

**ORDINANCE NO. 2018 - 01
CITY OF ST. CLAIR
COUNTY OF ST. CLAIR, MICHIGAN**

AN ORDINANCE OF THE CITY OF ST. CLAIR, ST. CLAIR COUNTY, MICHIGAN TO AMEND CHAPTER 30 "FIRE PREVENTION AND PROTECTION," ARTICLE III "FIRE PREVENTION CODE," SECTION 61 "CODE ADOPTED; PURPOSE; COPIES ON FILE;" SECTION 63 "AMENDMENTS" AND TO ADD SECTION 64 "CONFLICT WITH OTHER LAWS."

THE CITY OF ST. CLAIR ORDAINS:

SECTION 1. AMENDMENT.

Chapter 30, Article III, Sections 61, 63, and 64 of the City Code are hereby amended to read as follows:

Section 30-61. Code adopted; purpose; copies on file.

The City of St. Clair, in order to regulate and govern the safe guarding of life and property from fire or explosion hazards, adopts The International Fire Code, 2015 edition, as published by the International Code Council, including appendix B, D, E, F and G of said International Fire Code. The purpose and intent of this code is to prescribe minimum requirements consistent with nationally recognized standards for providing a reasonable level of safety to life and property and for protection from the hazards of fire, explosion, or dangerous conditions arising from the storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life or property related to the occupancy of buildings and premises. This code shall also provide for the issuance of certain permits and collection of delineated fees. All matters within the intent of this code and not covered by this code shall comply with the referenced standards listed in the International Fire Code, 2015 edition, as published by the International Code Council (including Appendix Chapters B, D, E, F, and G). At least three (3) copies of this Code have been and are now filed in the City Clerk's office except as otherwise specifically stated herein, the provisions of such Code are hereby adopted and incorporated by reference as though fully set out at length herein, and the provisions thereof shall be controlling within the City of St. Clair.

Section 30-63. Amendments.

The following chapters, sections and subsections of the International Fire Code adopted in this article are hereby amended or deleted as set forth in this section, and additional chapters, sections and subsections are added as indicated. The following chapter and section numbers refer to like number of chapters and sections of the International **Fire Code**:

Section 108.01. Appeals. The Appeals Board shall be the existing Building Commission of the City of St. Clair.

Article 79 shall be amended by adding a new section reading as follows:

Section 7901.1.3. State flammable liquid laws. Pursuant to the provisions of section 3(k) of Act No. 279 of the Public Acts of Michigan of 1909 (MCL 117.3(k), MSA 5.2073(k)), as amended, the state **fire** safety board, rules for Storage and Transportation of Flammable and Combustible Liquids 1992, as amended, as prescribed and authorized in Act No. 207 of the Public Acts of Michigan of 1941 (MCL 29.1 et seq., MSA 4.559(1) et seq.), as amended, are hereby adopted by reference by the city for the purpose of providing rules for the preservation of **fire** and protection of persons and property in the transportation, storage, handling, offering for sale, sale and use of

flammable liquids. Copies of such regulations are on file in the office of the city clerk, available for public use and inspections at all times. Where any section or part of Article 79 of the International Fire Code is in conflict with the State Fire Safety Board, rules for Storage and Transportation of Flammable and Combustible Liquids 1992, it is intended that the State Fire Safety Board, rules for Storage and Transportation of Flammable and Combustible Liquids 1992, shall prevail.

Section 1102.1.1. Open burning. Where any section of [or] part of Section 1102 of the Uniform Fire Code is in conflict with City of St. Clair Code of Ordinance Chapter 30 Article IV Open Burning, it is intended that the City of St. Clair Code of Ordinance Chapter 30 Article IV Open Burning, shall prevail.

Section 503.2 is hereby amended to read as follows:

Section 503.2.2. Fire lanes. The marking of fire lanes on private property, devoted to public use, shall be approved by the chief of the bureau of fire prevention and the chief of police.

Section 503 is hereby amended to include the following:

Parking of motor vehicles or otherwise obstructing fire lanes shall be prohibited at all times. Members of the police department are hereby authorized to remove motor vehicles and/or vehicles in the designated fire lanes.

Appendix VI-C, Section 2.4 is hereby amended as follows:

(a) Any person convicted of a violation of any provision of this Code or any rule, regulation or order adopted or issued in pursuance thereof, shall be punished by a fine of not more than \$500.00 and cost of prosecution or by imprisonment for not more than 90 days, or by both such fine and imprisonment, in the discretion of the court. Each act of violation, and every day upon which any such violations shall occur shall constitute a separate offense.

(b) The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any section of this Code, whether or not such penalty is reenacted in the amendatory ordinance.

(c) The penalty set out in this section shall be in addition to the abatement of the violating condition, any injunctive relief, or revocation or [of] any permit or license.

(d) This section shall not apply to the failure of officers and employees of the city to perform municipal duties required by this Code.

Section 30-64. Conflict with Other Laws.

Should any provision of the City Code or State law require a permit or license covering the same operations, business, activity or material for which the Fire Code requires a permit, such City Code provision or State law shall prevail and it shall be necessary to obtain the permit as required by the Fire Code.

SECTION 2. SEVERABILITY.

This Ordinance and each of the various parts, sections, subsections, sentences, phrases, and clauses hereof are declared to be severable. If any part, section, subsection, sentence, phrase, or clause is determined to be invalid or unenforceable by a court of competent jurisdiction, it is hereby provided that the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect.

SECTION 3. REPEAL OF ORDINANCES IN CONFLICT HEREWITH.

Any and all Ordinances of the City of St. Clair or any parts or provisions thereof, to the extent that they are contrary to or inconsistent with the provisions of the within Ordinance, are hereby expressly repealed.

SECTION 4. RATIFICATION.

All other provisions of the code of Ordinances of the City of St. Clair, Michigan except as herein modified or amended are hereby expressly ratified and affirmed.

SECTION 5. PUBLICATION.

This Ordinance shall be published in accordance with the terms, provisions, and requirements of the City Charter of the City of St. Clair, Michigan, and in accordance with and to the extent required by the statutes of the State of Michigan.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take immediate effect upon publication in accordance with the provisions and requirements of the City Charter of the City of St. Clair.

ORDINANCE DECLARED ADOPTED.

William Cedar, Jr., Mayor
City of St. Clair, Michigan

CERTIFICATION

The foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of St. Clair, County of St. Clair, State of Michigan, at a regular meeting of the City Council held on the 5th day of March, 2018, and public notice of said meeting was given pursuant to and in accordance with the requirements of Act No. 267 of the Public Acts of 1976, as amended, being the Open Meetings Act, and the minutes of said meeting have been or will be made available as required by said Act.

Members Present: Mayor Cedar, Ellery, Klieman, Kuffa, LaPorte, McCartney

Members Absent: Member Kindsvater

It was moved by Member Ellery and supported by Member McCartney to adopt the Ordinance.

Members voting yes: LaPorte, McCartney, Ellery, Klieman, Kuffa, Cedar

Members voting no: None

The Ordinance was declared adopted by the Mayor and has been recorded in the Ordinance Book of the City of St. Clair.

Annette Sturdy, City Clerk
City of St. Clair, Michigan

INTRODUCED: February 19, 2018

ADOPTED: March 5, 2018

PUBLISHED: March 14, 2018

EFFECTIVE: March 14, 2018