

Chapter 8

FIRE PREVENTION AND PROTECTION*

* **Editors Note:** Ord. No. 1364, §§ 1 and 2, adopted January 6, 1997, amended the Code by repealing former Ch. 8, §§ 8-1--8-4, and 8-24--8-39, and added a new Ch. 8, §§ 8-1--8-4, 8-10 and 8-11. Former Ch. 8, pertained to similar subject matter and derived from Ord. No. 781, adopted August 30, 1971; and Ord. No. 940, adopted October 30, 1978.

Charter References: Council authorized to adopt technical ordinances, by reference, § 6.6.

Cross References: Buildings and building regulations, Ch. 5; housing code, Ch. 12; exitways required in dwelling units, § 12-51; fire prevention at certain amusements, § 15-36; police and fire alarms, Ch. 31.

State Law References: Fire prevention generally, M.S.A., Ch. 26; authority of city to adopt fire prevention codes, § 5.2073(k); sale, display and use of fireworks prohibited, § 28.440(1).

Art. I. International Fire Code, §§ 8-1--8-2, 101.1 -105.8.5

Art. II. Amendments and Penalty, §§ 8-10, 108-1 - 109-3

ARTICLE I INTERNATIONAL FIRE CODE--

Sec. 8-1. Amendments to the International Fire Code adopted.

The International Fire Code and its future amendments were adopted on July 23, 2001 through the Michigan Building Code Section 5-5 of Article II of Chapter 5 of the City of Midland Code of Ordinances. Article I of this chapter sets out the International Fire Code local amendments. The numbering of Article I subsections conforms with the sections of the International Fire Code being amended for local regulation, compliance and enforcement.

(Ord. No. 1364, § 1, 1-6-97; Ord. No. 1719, § 1, 10-24-11)

Section 8-2. Changes in 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 in this section. Subsequent section numbers used in this section shall refer to the like numbered sections of the International Fire Code.

(Ord. No. 1364, § 1, 1-6-97; Ord. No. 1719, § 1, 10-24-11)

Sec. 101.1 Title. Section amended to read as follows:

Sec. 101.1 Title.

These following regulations shall be known as the International Fire Code local amendments along with the International Fire Code, hereinafter referred to as "this code".

(Ord. No. 1719, § 1, 10-24-11)

Sec. 102.6 Referenced codes and standards. Section amended to read as follows:

Sec. 102.6 Referenced codes and standards.

The codes and standards referenced in this code shall be those that are listed in Chapter 45 of the International Fire Code and 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 which establish the higher standard for the

promotion of the safety and welfare of the public, and the protection of the public, or as otherwise determined by State of Michigan law, shall apply.
(Ord. No. 1719, § 1, 10-24-11)

Sec. 103.1 General. Section amended to read as follows:

Sec. 103.1 General.

The fire department shall be responsible for fire control and suppression, fire prevention education, fire safety inspections and fire code enforcement of buildings and occupancies as related to the risk of fire, explosion or hazards related to materials storage and handling within the city of Midland. The Fire Prevention Division is established under the direction of the fire code official and shall be comprised of the Fire Marshal, its designee and/or others it deems necessary. The function of the division shall be the implementation, administration and enforcement of the provisions of this code. The division shall be tasked with reducing community fire risk through proactive measures, including education, fire safety inspections, plan review and code enforcement. The division shall operate under the supervision of the Fire Marshal as directed by the Fire Chief.

(Ord. No. 1719, § 1, 10-24-11)

Sec. 104.2.1 Inspections. After Section 104.2, add Section 104.2.1 as follows:

Sec. 104.2.1 Inspections.

The fire department is authorized to assess fire safety re-inspection fees as established in chapter 21 of the Code of Ordinances.

(Ord. No. 1719, § 1, 10-24-11)

Sec. 104.2.2 Services. After Section 104.2.1, add Section 104.2.2 as follows:

Sec. 104.2.2 Services.

The fire department is authorized to assess fees for services provided as established in chapter 21 of the Code of Ordinances. Services include, but are not limited to emergency responses, standby at downed power lines, standby at events, and training provided.

(Ord. No. 1719, § 1, 10-24-11)

Sec. 105.1.2 Types of permits. Section amended to read as follows:

Sec. 105.1.2 Types of permits.

There shall be three (3) types of permits as follows:

1. Operational Permit. An operational permit allows the applicant to conduct an operation or business for which a permit is required by Section 105.6 for either:
 - A. A prescribed period of time; or
 - B. 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.
3. Occupancy Permit. An occupancy permit allows the applicant to occupy existing premises for the purpose of conducting or operating a business for which a permit is required by Section 105.8 or for any residential use or purpose.

(Ord. No. 1719, § 1, 10-24-11)

Sec. 105.6 Required operational permits. Section amended to read as follows:

Sec. 105.6 Required operational permits.

The fire code official is authorized to issue operational permits for operations set forth in Sections 105.6.1 through 105.6.46.

(Ord. No. 1719, § 1, 10-24-11)

Sec. 105.6.13 Special events. Section amended to read as follows:

Sec. 105.6.13 Special events.

An operational permit is required to operate/conduct all special events, as defined in the Zoning Ordinance, including exhibits, crafts, and trade shows.

(Ord. No. 1719, § 1, 10-24-11)

Sec. 105.6.13.1 Permit fee. After Section 105.6.13, add Section 105.6.13.1 as follows:

Sec. 105.6.13.1 Permit fee.

Permit fees shall be established in chapter 21 of the Code of Ordinances.

(Ord. No. 1719, § 1, 10-24-11)

Sec. 105.6.14.1 Fireworks. After Section 105.6.13.1, add Section 105.6.14.1 as follows:

Sec. 105.6.14.1 Fireworks.

An operational permit is required for the public display and retail display and sale of fireworks. Application for permits shall be made in writing at least fifteen (15) days in advance of the date of the public display, retail display or sale of fireworks. The sale, possession, and distribution of fireworks for such display shall be lawful under the terms and conditions approved with the permit and for only that purpose and must fully comply with local, state and federal regulations. A permit granted hereunder shall not be transferable nor shall any such permit be extended beyond the time set forth therein unless approved by the fire code official.

(Ord. No. 1719, § 1, 10-24-11)

Sec. 105.6.14.2 Permit fee. After Section 105.6.14.1, add Section 105.6.14.2 as follows:

Sec. 105.6.14.2 Permit fee.

Permit fees shall be established in chapter 21 of the Code of Ordinances.

(Ord. No. 1719, § 1, 10-24-11)

Sec. 105.6.20 Hazardous materials. Section amended to read as follows:

Sec. 105.6.20 Hazardous materials.

An operational permit is required to store, transport on site, dispense, use or handle hazardous materials, as defined by the National Fire Protection Association, in excess of the most restrictive amounts listed in this code, the EPA's Emergency Planning and Community Right To Know regulations, and MIOSHA's Firefighter Right To Know regulations.

(Ord. No. 1719, § 1, 10-24-11)

Sec. 105.6.20.1 Required amounts for reporting. After Section 105.6.20, add Section 105.6.20.1 as follows:

Sec. 105.6.20.1 Required amounts for reporting.

Reportable quantities shall be considered the maximum amount of hazardous material on site at any given time. This amount shall be reported to the fire department in accordance with SARA Title III requirements.

(Ord. No. 1719, § 1, 10-24-11)

Sec. 105.6.20.2 Permit fees. After Section 105.6.20.1, add Section 105.6.20.2 as follows:

Sec. 105.6.20.2 Permit fees.

Permit fees shall be established in chapter 21 of the Code of Ordinances.
(Ord. No. 1719, § 1, 10-24-11)

Sec. 105.7.1.1 Installations. After Section 105.7.1, add Section 105.7.1.1 as follows:

Sec. 105.7.1.1 Installations.

Before any fire alarm, detection, control or suppression system is installed, expanded or modified in any way, a permit shall be obtained from the fire code official. This shall include any components connected to or controlled by the aforementioned systems. All work shall be performed by a qualified, properly licensed and/or certified installer, whose credentials shall be made available for examination by the fire code official on demand. Construction documents shall be reviewed and approved by the fire code official prior to issuance of the permit. Upon issuance, the permit shall be posted at the job site, both residential and commercial, in plain view. The fire code official is authorized to require construction documents in hard copy, a suitable electronic format, or both.
(Ord. No. 1719, § 1, 10-24-11)

Sec. 105.7.1.2 Permit fees. After Section 105.7.1.1, add Section 105.7.1.2 as follows:

Sec. 105.7.1.2 Permit fees.

Permit fees shall be established in chapter 21 of the Code of Ordinances.
(Ord. No. 1719, § 1, 10-24-11)

Sec. 105.7.3.1 Installations. After Section 105.7.3, add Section 105.7.3.1 as follows:

Sec. 105.7.3.1 Installations.

Before any fire alarm or detection system is installed, expanded or modified in any way, a permit shall be obtained from the fire code official. This shall include any components connected to or controlled by the aforementioned systems. All work shall be performed by a qualified, properly licensed and/or certified installer, whose credentials shall be made available for examination by the fire code official on demand. Construction documents shall be reviewed and approved by the fire code official prior to issuance of the permit. Upon issuance, the permit shall be posted at the job site, both residential and commercial, in plain view. The fire code official is authorized to require construction documents in hard copy, a suitable electronic format, or both.
(Ord. No. 1719, § 1, 10-24-11)

Sec. 105.7.14 Permit issuance. After Section 105.7.13, add Section 105.7.14 as follows:

Sec. 105.7.14 Permit issuance.

A permit granted hereunder shall not be transferable nor shall any permit be extended beyond the time set forth therein unless approved, in writing, by the fire code official. When work is started without a permit, the permit fee shall be doubled.
(Ord. No. 1719, § 1, 10-24-11)

Sec. 105.8 Required occupancy permit. After Section 105.7.14, add Section 105.8 as follows:

Sec. 105.8 Required occupancy permit.

The fire code official is authorized to issue or approve an occupancy permit for a business or residential use or purpose as set forth in Section 105.8.1 through 105.8.5.

(Ord. No. 1719, § 1, 10-24-11)

Sec. 105.8.1 Use group. After Section 105.8, add Section 105.8.1 as follows:

Sec. 105.8.1 Use group.

An occupancy permit is required for Use Groups A, B, F, H, I, M, R1, R2, R4, S and U.

(Ord. No. 1719, § 1, 10-24-11)

Sec. 105.8.2 Inventory statement. After Section 105.8.1, add Section 105.8.2 as follows:

Sec. 105.8.2 Inventory statement.

An inventory statement for the intended business shall be provided to the fire code official on request, prior to issuance of the occupancy permit. Inventory statements shall list products or commodities to be used, stored or produced on the premises, along with associated documentation as required by the fire code official.

(Ord. No. 1719, § 1, 10-24-11)

Sec. 105.8.2.1 Hazardous materials inventory statement. After Section 105.8.2, add Section 105.8.2.1 as follows:

Sec. 105.8.2.1 Hazardous materials inventory statement.

Where required by the fire code official, each application for a permit shall include a Hazardous Materials Inventory Statement (HMIS) in accordance with Section 2701.5.2.

(Ord. No. 1719, § 1, 10-24-11)

Sec. 105.8.3 Permit application. After Section 105.8.2.1, add Section 105.8.3 as follows:

Sec. 105.8.3 Permit application.

An occupancy permit application shall be filed with the fire code official prior to occupancy. The fire code official shall review the application, inventory statement (where required), and any associated documentation, and conduct any necessary inspections and meetings before an occupancy permit is issued in conjunction with the building department.

(Ord. No. 1719, § 1, 10-24-11)

Sec. 105.8.4 Site and building preparation. After Section 105.8.3, add Section 105.8.4 as follows:

Sec. 105.8.4. Site and building preparation.

As part of the occupancy permit, the intended occupancy shall meet the following requirements:

1. The building and any associated fire protection and life safety features shall comply with the requirements of this code.
2. Fire apparatus access roads and fire lanes shall be designated and posted in compliance with Section 503.
3. An address shall be posted in compliance with Section 505.
4. A building and/or tenant floor plan shall be provided to the fire code official in an approved format on request.
5. A Key Box (Knox Box) shall be installed as required by the fire code official in accordance with Section 506.
6. Fire department connections shall be equipped with Knox Plugs as required by the fire code official.

(Ord. No. 1719, § 1, 10-24-11)

Sec. 105.8.5 Notification of changes. After Section 105.8.4, add Section 105.8.5 as follows:

Sec. 105.8.5 Notification of changes.

Changes in occupancy or use shall be made to, and approved by the fire code official before such changes occur.

(Ord. No. 1719, § 1, 10-24-11)

**ARTICLE II.
INTERNATIONAL FIRE CODE BOARD OF APPEALS**

Sec. 8-10. International Fire Code Board of Appeals.

(Ord. No. 1364, § 2, 1-6-97; Ord. No. 1719, § 1, 10-24-11)

Sec. 108.1 Board of Appeals. Section amended to read as follows:

Sec. 108.1 Board of Appeals.

In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals.

(Ord. No. 1719, § 1, 10-24-11)

Sec. 108.1.1 Creation of; appointment. After Section 108.1, add Section 108.1.1 as follows:

Sec. 108.1.1 Creation of; appointment.

There is hereby established a fire board of appeals, hereinafter referred to as the board, which shall consist of four (4) members appointed by the city council. The fire code official shall serve as an ex-officio member of said board and shall have no vote on any matter before the board. The remaining three (3) members of the board shall consist of members who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions or fire protection systems and are not employees of the city.

(Ord. No. 1719, § 1, 10-24-11)

Sec. 108.1.2 Term of office. After Section 108.1.1, add Section 108.1.2 as follows:

Sec. 108.1.2 Term of office.

The term of office for members of the board shall be for three (3) years from March 1, 2012, or until the successor to any members shall take office, except that for the initial term the terms of the members shall be adjusted so that the term of one (1) member shall expire on June 30, 2012, the term of one (1) member shall expire on June 30, 2013, and the term of one (1) member shall expire on June 30, 2015. The term of the fire code official shall be for the tenure in office.

(Ord. No. 1719, § 1, 10-24-11)

Sec. 108.1.3 Internal management. After Section 108.1.2, add Section 108.1.3 as follows:

Sec. 108.1.3 Internal management.

The board shall elect its own chairman and adopt its own rules of procedures for conducting its business. The fire code official shall serve as permanent secretary for the board. All meetings shall be open to the public and operate under the Open Meetings Act (Act 267 of 1976) and shall follow Roberts Rules of Order as a guideline. The board shall keep a record of its proceedings, showing the action of the board and the vote of each member upon each appeal considered. The board shall render all decisions

and findings in writing to the appellant with a duplicate copy to the fire code official. Three (3) voting members of the board shall constitute a quorum.
(Ord. No. 1719, § 1, 10-24-11)

Sec. 108.1.4 Removing from office; filling vacancies. After Section 108.1.3, add Section 108.1.4 as follows:

Sec. 108.1.4 Removing from office; filling vacancies.

Members of the board may be removed by the city council for inefficiency, neglect of duty, or malfeasance in office. Vacancies occurring otherwise than through the expiration of a term in office shall be filled for the unexpired term by the city council.

(Ord. No. 1719, § 1, 10-24-11)

Sec. 108.1.5 Members to serve without compensation. After Section 108.1.4, add Section 108.1.5 as follows:

Sec. 108.1.5 Members to serve without compensation.

All members of the board shall serve without compensation.

(Ord. No. 1719, § 1, 10-24-11)

Sec. 108.1.6 Liability of board and individual members. After Section 108.1.5, add Section 108.1.6 as follows:

Sec. 108.1.6 Liability of board and individual members.

In no case shall the board or any members thereof be liable for costs in any action or proceeding that may be commenced in pursuance of the provisions of this code.

(Ord. No. 1719, § 1, 10-24-11)

Sec. 108.1.7 Limitations on authority. After Section 108.1.6, add Section 108.1.7 as follows:

Sec. 108.1.7 Limitations on authority.

An application for appeal shall be based on a claim that the intent of this code has been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The board shall have no authority to waive requirements of this code.

(Ord. No. 1719, § 1, 10-24-11)

Sec. 108.1.8 Submitting an appeal. After Section 108.1.7, add Section 108.1.8 as follows:

Sec. 108.1.8 Submitting an appeal.

An application for appeal must be submitted, in writing, within ten (10) business days of the date of issuance of the fire code official's issuance of order, infraction or other notice. Said appeal must include the name and all contact information; copy of the order, infraction or other notice; grounds for appeal; and, remedies sought.

(Ord. No. 1719, § 1, 10-24-11)

Sec. 109.3 Violation penalties. Section amended to read as follows:

Sec. 109.3 Violation penalties.

Persons who shall violate any provision of this code or shall fail to comply with any requirements thereof or who shall erect, install, alter, repair, service, test or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be responsible for a municipal civil infraction. Upon conviction of such

infraction, such person shall be punished as provided in chapter 34 and fined according to chapter 21 of the Code of Ordinances. The imposition of one (1) municipal civil infraction fine for any violation shall not excuse the violation or permit to continue and all such persons shall be required to correct or remedy such violation or defects. Every day of noncompliance shall be deemed a separate violation. (Ord. No. 1719, § 1, 10-24-11)