

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF FARMINGTON

ORDINANCE NO. C-797-2020

AN ORDINANCE TO AMEND THE CITY OF FARMINGTON CITY CODE OF ORDINANCES, CHAPTER 14, "FIRE PREVENTION AND PROTECTION," ARTICLE II, "FIRE PREVENTION CODE," IN ORDER TO ADOPT AND INCORPORATE THE 2015 INTERNATIONAL FIRE CODE.

THE CITY OF FARMINGTON ORDAINS:

PART I. That Chapter 14, "Fire Prevention and Protection," Article II, "Fire Prevention Code," of the City of Farmington Code of Ordinances is hereby amended to read as follows:

ARTICLE II. - FIRE PREVENTION CODE

Sec. 14-26. - Adoption of code.

The International Fire Code, 2015 Edition, including the appendix chapters, as promulgated and published by the International Code Council is hereby adopted by reference as an ordinance and fire code for the City of Farmington, 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 Farmington City Clerk are hereby referred to, adopted and made a part hereof, as if fully set out in this article, with the amendments and insertions, and subject to the limitations, in the remaining Sections of this article.

Sec. 14-27. - Insertions in code.

The following sections of the fire code are amended to insert the information indicated:

Section 101.1. Insert: "City of Farmington."

Section 109.3. Insert: "\$500 and/or 90 days in jail."

Section 111.4. Insert: "\$250 up to \$500."

Sec. 14-28. - Geographic limits.

The geographic limits referred to in the following sections of the fire code shall be as follows:

Section 5806.2 The storage of flammable cryogenic fluids in stationary containers is prohibited except: (1) as disclosed and permitted by an approved site plan on property zoned IND, Industrial District, under the City of Farmington Zoning Ordinance or (2) if determined by the City Fire Marshal to be allowed by the State of Michigan Fire Prevention Code, Public

Act No. 207 of 1941, as amended, or rules promulgated under that Act, and in compliance with all other applicable governmental regulations.

Section 5704.2.9.6.1 The storage of Class I and Class II liquids in aboveground tanks outside of buildings is prohibited except: (1) as disclosed and permitted by an approved site plan on property zoned IND, Industrial District, under the City of Farmington Zoning Ordinance or (2) if determined by the City Fire Marshal to be allowed by the State of Michigan Fire Prevention Code, Public Act No. 207 of 1941, as amended, or rules promulgated under that Act, and in compliance with all other applicable governmental regulations.

Section 5706.2.4.4 The storage of Class I and Class II liquids in aboveground tanks is prohibited except: (1) as disclosed and permitted by an approved site plan on property zoned IND, Industrial District, under the City of Farmington Zoning Ordinance, (2) if determined by the City Fire Marshal to be allowed by the State of Michigan Fire Prevention Code, Public Act No. 207 of 1941, as amended, or rules promulgated under that Act, and in compliance with all other applicable governmental regulations or (3) in connection with a temporary activity necessary to the use or development of property in conformity with all City and other governmental ordinances, laws, permits and approvals.

Section 6104.2 For the protection of heavily populated or congested areas, the capacity limitations in this Section shall apply to all properties except as disclosed and permitted by an approved site plan on property zoned IND, Industrial District, under the City of Farmington Zoning Ordinance.

Sec. 14-29. - Amendments, additions and deletions.

The following sections of the fire code are amended, added or deleted as follows:

Section 103.1 is amended to read:

It shall be the duty and responsibility of the Director of Public Safety or his or her authorized representative to enforce the provisions of the fire code as herein set forth. The designated enforcement officer of this code is hereby referred to as the "fire code official."

Section 104.8 is amended to read:

The Director of Public Safety shall have authority as may be necessary in the interest of public safety, health and general welfare to promulgate rules and regulations, to interpret and implement the provisions of the fire code, to secure the intent thereof and to designate requirements applicable because of climatic or other conditions, and to allow modifications of any of the provisions of the fire code, but no such modifications shall have the effect of waiving any fire safety requirements specifically provided in the fire code, or violating any accepted engineering practice or safety standard as recommended by those organizations which are listed in the appendix of this code.

The owner, lessee, or agent for the property requesting such modification may be required to make application for such modification to the director of public safety in writing and as so directed. The particulars of such modification when permitted shall be entered upon the records of the department of public safety and a signed copy shall be furnished the applicant.

Section 105.6.32 is amended to read:

Open Burning.

- (1) General prohibition on outdoor burning and refuse burning. Open burning, outdoor burning, and refuse burning are prohibited unless specifically permitted herein.
- (2) Materials that may not be burned.
 - (a) Construction and demolition waste.
 - (b) Hazardous substances, including, but not limited to, batteries, household chemicals, pesticides, used oil, gasoline, paints, varnishes, and solvents.
 - (c) Furniture and appliances.
 - (d) Rubber, including tires, and synthetic rubber-like products.
 - (e) Any plastic materials, including, but not limited to, nylon, PVC, ABS, polystyrene, or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 - (f) Newspaper.
 - (g) Corrugated cardboard, container board, office paper.
 - (h) Treated or painted wood, including, but not limited to, plywood, composite wood products, or other wood products that are painted, varnished, or treated with preservatives.
 - (i) Asphalt and products containing asphalt.
 - (j) Rubbish or garbage, including, but not limited to, food wastes, food wraps, packaging animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris, or other household or business waste.
 - (k) Trees, logs (other than as permitted in subsection [c] below), brush, stumps, leaves, and grass clippings.
- (3) Permitted open burning. It shall be unlawful for any person to cause, permit or maintain any open burning of any substance, except as provided herein. The following open fires shall be permitted:
 - (a) Charcoal cookers, braziers, hibachis, grills, or gas-fired stoves and similar semi-enclosed devices for the preparation of food on the premises of a one-family detached dwelling.
 - (b) Charcoal cookers, braziers, hibachis, grills or any gasoline or other flammable liquid and liquefied petroleum gas-fired stoves and similar devices maintained solely for the preparation of food on the ground level of any apartment building, townhouse, condominium, or similar occupancy, and are not less than eight (8) feet from every part of the building, including any portion of any balcony, overhang, or protrusion therefrom. It shall be unlawful to use the above-listed devices on balconies above ground level in any apartment building, townhouse, condominium or similar occupancy.
 - (c) Patio wood-burning units such as chimneas, patio warmers, or other portable wood-burning devices used for outdoor recreation and/or heating, in connection with the use of a one-family detached dwelling, provided that:
 - (i) The unit shall not be used to burn refuse; and

- (ii) The unit shall burn only clean wood; and
 - (iii) The unit shall be freestanding, supported off the ground/patio, and located at least fifteen (15) feet from the nearest building or overhang; and
 - (iv) The unit shall not cause a nuisance to neighbors.
- (d) Fires confined to a fireplace of a completely enclosed building.
 - (e) Controlled fires caused and maintained for the training of authorized firefighters.
 - (f) Fires required for the prevention or control of disease or pests.
 - (g) Campfires and other outdoor fires used by educational, religious, charitable or governmental agencies for recreational purposes or ceremonial occasions provided that no noxious odors or smoke are generated, upon prior approval of the fire department. Approval shall be in the form of a written permit from the ~~fire~~ *public safety* department.
 - (i) Applications for permits under this subsection may be made at the fire prevention office during regular business hours. Applications shall, at a minimum, contain the name and address of the applicant, the location and premises where the burning is to occur, the type of material to be burned, and the time and date contemplated for such burning; and
 - (ii) The city council may by resolution establish a fee for such permit to cover the costs of administration; and
 - (iii) Permits for such fires shall be issued, with or without conditions, or denied at the discretion of the ~~city fire chief~~ *Director of Public Safety* or designee based upon relevant public safety criteria; and
 - (iv) The ~~city fire chief~~ *Director of Public Safety* or designee may cancel or revoke a previously issued permit at any time upon a determination that the requested open burning may endanger persons or property.
 - (h) Open burning of any kind shall be constantly attended by a person of at least eighteen (18) years of age until the fire is extinguished and cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for total control of the fire.

Section 505.1 is amended to read:

505.1 Address identification. New and existing buildings shall have *approved* address numbers, building numbers or *approved* building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). If the business or structure is located more than ninety (90) feet from the centerline of the traveled portion of the adjacent roadway, the identifying numbers shall be not less than six (6) inches in height, but in any case such numbers shall be a size sufficiently large so that they are readable from the centerline of the adjacent roadway by a person of normal vision.

Section 2703.3.1.4 is amended to read:

503.3.1.4 Responsibility for cleanup.

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 law that 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 said laws.

Sec. 14-30. - Limitations.

The adoption of the fire code does not include any provisions that are "inconsistent" with, and as defined in, the State of Michigan Fire Prevention Code, Public Act No. 207 of 1941, as amended, or rules promulgated under that Act and any such provision shall not be enforced.

Part II Severability

Should any section, subsection, paragraph, sentence, clause, or word of this ordinance be held invalid for any reason, such decisions shall not affect the validity of the remaining portions of the ordinance.

Part III Savings

This amendatory ordinance shall not affect violations of the zoning ordinance or any other ordinance existing prior to the effective date of this ordinance and such violation shall be governed and shall continue to be separately punishable to the full extent of the law under the provisions of such ordinance at the time the violation was committed.

Part IV Effective Date: Publication.

This amendatory ordinance shall be effective 10 days after adoption by the City Council and after publication as provided by the Charter of the City of Farmington.

Ayes:
Nays:
Abstentions:
Absent:

STATE OF MICHIGAN)
)ss.
COUNTY OF OAKLAND)

I, the undersigned, the qualified and acting City Clerk of the City of Farmington, Oakland County, Michigan, do certify that the foregoing is a true and complete copy of the Ordinance

adopted by the City Council of the City of Farmington at a meeting held on the 21st day of January, 2020, the original of which is on file in my office.

MARY MULLISON, City Clerk
City of Farmington

Adopted: January 21, 2020
Published: January 29, 2020
Effective: January 31, 2020