

CITY OF LINCOLN PARK, MICHIGAN
CERTIFIED COPY OF RESOLUTION #2016-12A

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE CITY OF LINCOLN PARK,
WAYNE COUNTY, MICHIGAN, HELD IN THE JOHN A. ALOISI COUNCIL CHAMBERS, OF
THE MUNICIPAL BUILDING.

UNDER THE DATE OF: February 1, 2016

MOVED BY: Council President Murphy

SUPPORTED BY: Councilman Kelsey

RESOLVED, that "AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF LINCOLN PARK BY REPEALING CHAPTER 1610 " 2003 INTERNATIONAL FIRE CODE" AND REPLACING IT WITH A NEW CHAPTER 1610 ENTITLED "2015 INTERNATIONAL FIRE CODE AND 2015 NATIONAL FIRE PROTECTION ASSOCIATION 101 LIFE SAFETY CODE", be given its third and final reading, by TITLE ONLY. EFFECTIVE upon approval of the LP Receivership Transition Advisory Board and publication in the city official newspaper.

THE CITY OF LINCOLN PARK ORDAINS:

That the Municipal Code be amended by repealing and replacing Title Sixteen, Fire Prevention Code Chapter 1610 subject to the modifications contained in the following Chapter.

2015 International Fire Code and 2015 National Fire Protection Association 101 Life Safety Code.

Effective upon approval of the RTAB and publication.

1610.01 2015 EDITION ADOPTED; FILE COPIES.

Pursuant to Section 8 of the State Construction Code Act, Act 230 of the Public Acts of 1972, as amended, the 2015 International Fire Code and the 2015 National Fire Protection Association (NFPA) 101 Life Safety Code are hereby adopted by reference, subject to the modifications contained in this chapter. Such Codes are available for inspection in the offices of the Fire Department and the City Clerk.

1610.02 DEFINITIONS.

As used in the 2015 International Fire Code and the 2015 National Fire Protection Association 101 Life Safety Code, as adopted in Section 1610.01:

- (a) "Municipality" or "Jurisdiction" means the City of Lincoln Park.
- (b) "Corporation counsel" means the City Attorney.

1610.03 AMENDMENTS.

(a) Articles, sections and subsections of the 2015 International Fire Code and the 2015 National Fire Protection Association 101 Life Safety Code, as adopted in Section 1610.01, are amended or deleted as set forth in this section and additional articles, sections and subsections are added as indicated. The article and section numbers refer to like numbers and articles of the 2015 International Fire Code and the 2015 National Fire Protection Association 101 Life Safety Code.

(b) The 2015 International Fire Code is hereby amended as follows:

109.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any requirements thereof or who shall erect, install, alter, repair 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 upon being found responsible of the first offense, shall be guilty of a civil infraction, punishable by a fine of not more than Five Hundred (\$500.00) Dollars. Upon second or subsequent violation of this Ordinance , said person shall be guilty of a misdemeanor, punishable by a fine of not more than Five Hundred (\$500.00) Dollars, by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(c) The 2015 National Fire Protection Association 101 Life Safety Code is hereby amended by adding the following:

Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any requirements thereof or who shall erect, install, alter, repair 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 upon being found responsible of the first offense, shall be guilty of a civil infraction, punishable by a fine of not more than Five Hundred (\$500.00) Dollars. Upon second or subsequent violation of this Ordinance , said person shall be guilty of a misdemeanor, punishable by a fine of not more than Five Hundred (\$500.00) Dollars, by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

continued

1610.04 APPEALS.

An appeal from any order or ruling of the fire official under the 2015 International Fire Code and 2015 National Fire Protection Association 101 Life Safety Code, as adopted in Section 1610.01, shall be to the Hearing Board on Dangerous Buildings and Code Appeals.

1610.05 BUREAU OF FIRE PREVENTION.

(a) Establishment. There is hereby established in and for the City a Bureau of Fire Prevention within the Fire Department. The Bureau shall enforce this Fire Prevention Code and shall be operated under the supervision of the Fire Chief.

(b) Annual Reports; Amendments. A report of the Bureau shall be made annually and transmitted to the Mayor. Such report shall contain all proceedings under this Code, with such statistics as the Fire Chief may wish to include therein. The Fire Chief shall also recommend any amendments to this Code which, in his or her judgement, are desirable.

1610. VIOLATIONS

No person shall:

- (a) Violate or fail to comply with any of the provisions of this Fire Prevention Code;
- (b) Violate or fail to comply with any order made hereunder;
- (c) Build in violation of any detailed statement of specifications or plans submitted and approved hereunder, or any certificate or permit issued hereunder, and from which no appeal has been taken; or
- (d) Fail to comply with an order as affirmed or modified by the Public Safety Commission or by a court of competent jurisdiction, within the time fixed herein.

1610.07 CONFLICT OF LAWS.

(a) In the event of a conflict between any of the provisions of the 2015 International Fire Code and the 2015 National Fire Protection Association 101 Life Safety Code, as adopted in Section 1610.01, and a provision of any local ordinance, resolution, rule or regulation, the local ordinance, resolution, rule or regulation shall control.

(b) In the event of a conflict between any of the provisions of such Code and a provision of any State law, rule or regulation, the State law, rule or regulation shall control.

(c) In the event of a conflict between any of the provisions of such Code and a provision of any other technical code adopted by reference by the City, the stricter or higher standard shall control.

1610.99 PENALTY.

(a) The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all persons shall be required to correct or remedy such a violation or defect within a reasonable time. When not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the penalty provided in Section 1610.03 (b) or (c) shall not be held to prevent the enforced removal of prohibited conditions.

Motion unanimously carried.

ADOPTED: February 1, 2016
PUBLISHED: February 24, 2016
EFFECTIVE: February 24, 2016

I, **DONNA BREEDING**, duly authorized City Clerk of Lincoln Park; do hereby certify that the foregoing is a true and complete copy of the resolution adopted by the Mayor and Council on February 1, 2016, said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meeting Act, being Act 267, Public Acts of Michigan, 1976.

Donna Breeding
Donna Breeding, CMC
City Clerk