain vehicles, objects or trailers be parked or placed in the designated fire lanes without first having been approved and a permit issued, as delineated in Section 503.3

The Police Department or its designated and duly authorized agent is empowered to enforce the fire lane restrictions by the issuance of traffic citations for those prohibitions established by the fire official and shall be the primary agent for all such enforcement efforts.

The fire official is further hereby empowered to issue standard traffic violations as are currently in regular use by the Ordinance Enforcement Department to vehicles found parked or standing in violation of the posted prohibitions as supplement to their normal investigative reviews of various designated sites.

- (e) Removal From Fire Lanes. When any member of the Flat Rock Fire Department or the Flat Rock Ordinance Enforcement Authority shall

observe any vehicle, trailer or other object parked in a fire lane as herein established, any of the foregoing shall remove such vehicle, trailer or other object or shall cause same to be moved at the expense of the owner. If any vehicle, trailer or other object is so located within a fire lane at the time the Fire Department is responding to an alarm for any reason which necessitates use of such fire lane, then any member or members of the aforesaid agencies may move or cause same to be moved by any means possible without liability for any damage being incurred by the City of Flat Rock or any officer, agent or employee thereof.

- (f) Appeal. Notwithstanding the provisions found in any section of this Chapter, the following shall be the method of appeal from any decision of the fire official as it may pertain to the Article.

If any land owner is aggrieved by any decision as to the establishment of a fire lane, the land owner, within thirty (30) days of the date of mailing of the fire lane establishment notice as provided herein or of denial of a petition to establish a fire lane, file with the fire official a written exception to such decision together with a reason for same. Within ten (10) days from the date of receipt of such exception by the code official, he shall, after consideration of the reasons for such exceptions, affirm, modify or rescind the original decision. If the aggrieved party is still without satisfaction an appeal may be filed with the board of appeals established in Section 18-600 of Chapter 18, Article XI, of the Michigan Building Code.

Section 3204.3.1.1, delete in its entirety.

Section 3304.1, revise to read:

Establishment of limits. That the limits referred to in Section 3304 of this Code in which the storage of explosive materials is prohibited shall be established pursuant to resolution of the City Council as recommended by the Director of Building and Safety after consultation with the Fire Chief.

Section 3404.2.9.6.1, add the following:

Storage of Class I and II liquids in above ground storage tanks outside of building is prohibited in or within 500 feet of any property zoned or used for residential purposes.

Section 3406.2.4.4, revise to read:

Location where above-ground tanks are prohibited. The store of Class I and II liquids in above-ground tanks is prohibited in or within 500 feet of any property zoned or used for residential purposes.

Section 3506.6, add the following:

Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited in or within 500 feet of any property zoned or used for residential purposes.

Section 3804.2, revise to read:

That the limits referred to in Section 3804 of this Code in which the storage of liquefied petroleum gas is prohibited shall be established pursuant to resolution of the City Council as recommended by the Director of Building and Safety after consultation with the Fire Chief.

Referenced Standards: The Reference Standards of the Code shall be modified as follows:

ICCEC-09 International Electrical Code shall refer to the Michigan Electrical Code;

IBC-09 International Building Code shall refer to the Michigan Building Code;

IEBC-09 International Existing Building Code shall refer to the Michigan Rehabilitation Code for Existing Buildings;

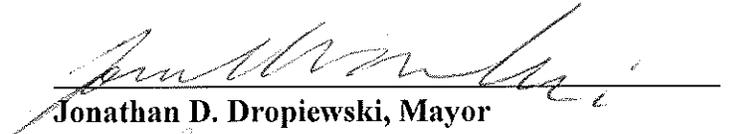
IMC-09 International Mechanical Code shall refer to the Michigan Mechanical Code;

IPC-09 International Plumbing Code shall refer to the Michigan Plumbing Code; and

IRC-09 International Residential Code shall refer to the Michigan Residential Code.

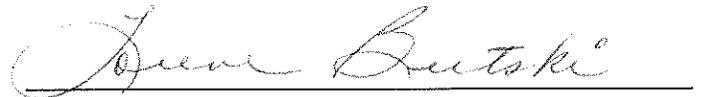
SECTION II. That all ordinances or parts of ordinances, Code of the City of Flat Rock, or parts of the Code of the City of Flat Rock, not consistent herewith are hereby repealed.

SECTION III. This ordinance shall be published in the News Herald newspaper as required by Charter on the 31 day of August, 2011, but in no event shall be effective earlier than ten (10) days after enactment.


Jonathan D. Dropiewski, Mayor


Lorene Butski, City Clerk

I hereby certify that the foregoing is a true copy of the ordinance adopted by the Council of the City of Flat Rock at a meeting thereof on August 15, 2011, the original of which proceedings is on file in my office.


Lorene Butski, City Clerk