

11/13/2019

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO ADD SECTIONS 58-59 AND 58-60, TO CHAPTER 58, FIRE PREVENTION AND PROTECTION, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO REQUIRE PERIODIC FIRE SAFETY INSPECTIONS, REPEAL CONFLICTING ORDINANCES, AND PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Sections 58-59 and 58-60 of Chapter 58 of the Code of Ordinances of the City of Rochester Hills shall be added as follows:

**Sec. 58-59. – Periodic fire safety inspections.**

- (a) Buildings shall be classified according to the occupancy classifications as defined in the International Fire Code (IFC). Periodic fire safety inspections by the Fire Marshal, or his/her designee, may be conducted in buildings annually, every 2 years, or every 3 years, depending on the building's occupancy risk classification as provided below. Except as otherwise provided, the occupancy risk classifications specified below include all groups within the IFC occupancy classification. Where multiple use groups apply to a building, the applicable period for inspection for the entire building will be the period applicable to the risk classification that comprises the greatest percentage of the total square footage of the building.

(1) *High Risk Occupancy Classifications Requiring Annual Inspections:*

- a. Assembly Group A
- b. High Hazard Group H
- c. Factory Industrial Group F (Occupancies exceeding the threshold quantities of Hazardous Material related to Michigan Firefighter Right-to-Know)
- d. Residential Group R (Group R-1 and Group R-2, only, as specified below)
- e. Residential Group R-1: Hotels, Motels, and Transient Boarding Houses, only
- f. Residential Group R-2: Senior Living Complexes, Apartment Buildings and Multi-family Residential Buildings with more than two family units. (Common areas only)
- g. Other High Risk Occupancies, Not defined in the IFC (Critical Infrastructure, City Buildings, Public Safety Buildings)

- (2) *Medium Risk Occupancy Classifications Requiring Inspections Every 2 Years:*
  - a. Factory Group F (Occupancies not exceeding Firefighter Right-to-Know Hazardous Material thresholds)
  - b. Mercantile Group M (Occupancies using or offering for sale Hazardous Hazardous Materials)
  - c. Storage Group S (Occupancies with Hazardous Materials)
- (3) *Low Risk Occupancy Classifications Requiring Inspections Every 3 Years:*
  - a. Business Group B
  - b. Mercantile Group M (Occupancies without Hazardous Materials)
  - c. Storage Group S (Occupancies without Hazardous Materials)
  - d. Miscellaneous Group U.

Use Group E and Group I occupancies are regulated and inspected by the State of Michigan Bureau of Fire Services and are not subject to periodic fire inspections by the City of Rochester Hills Fire Prevention Bureau. Single-family dwellings and the dwelling units in two-family and multiple-family dwellings also are not subject to periodic fire inspections.

- (b) The Fire Marshal, or his/her designee, shall have the authority to enter a building at any reasonable time to conduct an inspection required under this section and as provided in Sections 104 and 106 of the IFC.
  - (1) If the building is occupied, permission to enter will first be requested.
  - (2) If the building is unoccupied, a reasonable effort will be made to locate the owner or other person having charge or control of the building to request permission to enter.
  - (3) If entry is refused or permission cannot otherwise be reasonably obtained, the Fire Marshal may employ any legal means to obtain authorization to enter, including, but not limited to obtaining a search warrant from a court of competent jurisdiction.

**58-60. – Fees for permits and re-inspection.**

The fee for inspections shall be as established in the City Code Chapter 54.

Section 2. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason

by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Section 3. Penalty. Except as otherwise provided therein, all violations of this ordinance shall be municipal civil infractions and upon a determination of responsibility therefore shall be punishable by a civil fine of \$500.

Section 4. Repeal, Effective Date, Adoption.

(1) Repeal. All regulatory provisions contained in other City ordinances, which are inconsistent with the provisions of this ordinance, are hereby repealed.

(2) Effective Date. This ordinance shall become effective on \_\_\_\_\_, following its publication in the *Oakland Press* on \_\_\_\_\_, 2019.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on \_\_\_\_\_, 2019.

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Bryan K. Barnett, Mayor  
City of Rochester Hills

CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ADOPTED BY THE CITY COUNCIL OF THE CITY OF ROCHESTER HILLS AT A MEETING THEREOF ON \_\_\_\_\_, 2019.

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Tina Barton, Clerk  
City of Rochester Hills