

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. 1098

Effective date: August 29, 2019

TITLE: Fire Prevention Code

THE CITY OF TRAVERSE CITY ORDAINS:

That Part Sixteen, Fire Prevention Code, *Sections 1610.02, 1610.04, and 1610.13* of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

1610.02 - International Fire Code.

That a certain document, two of which are on file in the office of the Clerk of the City of Traverse City, being marked and designated as The International Fire Code, 2015 **2018** edition, including Appendix Chapters A through O as published by the International Code Council, be and is hereby adopted by reference, as if fully set forth herein, except as may be hereinafter amended, as the Fire Prevention Ordinance of the City of Traverse City 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 as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the Clerk of the City of Traverse City are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in ~~Section 2~~ **this section** of this ordinance.

Section 101.1 This section is changed in its entirety to read as follows:

Title. These regulations shall be known as the Fire Prevention Ordinance of the City of Traverse City, hereinafter referred to as “this code.”

Section ~~102.7~~ 102.7 This section is changed in its entirety to read as follows:

Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 80, except the building, mechanical, electrical and plumbing codes referred to throughout this code shall mean the State of Michigan Stille-Derossett-Hale Single Construction Code Act. Such codes and standards shall be considered part of the requirements of this Code to the prescribed extent of each such reference. Where differences occur between the provisions of this Code and the referenced standards, the provisions of this Code shall apply.

Section 103.1. General. This section is added to read in its entirety as follows:

The department of fire prevention is established within the jurisdiction of and under the direction of the City Manager or his or her authorized representative. The duly appointed Fire Chief for the City of Traverse City, Traverse City Fire Department, (and/or his designate(s)) shall be named Fire Code Official. The function of the Fire Department or Fire

Code Official shall be the implementation, administration, and enforcement of the provisions of this code.

103.2 Appointment. This section is changed to read in its entirety as follows:

The duly appointed fire Chief for the City of Traverse City, Traverse City Fire Department, (and/or his designate(s)) shall be named Fire Code Official. The function of the fire department or Fire Code Official shall be implementation, administration, and enforcement of the provisions of this code.

105.1.2. Types of Permits. This section is changed to read in its entirety as follows:

There shall be two types of permits as follows:

- (1) Operational permit. An operational permit allows the applicant to conduct an operation or a business for which a permit is required by Section 105.6 for either:

- 1.1 A prescribed period; not to exceed one year.

- 1.2 Until renewed or revoked.

- (2) Construction permit. A construction permit allows the applicant to install or modify systems and equipment for which a permit is required by Section 105.7.

~~105.6.32~~ *106.6.32 Open Burning and Recreational fires.* This section is changed in its entirety to read as follows:

An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road or other public or private ground including recreational fires. Instructions and stipulations of the permit shall be adhered to.

~~105.7.15:~~ **105.7.26** *New Construction.* This section is added to read in its entirety as follows:

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any fire alarm and detection system and related equipment, fire suppression system and related equipment including fire pumps, standpipe systems and water supply piping and hydrants, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the fire code official and obtain the required permit.

Exceptions:

- (1) One and two-family residential (Residential Group R-3)
- (2) Utility and Miscellaneous Group U structures.

106.3 Work commencing before permit issuance This section is changed in its entirety to read as follows:

A person who commences any work, activity or operation regulated by this code before obtaining the necessary permits shall be subject to an additional fee established by the City of Traverse City Commission, which shall be in addition to the required permit fees. Additional fee shall be twice the established permit fee.

~~Section 106.1~~ 107.1 This section is changed in its entirety to read as follows:

Inspection authority. The Code Official is authorized to enter and examine any building, structure, marine vessel, vehicle, or premises, in accordance with Section 104.3, for the purpose of enforcing this Code, except single-family dwellings and dwelling units in two-family dwellings. Exception: one and two family dwellings and utility “U” occupancies under the building code.

~~Section 106.1.1~~ 107.1.1 This section is added to read in its entirety to read as follows:

Responsibility of inspections. The owner and any other person or persons having charge or control of the structure shall apply for, arrange and pay all established fees and costs in connection with the inspection. The owner and such person or persons shall be jointly and severally responsible for inspection, fees and costs.

~~106.1.2~~ 107.1.2 *Cost of Inspections.* This section is added to read in its entirety to read as follows:

The Commission of the City of Traverse City by resolution shall establish all fees and costs in connection with inspections. In addition to any other remedy, the City of Traverse City may bring suit against the owner and any other person or persons occupying the structure for payment of all such fees. Such fees may be assessed as a lien on the property.

~~Section 106.1.3~~ 107.1.3 This section is added to read in its entirety to read as follows:

Occupancy with inspection. No person shall occupy or use a structure or allow the occupancy or use of a structure unless that structure has been currently inspected and all inspection fees have been paid in full, and unless a certificate of inspection is prominently displayed on the premises.

~~106.1.4~~ 107.1.4 *Frequency of Inspections.* This section is added to read in its entirety to read as follows:

Inspections shall be arranged for and conducted prior to any person occupying a structure and biennially thereafter. However, such scheduled inspections shall not limit the Fire Code Official’s right of entry in accordance with Section 104.3.

~~Section 108.1~~ This section is changed to add the following sentence:

The composition of the Board of Appeals is contained in Appendix A.

~~Section 108.4~~ *Application for Appeal.* This section is added to read in its entirety to read as follows:

An aggrieved person shall have the right to appeal a decision of the Fire Code Official to the 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 thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better method of fire prevention is proposed. The application shall be filed on a form obtained from the Fire Code Official within twenty (20) days after the notice was served.

~~109.3.3.~~ *110.3.3 Prosecution of Violations.* This section is changed in its entirety to read as follows:

If the notice of violation is not complied with promptly, the Fire Code Official is authorized to request the legal counsel of the City of Traverse City to institute the appropriate legal proceedings at law or in equity to restrain, correct or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant thereto. The Fire Code Official or his designate(s) is hereby authorized to issue and serve appearance tickets with respect to any violation of this chapter pursuant to Section 1 of Act 147 of the Public Acts of 1968, as amended (M.C.L.A. 764.9c(2)). Appearance tickets shall be in such form as determined by the City Attorney and in conformity with statutory requirements.

Section ~~111.4~~ 112.4 This section is changed in its entirety to read as follows:

Failure to comply. Any person or persons 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 liable for a fine of not less than One Hundred Dollars (\$100.00) or not more than Five Hundred Dollars (\$500.00). Each day that a violation of the stop work order continues after due notice has been given shall be deemed a separate offense.

202 General Definitions. The following definitions are added in their entirety to the definitions contained in Section 202.

OUTDOOR FIREPLACE. Permanent or portable outdoor burning devices designed to burn wood, other combustible materials or propane. Outdoor fireplaces are used by residents in their yards for ambience (effect) and to provide a small amount of warmth. Portable outdoor fireplaces are manufactured in various shapes and sizes and are usually constructed of metal, concrete, or clay. Outdoor fireplaces consist of a firebox and chimney stack.

~~**RECREATIONAL FIRE.** An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.~~

SKY LANTERN. An unmanned, untethered device with a combustible fuel source that incorporates an open flame in order to make the device airborne.

307. Recreational Fires. This section is changed in its entirety to read as follows:

307.1 Recreational fires. This section is changed in its entirety to read as follows:

A person shall not kindle or maintain or authorize to be kindled or maintained any recreational fire unless conducted and approved in accordance with this section.

307.1.1. Prohibited Recreational Fires. This section is changed in its entirety to read as follows: Recreational fires that are offensive or objectionable because of smoke or odor emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.

307.2. Permit Required. This section is changed in its entirety to read as follows:

A permit shall be obtained from the Fire Code Official in accordance with Section 105.6 prior to kindling a recreational fire. Application for such approval shall only be presented by and permits issued to the owner of, or with written permission of the land upon which the recreational fire is to be kindled.

307.3 Extinguishment Authority. This section has been changed in its entirety to read as follows:

The Fire Code Official is authorized to order the extinguishment by the permit holder, another person responsible or the fire department of recreational fires that create or add to a hazard or nuisance situation.

307.4 Location. This section is changed in its entirety to read as follows:

Recreational fires shall be conducted at a location as specified within this code, and approved by the Fire Code Official.

307.4.1 Bonfires. This section is removed in its entirety.

307.5 Attendance. This section is changed in its entirety to read as follows:

Recreational fires shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as a water barrel, garden hose, or water truck, shall be available for immediate utilization.

319.1 General, (Mobile Food Preparation Vehicles) This section shall be changed in its entirety to read as follows:

Mobile food preparation vehicles that are equipped with appliances that produce smoke or grease-laden vapors, shall comply with this section, and Appendix P.

~~308.1.6.3 Sky Lanterns~~ This section is changed in its entirety to read as follows:

~~No person shall release or cause to be released an unteathered sky lantern.~~

505.1.1 Strip malls and other multi-tenant occupancies. This section is added to read in its entirety as follows:

Each occupied tenant space provided with a secondary means of egress to the exterior or exit corridor shall be provided with tenant identification by business name and address. Letters and numerals shall be posted on the exterior or corridor side of the door, be plainly legible, and shall contrast with their background.

506.1 Where Required. This section is changed in its entirety to read as follows:

Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the Fire Code Official is authorized to require a key box to be installed in an approved accessible location. Such boxes shall be installed on all structures of the Use Group A-1, A-2, A-3, A-4, A-5, B, E, F-1, F-2, H-1, H-2, H-3, H-4, H-5, I-1, I-2, I-3, I-4, M, R-1, R-2, R-4, S-1, S-2 or any mixture of these uses, or an R-3 where it is part of a structure or area containing any of the listed use groups, or when the R-3 occupancy is equipped with a fire protection system. Approved lock box containers shall be in the location that is designated by the Fire Code Official. The key box shall be of an approved type and shall contain all required materials and information as requested by the Fire Code Official.

506.3 Location. This section is added to read in its entirety as follows:

The key box shall be at or near the recognized public entrance of a building, five (5) feet (1524 mm) above the final grade on the exterior of the building, unless otherwise specified by the Fire Code Official. No steps, displays, signs, or other fixtures, structures or protrusions shall be located around or under the box.

506.4 Contents. This section is added to read in its entirety as follows:

The box shall contain keys for all of the following applicable locations, and shall be labeled so as to be easily identified:

1. Main entrance door
2. Fire Command Center
3. Alarm Rooms
4. Mechanical rooms
5. Sprinkler control rooms
6. Fire alarm panels
7. Electrical rooms
8. Special keys to reset fire alarm pull stations or other fire protection devices
9. Elevator keys
10. All other keys specified by the Fire Code Official

Other items as required by the Fire Code Official shall also be provided (i.e., floor plans, MSDS sheets, emergency contact information)

507.4 Water supply test. This section shall be changed to read in it's entirety as follows:

The fire code official shall be notified prior to the water supply test. Water supply tests shall be witnessed by the fire code official or approved documentation of the test shall be provided to the fire code official prior to final approval of the water supply system. **Should the fire flow data be allowed to be submitted as approved documentation, the testing shall have occurred no longer than six months prior to submittal.**

~~605.H.~~ 604.12 *Ground-Fault Circuit-Interrupters (GFCI)*. This section shall be added to read in its entirety as follows:

All new and existing electrical receptacles installed in the locations specified shall have ground-fault circuit-interrupting protection.

1. Within 6 feet (1828 mm) from an established water supply. (Sinks, tubs, faucets, etc.)
2. Outside.

~~901.6.2~~ 901.6.3 *Records* This section is changed in its entirety to read as follows:

Records of all systems inspections, tests and maintenance required by the referenced standards shall be maintained. Copies of all inspections, tests, and maintenance records shall be forwarded to the Fire Code Official.

~~901.6.2.1~~ 901.6.3.2 *Test and inspection records*. This section is added in its entirety to read as follows:

All inspection and test reports relating to the requirements of this Code shall be electronically transmitted to the fire department, within seven (7) days, through an electronic information data manager designated by the City to facilitate the collection and transmission of such reports. The reports shall be in a format designated by the electronic information data manager. Every service provider that performs inspections and/or tests within the City, and any entity that performs self-inspections or in-house inspections within the City, shall be required to register with the City's electronic information data manager and comply with this subsection. The Fire Code Official shall designate, and the electronic information data manager shall advise each service provider and affected entities or properties of, the inspections and tests for which the requirements of this subsection will apply. By way of example and not limitation, the requirements of this subsection will apply to fire alarm inspections, backflow inspections, fire pump tests, and inspections or testing of sprinkler systems, fire extinguishers, and emergency lighting. The Fire Code Official may only waive the electronic reporting requirements of this subsection for cases of extreme hardship outside the control of the company or entity that performed the inspection and/or test.

903.3.5.3 Water Supplies This section shall be added to read in it's entirety as follows:

For automatic fire sprinkler water supplies, where a waterflow test is used for the purposes of system design, the test shall be conducted no more than 6 months prior to working plan submittal unless otherwise approved by the authority having jurisdiction.

903.3.7.1 Fire Department Connection Caps. This section is added in its entirety to read as follows:

All fire department connections on new and existing buildings shall be required to be equipped with locking caps for the couplings. These caps shall be of a type approved by the Fire Code Official. The only brand currently approved, is the KNOX brand locking cap.

903.4.2 Alarms. This section is changed in its entirety to read as follows:

Approved audible or visual devices shall be connected to every automatic fire sprinkler system. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building in a location approved by the Fire Code Official. The visual device shall be a white strobe light; the audible device shall be a horn device capable of producing a minimum sound pressure level of 115 dBa. Where a fire alarm system is installed, actuation of the automatic fire sprinkler system shall also actuate the building fire alarm system.

~~907.6.3.1.2~~ *907.6.4.1* Zoning indicator panel. This section is added to read in its entirety as follows:

A zoning indicator panel and the associated controls shall be provided at the recognized main entrance of any occupancy unless otherwise approved by the Fire Code Official. The visual zone indication shall lock in until the system is reset and shall not be canceled by the operation of an audible alarm-silencing switch.

3901.1 Scope (Processing and Extraction Facilities) This section shall be changed in its entirety to read as follows:

Plant processing or extraction facilities shall comply with this chapter, Appendix O, and the International Building Code. The extraction process includes the act of extraction of the oils and fats by use of a solvent, desolventizing of the raw material, production of miscella, distillation of the solvent from the miscella, and solvent recovery. The use, storage, transfilling and handling of hazardous materials in these facilities shall comply with this chapter, Appendix O, other applicable provisions of this code and the International Building Code.

~~5404.3~~ 5404.3 Locations (Outdoor Storage). This section is added to read in its entirety as follows:

Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the limits established by the Zoning Ordinances established by the City of Traverse City.

5604.1 General (Storage of Explosive Materials). This section is changed in its entirety to read as follows: Storage of explosives and explosive materials, other than Division 1.4G fireworks, small arms ammunition, small arms primers, propellant-actuated cartridges and smokeless propellants in magazines, shall conform to the provisions of this section. The storage of explosives and explosive materials is prohibited in all areas except the Cherry Capital Airport and within industrial districts established by the City of Traverse City Zoning Ordinance. This prohibition shall not apply to temporary storage of such materials for use in connection with approved blasting operations.

5608.2.2.1 Proximate Audience Displays – Where Allowed. This section is added to read in its entirety as follows: Proximate audience displays may be allowed only in Group A-1 occupancies containing a legitimate stage. Such occupancy shall be equipped throughout with an automatic fire sprinkler system designed and installed in accordance with Section 903.3.1.1 of this code.

5704.2.9.6.1 Locations Where Above-Ground Storage Tanks are Prohibited. This section is changed in its entirety to read as follows: Storage of Class I and II flammable liquids in above-ground tanks outside of buildings is prohibited within the limits established by the City of Traverse City Zoning Ordinance wherein the storage occurs or is proposed.

5706.2.4.4 Locations Where Above-Ground Storage Tanks are Prohibited. This section is changed in its entirety to read as follows: Storage of Class I and II flammable liquids in above-ground tanks outside of buildings is prohibited within the limits established by the Zoning ordinances established by the City of Traverse City wherein the storage occurs or is proposed.

6104.2 Maximum Capacity Within Established Limits (Liquefied Petroleum Gases). This section is changed in its entirety to read as follows: Within the limits established by the City of Traverse City Zoning Ordinance wherein the storage occurs or is proposed restricting the storage

of liquefied petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7570 L).

A101.2 Membership. This section is changed in its entirety to read as follows:

The Board of Appeals for this International Fire Code, 2006 2018 edition, shall be the State authorized Construction Code Board of Appeals of Grand Traverse County created under the State Construction Code or its successor and one additional person appointed by the Board of Commissioners in the same manner as other members of the Construction Code Board of Appeals and who has experience in design, installation and operation of fire suppression systems.

Appendix A, Section 101.3 through 101.5

These sections are deleted.

Appendix D,

D103.5 Road gates. This section is changed in its entirety to read as follows:

Gates securing fire apparatus access roads and other roads shall comply with all the following criteria:

1. The minimum clear access opening for two-way traffic shall be 20 feet (6096 mm).
 - a. The minimum clear access opening for single lane, one way traffic shall be 12 feet (3657 mm).
2. Gates shall be of the swinging or sliding type.
3. Construction of gates shall be materials that allow manual operation by one person.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Gates that are inoperative or out-of-service shall be secured in the open position.
6. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the Fire Code Official.
7. Manual opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of forcible entry tool or when a key box containing the key(s) to the lock is installed at the gate location.
8. Locking device specifications shall be submitted for approval by the Fire Code Official.

D103.6.2 Roads more than 26 feet in width. Fire apparatus access roads more than 26 feet wide (7925 mm) to 32 feet wide (9754 mm) shall be posted on one side of the road as a fire lane unless parking density less than 20% of the available parking has been demonstrated by an appropriate study conducted by the City.

(Ord. 430. Passed 9-18-95. Ord. 518. Passed 11-6-00. Ord. 521. Passed 2-5-01. Ord. 541 Passed 8-6-01. Ord. 558. Passed 2-29-02. Ord. 563. Passed 5-20-02. Ord. 587. Passed 11-04-02. Ord. 600. Passed 4-21-03. Ord. 809. Passed 8-4-08. Ord. 909. Passed 4-4-11. Ord. 948. Passed 7-16-12)

1610.04 - Interference with fire department.

- (a) *False alarms.* No person shall turn in, sound or cause to be communicated to the Fire Department a false alarm of fire.
- (b) *Interference with equipment.* No person shall interfere with, attempt to interfere with, conspire to interfere with, obstruct or restrict the mobility of or block the path of travel of any fire department emergency vehicle in any way, injure, remove or molest any firefighting equipment or apparatus or anything pertaining to the fire fighting alarm system.
- (c) *Driving over fire hose.* No person shall drive any vehicle upon, over or against any equipment or hose of the Fire Department.
- (d) *Obstructing fire hydrants and fire lanes.* No person shall place any building material or other obstruction within 15 feet of any fire hydrant or within a designated fire lane. No person shall obstruct or restrict the access to any fire hydrant or any fire department connection for the pressurization of fire suppression systems, including fire hydrants and fire department connections located on public or private streets or on private property. No person shall obstruct or restrict fire lanes or access lanes on public or private property. No person responsible for such material or obstruction shall permit it to remain in such a position. The City Fire Chief or his or her designee may cause such obstructions to be removed from the fire lane or fire hydrant area and may institute appropriate action to recover costs incurred by the City to remove any such obstruction.
- (e) *Damage to equipment.* No person shall damage or deface, or attempt or conspire to damage or deface, any fire department emergency vehicle, or to injure, or attempt or conspire to injure, fire department personnel while performing departmental duties.
- (f) *Unlawful boarding or tampering with equipment.*

No person without proper authorization from the Fire Code Official shall cling to, attach himself or herself to, or climb upon or into, board or swing upon any fire department emergency vehicle, or sound the siren, horn, bell or other sound-producing device thereon, or to manipulate or tamper with, or attempt 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.

- (g) *Penalty.* In addition to any other penalty set forth in this code, whoever violates or fails to comply with any of the provisions of this Section may be subject to civil infraction sanctions, according to Traverse City Code Section 202.99, as well as any damages resulting from such violation.

(Ord. 446. Passed 3-17-97 Ord. 809. Passed 8-4-08.)

1610.13 - Electrical code.

That any reference to the International Electrical Code appearing in the International Fire Code, 2018 edition, is deleted and such references therein shall be substituted with the State of Michigan Electrical Code.

(Ord. 809. Passed 8-4-08. Ord. 909. Passed 4-4-11.)

The effective date of this Ordinance is the 29th day of August, 2019.

I hereby certify the above ordinance amendment was introduced on August 5, 2019, at a regular meeting of the City Commission and was enacted on August 19, 2019, at a regular meeting of the City Commission by a vote of Yes: 7 No: 0 at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

James Carruthers, Mayor

Benjamin C. Marentette, City Clerk

I hereby certify that a notice of adoption of the above ordinance was published in the Traverse City Record Eagle, a daily newspaper published in Traverse City, Michigan, on August 23, 2019.

Benjamin Marentette, City Clerk