



CITY of NOVI CITY COUNCIL

**Agenda Item 2
August 10, 2015**

SUBJECT: Consideration of Ordinance No. 15-99.16, an ordinance to amend the City of Novi Code of Ordinances, Chapter 15, Fire Protection and Prevention, to adopt the International Fire Code, 2012 Edition, by reference with certain amendments. **FIRST READING**

SUBMITTING DEPARTMENT: Fire Department

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

The International Code Council (ICC) has developed the 2012 International Fire Code, a model code establishing minimum standards to protect the public from hazardous conditions associated with fire, explosion, the handling or use of hazardous materials, and the use and occupancy of buildings and premises. The Fire Department currently enforces the 2006 edition of the Fire Code. The 2012 edition is the most current model fire code, and also parallels the 2012 Michigan Building Code (MBC) and the 2012 International Building Code (IBC) enforced by the City.

The Novi Fire Department staff and the City Attorney both have reviewed and recommend adoption of the 2012 IFC with amendments to the existing technical code.

RECOMMENDED ACTION: Approval of Ordinance No. 15-99.16, an ordinance to amend the City of Novi Code of Ordinances, Chapter 15, Fire Protection and Prevention, to adopt the International Fire Code, 2012 Edition, by reference with certain amendments, on First Reading, and to Approve FIRST READING of Ordinance No. 15-199.16, an ordinance to amend the City of Novi Code of Ordinances, Chapter 15, Fire Protection and Prevention, to adopt the International Fire Code, 2012 Edition, by reference with certain amendments.

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Markham				

	1	2	Y	N
Council Member Mutch				
Council Member Poupard				
Council Member Wrobel				



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August 4, 2015

Jeffery R. Johnson
Director of EMS/Fire Operations
Novi Fire Department
42975 Grand River Avenue
Novi, MI 48375

Re: 2012 International Fire Code

Dear Director Johnson:

Pursuant to your request, here is a proposed ordinance that would adopt the 2012 International Fire Code by reference. The ordinance includes the specific amendments that you and Fire Marshal Shelton had requested.

We recommend that the ordinance be submitted to City Council for adoption.

Very truly yours,

JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C.

David W. Gillam

cc: Thomas R. Schultz, City Attorney

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 15-_____

AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES, AT CHAPTER 15, "FIRE PROTECTION AND PREVENTION," ARTICLE II, "FIRE PREVENTION CODE," TO ADOPT THE INTERNATIONAL FIRE CODE, 2012 EDITION, BY REFERENCE WITH CERTAIN AMENDMENTS.

THE CITY OF NOVI ORDAINS:

PART I. Chapter 15, "Fire Protection and Prevention," Article II, "Fire Prevention Code," is hereby amended in its entirety to read as follows:

ARTICLE II. FIRE PREVENTION CODE

Sec. 15-16. International Fire Prevention Code – Adopted as amended; insertions

The International Fire Code, 2012 Edition, including the Appendix Chapters, as promulgated and published by the International Code Council and except as amended herein, is hereby adopted by reference as an Ordinance and Fire Code for the City of Novi, 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 Novi 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.

The following sections of the Fire Code are amended to insert the information indicated:

Section 101.1 Insert "City of Novi"

Section 109.4 Insert "misdemeanor" and "\$500.00 and/or 90 days in jail"

Section 111.4 Insert "\$250" and "500"

Sec. 15-17. Amendments.

The Fire Code adopted by reference in Section 15-16 is hereby amended in the following respects:

Subsection 105.1.1 Permits required, shall be amended to read as follows:

Permits are required for the various uses and activities as provided in this code, except in instances where the use or activity is conducted pursuant to a permit issued by the building department under the state construction code, as enforced by the city. Permits required under this code shall be obtained from the code official. Permits shall at all times be kept on the premises designated therein and shall at all times be subject to inspection by the code official. Inspections of work and materials for which a permit was obtained shall be made as required by the authority having jurisdiction or the duly authorized representative.

Subsection 108.1 Board of appeals established, shall be amended to read as follows:

The City of Novi Construction Code Board of Appeals shall sit as the board of appeals for purposes of this code.

Section 307. Open burning and recreational fires, shall be amended to read as follows:

307.2 *Permit required.* A permit shall be obtained from the fire code official in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

Exception: Bonfires located within thirty feet (30') of a lake, not exceeding 3'x3'x3' in size and meeting all other provisions of this code shall be allowed without a permit.

307.5.1 *Materials.* Fuel for open burning shall consist only of seasoned dry firewood and be ignited with a small quantity of paper. The use of refuse, waste, trash, garbage, tires, stumps, cardboard, lumber, furniture, grass, leaves, brush, evergreens, roof covering, flammable liquids, fabric, cloth, or other material not approved by the code official as fuel is prohibited. Open burning shall not be used for waste disposal purposes.

307.6 *Occupational needs.* Open burning for the warmth of workers or heating for occupational needs shall be confined to an approved noncombustible container or apparatus to prevent the fire from spreading.

Section 503. Fire apparatus access roads, shall be amended to read as follows:

503.2 *Specifications.* Fire apparatus roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.7 and the City of Novi Design and Construction Standards.

503.2.1 *Dimensions.* Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm) and an unobstructed vertical clearance of not less than 14 feet (4115 mm).

503.2.2 *Authority.* The code official shall have the authority to require an increase in the minimum access widths where they are inadequate for fire or rescue operations.

503.2.3 *Surface.* Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities supporting thirty-five (35) tons.

503.2.4 *Turning radius.* The minimum required outside turning radius of a fire apparatus access road shall be fifty feet (50').

503.2.5 *Dead ends.* Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus.

503.2.6 *Bridges and elevated surfaces.* Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO Standard Specification for Highway Bridges. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the code official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs or both shall be installed and maintained when required by the code official.

503.2.7 *Grade.* The grade of a fire apparatus access road shall be a maximum of eight percent (8%).

503.2.8 *Temporary roadways.* Where approved by the code official, temporary fire department access roadways of such a surface, width, turning radii and vertical clearance which will permit access by fire apparatus shall be allowed until permanent roads are constructed.

Section 912. Fire department connections shall be amended to include the following subsections:

912.2.3 *Proximity to hydrant.* In any building or structure required to be equipped with a fire department connection, the connection shall be located within one hundred feet (100') of a fire hydrant.

912.7 *Alarm devices.* Both an audible and visual means of indicating an automatic sprinkler system activation shall be mounted above or in close proximity to the fire department connection.

Section 5003. General requirements shall be amended to include the following subsection:

5003.3.1.4 *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.

Section 5504. Storage shall be amended to include the following subsection:

5504.3.1.1.3 *Location.* 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 I-2, Heavy Industrial, under the City of Novi 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. Storage shall be amended to include the following subsection:

5704.2.9.6.1 *Locations where above-ground tanks are prohibited.* 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 on property zoned I-2, Heavy Industrial, under the City of Novi 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. Special operations shall be amended to include the following subsection:

5706.2.4.3 *Location.* The storage of Class I and Class II liquids in above-ground tanks is prohibited except: (1) as disclosed and permitted by an approved site plan on property zoned I-2, Heavy Industrial, under the City of Novi 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. Location of LP-gas containers shall be amended to include the following subsection:

6104.2 *Maximum capacity within established limits.* 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 I-2, Heavy Industrial, under the City of Novi Zoning Ordinance.

Section 15-18. Fire Chief, Fire Marshal, Authority to issue and serve appearance tickets.

The city fire chief, city fire marshal, and such other person designated by the fire chief, shall have the authority to issue to and serve upon persons in violation of the provisions of this chapter appearance tickets in the manner provided in sections 9a to 9g of Chapter 4 of Act 175 of the Public Acts of 1927, as amended, MCL 764.9a—764.9g; MSA 28.868(1)—28.868(7).

Section 15-19. Authority at fire and other emergencies.

The code official or duly authorized representative, as may be in charge at the scene of a fire or other emergency involving the protection of life and property, is empowered to direct such

operations as may be necessary to extinguish or control any suspected or reported fires, gas leaks or other hazardous conditions or situations or of taking any other action necessary in the reasonable performance of their duty. The code official may prohibit any person, vehicle or object from approaching the scene and may remove or cause to be removed from the scene any person, vehicle or object which may impede or interfere with the operations of the fire department. The code official may remove or cause to be removed any person, vehicle or object from hazardous areas. All persons ordered to leave a hazardous area shall do so immediately and shall not re-enter the area until authorized to do so by the code official.

Section 15-20. Open buildings due to fire.

The code official or his duly authorized representative is empowered to order the securing of fire damaged buildings. If the owner of the affected building is present, this order shall be given to him/her. If no owner or representative of the building is present, the code official or his duly authorized representative may have the building secured. The expense of this securing shall be a debt to the city from the responsible owner and shall be collected in accordance with the provisions of chapter 2, article VIII of the city code.

Section 15-21. Interference with fire department operations.

(a) It shall be unlawful to 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, or to interfere with, attempt to interfere with, conspire to interfere with, obstruct or hamper any fire department operation.

(b) A person shall not willfully fail or refuse to comply with any lawful order or direction of the code official or to interfere with the compliance attempts of another individual.

(c) A vehicle shall not be driven or propelled over any unprotected fire hose of the fire department when laid down on any street, alleyway, private drive or any other vehicular roadway without the consent of the code official in command of said operation.

(d) A person shall not without proper authorization from the code official in charge of said fire department emergency equipment, cling to, attach himself to, climb upon or into, board or swing upon any fire department emergency vehicle, whether the same is in motion or at rest, 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.

(e) It shall be unlawful to obscure from view, damage, deface, 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 and access lanes or on private property. If upon the expiration of the time mentioned in a notice of violation, obstructions or encroachments are not removed, the code official shall proceed to remove the same. The necessary work shall be completed by the city, and the cost of the work shall be debt to the city from the responsible party and shall be collected in accordance with the provisions of chapter 2, article VIII of the city Code.

(f) A person shall not obstruct, remove, tamper with or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provisions of the fire prevention code except for the purpose of extinguishing a fire, training or testing purposes, recharging or making necessary repairs or when permitted by the code official. Whenever a fire appliance is removed as herein permitted, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished. Defective and non-approved fire appliances or equipment shall be replaced or repaired as directed by the code official.

(g) A person or persons shall not erect, construct, place or maintain any bumps, fences, gates, chains, bars, pipes, wood or metal horses or any other type of construction in or on any street, within the boundaries of the municipality. The word "street" as used in this article, shall mean any roadway accessible to the public for vehicular traffic, including, but not limited to, private streets or access lanes, as well as all public streets and highways within the boundaries of the municipality.

Section 15-22. Activation of fire protective signaling systems.

A person shall not activate or cause to be activated any fire protective signaling system in any building or premise within the city, unless a valid fire emergency exists. A fire protective signaling system is any system which upon activation warns the occupants of the building or premise that a fire emergency exists or causes the fire department to be summoned. Costs incurred by the city in responding to a knowingly made false alarm shall be a debt to the city from the responsible party and shall be collected in accordance with the provisions of chapter 2, article VIII of the city code.

Section 15-23. Sprinkler system control valves.

A sprinkler system sectional control valve shall be provided for each tenant space in covered malls. Existing covered malls shall install a sectional control valve for each tenant space that undergoes a tenant alteration. The sectional control valve shall be electronically supervised and shall be visible from the floor level.

Section 15-24. Conflict with other regulations.

The provisions of this article shall not be construed to prevent the enforcement of other ordinances or regulations which prescribe standards other than those provided in this article. If any of the provisions of this article are found to be in conflict with the fire prevention code of the city, the latter code shall be deemed applicable.

Sections 15-25 to 15-30. Reserved.

PART II. Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III. Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued,

or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART IV. Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

PART V. Effective Date. The provisions of this Ordinance are ordered to take effect following publication in the manner prescribed by the Charter of the City of Novi.

PART VI. Adoption. This ordinance is hereby declared to have been adopted by the Novi City Council in a meeting thereof duly held and called on the ____ day of _____, 2015, in order to be given publication in the manner prescribed by the Charter of the City of Novi.

Moved by _____ and supported by _____.

Robert J. Gatt, Mayor

Maryanne Cornelius, City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the ____ day of _____, 2015.

Maryanne Cornelius, City Clerk

MEMORANDUM



TO: DAVID E. MOLLOY, DIRECTOR OF PUBLIC SAFETY
FROM: JEFFERY R. JOHNSON, DIRECTOR OF EMS/FIRE OPERATIONS *gaj*
SUBJECT: 2012 INTERNATIONAL FIRE CODE ADOPTION
DATE: JULY 28, 2015

At the August 10, 2015 city council meeting, the Novi Fire Department will be seeking approval for the Novi City Council to legally adopt the 2012 edition of the International Fire Code (IFC). The Novi Fire Department is currently using the 2006 IFC. A 2009 IFC code was developed; however, at the time it was decided to pass over this code cycle. The new 2012 IFC includes changes from both the 2006 and 2009 development cycles. The IFC has made significant changes to address concerns from the previous code cycles and to re-organize the entire code book. A summary of the changes and the highlighted points are referenced in the background information provided in this communication. As a final note, this requested adoption will allow the Novi Community Development Department's already adopted 2012 Michigan Building Code (MBC) & International Building Code (IBC) to parallel the 2012 IFC. The Novi City Attorney has reviewed the proposed IFC changes and recommends approval.

Changes and Highlights:

Below is a summary report of the findings and analysis for portions of the 2012 IFC changes from the previous 2006 and 2009 additions. Included are the significant changes to the 2012 IFC with an explanation of the impact to the Novi Fire Department and our Fire Prevention Ordinances.

- Section 304 contained a new modification for requirements of waste collection containers (e.g. hotel linen carts) being made of material with a limited heat-release rate. However, the new 2012 IFC addition (section 318) further modified this section again and granted an exception for buildings with sprinkler protection.
- Section 307 has several new code requirements for the use of outdoor fireplaces and recreational open burning. A small exception is granted for single family residential properties. Changes also include the location in proximity to public exiting (e.g. restaurant patio dining areas) and any combustible surface from 50 feet to 15 feet.
- Section 315 was modified to include all outside storage areas of combustibles (e.g. balconies, attached eaves, and canopies) to have sprinkler protection for all types of occupancies.
- Section 403 is a new section requiring "trained crowd managers" in large assemblies with occupancy loads greater than 1,000 people. (e.g. Suburban Collection Showplace). They are required at a ratio of 1 to 250 persons. This requirement can be lowered by the fire code official if the property is protected by

an automatic sprinkler system and based on the nature of the event. The fire code official has final option as the Authority Having Jurisdiction.

- Section 503 has several changes and new requirements to Fire Access Roads. New portions (503.4.1) addresses "traffic calming devices" (e.g. speed bumps or round-about) are prohibited unless approved by the fire code official. Also 503.5, includes a modification for Access Security Gates/Barricades to be listed and comply with American Society of Testing and Material Standard F2200-05 and Underwriters Laboratory 325-02, and be constructed at 20 feet wide. This will require Novi to update the ordinance from 18 feet to the new requirement of 20 feet.
- Section 510 is a new section that addresses Emergency Responder Radio Coverage. All new and existing buildings shall have approved radio coverage for first responders within the building based on existing system of the jurisdiction. The 2009 IFC addressed existing buildings and the minimum signal strength. These new sections include all public safety communications, Fire, EMS, and Law Enforcement.
- Section 605 included a new section addressing Solar Power Array Systems for buildings & residential home roofs. All systems must be listed to standard and installed per the (IBC)/National Electrical Code. These new systems pose a challenge to firefighters when roof ventilation is needed. These systems now require emergency power disconnect switches, at "ground level" and full fire and electrical plan review with permit.
- Section 609 was updated in 2009 which changed the commercial hood cleaning frequencies. The 2006 requirement was only every 6 months. The new 2009/2012 IFC includes 4 separate categories of cooking operations, high-volume (3 months), and low volume (12 months), solid cooking (1 month), and other (6 months). Most of Novi's popular restaurants will now have to have their kitchen hoods cleaned every 3 months, as they will fall into the "high-volume" category.
- Section 908 of the 2012 IFC includes new provisions for having Carbon Monoxide alarms in Group Residential & Industrial Occupancies. This includes all new and existing buildings with fuel burning appliances or attached garages.
- Section 6109 adds a new section for LP-Gas cylinder exchange stations (i.e. Home Depot), or resale locations (e.g. gas stations). New requirements include standard design, operation, and maintenance. Also included is the new "automatic fill stations" and several new requirements when used by the general public.

Fire Inspector Training

Fire Marshal Joe Shelton and Fire Protection Officer Andy Copeland have created an internal training program consisting of a Plan Review Packet and a new PowerPoint program that will guide our personnel on the significant changes to the new 2012 IFC. This program will be presented in the near future as a classroom lecture and several on-going continuing education classes as needed. The program was reviewed by Community Development Director Charles Boulard and Building Official Thomas Walsh with no objections to the proposed changes.

Other Reference Standards:

Additionally, The National Fire Protection Association (NFPA) has changed and updated and/or adopted several reference standards that we would use in the absence of design language in the new 2012 IFC code. NFPA has updated the following standards that will

be use when referenced during plan reviews and construction standards in conjunction with the 2012 MBC.

NFPA 1 - Fire Code 2009 addition will change to NFPA 1 2012.

NFPA 101 - Life Safety Code 2009 to 2012.

NFPA 13 - Fire Sprinkler Systems 2007 to 2010.

NFPA 72 - Fire Alarm Systems 2007 to 2010.

NFPA 24 - Private Water Service Mains 2010 – no change.

NFPA 25 - Water Based Protection Systems 2008 to 2011.

NFPA 220 - Building Construction 2009 to 2012.

Recommendation:

A final proposal for consideration is to insert language into our City Ordinance and the Fire Prevention Ordinance to automatically adopt the most current addition of the IFC. The same reference in the current addition of the MBC & IBC would be used. The provision allows City Council to review and approve any updates. This would occur when a submission by the Community Development Department is seeking to update to the latest edition of the MBC& IBC code.

Should you have any questions, please let me know.

C. Pete Auger
Victor Cardenas
Tom Schultz
David Gillam