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May 25, 2006

Mr. Todd Gary
Fire Department
City of Rochester Hills
1111 Horizon Court
Rochester Hills, Michigan 48309-1319

Re: ***International Fire Code***

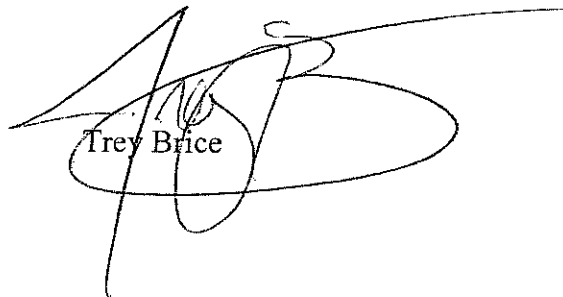
Dear Todd:

Per your email, I have revised the proposed ordinance to adopt by reference the 2006 International Fire Code. The revisions include cleaning up some of the section notations and changing the language of section 307.6.8 to allow for discretion as to whether the City will seek restitution for violations of the burn ordinance.

We previously forwarded a proposed ordinance amendment to add new Section 54-38A to the fee ordinance to prescribe a \$150 fee for a permit to sell fireworks.

Please review the proposed ordinance and contact me with any questions or changes. Otherwise, if satisfactory, the proposed ordinances may be processed in the usual manner for introduction to the Mayor and City Council.

Very truly yours,


Trey Brice

TB/ab
Enclosure

cc: Mayor Bryan K. Barnett (w/o enc)

05/25/2006

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ARTICLES II THROUGH IV OF CHAPTER 58, FIRE PREVENTION AND PROTECTION, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO ADOPT THE INTERNATIONAL FIRE CODE AND AMENDMENTS THERETO, REPEAL CONFLICTING ORDINANCES, AND PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Articles II through IV of Chapter 58 of the Code of Ordinances of the City of Rochester Hills shall be amended, as follows:

ARTICLE II. BUREAU OF FIRE PREVENTION

Sec. 58-26. Established; enforcement authority.

The fire prevention code adopted in article III of this chapter shall be enforced by the bureau of fire prevention in the fire department of the city. The bureau of fire prevention is hereby established, and the bureau shall be operated under the supervision of the chief of the fire department.

Sec. 58-27. Fire marshal's duties.

The fire marshal shall be in charge of the bureau of fire prevention.

Sec. 58-28. Inspectors.

The chief of the fire department is permitted to detail such members of the fire department as inspectors as shall be necessary. The chief of the fire department shall recommend to the mayor the employment of technical inspectors through an examination to determine their fitness for the position. ~~The examination shall be open to members and nonmembers of the fire department, and appointments made after examination shall be for an indefinite term with removal only for cause.~~

Sec. 58-29. Annual report.

~~A report of the bureau of fire prevention shall be made annually and transmitted to the mayor. The report shall contain all proceedings under the fire code, with such statistics as the chief of the fire department decides to include therein. The chief of the fire department shall also recommend any amendments to the fire code which, in his judgment, shall be desirable.~~

ARTICLE III. FIRE PREVENTION CODE

Sec. 58-56. Effect of state regulations.

Whenever state law or regulations provide a higher standard or requirement than is provided in the fire prevention code adopted in section 58-57, the higher requirement or standard of the state law shall be followed in lieu of the requirement or standard of the fire prevention code. Such state standards or requirements shall be construed as part of this chapter as if fully set forth in this article and shall be enforceable as a part of this chapter.

Sec. 58-57. Adopted; enforcement.

(a) *Adopted.* There is adopted by the city, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the 2006 International Fire Code ~~1994 edition of the Uniform Fire Code~~, including appendices B, C, and D, promulgated by the ~~Fire Code Institute, Austin, Texas, International Code Council, Inc.~~, except such portions as are deleted, modified or amended in section 58-58. Not less than three copies of such code shall be maintained on file in the office of the city clerk, and the code is hereby adopted and incorporated in this article as if set out at length in this section. The provisions of the code, with any modifications in this article, shall be controlling within the city limits.

(b) ~~*Enforcement Authority of enforcement.*~~ Enforcement of this article may be by the fire chief, the fire marshal, fire inspectors, and the county deputy sheriffs.

(c) *Municipal civil infraction.* A person who violates any section of this article is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 66-37. Repeat offenses under this article shall be subject to increased fines as set forth in section 66-37.

Sec. 58-58. Amendments.

(a) *Sections deleted.* The following sections of the fire code adopted in section 58-57 shall be deleted: ~~105.8, 901.2.1, 1001.4, 1003.1.3, 1003.2.1, 1003.2.2, 1003.2.3, 1003.2.3.1, 1003.2.3.2, 1003.2.3.3, 1003.2.3.4, 1003.2.3.5, 1003.2.3.6, 1003.2.3.7, 1003.2.4, 1003.2.4.1, 1003.2.4.2, 1003.2.4.3, 1003.2.5, 1003.2.5.1, 1003.2.5.2, 1003.2.5.3, 1003.2.6, 1003.2.7, 1003.2.8, 1003.3, 1003.3.1, 1003.3.2, 1003.4, 1004.1.2, 1004.2, 1004.3, 1004.4, 1004.5, 1005, 1006.2.3.2, 1007.1.2, 1007.2, 1007.2.1, 1007.2.1.1, 1007.2.1.2, 1007.2.2, 1007.2.2.1, 1007.2.2.2, 1007.2.2.3, 1007.2.3, 1007.2.4, 1007.2.4.1, 1007.2.4.2, 1007.2.4.2.1, 1007.2.4.2.2, 1007.2.4.3, 1007.2.5, 1007.2.6, 1007.2.6.1, 1007.2.6.2, 1007.2.6.3, 1007.2.6.4, 1007.2.7, 1007.2.7.1, 1007.2.7.1.1, 1007.2.7.1.2, 1007.2.7.2, 1007.2.7.2.1, 1007.2.7.2.2, 1007.2.7.2.3, 1007.2.7.2.4, 1007.2.7.2.5, 1007.2.7.2.6, 1007.2.8, 1007.2.9, 1007.2.9.1, 1007.2.9.1.1, 1007.2.9.1.2, 1007.2.9.1.3, 1007.2.9.1.4, 1007.2.9.1.5, 1007.2.9.2, 1007.2.10, 1007.2.11, 1007.2.12, 1007.2.12.1, 1007.2.12.1.1, 1007.2.12.1.2, 1007.2.12.1.3, 1007.2.12.1.4, 1007.2.12.2, 1007.2.12.2.1, 1007.2.12.2.2, 1007.2.12.2.3, 1007.2.12.2.4, 1007.2.12.3, 1007.2.12.4, 1007.2.12.5, 1007.2.12.6, 1007.2.12.7, 1007.2.12.8, 1007.3, 1007.3.1, 1007.3.2, 1007.3.3,~~

~~1007.3.3.1, 1007.3.3.3, 1007.3.3.3.1, 1007.3.3.3.2, 1007.3.3.3.3, 1007.3.3.3.4, 1007.3.3.5, 1007.3.3.6.1, 1007.3.3.7, 1007.3.4.1, 1007.3.4.2, 1103.2.2, 1212.6, 2401.2, 2501.3, 2501.9.3, 2501.9.5, 2501.9.6, 2501.9.6.1, 2501.9.6.2, 2501.9.7, 2502.4.6, 2502.4.7, 2502.4.8, 2502.4.9, 2602, 2703, 2803, 2902, 3002, 3203, 3211.4, 3302, 3403, 3601.3, 3603.4, 3603.4.5.1, 3603.4.5.2, 3603.4.5.3, 3603.4.5.4, 3603.6, 4501.3, 4602, 4702, 4802, 4901.3, 5003, 5005.2, 5005.5.1, 5013.1, 5101.3, 5102.3, 5104.3.2.3, 5104.3.2.4, 5104.3.3, 5104.4, 5105.2.1, 5106.2.7, 5106.2.8, 5107.1.3, 5107.1.5, 5107.1.6, 5108.2.1, 5108.2.2, 5201.3.1, 6202, 6304, 7401.3, 7501.3, 7601.3, 7901.3.1, 7901.3.2, 7902.1.7.2, 7902.1.10.9, 7902.1.12.2, 7902.5.11.5.1, 7902.5.12.5.1, 7902.5.12.5.2, 7902.6, 7902.5 F, 7902.5 G, 7902.5 H, 7902.5 I, 7902.5 J, 7903.2.3.2.3, 7903.2.3.3, 8001.3.1, 8001.4.5.1, 8001.8.2.1, 8001.12.3.9, 8003.1.11, 8003.1.12, 8003.1.13, 8003.1.18, 8003.1.19, 8003.1.21, 8003.3.1.2, 8003.6.1.2, 8003.6.1.3, 8003.6.1.5, 8003.7.1.2, 8003.7.1.3, 8003.7.1.5, 8003.8.1.4.2, 8003.9.1.2, 8003.9.1.4, 8003.10.1.2, 8003.10.1.5, 8003.12.2.3, 8003.13.2.3, 8004.1.8, 8004.1.12, 8004.2.2.3, 8004.2.2.4, 8004.2.3.4, 8004.2.3.5, 8004.3.3, 8004.4.3, 8101.3.1, 8102.3, 8102.4, 8102.5.2, 8102.6, 8102.7, 8102.8, 8103.3.2.1, 8103.2.2, 8104.2.1, 8104.4, 8104.5.2, 8202.1, 8702, 8801.3, 8802.1.6, 8802.1.8, 8802.3.3, 8802.4.2, 8802.4.4, 8803.2.3, 8803.3, and appendices I A, I B, II A, II B, II C, II E, II G, II H, III D, IV B, VI C, and VI D A, E, F and G.~~

(b) *Amendments.* The fire code shall be amended with the following modifications and additions:

Section 101.1, General, shall be modified to read as follows:

Title. These regulations as set forth herein shall be known as The Fire Prevention Code of the City of Rochester Hills and is herein referred to as such or as "this code."

| ~~Section 103.1.4 108.1, Board of Appeals,~~ shall be modified to read as follows:

Appeals. Appeals may be taken to the Rochester Hills Construction Board of Appeals by any person aggrieved by any decision or interpretation made by the code official pursuant to this code. The construction board of appeals is hereby constituted and granted authority to act as the Fire Prevention Code Board of Appeals with full power to interpret and decide appeals as provided herein.

| ~~Section 103.4.7 109.4, Restitution,~~ shall be added to read as follows:

| ~~103.4.7.1.109.4.1 General.~~ When the fire department is called to respond to any emergency or incident resulting from a violation of any federal, state or local regulation governing fire safety, or through gross negligence, the responsible person shall reimburse the fire department for all costs incurred as a result of responding to the emergency or incident.

| ~~Section 106 112, General,~~ is added to read as follows:

| ~~106.1.112.1 Review Fees.~~ When, at the discretion of the code official, plans and specifications are to be reviewed by an outside consultant, the person submitting the plans and specifications shall be responsible for payment of such consulting fees or charges, plus a

ten-percent administrative charge. The code official shall select the consultant. Consulting fees plus administrative charge shall be submitted in full with the plans and specifications prior to review.

| *Section 901.4.2.503, Fire Apparatus Access Roads*, shall be modified to read as follows:

| *901.4.2.1.503.3 Posting*. All fire lanes shall be conspicuously posted on both sides of the fire lane with fire lane signs, which shall conform to the Michigan Manual of Uniform Traffic Control Devices as prescribed by the code official. Signs shall be erected no further than 100 feet apart in all areas designated as fire lanes.

| *901.4.2.2.503.7 Enforcement and Penalties*. Enforcement of this section, being section 503, may be by the city fire chief, ~~deputy assistant~~ fire chiefs, fire marshal, fire inspectors, firefighters working under the direction of the fire marshal, and the Oakland County Sheriff's Department.

| *901.4.2.3503.7.1. Issuance of Appearance Citations*. Said enforcement officers shall have the authority to issue appearance citations, as provided by MCL 764.9a--764.9g, MSA 28.868(1) ~~28.868(7)~~, and notices of parking violations, as provided in article IV of chapter 98 of the City of Rochester Hills Code of Ordinances, for violations of this section.

| *901.4.2.4.503.7.2 Procedure and Fines*. The procedure and fines for parking violations shall be as provided in article IV of chapter 98 of the City of Rochester Hills Code of Ordinances.

| *901.4.2.5.503.7.3 Authority to Remove Obstructions*. If any vehicle, trailer, or other object is located within a fire lane during a fire emergency or alarm or any other time when use of the fire lane is necessary, any Oakland County Sheriff's Deputy or member of the city fire department may move or cause the vehicle to be moved, by any means reasonably available, without liability for any damages sustained to said vehicle, etc.

| *Section 904.505.3, Streets Names*, is added to read as follows:

| *904.1.505.3.1 General*. Names for any new public or private street or drive shall neither duplicate nor be so similar in spelling or phonetics to the name of an existing street or drive so as to create the possibility of confusion.

| *904.2.505.3.2 Review*. All new street names, or requests to change existing street names, shall be reviewed by the code official and other appropriate city departments.

| *Section 1001.11912.7, Fire Department Connections*, is added to read as follows:

In any building or structure required to be equipped with a fire department connection, a fire hydrant shall be located within 100 feet of the connection which shall be located within 50 feet of a minimum 20-foot wide paved driveway or street.

~~Section 1102.307, Open Burning~~, shall be deleted and replaced with the following:

~~Section 1102.6.1. 307.6.1~~ Definitions.

~~Section 1102.6.1.1. 307.6.1.1~~ *Open Burning*. Any fire in an outdoor location where fuel being burned is not contained in an outdoor fireplace, barbecue grill or barbecue pit.

~~Section 1102.6.1.2. 307.6.1.2~~ *Recreational Fire*. Burning of materials where the fuel being burned is not contained in an outdoor fire place, barbecue grill, or barbecue pit; for pleasure, religious, ceremonial, cooking or similar purposes.

~~Section 1102.6.2. 307.6.2~~ *Allowable Open Burning*. Open burning is prohibited, except as allowed in this section.

~~Section 1102.6.2.1. 307.6.2.1~~ *Leaves*. The burning of leaves shall be allowed, on detached residential properties, from noon until sunset on Mondays, Wednesdays, and Fridays and from sunrise to sunset on Saturdays between November 1 and November 30 of each year. Leaf burning shall be done one pile at a time, and the pile shall not exceed six feet in diameter, ~~nor~~ or three feet in height. Leaf burning in accordance with this subsection shall be allowed until November 30, 2006. Thereafter, the burning of leaves shall be prohibited.

~~Section 1102.6.2.2. 307.6.2.2~~ *Recreational Fires*. A recreation fire may be allowed, on detached residential properties, at any time during the year between the hours of 8:00 a.m. and midnight.

~~Section 1102.6.2.2.1. 307.6.2.2.1~~ *Size and Duration*. A recreational fire shall not exceed 3 feet in diameter, ~~nor~~ or 3 feet in height and shall burn no longer than 3 hours.

~~Section 1102.6.2.2.2. 307.6.2.2.2~~ *Fuel*. Fuel for a recreational fire shall consist only of dry seasoned firewood and be ignited with a small quantity of paper.

~~Section 1102.6.2.3. 307.6.2.3~~ *Preparation of Mortar*. Open burning shall be allowed on all properties for warming of sand and/or water for the preparation of mortar when such burning is fueled by propane or wood.

~~Section 1102.6.2.4. 307.6.2.4~~ *Special Burn Permits*. A burn permit may be issued by the code official for special situations where open burning is determined by the code official to be necessary in order to alleviate a hazard to the health, safety and welfare of the residents or the environment.

~~Section 1102.6.3. 307.6.3~~ Permits.

~~Section 1102.6.3.1. 307.6.3.1~~ *Permit Required*. An annual permit is required for any open burning.

~~Section 1102.6.3.2.~~ 307.6.3.2 Application for Permit. A permit for open burning shall be obtained from the fire department administrative office during normal business hours, before the fire is set, and shall be in such form and contain such information as required by the code official.

~~Section 1102.6.3.3.~~ 307.6.3.3 Permit Issuance. A permit for open burning shall be requested by and issued to the owner of the land upon which the burning is to take place. The fee for an annual burning permit shall be ~~\$25.00.~~ as prescribed in section 54-31A.

~~Section 1102.6.3.4.~~ 307.6.3.4 Permit Limitations. The code official may refuse to allow burning if the code official determines atmospheric conditions are not conducive to burning. Permits may be conditioned on obtaining authorization from the code official prior to actually starting the fire.

~~Section 1102.6.4.~~ 307.6.4 Location. Open burning is prohibited within any public road right-of-way, pedestrian-bicycle pathway, within 50 feet of any structure or within 25 feet of any property line.

~~Section 1102.6.5.~~ 307.6.5 Attendance. Any open burning shall be constantly attended until the fire is extinguished. Fire extinguishment equipment shall be present and available for immediate use.

~~Section 1102.6.6.~~ 307.6.6 Outdoor Fire Places. A permit is not required for outdoor fireplaces; however, these devices are only permitted to be fueled by dry seasoned firewood, charcoal or commercial fire logs.

~~Section 1102.6.7.~~ 307.6.7 Complaints. Any person burning without a permit or not in accordance with permit guidelines may be ordered to extinguish the fire. If the person is unable to extinguish the fire it will be extinguished by the fire department.

~~Section 1102.6.8.~~ 307.6.8 Violations. Any violation of these open burning regulations shall be a municipal civil infraction. ~~The violator shall be responsible for~~ city may recover restitution from the violator, and the fire department may void the permit and prevent the issuance of any further permits.

~~1302.~~ Section 401. False Alarms. shall be modified to read as follows:

~~1302.3.1.~~ 401.3.1.1 General. It shall be unlawful for any person to report any information concerning a fire or other emergency condition when such person knows no fire or other emergency has occurred, or that the information is false.

~~1302.3.2.~~ 401.3.2.1 Activation of the Fire Alarm System. A person shall not activate a fire alarm system in any building or place within the City of Rochester Hills unless a valid fire emergency exists within the building or place. A fire alarm system is any system which, upon activation, warns the occupants of the building or place that a fire emergency exists.

| Section 5201-12, 2204.2.6. Self-Service Stations, shall be added to read as follows:

The owner or lessee of a self-service gasoline station shall conspicuously post at all times at the approved emergency controls the current state or local fire code regulations governing self-service stations, as prescribed by the code official. All persons in charge of the premises shall be familiar with all provisions of the regulations.

| ~~Section 7801, General~~ 3301.1.3. Fireworks, shall be modified to read as follows:

| ~~7801.4. 3301.1.3.1~~ Scope. The manufacture of fireworks is prohibited within the city limits. The sale, possession, transportation and use of fireworks in the city shall be prohibited, except as allowed in Public Act No. 358 of 1968 (MCL 750.243a et seq., ~~MSA 28.440(1) et seq.~~), as amended, which is incorporated herein by reference. The retail sale of fireworks shall comply with the additional requirement of this article.

| Section 3308.11. Retail Display and Sale, shall be deleted and replaced to read as follows:

| ~~7801.4.1. 3308.11.1~~ Permit Required. A permit shall be obtained from the code official for the retail sale of fireworks. A nonrefundable permit fee in the amount of ~~\$150.00~~ provided in section 54-38A shall be payable at the time of application.

| ~~7801.4.2. 3308.11.2~~ Permit Applications. Applications for permits shall be made in writing at least 30 days in advance of the date of the intended retail sale of fireworks. The retail sale of fireworks shall be lawful under the terms and conditions approved with the permit and for that purpose only. A permit granted hereunder shall not be transferable, nor shall any such permit be extended beyond the dates set out therein.

| ~~7801.4.3. 3308.11.3~~ Required Affidavit. Included with the permit application shall be a written affidavit describing the items offered for sale and stating that their contents of pyrotechnic compound meet the requirements of this code.

| ~~7801.4.4. 3308.11.4~~ Retail Sales Time Limitations. All permits issued for retail fireworks sales shall limit sales to May 1 through July 31 of the year issued.

| ~~7801.4.5. 3308.11.5~~ Definitions. The term "fireworks" means a device made from explosive or flammable compositions used primarily for the purpose of producing a visible display or audible effect, or both, by combustion, deflagration, or detonation. Fireworks includes class B fireworks and class C fireworks, as defined in section 243 of Public Act No. 358 of 1968 (MCL 750.243a, ~~MSA 28.440(1)~~), as amended.

| ~~7801.4.6. 3308.11.6~~ Prior Inspection of Premises Required. The permit for retail sale shall not be issued until the code official or his designated representative has inspected and approved the premises and area where the fireworks are to be sold or kept. If there has been an inspection of the premises and area where the fireworks are to be sold or kept within three months of the permit request, no new inspection shall be required.

~~7801.4.7.3308.11.7~~ *Sale to Minors Prohibited.* It shall be unlawful to sell fireworks to any person under the age of 18 years.

~~7801.4.8.3308.11.8~~ *Smoking Prohibited; Posting Required.* It shall be unlawful to allow smoking on the premises where fireworks are sold, and no smoking signs shall be conspicuously posted on the premises.

~~7801.4.9.3308.11.9~~ *Enclosed Display Area Required.* It shall be unlawful to expose for sale or display fireworks on the premises in any area other than an enclosed display case.

~~7801.4.10.3308.11.10~~ *Compliance With Code.* Prior to the issuance of a permit for retail sale of fireworks, the premises must comply with all other provisions of this code.

Section 3308.12. General. Shall be added to read as follows:

~~7801.5. General.~~ It shall be a violation of this code for any person to offer for sale, expose for sale, sell at retail, possess, give, furnish, transport, use, explode or cause to explode any fireworks, except as provided in this code, the regulations of the state fire marshal, and the terms of any permit issued hereunder. Regarding public displays of fireworks, such displays shall comply with the rules and regulations issued by the code official for the granting of permits for supervised public displays of fireworks by the city, fair associations, amusement parks, and other associations. Every such display shall be under the control of a person competent to ensure compliance with the code and ensure proper safety precautions. The fireworks shall be arranged, located, discharged or fired in a manner that, in the opinion of the code official, will not be a hazard to property or endanger any person.

~~7801.5.1.3308.12.1~~ *Exceptions.* Nothing in this article shall be construed to prohibit any resident, wholesaler, dealer or jobber:

- (i) To sell at wholesale such fireworks as are not herein prohibited, or
- (ii) The sale of any kind of fireworks provided the same are to be shipped directly out of state, or
- (iii) The use of fireworks by railroads or other transportation agencies for signal purposes or illumination, or
- (iv) The sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or
- (v) For use by military organizations,
- (vi) The sale or use of smoke bombs or smoke devices to governmental agencies or licensed contractors for testing and training purposes only; provided, however, that the suppliers of such smoke bombs or devices comply with state law, that the request for such sale is made upon the letterhead of the governmental agency or licensed contractor, and that the supplier maintain records of such sales which shall be

available to the fire marshal on request. Such wholesalers, dealers and jobbers shall store their supplies of fireworks in accordance with article 78 and Public Act No. 358 of 1968 (MCL 750.243a et seq., MSA 28.440(1) et seq.), as amended.

~~7801.5.2.3308.12.2~~ *Seizure of Fireworks.* The code official shall seize, take, remove or cause to be removed, at the expense of the owner, all stocks of fireworks offered or exposed for display or sale, stored or held in violation of this article.

ARTICLE IV. FIRE CONTROL MEASURES AND REGULATIONS

Sec. 58-86. Violations; authority of enforcement.

Violations of this article shall be municipal civil infractions. Enforcement of this article may be by the city fire chief, the fire marshal, fire inspectors, and the county deputy sheriffs. Such enforcement officers shall have the authority to issue municipal civil infraction citations and municipal civil infraction violation notices, pursuant to section 66-37.

~~Sec. 58-87. Authority at fires and other emergencies.~~

~~(a) *Fire chief.* The fire chief or the chief's duly authorized representative, as may be in charge at the scene of a fire or other emergency involving the protection of life and/or 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 duty.~~

~~(b) *Other officials.* The county sheriff or his deputies or the fire official, depending on who is in charge of a particular emergency situation, may:~~

~~(1) Prohibit any person, vehicle, or object from approaching the scene;~~

~~(2) Remove or cause to be removed from the scene any person, vehicle or object from approaching the scene; and~~

~~(3) 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.~~

~~(c) *Fire officials.* The fire official may remove or cause to be removed any person, vehicle or object from a hazardous area and any such person, vehicle or object shall do so immediately and shall not reenter the area until authorized to do so by the fire official.~~

Sec. 58-88. Interference with department operations.

~~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.~~

Sec. 58-89. Compliance with orders.

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

Sec. 58-87. Authorized emergency vehicles and equipment.

(a) *Definition.* Authorized emergency vehicles shall be restricted to those which are defined and authorized under state laws.

(b) *Yielding right-of-way.* Upon the approach of any authorized emergency vehicle, giving audible and visual signal, the operator of every other vehicle shall immediately drive the vehicle to a position as near as possible and parallel to the ~~right-hand~~ right-hand edge or curb of the street or roadway, clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle shall have passed, unless otherwise directed by the fire official or a police officer.

(c) *Following prohibited.* It shall be unlawful for the operator of any vehicle, other than one on official business, to follow closer than 500 feet from any fire apparatus traveling in response to a fire alarm or to drive any vehicle within the block or immediate area where fire apparatus has stopped in answer to a fire alarm.

(d) *Unlawful boarding or tampering.* A person shall not, without proper authorization from the fire official in charge of the fire department emergency equipment:

- (1) Cling to, attach himself to, climb upon or into, board, or swing upon any fire department emergency vehicle, whether the vehicle is in motion or at rest;
- (2) Sound the siren, horn, bell, or other sound-producing device thereon; or
- (3) 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.

Sec. 58-88. Damage or injury to equipment or personnel.

It shall be unlawful for any person to damage or deface or to attempt or conspire to damage or deface any fire department emergency vehicle at any time or to injure or attempt to injure or conspire to injure fire department personnel while performing departmental duties.

Sec. 58-89. Driving over fire hoses.

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 fire official in command of the operations.

Sec. 58-90. Hydrants and department connections.

(a) *Restricting access unlawful.* It shall be unlawful to obscure from view, damage, deface or 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 that are located on public or private streets and access lanes, or on private property.

(b) *Violations.* Penalties for violation of subsection (a) of this section shall be as follows:

(1) *Removal after notification.* 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 obstruction or encroachment.

(2) *Cost.* Cost incurred in the performance of necessary work shall be paid from the municipal treasury on certificate of the fire official and with the approval of the chief administrative official, and the city shall institute appropriate action for the recovery of such costs.

(c) *Approval required for use.* A person shall not use or operate any fire hydrant intended for use of the fire department for fire suppression purposes unless such person first secures a permit for such use from the department of public service after approval from the fire department. The code official may order the disconnection from any fire hydrant if it is necessary for firefighting purposes or if there is any unauthorized device, vehicle or equipment connected to a fire hydrant.

~~Sec. 58-94. Fire suppression equipment.~~

~~(a) *Maintenance.* 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 fire, training or testing purposes, recharging, making necessary repairs, or when permitted by the fire official.~~

~~(b) *Replacement after permitted use.* Whenever a fire appliance is removed as permitted in subsection (a) of this section, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished.~~

~~(c) *Replacement of defective or nonapproved equipment.* Defective and nonapproved fire appliances or equipment shall be replaced or repaired as directed by the fire official.~~

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. 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 Rochester Eccentric on _____.

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

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 Wednesday, _____.

Jane Leslie, City Clerk
City of Rochester Hills