



**CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1314**

AN ORDINANCE TO AMEND CHAPTER 50 OF THE YPSILANTI CITY CODE, ENTITLED “FIRE PREVENTION AND PROTECTION,” BY AMENDING ARTICLE II, “FIRE PREVENTION CODE,” SECTION 50-31 TO ADOPT THE 2018 EDITION OF THE NFPA 1, FIRE CODE, SECTION 50-32 TO UPDATE THE CONFLICT PROVISIONS; SECTION 50-33 TO MAKE ADDITIONS, INSERTIONS, AND CHANGES TO NFPA 1, FIRE CODE, 2018 EDITION, AND SECTION 50-34 TO PROVIDE FOR PENALTIES.

THE CITY OF YPSILANTI HEREBY ORDAINS:

Section 1: Amendments, additions, and deletions to the Code of Ordinances, City of Ypsilanti, Michigan.

That Chapter 50, “Fire Prevention and Protection,” of the Ypsilanti City Code, Article II, “Fire Prevention Code,” Section 50-31, “Adoption of code,” is hereby amended as follows:

Sec. 50-31. - Adoption of code.

There is hereby adopted by the city the NFPA 1, ~~Uniform~~ Fire Code, ~~2018~~ ~~2006~~ Edition, and documents adopted by [Chapter 2](#) and each and all of the regulations, provisions, penalties, conditions and terms of the NFPA 1, ~~Uniform~~ Fire Code, ~~2018~~ ~~2006~~ Edition are hereby referred to, adopted and made a part hereof, as if fully set out in this section with the additions, insertions, deletions and changes, if any prescribed in section 50-~~33~~~~6~~. Three copies of the NFPA 1, ~~Uniform~~ Fire Code, ~~2018~~ ~~2006~~ Edition, will be on file in the office of the city fire department, ~~the City Clerk’s office, and the city building department~~ and shall be appropriately marked and designated as such. In addition, a link to the NFPA 1, Fire Code 2018 Edition and other pertaining adopted NFPA codes will be made available on the City’s website.

That Chapter 50, “Fire Prevention and Protection,” of the Ypsilanti City Code, Article II, “Fire Prevention Code,” Section 50-32, “Conflicts,” is hereby amended as follows:

Sec. 50-32. - Conflicts.

In the event of a conflict between the ordinance from which this section was derived and the Fire Prevention Code, the Building Code, or Property Maintenance Code, the aforementioned codes will govern to the extent that the ordinance from which this section was derived is preempted in its application. Additionally, for as long as the ~~1997~~ NFPA rules are the rules adopted by the state, the ~~1997~~ state adopted NFPA edition rules govern where the ordinance from which this section was derived and the ~~1997~~ state adopted NFPA edition rules conflict.

That Chapter 50, “Fire Prevention and Protection,” of the Ypsilanti City Code, Article II, “Fire Prevention Code,” Section 50-33, “Additions, insertions, and changes,” is hereby amended as follows:

Sec. 50-33. - Additions, insertions, and changes.

The NFPA 1, ~~Uniform~~ Fire Code, 2018 ~~2006~~ Edition is amended and changed in the following respects:

Section 1.10.1, page 1-15. Delete section and replace with:

Section 1.10.1. Establishment of Fire Code Board of Appeals. The Washtenaw County Construction Board of Appeals is designated as the Fire Code Board of Appeals for the city. Any person affected by any notice or order given by the City of Ypsilanti Fire Department pursuant to the Fire Prevention Code adopted by the City of Ypsilanti may request an appeal to the Washtenaw County Construction Board of Appeals.

Section 1.10.1.1.1, page 1-15. This section is deleted.

Section 1.10.1.1.2, page 1-15. This section is deleted.

Section 1.10.1.1.2.1, page 1-15. This section is deleted.

Section 1.10.1.1.3, page 1-15. This section is deleted.

Section 1.10.1.1.4, page 1-15. This section is deleted.

Section 1.10.1.1.5, page 1-15. This section is deleted.

Section 1.10.1.1.5.1, page 1-15. This section is deleted.

Section 1.10.1.1.5.2, page 1-15. This section is deleted.

Section 1.10.1.1.5.3, page 1-15. This section is deleted.

Section 1.10.1.1.6, page 1-15. This section is deleted.

Section 1.10.1.1.7, page 1-15. This section is deleted.

Section 1.10.1.1.8, page 1-15. This section is deleted.

Section 1.10.5.1, page 1-16. This section is deleted.

Section 1.10.5.2, page 1-16. This section is deleted.

Section 1.10.5.3, page 1-16. This section is deleted.

Section 1.10.5.4, page 1-16. This section is deleted.

Section 1.10.5.5, page 1-16. This section is deleted.

Section 1.13 Certificates of Fitness, pages 1-21 to 1-2322, line 4. Change "Certificates of Fitness" to read "Certificates of Occupancy" in the title and all further references to "Certificate of Fitness" found in sub-sections of Section 1.131.13.1, 1.13.2, 1.13.3, 1.13.4, 1.13.5.1, 1.13.5.2, 1.13.5.3, 1.13.5.4, 1.13.6, 1.13.7, 1.13.8, 1.13.9, 1.13.10 and (1), (3), (4), 1.13.11, 1.13.12.1, and 1.13.12.3 change to "Certificate of Occupancy."

Section 2.2, page 1-25. Change "NFPA 101®, Life Safety Code®, 2018 edition" to "NFPA 101, Life Safety Code, 2018 edition excepting Chapters 12, 14, 16, 18, 22, 28, 30, 32, 36, and 38 pertaining to new occupancies or construction as those are regulated by the International Building Code."

Section 10.10.1, page 1-66. 10.1.5, page 1-54. Delete section and replace with:

Section 10.10.1 10.1.5 Open source fires or open Burnings. Open source fires or open burnings are prohibited within the city except where specifically permitted as follows:

A. No person may kindle, authorize or maintain a rubbish fire or bonfire on public or private land or on any street or alleyway.

B. The burning of leaves, trees, logs, brush or stumps is prohibited.

C. ~~Cooking fires using solid fuel such as charcoal, wood and wood like materials, are prohibited on balconies or covered patios or within 10 feet of any structure. Gas fired cooking units such as propane grills are permitted.~~

D. ~~Use of an outdoor fireplace equipped with a spark arrester is permitted if it complies with the following:~~

~~1. The outdoor fireplace must be used in accordance with the manufacturer's recommendations;~~

~~2. The fireplace is not located within 25 feet of any structure; and~~

~~3. The fireplace is maintained in good condition.~~

E. ~~Barbecues, outdoor fireplaces, and grills may not be used for the disposal of rubbish, trash, or combustibles.~~

F. Any burning ~~Burning~~ that is offensive or objectionable because of smoke or odor emission must be extinguished immediately. The Fire Department is authorized to order the extinguishment of illegal open burning or fires and any burning or fires creating a hazard.

G. ~~The use of sky lanterns is prohibited. For the purposes of this subsection, a sky lantern means any airborne paper lantern, also known as Kongming Lantern or Chinese lantern, sky candle, or fire balloon which is constructed from oiled rice paper on a bamboo frame, and contains a small candle or fuel cell composed of a waxy flammable~~

~~material, which when lit, the flame heats up the air inside the lantern, thus lowering its density and causing the lantern to rise into the air, or any similar device.~~

D. H. The following fires are approved:

1. Small cooking fire contained in a vessel designed for that use so long as it complies with the subsections above.
2. Outdoor fireplaces that comply with the subsections above.
3. Salamanders or other devices used for heating construction or other workers so long as no nuisance is created.
4. Controlled wild fire burns may be allowed by the Fire Marshall when this action is necessary to protect rare plants dependent on fire for seed production.
5. Open fire for recognized ceremonial purpose only may be permitted after obtaining approval from the Fire Official subject to the following:
 - a. The fire must be constantly attended; and
 - b. A garden hose, fire extinguisher or other approved fire extinguishing equipment must be available for immediate use.
6. Small fires used by municipal firefighters for training purposes.

E.I. Fees. Persons who cause the fire department to respond due to a violation of this section are responsible for the Fire Department's costs and expenses as set forth in [Chapter 38](#) "Emergency Services," Article III "Recovery of certain emergency response costs," Division 4 "Incidents involving the response of the Fire Department."

Section 10.13 Seasonal and Vacant Buildings and Premises, page 1-6858. Delete sections 10.12.143.1 through 10.12.343.3 and replace with a reference stating "See Ypsilanti City Code, [Chapter 18](#), Article VI, Division 5, Vacant Buildings."

Section 13.7.1.13.6 Annunciation Zoning, page 1-134. Add a new subsection 13.7.1.13.6.4 that reads as follows:*

Section 13.7.1.13.6.4 The geographical location for each zone and/or initiating device shall be worded in a fashion that easily identifies the precise location of the triggering device. For large structures, a reference map or sketch placed by the annunciating panel may be required.

Section 18.6 Fire Department Connections (FDC), page 1-223. Add a new Section 18.6 Fire Department Connections (FDC) that reads as follows:

Section 18.6 Fire Department Connections (FDC). Fire Department Connections (FDC) shall comply with the following:

- A. Fire Department connections shall be located not more than 100 feet from a fire hydrant connected to an approved water supply unless approved by the authority having jurisdiction.
- B. Fire Department connections shall be located between 18 and 48 from ground level.
- C. Fire Department connections shall be 4 inch storz.
- D. Each Fire Department connection to a sprinkle system shall be designated by a sign having raised or engraved letters at least 1 inch (25.4 mm) in height on plate or fitting reading service design, for example, AUTOSKR., OPEN SPKR., AND STANDPIPE.
- E. When several Fire Department connections exist, a sign shall indicate which area(s) each connection feeds.

That Chapter 50, “Fire Prevention and Protection,” of the Ypsilanti City Code, Article II, “Fire Prevention Code,” Section 50-34, “Penalties,” is hereby amended as follows:

Sec. 50-34. - Penalties.

Any person who violates any of the provisions of the following sections of this Code, ~~sections 4.7.8; 1.7.9; 1.7.10; 1.8; 1.8.1; 1.8.2; 1.8.3; 1.8.4; 1.8.5; 4.1.5; 4.1.5.1; 4.1.5.2; 4.1.4; 10.1.5; 10.4; 10.4.1; 10.4.2; 4.5; 4.5.1; 4.5.2; 10.6.1; 10.6.1.2; 10.6.1.3; 10.6.4; 10.7; 10.7.1; 10.7.2; 10.7.3; 10.7.4; 10.8; 10.8.1; 10.8.2; 10.8.3; 10.14.11.4; 10.14.11.4.1; 10.14.11.4.2; 10.15.11.13; 10.15.11.13.1; 10.15.11.13.2; 17.3; 17.3.1; 17.3.2; 17.3.3; 17.3.3.1; 17.3.3.2; 17.3.3.3; 17.3.4.4; 19.1; 19.1.1; 19.1.2; 19.1.3; 19.1.4; 19.1.5; 20.1.4.3; 20.1.4.3.1; 20.1.5.3; 20.1.5.3.1; 24.1; 24.1.1; 24.1.2; 24.2;~~ or standard hereby adopted for those sections or who fail to comply with any order made thereunder; or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder; or failed to operate in accordance with any certificate or permit issued thereunder; and from which no appeal has been taken; or who shall fail to comply with such an order within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be guilty of misdemeanor, punishable by a fine of not less than \$100.00 nor more than \$500.00 or by imprisonment for not more than 90 days or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified the application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. Each day that prohibited conditions are maintained shall constitute a separate offense.

Any person who shall violate any provision of all other sections of this Code or standard hereby adopted or fail to comply therewith; or who shall violate or fail to comply with any order made thereunder; or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder; or failed to operate in accordance with any certificate or permit issued thereunder; and from which no appeal has been taken; or who shall fail to comply with such an order within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a blight violation, subject to payment of a civil fine as set forth in [section 71-73](#). Repeat offenses under this chapter shall be subject to increased fines as set forth in [section 71-73](#). The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified the application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. Each day that prohibited conditions are maintained shall constitute a separate offense.

2. Severability. If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

3. Repeal. All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

4. Savings Clause. The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

5. Copies to be available. Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

6. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published according to Section 11.13 of the City Charter. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED, AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS 17th DAY OF July, 2018

Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. 1314 was published in the Washtenaw Legal News on the 4th day of June, 2018.

Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the 17th day of July, 2018.

Frances McMullan, City Clerk

Notice Published: June 7, 2018
First Reading: June 19, 2018
Second Reading: July 17, 2018
Published: July 23, 2018
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