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Fire Ordinance

NOTICE OF ENACTMENT

To: THE CITIZENS OF DETROIT,
MICHIGAN.

On November 18, 2008, the City
Council adopted the following Ordinance:
ORDINANCE NO. 26-08

AN ORDINANCE to amend Chapter 19 of the 1984 Detroit City Code, *Fire Prevention and Protection*, by adding Article I, *Detroit Fire Prevention and Protection Code*, which shall consist of Division 1, *Composition of the Code*, containing Sections 19-1-1 through 19-1-3, Division 2, *National Fire Protection Association Fire Prevention Code and Amendment Thereof*, containing Sections 19-1-21 through 19-1-22, Division 3, *Finishing, Resurfacing and Refinishing of Bowling Lanes, and Reconditioning and Resurfacing of Bowling Pins*, containing Sections 19-1-31 through 19-1-33; Division 4, *Fireworks and Pyrotechnics*, containing Sections 19-1-41 through 19-1-49, Division 5, *Smoking in Elevators*, containing Sections 19-1-51 through 19-1-55, Division 6, *Storage, Handling, and Use of Ethylene Oxide For Fumigation and For Fruit and Crop Ripening*, containing Sections 19-1-61 through 19-1-66, and Division 7, *Storage of Scrap Tires in Outdoor Collection Sites*, containing Sections 19-1-71 through 19-1-84, to enact a new Fire Prevention and Protection Code that will control within the corporate limits of the City of Detroit to replace Chapter 19, Article III, of this Code, *Fire Prevention Code*, Chapter 19, Article IV, of this Code, *Hazardous Gases*, Chapter 19, Article V, of this Code, *Liquefied Petroleum Gases*, and Chapter 19, Article VI, of this Code, *Anhydrous Ammonia*; that will prescribe regulations governing conditions hazardous to life and property from fire or explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from hazardous conditions in the use or occupation of buildings, structures or premises; that will provide for issuance of permits and of licenses; and that will provide for the collection of fees.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:

Section 1. Chapter 19 of the 1984 Detroit City Code, *Fire Prevention and Protection*, by adding Article I, *Detroit Fire Prevention and Protection Code*, which shall consist of Division 1, *Composition of the Code*, containing Sections 19-1-1 through 19-1-3, Division 2, *National Fire Protection Association Fire Prevention Code and Amendment Thereof*, containing Sections 19-1-21 through 19-1-22, Division 3, *Finishing, Resurfacing and Refinishing of Bowling Lanes, and Reconditioning and Resurfacing of Bowling Pins*, containing Sections 19-1-31 through 19-1-33; Division 4, *Fireworks and Pyrotechnics*, containing Sections 19-1-41 through 19-1-49, Division 5, *Smoking in Elevators*, containing Sections

19-1-51 through 19-1-55, Division 6, *Storage, Handling, and Use of Ethylene Oxide For Fumigation and For Fruit and Crop Ripening*, containing Sections 19-1-61 through 19-1-66, and Division 7, *Storage of Scrap Tires in Outdoor Collection Sites*, containing Sections 19-1-71 through 19-1-84, to read as follows:

CHAPTER 19

FIRE PREVENTION AND PROTECTION ARTICLE I.

DETROIT FIRE PREVENTION AND PROTECTION CODE DIVISION 1.

COMPOSITION OF THE CODE

Sec. 19-1-1. Intent.

The *Detroit Fire Prevention and Protection Code* shall consist of:

(1) The National Fire Protection Association 1, *Fire Prevention Code*, 2000 Edition, and the referenced publications that are delineated within its Chapter 32;

(2) The amendments and changes that are set out in Section 19-1-22 of this Code; and

(3) Divisions 3 through 7 of this Chapter.

Sec. 19-1-2. Purpose.

The purpose of the *Detroit Fire Prevention and Protection Code* is:

(1) To prescribe regulations governing conditions hazardous to life and property from fire or explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from hazardous conditions in the use or occupation of buildings, structures or premises;

(2) To provide for issuance of permits and of licenses; and

(3) To provide for the collection of fees.

Sec. 19-1-3. Scope.

The provisions of the *Detroit Fire Prevention and Protection Code* shall be controlling within the corporate limits of the City of Detroit and within the scope that is delineated in Chapter 1, *Administration and Enforcement*, Section 1-3, *Scope*, of NPPA 1, *Fire Prevention Code*, 2000 Edition.

Secs. 19-1-4 — 19-1-20. Reserved.

DIVISION 2. NATIONAL FIRE PROTECTION ASSOCIATION FIRE PREVENTION CODE AND AMENDMENT THEREOF

Sec. 19-1-21. Adoption.

(a) In accordance with Section 3(k) of the Michigan Home Rules Cities Act, being MCL 117.3(k), the NPPA, *Fire Prevention Code*, 2000 Edition, is hereby adopted and incorporated by reference into this Code as if fully set out herein, including:

(1) The publications that are delineated within its Chapter 32, which are referenced within NPPA 1 as mandatory requirements and are considered part of the requirements of NPPA 1;

(2) Appendix A, which is not part of the requirements of NPPA 1 and contains explanatory material that is included for informational purposes only and is numbered to correspond with the applicable sections;

(3) Appendix B, which is not part of the requirements of NPPA 1 and is included for informational purposes only; and

(4) Appendix D, which contains publications that are referenced in whole or in part within NPPA 1 and are not consid-

ered part of the requirements of NPPA 1 unless listed in Chapter 32 of the NPPA 1.

(b) In accordance with Section 3(k) of the Michigan Home Rules Cities act, being MCL 117.3(k), a copy of the NPPA 1, *Fire Prevention Code*, 2000 Edition, is on file, and is open to inspection by the public, both in the Office of the City Clerk and in the Office of the Fire Marshal.

Sec. 19-1-22. Amendments and changes.

The NPPA 1, *Fire Prevention Code*, 2000 Edition, is amended and changed as follows:

Chapter 1 Administration and Enforcement

1-4.1 This Code shall be administered and enforced by the authority having jurisdiction, who is defined in Section 2-1 of this Code, is the Fire Marshal of the City of Detroit, or his or her duly sworn designees, as required by Sections 7-803 and 7-804 of the 1997 Detroit City Charter, and is vested, by virtue of the position, with the full police powers of the City.

1.4.1.1 In accordance with Section 9-507 of the 1997 Detroit City Charter, the Fire Commissioner is authorized to establish necessary fees, with the approval of the City Council, for the cost of:

- (1) Inspection and consultation;
- (2) Issuance of permits and certificates;
- (3) Administrative appeals;
- (4) Issuance of reports; and
- (5) Copying of records.

After approval by City Council, these fees shall be published and made available at the authority having jurisdiction, and at the Office of the City Clerk, and shall be reviewed by the Fire Commissioner at least once every two (2) years.

1-4.4 The authority having jurisdiction shall be authorized to inspect, at all reasonable times, any building or premises for dangerous or hazardous conditions or materials as set forth in the Code. The authority having jurisdiction shall have authority to order any person(s), at his or her expense, to remove or remedy such dangerous or hazardous condition or material. Any person(s) failing to comply with such order shall be in violation of this Code.

1-4.5 Where conditions exist, and are deemed hazardous to life and property by the authority having jurisdiction, the authority having jurisdiction shall have the authority under his or her police powers to summarily abate such hazardous conditions that are in violation of this Code at the expense of the responsible party.

1.4.17 Special assignments of City personnel and equipment. Where the authority having jurisdiction, acting under the direction of the Fire Commissioner, determines that, in the interest of the safety of the People of the City of Detroit, it shall be necessary for the Fire Department or other City departments to assign, for duty, employees or equipment at any building, structure or premises, such employees or equipment shall be assigned for such duty. Such department may charge the cost thereof to the owner or tenant who created the condition that necessitated such assignment. In the event such owner or tenant fails to reimburse the City for such costs, the matter shall be referred to the Law Department for collection.

1-4.18 In accordance with Chapter 13,

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Article XI, of the 1984 Detroit City Code:

(1) Unless outside counsel is voluntarily chosen and retained by an officer or employee, any civil action that is instituted against the officer or employee, because of an act performed by him or her in the lawful discharge of his or her duties and under the provisions of this Code, shall be defended by the Law Department, or outside counsel retained by the Corporation Counsel pursuant to Section 6-408 of the 1997 Detroit City Charter, until the final termination of the proceedings; and

(2) In a civil action that is referred to in Subsection (1) of this section, the Fire Marshal, or his or her duly appointed assistants, shall not be liable for costs in any action, suit or proceeding that may be brought based upon the provisions of this Code.

1-8 Board of Appeals.

1-8.1 A Board of Appeals is hereby established consisting of five (5) members and alternate members who shall be appointed by the Mayor by reason of education, experience, and knowledge, and are deemed to be competent to sit in judgment on matters concerning NFPA 1, *Fire Prevention Code*, and its enforcement. In accordance with Section 2-110 of the 1997 Detroit City Charter, effective February 15, 2009, the Mayor shall appoint two (2) members for a term of two (2) years, and three (3) members for a term of three (3) years. Thereafter, all members shall have a three (3) year term with no member serving more than two (2) terms.

1-8.2 Board members shall not be officers, agents, or employees of this jurisdiction. All members and any alternate members shall be appointed and serve in accordance with the terms and conditions set forth in this Code and at the pleasure of the Mayor. In accordance with Section 2-111 of the 1997 Detroit City Charter, the Board shall establish rules and regulations for conducting its business and shall render all decisions and findings in writing to the authority having jurisdiction, with a copy to the appellant.

1-8.3 No more than one of said members or their alternates shall be engaged in the same business, profession, or line of endeavor. No member of the Board of Appeals shall sit in judgment on any case in which the member is personally interested.

1-8.4 The Board of Appeals shall provide for reasonable interpretation of the provisions of this Code and rule on appeals from decisions of the authority having jurisdiction.

1-8.5 The Board of Appeals shall meet 1) whenever directed by the Mayor to interpret the provisions of this Code, or 2) to consider and rule on any properly filed appeal from a decision of the authority having jurisdiction, giving at least five (5) days notice of hearing, but in no case shall it fail to meet on an appeal within thirty (30) calendar days of the filing of notice of appeal. All meetings of the Board shall be recorded and open to the public in accordance with the Michigan Open Meetings Act, being MCL 15.261 et seq.

1-8.6 Means of Appeals.

1-8.6.1 Any person shall be permitted to appeal a decision of the authority having jurisdiction to the Board of Appeals

when it is claimed that any one (1) or more of the following conditions exist:

(1) The true intent of the provisions in this Code have been incorrectly interpreted.

(2) The provisions of the Code do not fully apply.

(3) A decision is unreasonable or arbitrary as it applies to alternatives or new materials.

1-8.6.2 An appeal shall be submitted to the authority having jurisdiction in writing within thirty (30) calendar days of notification of violation outlining the Code provision from which relief is sought and the remedy proposed.

1-8.6.3 Pending decision of the Board of Appeals, an order of the Fire Marshal shall be stayed unless, based upon available data, there is a distinct fire hazard to life or to the property of others.

1-8.6.4 When an appeal is filed, the applicable fee shall be paid at the Office of the Fire Marshal Division by check or by money order made payable to the "Treasurer, City of Detroit".

1-8.6.5 A decision by the Board of Appeals is final and applies only to the appellant.

1-11 Records and Reports.

1-11.1 A record of inspections, code reviews, Board of Appeals hearings, approvals, and variances granted shall be maintained by the authority having jurisdiction and shall be available for inspection and, after payment of the required fee, for copying, during business hours in accordance with applicable law.

1-11.4 In accordance with Chapter 41, Article VI, of the 1984 Detroit City Code, the authority having jurisdiction shall maintain a file for each application that requests a license for solicitation of fire repair contracts for any residential occupancy and a combination of residential occupancy and any other occupancy, which shall be subject to inspection and copying under Section 1-11.1 of this Code.

1-16 Permits and Approvals.

1-16.1 The authority having jurisdiction shall be authorized to conduct inspections, and to establish and issue permits, certificates, notices, and approvals, or orders pertaining to fire and explosion hazards and control pursuant to this section. The required, non-refundable fee, and any outstanding fee for the same service, shall be paid prior to the service being rendered.

1-16.6.1 Any person who sells, offers for sale, installs, operates, maintains or uses any appliance, device, equipment or system which requires a permit, approval or certificate under provisions of this article, shall obtain the permit, approval or certificate before conducting any operation covered by the permit, approval or certificate.

1-16.7 The authority having jurisdiction shall have the authority to require an inspection and to collect requisite fees for the inspection and permit prior to the issuance of a permit.

1-16.16 The authority having jurisdiction shall have the authority to conduct inspections, and to issue permits for the following operations within the jurisdiction, which may be a condition for the issuance and maintenance of City licenses under Chapter 30 of the 1984 Detroit City Code, provided, that the required,

non-refundable fee, and any outstanding fee for the same service, shall be paid prior to the service being rendered:

(1) *Acetylene Charging Plants.* Installation, handling, or operations of acetylene charging plants fire protection safety features.

(2) *Amusement Parks.* Construction, alteration, or operation of amusement park fire protection safety features.

(3) *Assembly Occupancy.* Use of a building as defined in Sections 2-1.13 and 8-1.1 of this Code.

(4) *Automatic Digital Dialer Alarm (ADDA) Systems.* Monitoring of an ADDA System by the Detroit Fire Department Communications Division.

(5) *Automatic Fire Suppression Systems.* Installation of, repair of, adjustment of, or modification to any automatic fire suppression system.

(6) *Bonfires and Outdoor Rubbish Fires.* Maintaining any open fire in any public street, alley, road, or other public or private ground. Instructions and stipulations of permit shall be adhered to. Cooking fires are exempt and do not require a permit.

(7) *Bowling Lanes and Bowling Pins.* Finishing, resurfacing, and refinishing of bowling lanes, and reconditioning and resurfacing of bowling pins in compliance with Chapter 19, Article I, Division 3, of the 1984 Detroit City Code.

(8) *Business Occupancy.* Use of a building for purposes defined in Section 2-1.20 of this Code.

(9) *Calcium Carbide.* Storage in cylinders or containers.

(10) *Cellulose Nitrate Film.* Storage, handling, or use of cellulose nitrate film.

(11) *Combustible Fibers.* Storage or handling of combustible fibers covered by Section 12-2 of this Code.

(12) *Compressed Gases.* Storage, handling, or use of compressed gases. Installation or modification of any compressed gas system.

(13) *Covered Mall Buildings.* Permit required annually for facilities that utilize the mall area for exhibits or displays. Exhibits and displays include community service projects, sidewalk sales, and holiday sales. Other trade shows and exhibits held in the mall shall require a separate trade show/exhibit permit.

(14) *Cutting and Welding.* Cutting or welding operations within the jurisdiction.

(15) *Dry Cleaning Plant or System.* Use of solvents and the process of extracting, drying, and reclaiming solvents.

(16) *Dust Explosion Prevention.* Installation, modification, or operation of the following:

- a. Grain bleacher or elevator
- b. Starch, flour, or feed mill
- c. Malt house
- d. Wood flour manufacturing plant
- e. Aluminum, coal, cocoa, magnesium, spices, sugar, or other facility that pulverizes materials subject to dust explosion
- f. Any central dust collection system
- g. Any equipment that produces significant amounts of dust subject to explosion.

(17) *Educational Occupancy.* Use of building for purposes defined in Section 2-1.55 of this Code.

(18) *Enclosed Parking Structures.* Construction, alteration, or operation of

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enclosed parking structures fire protection safety features.

(19) *Ethylene Oxide for Fumigation and for Fruit and Crop Ripening*. Storage, Handling, and Use in Compliance with Chapter 19, Article I, Division 6, of the 1984 Detroit City Code.

(20) *Exhibit and Trade Shows*. Operation of all exhibits and trade shows held within the jurisdiction.

(21) *Explosives*. Manufacture, sell, dispose, purchase, storage, use, possess, or transport of explosives within the jurisdiction. A separate permit, valid for no more than thirty (30) days, shall be required to conduct blasting operations.

(22) *Fire Protection Systems and Related Equipment*. Installation of, or modification to, fire protection systems, such as standpipes, fire sprinkler systems, fire extinguishing systems, detection, alarm and communication systems, emergency generators, and related equipment. Maintenance performed in accordance with Chapter 8 is not considered a modification and does not require a permit.

(23) *Fire Pumps and Related Equipment*. Installation of or modification to fire pumps and related fuel tanks, jockey pumps, controllers, and generators. Maintenance performed in accordance with this Code is not considered a modification and does not require a permit.

(24) *Fireworks*. Possession, storage, manufacture, or sale of fireworks, or transport, storage, and discharge of fireworks for public display within the jurisdiction in compliance with Chapter 19, Article I, Division 4, of the 1984 Detroit City Code.

(25) *Flammable and Combustible Liquids*:

1. Storage, use, handling, or transportation of Class I, Class II, or Class IIIA flammable or combustible liquids.

2. Installation, modification, removal, abandonment, defueling, or slurry fill of storage tanks.

3. Manufacture, processing, blending, or refining.

4. Operation of cargo tankers that transport flammable and combustible liquids.

5. Retail Bulk Dealer.

6. Retail Package Dealer.

7. Wholesale Bulk Dealer.

8. Wholesale Package Dealer.

(26) *Flammable Finish Application*. The spray application of flammable or combustible liquids. Installation or modification of any spray room or booth.

(27) *Flammable or Combustible Tank Cleaning*. The cleaning of flammable- or combustible-liquid above-ground or underground storage tanks.

(28) *Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures*.

(29) *Hazardous Material Storage*. The storage, use, and handling of hazardous materials in excess of five (5) gallons, or one (1) pound for solids.

(30) *Hazardous Materials or Explosives*. Escorting within the City limits.

(31) *Indoor Storage of Rubber Tires*. Use of a building in accordance with Section 18-15.4.1 of this Code.

(32) *Industrial Occupancy*. Use of building for purposes defined in Section 2-1.87 of this Code.

(33) *Industrial Ovens and Furnaces*. Operation of industrial ovens covered by Chapter 19 of this Code.

Exception No. 2: For emergency repair work performed on an emergency basis, application for permit shall be made within two (2) working days of commencement of work.

(34) *Junk Dealer*. Use of premises for purposes defined in Section 49-7-1 of the 1984 Detroit City Code.

(35) *LP-Gas*:

a. Storage and use of LP-Gas

b. Installation of or modification to any LP-Gas system

c. Operation of any cargo tankers that transport LP-Gas

(36) *Lumber Yards and Woodworking Plants*. Storage of lumber exceeding 100,000 board ft.

(37) *Magnesium*. Storage, handling, or processing of magnesium in quantities deemed significant by the authority having jurisdiction.

(38) *Mercantile Occupancy*. Use of building for purposes defined in Section 2-1.103 of this Code.

(39) *Organic Coatings*. Operation and maintenance of a facility that manufactures organic coatings.

(40) *Outdoor Storage of Scrap Tires*. Establish, conduct, or maintain any outdoor storage of scrap tires in compliance with Chapter 19, Article I, Division 7, of the 1984 Detroit City Code.

(41) *Oxidizers and Organic Peroxides, Storage of, Regulated by Chapter 24*:

a. Materials classified as having more than one hazard category if the quantity limits are exceeded in any category

b. Repair, abandon, remove, place temporarily out-of-service, close, or substantially modify a storage facility

c. Installation, modification, alteration, or addition to any stationary aboveground or underground hazardous materials storage tank, secondary containment system, ventilation system, exhaust treatment system, explosion venting or suppression systems, or gas detection system

d. Storage, handling, or use of chlorine.

e. Installation or modification to any chlorine gas system

(42) *Pesticides and Herbicides, Storage of*.

(43) *Pyroxylin Plastics*. Storage, handling, assembly, or manufacture of pyroxylin plastics.

(44) *Private Fire Hydrants*. Installation, maintenance, modification, or removal from service of any private fire hydrants.

(45) *Refrigeration Tank Pump-outs*. Removal of hazardous gas or refrigerant liquid from a tank or container.

(46) *Repair Garages and Service Stations*. Operation of repair garages and service stations.

(47) *Residential Occupancies*. Use of building for purposes defined in Section 2-1-136 of this Code.

(48) *Roof-Top Heliports*. Construction, modification, or operation of a roof top heliport.

(49) *Roof-top Landing Pad*. Construction, modification, or operation of a roof-top landing pad.

(50) *Shelters, Temporary Emergency Shelters, and Warming Centers*. Installation, alteration, modification, or operation of fire protection safety features as

required by Chapter 44, Article V, of the 1984 Detroit City Code.

(51) *Standpipe Systems*. Installation, modification, or removal from service of any standpipe system. Maintenance performed in accordance with Section 6-2 is not considered a modification and does not require a permit.

(52) *Special Outdoor Events, Carnivals, and Fairs*. The location and operation of special outdoor events, carnivals, and fairs.

(53) *Storage Occupancies*. Use of building for purposes defined in Section 2-1.154 of this Code.

(54) *Tar Kettles*. Permit shall be obtained at least two (2) working days prior to the placement of a tar kettle.

(55) *Tire Rebuilding Plants*. Operation and maintenance of a tire rebuilding plant.

(56) *Torch-Applied Roofing Systems, Installation of*.

(57) *Used Automobile Dealer*. Use of building for purposes of showcasing and selling used automobiles.

1-17 Certificates of Fitness.

1-17.1 The authority having jurisdiction shall have the authority to require certificates of fitness for individuals or companies performing activities related to fire safety within the jurisdiction for the following:

- (1) Use of explosive materials
- (2) Blasting or demolition operations
- (3) Fireworks or pyrotechnics displays
- (4) Installation, servicing, or recharging of any portable fire extinguishers
- (5) Installation, servicing, or recharging of any fixed fire extinguishing systems
- (6) Installation, servicing or modification of any fire protection system
- (7) Installation, servicing, or modification of any gas- or oil-burning heating systems
- (8) Chimney sweep operations
- (9) Installation, servicing, or modification of any range-hood systems
- (10) Installation or servicing or any chlorine systems
- (11) Supervising or operating a pump or device used to dispense gasoline or other flammable liquid, or Class II and/or Class IIIa combustible liquids, for the retail sale of such liquids
- (12) Installation, Servicing, and Modification of Emergency Lighting, Emergency and Standby Power, or Emergency Generator.

The required, non-refundable fee, and any outstanding fee for the same service, shall be paid prior to the service being rendered.

1-19 Notice of Violations, Penalties.

1-19.5 Any person who violates any provision of this article or fails to comply therewith, or violates or fails to comply with any order made thereunder, or builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or fails to operate in accordance with any certificate or permit issued thereunder, or fails to comply with such an order as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction, within the time fixed herein, shall be issued a misdemeanor violation.

1-19.6 Where convicted of such violation, the person shall be guilty of a misdemeanor, for each and every such violation and noncompliance, that is punishable by

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a fine of not less than two hundred fifty dollars (\$250.00) or more than five hundred dollars (\$500.00), or by imprisonment of not more than ninety (90) days, or by both, in the discretion of the court.

1-19.7 The imposition of one (1) penalty for any violation shall not excuse the violation or permit the violation 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 any penalty in Section 1-19.6 of this Code shall not prevent the enforced removal of prohibited conditions.

1-19.8 Each day that a prohibited condition is maintained shall constitute a separate offense.

Chapter 2 Definitions

2-1 Definitions. Words defined in this Code are intended only for use with sections of this Code. Definitions set forth in any document referenced by this Code shall be the acceptable definition for use of that document only. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. *Webster's Third New International Dictionary of the English Language*, Unabridged, shall be considered as providing ordinary accepted meaning.

2-1.1 Aboveground Storage Tank. A horizontal or vertical tank that is listed and intended for fixed installation, without backfill, above or below grade, and is used within the scope of its approval or listing: (30A:1-2)

2-1.2 Access Box. A container of a type approved by the authority having jurisdiction installed in an accessible location for the purpose of containing keys or other devices to gain necessary access to areas of the premises.

2-1.3 Addition. An extension or increase in floor area or height of a building or structure. (101:3.3.3)

2-1.4 Airport Ramp. Any outdoor area, including aprons and hardstands, where aircraft can be positioned, stored, serviced, or maintained, irrespective of the nature of the surface of the area. (415:1-4)

2-1.5* Airport Terminal Building. A structure used primarily for air passenger enplaning or deplaning, including ticket sales, flight information, baggage handling, and other necessary functions in connection with air transport operations. This term includes any extension and satellite buildings used for passenger handling or aircraft flight service functions. Aircraft loading walkways and "mobile lounges" are excluded. (415:1-4)

2-1.6 Alternative. A system, condition, arrangement, material, or equipment submitted to the authority having jurisdiction as a substitute for a code requirement.

2-1.7 Ambulatory Health Care Facilities. A building or portion thereof used to provide services or treatment simultaneously to four or more patients that (1) provides, on an outpatient basis treatment for patients that renders the patients incapable of taking action for self-preservation under emergency conditions without assistance of others; or (2) provides, on an outpatient basis, anesthesia that renders the patients incapable of taking action for self-preservation under emer-

gency conditions without assistance of others. (101:3.3.134.1)

2-1.8 ANSI/ASME. An American National Standards Institute publication, sponsored and published by the American Society of Mechanical Engineers.

2-1.9* Apartment Buildings. A building containing three or more dwelling units with independent cooking and bathroom facilities (101:3.3.25.1)

2-1.10* Approved. Acceptable to the authority having jurisdiction.

2-1.11 ASME. American Society of Mechanical Engineers.

2-1.12 ASME Container (or Tank). A container constructed in accordance with the ASME Code. (See *Appendix D of NFPA 58*) (58:1-6)

2-1.13* Assembly Occupancy. An occupancy (1) used for gathering together fifty or more persons for deliberation, worship, entertainment, eating, drinking, amusement, or awaiting transportation, or similar uses; or (2) use as a special amusement buildings, regardless of occupant load. (101:3.3.134.2)

2-1.14 Authority Having Jurisdiction.* The Fire Marshal of the City of Detroit, or his or her duly sworn designees.

2-1.14-A Automatic Digital Dialer Alarm System. Digital, dual phone line, fire alarm communication system that automatically transmits the status of the system to a monitoring facility.

2-1.15 Automatic Fire Extinguishing System. Any system designed and installed to detect a fire and subsequently discharge an extinguishing agent without the necessity of human intervention.

2-1.16 Basement. Any story that has more than 50 percent of the total area of the building's perimeter below grade.

2-1.17 Board of Appeals. A group of persons appointed by the governing body of the jurisdiction adopting this Code for the purpose of hearing and adjudicating differences of opinion between the authority having jurisdiction and the citizenry in the interpretation, application, and enforcement of this Code.

2-1.18 Building. Any structure used or intended for supporting or sheltering any use or occupancy. (101:3.3.25)

2-1.18.1 Building, Existing. Any structure erected or officially authorized prior to the effective date of the adoption of this edition of the Code by the agency or jurisdiction. (101:3.3.25.4)

2-1.19 Bulk Merchandising Retail Building. A building in which the sales area includes the storage of combustible materials on pallets, in solid piles, or in racks in excess of 12 ft (3.7 m) in storage height. (101:3.3.25.2)

2-1.20 Business Occupancy. An occupancy used for account and record keeping or the transaction of business other than mercantile (101:3.3.134.3)

2-1.21 Certificate of Fitness. A written document issued by authority of the authority having jurisdiction to any person for the purpose of granting permission to such person to conduct or engage in any operation or act for which certification is required.

2-1.22 CFR. The Code of Federal Regulations of the United States Government.

2-1.23 Class A Fires. Fires in ordinary

combustible materials, such as wood, cloth, paper, rubber, and many plastics. (10:1-3)

2-1.24 Class B Fires. Fires in flammable liquids, combustible liquids, petroleum greases, tars, oils, oil-based paints, solvents, lacquers, alcohols, and flammable gases. (10:1-3)

2-1.25 Class C Fires. Fires that involve energized electrical equipment where the electrical nonconductivity of the extinguishing media is of importance. (When electrical equipment is de-energized, fire extinguishers for Class A or Class B fires can be used safely.) (10:1-3)

2-1.25 Class D Fires. Fires in combustible metals, such as magnesium, titanium, zirconium, sodium, lithium, and potassium. (10:1-3)

2-1.27 Class K Fires. Fires in cooking appliances that involve combustible cooking media (vegetable or animal oils and fats). (10:1-3)

2-1.28 Classification of Hazards for Portable Fire Extinguishers.

2-1.28.1 Extra (High) Hazard. Extra hazard occupancies are locations where the total amount of Class A combustibles and Class B flammables present, in storage, production, use, finished product, or combination thereof, is over and above those expected in occupancies classed as ordinary (moderate) hazard. These occupancies could consist of woodworking, vehicle repair, aircraft and boat servicing, cooking areas, individual product display showrooms, product convention center displays, and storage and manufacturing processes such as painting, dipping, and coating, including flammable liquid handling. Also included is warehousing of or in-process storage of other than Class I and Class II commodities as defined by NFPA 13, *Standard for the Installation of Sprinkler Systems*. (10:1-5.3)

2-1.28.2 Light (Low) Hazard. Light hazard occupancies are locations where the total amount of Class A combustible materials, including furnishings, decorations, and contents, is of minor quantity. This can include some buildings or rooms occupied as offices, classrooms, churches, assembly halls, guest room area of hotels/motels, and so forth. This classification anticipates that the majority of content items are either noncombustible or so arranged that a fire is not likely to spread rapidly. Small amounts of Class B flammables used for duplicating machines, art departments, and so forth, are included, provided that they are kept in closed containers and safely stores. (10:1-5.1)

2-1.28.3 Ordinary (Moderate) Hazard. Ordinary hazard occupancies are locations where the total amount of Class A combustibles and Class B flammables are present in greater amounts than expected under light (low) hazard occupancies. These occupancies could consist of dining areas, mercantile shops, and allied storage; light manufacturing, research operations, auto showrooms, parking garages, workshop or support service area of light (low) hazard occupancies; and warehouses containing Class I or Class II commodities as defined by NFPA 13, *Standard for the Installation of Sprinkler Systems*. (10:1-5.2)

2-1.29 Clean Zone. A defined space in

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which the concentration of airborne particles is controlled to specified limits. (318:1-4)

2-1.30 Cleanroom. A room in which the concentration of airborne particles is controlled to specified limits. Cleanrooms include area below the raised floor and above the ceiling grid if these areas are part of the air path and within the rated construction. (318:1-4)

2-1.31 Closed Container. A container as herein defined, so sealed by means of a lid or other device that neither liquid nor vapor will escape from it at ordinary temperatures. (30A:1-2)

2-1.32 Code.* A standard that is an extensive compilation of provisions covering broad subject matter or that is suitable for adoption into law independently of other codes and standards.

2-1.132-A College Administrator. This term shall have its ordinary meaning and shall include both the singular and the plural.

2-1.33 Combustible. A material that, in the form in which it is used and under the conditions anticipated, will ignite and burn; a material that does not meet the definition of noncombustible or limited-combustible. (101:3.3.29)

2-1.34 Combustible Dust. Any finely divided solid material 420 microns or smaller in diameter (material passing a U.S. No. 40 standard sieve) that presents a fire hazard or a deflagration hazard when dispersed and ignited in air. (650:1-5)

2-1.35 Combustible fiber. Any material in a fibrous or shredded form that will readily ignite when heat sources are present.

2-1.36* Combustible Particulate Solid. Any combustible solid material comprised of distinct particles or pieces, regardless of size, shape, or chemical composition that generates combustible dusts during handling. Combustible particulate solids include dusts, fibers, fines, chips, chunks, flakes, or mixtures of these. (650:1-5)

2-1.37 Combustible refuse. All combustible or loose rubbish, litter, or waste materials generated by an occupancy that are refused, rejected, or considered worthless and are disposed of by incineration on the premises where generated or periodically transported from the premises.

2-1.38 Combustible waste. Combustible or loose waste materials that are generated by an establishment or process and, being salvageable, are retained for scrap or reprocessing on the premises where generated or transported to a plant for processing. These include, but are not limited to, all combustible fibers, hay, straw, hair, feathers, down, wood shavings, turnings, all types of paper products, soiled cloth trimmings and cuttings, rubber trimmings, and buffings, metal fines, and any mixture of the above items, or any other salvageable combustible waste materials.

2-1.39 Combustion. A chemical process that involves oxidations sufficient to produce light or heat. (101:3.3.30)

2-1.40 Common Path of Travel. The portion of exit access that must be traversed before two separate and distinct paths of travel to two exits are available. (101:3.3.32)

2-1.41 Construction documents.

Documents that consist of scaled design drawings and specifications for the purpose of construction of new facilities or modification to existing facilities. (See also 2-1-141, *Shop Drawings*)

2-1.42 Consumer Fireworks. (Formerly known as Common Fireworks) Any small fireworks device designed primarily to produce visible effects by combustion that complies with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Commission, as set forth in Title 16, *CFR*, Parts 1500 and 1507. Some small devices designed to produce audible effects are included, such as whistling devices, ground devices containing 0.8 grains (50 mg) or less of explosive composition (salute powder), and aerial devices containing 2 grains (130 mg) or less of explosive composition (salute powder) per explosive unit. (1124:1-4)

2-1.43 Container.

2-1.43.1 Container, Flammable or Combustible Liquid. Any vessel of 60 U.S. gal (227L) or less capacity used for transporting or storing liquids. (30:1-6)

2-1.43.2 Container, LP-Gas. Any vessel, including cylinders, tanks, portable tanks, and cargo tanks, used for the transporting or storing of LP-Gases. (58:1-6)

2-1.44 Cylinder. A container constructed in accordance with U.S. Department of Transportation specifications (Title 49, *Code of Federal Regulations*). (58:1-6)

2-1.45* Day-Care Home. A building or portion of a building in which more than three but not more than 12 clients receive care, maintenance, and supervision, by other than their relative(s) or legal guardian(s), for less than 24 hours per day. (101:3.3.39)

2-1.46* Day-Care Occupancy. An occupancy in which four or more clients receive care, maintenance, and supervision, by other than their relatives or legal guardians, for less than 24 hours per day. (101:3.3.134.4)

2-1.47 Dedicated Smoke Control Systems. Systems that are intended for the purpose of smoke control only. They are separate systems of air moving and distribution equipment that do not function under normal building operating conditions. Upon activation, these systems operate specifically to perform the smoke control function.

2-1.48 Deflagration. Propagation of a combustion zone at a velocity that is less than the speed of sound in the unreacted medium. (68:1-4)

2-1.49 Detached Storage. Storage in a separate building or in an outside area located away from all structures.

2-1.50 Detectors.

2-1.50.1 Air Sampling-Type Detector. A detector that consists of a piping or tubing distribution network that runs from the detector to the area(s) to be protected. An aspiration fan in the detector housing draws air from the protected area back to the detector through an sampling ports, piping, or tubing. At the detector, the air is analyzed for the fire products. (72:1-4)

2-1.50.2 Line-Type Detector. A device in which detection is continuous along a path. Typical examples are rate-of-rise pneumatic tubing detectors, projected beam smoke detectors, and heat-

sensitive cable. (72:1-4)

2-1.50.3 Spot-Type Detector. A device in which the detecting element is concentrated at a particular location. Typical examples are bimetallic detectors, fusible alloy detectors, certain pneumatic rate-of-rise detectors, certain smoke detectors, and thermoelectric detectors. (72:1-4)

2-1.51 Detention and Correctional Occupancy. An occupancy used to house four or more persons under varied degrees of restraint or security where such occupants are mostly incapable of self-preservation because of security measures not under the occupants' control. (101:3.3.134.5)

2-1.51.1 Detention and Correctional Use Condition. For application of the life safety requirements of this Chapter, the resident user category shall be divided into the following five groups.

(a) *Use Condition I — Free Egress.* Free movement is allowed from sleeping areas and other spaces where access or occupancy is permitted to the exterior via means of egress that meet the requirements of the Code.

(b) *Use Condition II — Zoned Egress.* Free movement is allowed from sleeping areas and other occupied smoke compartment to one or more other smoke compartments.

(c) *Use Condition III — Zoned Impeded Egress.* Free movement is allowed within individual smoke compartments, such as within a residential unit comprised of individual sleeping rooms and a group activity space, with egress impeded by remote-controlled release of means of egress from such a smoke compartment to another smoke compartment.

(d) *Use Condition IV — Impeded Egress.* Free movement is restricted from an occupied space. Remote-controlled release is provided to allow movement from all sleeping rooms, activity spaces, and other occupied areas within the smoke compartment to another smoke compartment.

(e) *Use Condition V — Contained.* Free movement is restricted from an occupied space. Staff-controlled manual release at each door is provided to allow movement from all sleeping rooms, activity spaces, and other occupied areas within the smoke compartment to another smoke compartment. (101:22.1.4.1, 101:23.1.4.1)

2-1.52 Detonation. Propagation of a combustion zone at a velocity that is greater than the speed of sound in the unreacted medium. (68:1-4)

2-1.52-A Detroit Fire Prevention and Protection Code. The NFPA 1, *Fire Prevention Code*, 2000 Edition, and the referenced publications that are delineated within its Chapter 32, the amendments and changes that are set out in Section 19-1-22 of the 1984 Detroit City Code, and Divisions 3 through 7 of Chapter 19, Article I, of the 1984 Detroit City Code.

2-1.53* Dormitory. A buildings or a space in a buildings where group sleeping accommodations are provided for more than 16 persons who are not members of the same family in one room or a series of closely associated rooms under joint occupancy and single management, with or without meals, but without individual cooking facilities. (101:3.3.46)

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2-1.54 Dwelling Unit. A single unit, providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. (101:3.3.48)

2-1.55 Educational Occupancy. An occupancy used for educational purposes through the twelfth grade by six or more persons for four or more hours per day or more than 12 hours per week. (101:3.3.134.6)

2-1.56 Emergency. A fire, explosion, or hazardous condition that poses an immediate threat to the safety of life or damage to property.

2-1.57 Existing. That which is already in existence on the date when this edition of the Code goes into effect. (101:3.3.59)

2-1.58 Existing Condition. Any situation, circumstances, or physical makeup of any structure, premise, or process that was ongoing or in effect prior to the adoption of this Code. (1141:2-1)

2-1.59 Exit. That portion of a means of egress that is separated from all other spaces of a building or structure by construction or equipment as required to provide a protected way of travel to the exit discharge. (101:3.3.61)

2-1.60 Exit Access. That portion of a means of egress that leads to an exit. (101:3.3.61)

2-1.61 Exit Discharge. That portion of a means of egress between the termination of an exit and a public way. (101:3.3.63)

2-1.62 Explosion. The bursting or rupturing of an enclosure or a container due to the development of internal pressure from a deflagration. (68:1-4)

2-1.62-A Explosive Materials. Explosives, blasting agents, water jels (slurries) and detonators. (See NFPA 495, *Explosive Material Codes*, referenced in Chapter 32, for classification of explosives.)

2-1.63* Fire Compartment. A space, within a building that is enclosed by fire barriers on all sides, including the top and bottom. (101:3.3.71)

2-1.64 Fire Door Assembly. Any combination of a fire door, frame, hardware, and other accessories that together provide a specific degree of fire protection to the opening. (80:1-4)

2-1.65 Fire Hazard. Any situation, process, material, or condition that, on the basis of applicable data, may cause a fire or explosion or provide a ready fuel supply to augment the spread or intensity of the fire or explosion and that poses a threat to life or property.

2-1.66* Fire Hydrant. A connection to a water main for the purpose of supplying water to fire hose or other fire protection apparatus.

2-1.67 Fire Lanes. The road or other means developed to allow access and operational setup for fire-fighting and rescue apparatus.

2-1.67-A Fire Commissioner. The individual who is appointed by the Mayor as the administrative leader of the Fire Department

2-1.67-B Fire Marshal. The individual designated as the administrative head of the Fire Marshal Division who is responsible for the administration and enforcement of this article, or his or her designee.

2-1.67-C Fire Official. Any authorized

person who is serving as a designated employee, representative, or agent of the Fire Department.

2-1.68 Fire Protection System. Any fire alarm device or system, or fire extinguishing device or system, or combination, that is designed and installed for detecting, controlling, or extinguishing a fire or otherwise alerting occupants, or the Fire Department, or both that a fire has occurred. (1142:2-1)

2-1.69 Fire Retardants. Liquids, solids, or gases that tend to inhibit combustion when applied on, mixed in, or combined with combustible materials.

2-1.70 Fire Watch. The assignment of a person or persons to be in an area for the express purpose of notifying the Fire Department and/or building occupants of an emergency, preventing a fire from occurring, extinguishing small fires, or protecting the public from fire or life safety dangers.

2-1.71 Flame Spread. The propagation of flame over a surface. (101:3.3.78)

2-1.72 Flame Spread Rating. The comparative performance of fire travel over the surface of a material when tested in accordance with the provisions of NFPA 255, *Standard Method of Test of Surface Burning Characteristics of Building Materials*.

2-1.72-A Flammable or Combustible Tank Cleaning. The process of removing sediment, debris, and other foreign matter from the inner walls and surfaces of an above-ground or an underground tank.

2-1.73 Floor Area, Gross. The floor area within the inside perimeter of the outside walls of the building under consideration with no deduction for hallways, stairs, closets, thickness of interior walls, columns, or other features. (101:3.3.81)

2-1.74 Floor Area, Net. The floor area that is the actual occupied area, not including accessory unoccupied areas of thickness of walls. (101:3.3.82)

2-1.75 Gallon. One U.S. Standard Gallon (3.785 L).

2-1.75-A Grade. The referenced plane representing the average elevation of finished ground level adjoining the building at all exterior walls.

2-1.76 Ground Kettle. A container that might or might not be mounted on wheels and is used for heating tar, asphalt, or similar substances.

2-1.76-A Guide. A document that is advisory or informative in nature and that contains only nonmandatory provisions. A guide may contain mandatory statements such as when a guide can be used, but the documents as a whole is not suitable for adoption into law.

2-1.77 Hazard of Contents.

2-1.77.1* High Hazard.* High hazard contents shall be classified as those that are likely to burn with extreme rapidity or from which explosions are likely. (*For means of egress requirements, see Section 7.11 of NFPA 101.*) (101:6.2.2.4)

2-1.77.2* Low hazard. Low hazard contents shall be classified as those of such low combustibility that no self-propagating fire therein can occur. (101:6.2.2.2)

2-1.77.3* Ordinary Hazard. Ordinary hazard contents shall be classified as those that are likely to burn with moderate rapidity or to give off a considerable volume of smoke. (101:6.2.2.3)

2-1.77.4 Hazardous Material. A chemical or substance that creates danger to human life or to property due to its toxicity, reactivity, instability, or corrosivity whether the material is in usable or waste condition, which includes, but are not limited to, the following categories that are regulated by this Code:

- (1) Corrosive solids and liquids
- (2) Cryogenic fluids: all
- (3) Explosives and blasting agents
- (4) Flammable and combustible liquids
- (5) Flammable solids and gases
- (6) Organic peroxide solids and liquids
- (7) Oxidizer solids, liquids, and gases
- (8) Pyrophoric solids and liquids
- (9) Toxic compressed gases: flammable, oxidizing, pyrophoric, unstable (reactive), and corrosive
- (10) Toxic solids, liquids, and gases
- (11) Unstable (reactive) solids and liquids
- (12) Water-reactive solids and liquids

2-1.78 Health Care Occupancy. An occupancy used for purposes such as medical or other treatment or care of four or more persons where such occupants are mostly incapable of self-preservation due to age, physical or mental disability, or because of security measures not under the occupants' control. (101:3.3.134.7)

2-1.79 Highly Volatile Liquid. A liquid with a boiling point of less than 68°F (20°C).

2-1.80* High-Rise Building. A building more than 75 ft (23 m) in height where the building height is measured from the lowest level of Fire Department vehicle access to the floor of the highest occupiable story. (101:3.3.25.6)

2-1.81* Horizontal Exit. A way of passage from one building to an area of refuge in another building on approximately the same level, or a way of passage through or around a fire barrier to an area of refuge on approximately the same level in the same building that affords safety from fire and smoke originating from the area of incidence and areas communicating therewith. (101:3.3.61.1)

2-1.82* Hospital. A building or part thereof used on a 24-hour basis for the medical, psychiatric, obstetrical, or surgical care of four or more inpatients. (101:3.3.104)

2-1.83* Hotel. A buildings or groups of buildings under the same management in which there are sleeping accommodations for more than 16 persons primarily used by transients for lodging with or without meals. (101:3.3.105)

2-1.84 Imminent Danger. Any conditions or practices in any occupancy or structure that pose a danger that could reasonably be expected to cause death, serious physical harm, or serious property loss.

2-1.85 Incident Commander (IC). The Fire Department individual in overall command of an emergency incident. (1561:1-3)

2-1.86 indicating Valve. A valve that has components that show if the valve is open or closed. Examples are outside screw and yoke (OS&Y) gate valves and underground gate valves with indicator posts.

2-1.87 Industrial Occupancy. An occupancy in which products are manufactured or in which processing, assem-

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bling, mixing, packaging, finishing or decorating, or repairing operations are conducted. (101:3.3.134.8)

2-1.88 Initiating Device Circuit. A circuit to which automatic or manual initiating devices are connected where the signal received does not identify the individual device operated. (72:1-4)

2-1.89 Isolated Storage. Storage in a different storage room or in a separate and detached building located at a safe distance.

2-1.90 Jurisdiction. Any governmental unit or political division or subdivision, including, but not limited to, township, city, village, county, borough, state, commonwealth, province, freehold, district, or territory, that has adopted this Code under due legislative authority.

2-1.91 Labeled. Equipment or materials to which has been attached a label, symbol, or other identifying mark of an organization that is acceptable to the authority having jurisdiction and concerned with product evaluation, that maintains periodic inspection of production of labeled equipment or materials, and by whose labeling the manufacturer indicates compliance with appropriate standards or performance in a specified manner.

2-1.91-A Licensed. The written authority or permission granted by the Buildings and Safety Engineering Department Business License Center to conduct a business or operation covered by this Code.

2-1.92* Limited Care Facility. A building or part of a building used on a 24-hour basis for the housing of four or more persons who are incapable of self-preservation because of age; physical limitations due to accident or illness; or limitations such as mental retardation/developmental disability, mental illness, or chemical dependency. (101:3.3.117)

2-1.93* Liquefied Natural Gas (LNG). A fluid in the liquid state that is composed predominantly of methane and that can contain minor quantities of ethane, propane, nitrogen, or other components normally found in natural gas. (57:1-6)

2-1.94 Liquefied Petroleum Gas (LP-Gas). Any material having a vapor pressure not exceeding that allowed for commercial propane composed predominantly of the following hydrocarbons, either by themselves or as mixtures: propane, propylene, butane (normal butane or isobutane), and butylenes. (58:1-6)

2-1.95* Listed. Equipment, materials, or services included in a list published by an organization that is acceptable to the authority having jurisdiction and concerned with evaluation of products or services, that maintains period inspection of production of listed equipment or materials or periodic evaluation of services, and whose listing states that either the equipment, material, or service meets appropriate designated standards or has been tested and found suitable for a specified purpose.

2-1.96 Lodging or Rooming House. A building or portion thereof that does not qualify as a one- or two-family dwelling, that provides sleeping accommodations for a total of 16 or fewer people on a transient or permanent basis, without personal care services, with or without meals,

but without separate cooking facilities for individual occupants. (101:3.3.120)

2-1.97 Loose House. A separate detached building in which unbaled combustible fibers are stored.

2-1.97-A Manager. This term shall have its ordinary meaning and shall include both the singular and the plural.

2-1.98 Marine Vessel. Every description of water craft or other artificial contrivance used as a means of transportation in or on the water.

2-1.99 Material, Compatible. A material that, when in contact with an oxidizer, will not react with the oxidizer or promote or initiate its decomposition. (430:1-5.10)

2-1.100 Material, Incompatible. A material that, when in contact with an oxidizer, can cause hazardous reactions or can promote or initiate decomposition of the oxidizer. (430:1-5.11)

2-1.101* Means of Egress. A continuous and unobstructed way of travel from any point in a building or structure to a public way consisting of three separate and distinct parts: (1) the exit access, (2) the exit, and (3) the exit discharge. (101:3.3.121)

2-1.102 Means of Escape. A way out of a building or structure that does not conform to the strict definition of *means of egress* but does not provide an alternate way out. (101:3.3.122)

2-1.103* Mercantile Occupancy. An occupancy used for the display and sale of merchandise. (101:3.3.134.9)

2-1.103.1 Subclassification of Mercantile Occupancy. Mercantile occupancies shall be subclassified as follows:

(a) *Class A.* All mercantile occupancies having an aggregate gross area of more than 30,000 ft² (2800 m²) or using more than three levels, excluding mezzanines, for sales purposes.

(b) *Class B.* All mercantile occupancies of more than 3000 ft² (280 m²) but not more than 30,000 ft² (2800 m²) aggregate gross area, or using floors above or below the street floor level for sales purposes (mezzanines permitted).

Exception: If more than three floors, excluding mezzanines, are used, the mercantile occupancy shall be Class A, regardless of area.

(c) *Class C.* All mercantile occupancies of not more than 3000 ft² (280 m²) gross area used for sales purposes on one story only, excluding mezzanines. (101:36.1.4.2.1 and 101:37.1.4.2.1)

2-1.104 Mezzanine. An intermediate level between the floor and the ceiling of any room or space. (101:3.3.126)

2-1.104-A NFPA. The National Fire Protection Association.

2-1.105 Noncombustible Material. A material that, in the form in which it is used and under the conditions anticipated, will not ignite, burn, support combustion, or release flammable vapors when subjected to fire or heat. Materials that are reported as passing ASTM E136, *Standard Test Method for Behavior of Materials in a Vertical Tube Furnace at 750°C*, shall be considered noncombustible materials. (102:2-2)

2-1.106 Nondedicated Smoke Control Systems. Systems that share components with some other system(s) such as the building HVAC system. Activation causes the system to change its mode of operation to achieve the smoke control

objective.

2-1.107 Nonflammable Gas. A class of gases that is nonflammable, generally nonreactive.

2-1.107-A Notice of Violation. A written statement which gives an order, information, and a warning.

2-1.108 Nursing Home. A building or portion of a building used on a 24-hour basis for the housing and nursing care of four or more persons who, because of mental or physical incapacity, might be unable to provide for their own needs and safety without the assistance of another person. (101:3.3.132)

2-1.109 Occupancy. The purpose for which a building or portion thereof is used or intended to be used. (101:3.3.134)

2-1.109-A Occupant. This term shall have its ordinary meaning and shall include both the singular and the plural.

2-1.110 Occupant Load. The total number of persons that might occupy a building or portion thereof at any one time. (101:3.3.136)

2-1.111* Occupiable Story. A story occupied by people on a regular basis. (101:3.3.194.1)

2-1.112 One- and Two-Family Dwelling. One- and two-family dwellings include buildings containing not more than two dwelling units in which each dwelling unit is occupied by members of a single family with not more than three outsiders, if any, accommodated in rented rooms. (101:24-1.1.1)

2-1.112-A Operator. This term shall have its ordinary meaning and shall include both the singular and the plural.

2-1.113 Organic Peroxide. Any organic compound having a double oxygen or peroxy (-O-O-) group in its chemical structure. (432:1-5)

2-1.114* Organic Peroxide Formulation. A pure organic peroxide or a mixture of one or more organic peroxides with one or more other materials in various combinations and concentrations. (432:1-5)

2-1.115 Organic Peroxide Storage Area. An area used for the storage of organic peroxide formulations. (432:1-5)

2-1.115.1 Cut-off Storage. Cut-off storage refers to storage in the same building or inside area, but physically separated from incompatible materials by partitions or walls. (See Chapter 4 of NFPA 432.) (432:1-7.2)

2-1.115.2 Detached Storage. Detached storage refers to storage in either an open outside area or a separate building containing no incompatible materials and located from all other structures. (See Chapter 5 of NFPA 432.) (432:1-7.3)

2-1.115.3 Segregated Storage. Segregated storage refers to storage in the same room or inside area, but physically separated by distance from incompatible materials. Sills, curbs, intervening storage of nonhazardous compatible materials, and aisles shall be permitted to be used as aids in maintaining spacing. (See Chapter 3 of NFPA 432.) (432:1-7.1)

2-1.116 OSHA. The Occupational Safety and Health Administration of the U.S. Department of Labor. (55:1-4)

2-1.116-A Owner. This term shall have its ordinary meaning and shall include both the singular and the plural.

2-1.117 Oxidizer. Any material that readily yields oxygen or other oxidizing gas, or that readily reacts to promote or

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initiate combustion of combustible materials. (430:1-5.13)

2-1.118 Parking Structure. A building, structure, or portion thereof used for the parking, or storage, or both, of motor vehicles. A parking structure shall be permitted to be enclosed or open, shall be permitted to use ramps, and shall be permitted to use mechanical control push-button-type elevators to transfer vehicles from one floor to another. Motor vehicles are permitted to be parked by the driver or an attendant, or are permitted to be parked mechanically by automatic facilities. Where automatic parking is provided, the operator of those facilities shall be permitted either to remain at the entry level or to travel to another level. Motor fuel shall be permitted to be dispensed, and motor vehicles shall be permitted to be serviced in a parking structure. (88A:2-1)

2-1.118.1 Basement and Underground Parking Structures. Parking structures that are located below grade. A basement parking structure has other occupancies above it; an underground parking structure has no occupancy other than parking above it. Basement and underground parking structures are considered as specific cases of enclosed parking structures. (88A:2-1)

2-1.118.2 Enclosed Parking Structure. Any parking structure that is not an open parking structure. (88A:2-1)

2-1.118.3 Open Parking Structures. A parking structure that, at each parking level, has wall openings open to the atmosphere, for an area of not less than 1.4 ft² (0.13 m²) for each linear foot (0.3 m) of its exterior perimeter. Such openings are distributed over 40 percent of the building perimeter or uniformly over two opposing sides. Interior walls lines and column lines are at least 20 percent open, with openings distributed to provide ventilation. (88A:2-1)

2-1.119 Patch Kettle. Any pot or container with a capacity of less than 6 Gal (22.7 L) used for preheating tar, asphalt, pitch, or similar substances for the repair of roofs, streets, floors, pipes, or similar objects.

2-1.120 Permit. A document issued by the authority having jurisdiction for the purpose of authorizing performance of a specified activity.

2-1.121 Peroxide Forming Chemical. A chemical that, when exposed to air, will form explosive peroxides that are shock, pressure, or heat sensitive.

2-1.121-A Person. Every individual, firm, partnership, association or corporation, and their successor.

2-1.121-B Person in Control of. This term shall have its ordinary meaning and shall include both the singular and the plural.

2-1.122* Personal Care. The care of residents who do not require chronic or convalescent medical or nursing care. (101:3.3.145)

2-1.123 Pesticide. Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or for use as a plant regulator, defoliant, or desiccant. (434:1-5)

2-1.124 Physical Hazard. A classification of a chemical for which there is scientifically valid evidence that it is an organic peroxide or oxidizer.

2-1.124-A Premises. All buildings and structures, as well as the grounds on which an occupancy is located.

2-1.125 Private Building. A building, or that portion of a building, that is normally not frequented by nor open to the public.

2-1.126 Process. The manufacturing, handling, blending, conversion, purification, recovery, separation, synthesis, or use, or any combination, of any commodity or material regulated by this Code.

2-1.127 Professional Architect. An individual technically and legally qualified to practice the profession of architecture.

2-1.128 Professional Engineer. An individual technically and legally qualified to practice the profession of engineering.

2-1.129 Proprietary Information. Information regarding compounds or ingredients used in a process or production that do not qualify as trade secrets but that provide an industry or business with a competitive advantage.

2-1.130 Public Way. A street, alley, or other similar parcel of land essentially open to the outside air, deeded, dedicated, or otherwise permanently appropriated to the public for public use and having a clear width and height of not less than 10 ft (3 m). (101:3-3.157)

2-1.131 Ramp. A walking surface that has a slope steeper than 1 in 20. (101:3.3.158)

2-1.132 Recommended Practice. A document that is similar in content and structure to a code or standard but that contains only nonmandatory provisions using the word "should" to indicate recommendations in the body of the text.

2-1.133 Reduced Flow Valve. A valve equipped with a restricted flow orifice and inserted into a compressed gas cylinder, portable or stationary tank that is designed to reduce the maximum flow from the valve under full flow conditions. The maximum flow rate from the valve is determined with the valve allowed to flow to atmosphere with no other piping or fittings attached.

2-1.134 Repair Garages. Buildings, structures, or portions thereof wherein repair, painting, or body and fender work is performed on motorized vehicles or automobiles; includes associated floor space used for offices, parking, or showrooms. (88B:1-3)

2-1.134.1 Commercial and Truck Repair Garages. Buildings, structures, or portions thereof used for the storage, maintenance, and repair of commercial motor vehicles or trucks, including fleets of motor vehicles operated by utilities, large businesses, mercantile, rental agencies, and other similar concerns. Facilities for the dispensing of motor fuels are commonly provided in connection with these garages. (88B:1-3)

2-1.134.2* Taxicab and Bus Repair Garages. Buildings, structures, or portions thereof used for storage, maintenance, and repair of fleets of taxicabs, sedan-limousine-type motor vehicles, or motor buses. Facilities for the dispensing of motor fuels are commonly provided in connection with these garages. (88B:1-3)

2-1.135* Residential Board and Care Occupancy. A building or portion thereof that is used for lodging and boarding of four or more residents, not related by blood or marriage to the owners or opera-

tors, for the purpose of providing personal care services. (101:3.3.134.13)

2-1.136 Residential Occupancy. An occupancy that provides sleeping accommodations for purposes other than health care or detention and correctional. (101:3.3.134.12)

Residential occupancies are treated separately in this Code and in NFPA 101 in the following groups:

- (a) Hotels, motels, and dormitories
- (b) Apartment buildings
- (c) Lodging or rooming houses
- (d) One- and two-family dwellings
- (e) Residential board and care occupancy.

2-1.136-A Retail Bulk Dealer. Any person, except a manufacturer or wholesale bulk dealer as defined in this Chapter, selling flammable or combustible liquids direct to the consumer from tanks.

2-1.136-B Retail Package Dealer. Any person, except a manufacturer or wholesale bulk dealer as defined in this Chapter, selling flammable or combustible liquids direct to the consumer in sealed packages or from containers.

2-1.136-C Routes for Tank Vehicles. Routes for tank (full) trailers transporting hazardous materials south of Forest Avenue, shall be limited to a routing via East and West Vernor Highway. Tank (full) trailer units using the John C. Lodge Freeway shall be prohibited south of the Howard Street exit. Motor trucks or other vehicles used for the hauling or distribution of flammable liquids upon the John C. Lodge Freeway shall be prohibited between West Larned and Griswold Streets which includes the portion of said freeway going under Cobo Center, and between Wyoming and Eight Mile Road being the portion of said freeway with continuous high vertical walls, but not including services drives. Deliveries of Class I Liquids shall not be made south of Forest Avenue from tank (full) trailers; and deliveries of Class II and III-A liquids from such trailers may be made in that area only when special permission has been granted by the Fire Marshal.

2-1.136-D Sale or Transfer. To convey any interest in a residential occupancy except by lease, mortgage, gift, device, bequest or lien foreclosure. The sale or transfer shall be deemed to occur upon transfer of title, the execution of a land contract, or the exercise of an option to purchase the residential occupancy.

2-1.137 Satellite Building. A structure that can be adjacent to but separated from the airport terminal building, accessible aboveground or through subway passages, and used to provide flight service operations, such as passenger check-in, waiting rooms, food service, enplaning or deplaning, ~~etc~~ and the like. (415:1-4)

2-1.137-A School Principal. This term shall have its ordinary meaning and shall include both the singular and the plural.

2-1.138 Self-Closing. Equipped with an approved device that ensures closing after opening. (101:3.3.174)

2-1.139 Service Stations.

2-1.139.1 Automotive Service Station. That portion of a property where liquids used as motor fuels are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles or approved

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containers and shall include any facilities for the sale and service of tires, batteries, and accessories. This occupancy designation shall also apply to buildings, or portions of buildings, used for lubrication, inspection, and minor automotive maintenance work, such as tune-ups and brake system repairs. Major automotive repairs, painting, and body and fender work are excluded. (30A:1-2)

2-1.139.2 Marine Service Station. That portion of a property where liquids used as fuels are stored and dispensed from equipment on shore, piers, wharves, or floating docks into the fuel tanks of self-propelled craft and shall include all facilities used in connection therewith. (30A:1-2)

2-1.139.3 Service Station Located Inside Buildings. The portion of an automotive service station located within the perimeter of a building or building structure that also contains other occupancies. The service station shall be permitted to be enclosed or partially enclosed by the building walls, floors, ceilings, or partitions or shall be permitted to be open to the outside. The service station dispensing area shall mean that area of the service station required for dispensing of fuels to motor vehicles. Dispensing of fuel at manufacturing, assembly, and testing operations is not included within this definition. (30A:1-2)

2-1.140 Shall. Indicates a mandatory requirement.

2-1.140-A Shelter. An emergency shelter or a shelter for victims of domestic violence.

2-1.140-A.1 Emergency Shelter. A facility which provides congregate style temporary lodging either with or without meals and ancillary services on the premises to primarily the homeless for more than four (4) weeks in any calendar year but does not provide such lodging to any individual 1) who is required because of age, mental disability or other reason to reside either in a public or in a private institution, or 2) who is imprisoned or otherwise detained pursuant to either federal or state law, and excludes an adult foster care facility, designated transitional housing, a nursing home, a temporary emergency shelter, or a warming center.

2-1.140-A.2 Shelter for Victims of Domestic Violence. A residential facility which provides temporary accommodation and support to victims of domestic violence either with or without their minor children, and which is operated by a non-profit, charitable, or religious agency that meets the pre-contract standards of the State of Michigan Domestic Violence Prevention and Treatment Board, excluding an adult foster care facility, a pre-release adjustment center, and a substance abuse service facility.

2-1.141 Shop Drawings. Scaled working drawings, equipment cutsheets, and design calculations. (See also 2-1.41, *Construction Documents.*) (1031:2-1)

2-1.142 Should. Indicates a recommendation or that which is advised but not required.

2-1.142-A Single-Station Alarm Device. A detector comprising an assembly that incorporates a sensor, control components, and an alarm notification appliance in one (1) unit operated from a power source either located in the unit or

obtained at the point of installation.

2-1.143* Smoke Barrier. A continuous membrane, or a membrane with discontinuities created by protected openings, where such membrane is designed and constructed to restrict the movement of smoke. (101:3.3.20)

2-1.144* Smoke Compartment. A space within a building enclosed by smoke barriers on all sides, including the top and bottom. (101:3.3.183)

2-1.144-A Smoke-Detection System. One (1) or more smoke detectors in any system composed of self-supervised smoke detection and alarm-sounding devices, operated on an approved, permanently wired, electric circuit, so arranged that the activation of any one (1) smoke detector will activate all alarm-sounding devices or fire alarms throughout the building.

2-1.145 Smoke Detector. A listed device that detects visible or invisible particles of combustion and activates an alarm-sounding device. (101:3.3.184)

2-1.146 Smoking. The carrying or use of lighted pipe, cigar, cigarette, tobacco, or any other type of smoking substance.

2-1.147 Smoking Area. A designated area where smoking is permitted within premises where smoking is otherwise generally prohibited.

2-1.148 Special Uses. Includes but not be limited to events or occurrences where threatening life-safety situations or fire hazards exist or are likely to exist as determined by the authority having jurisdiction.

2-1.149 Spray Area. Any area in which dangerous quantities of flammable or combustible vapors, mists, residues, dusts, or deposits are present due to the operation of spray processes. The spray area includes the following:

(1) The interior of any spray booth or spray room, except as specifically provided for in Section 11-4 of NFPA 33

(2) The interior of any exhaust plenum and any exhaust duct leading from the spray process

(3) Any area in the direct path of a spray application process (33:1-6)

2-1.150 Spray Booth. A power-ventilated structure that encloses a spray application operation or process, and confines and limits the escape of the material being sprayed, including vapors, mists, dusts, and residues that are produced by the spraying operation and conducts or directs these materials to an exhaust system. Spray booths are manufactured in a variety of forms, including automotive refinishing, downdraft, open-face, traveling, tunnel, and updraft booths. This definition is not intended to limit the term "spray booth" to any particular design. The entire spray booth is considered part of the spray area. A spray booth is not a spray room. (33:1-6)

2-1.151 Spray Room. A power-ventilated fully-enclosed room used exclusively for open spraying of flammable or combustible materials. The entire spray room is considered part of the spray area. A spray booth is not a spray room. (33:1-6)

2-1.152 Standard. A document, the main text of which contains only mandatory provisions using the word "shall" to indicate requirements and which is in a form generally suitable for mandatory reference by another standard or code or for

adoption into law. Nonmandatory provisions shall be located in an appendix, footnote, or fine-print note and are not to be considered a part of the requirements of a standard.

2-1.153 Standpipe System. An arrangement of piping, valves, hose connections, and allied equipment installed in a building or structure, with the hose connections located in such a manner that water can be discharged in streams or spray patterns through attached hose and nozzles, for the purpose of extinguishing a fire, thereby protecting a building or structure and its contents in addition to protecting the occupants. This is accomplished by means of connections to water supply systems or by means of pumps, tanks, and other equipment necessary to provide an adequate supply of water to the hose connection. (14:1-4)

2-1.154* Storage Occupancy. An occupancy used primarily for the storage or sheltering of goods, merchandise, products, vehicles, or animals. (101:3.3.134.14)

2-1.155 Story. The portion of a building located between the upper surface of a floor and the upper surface of the floor or roof next above. (101:3.3.194)

2-1.156 STP (Standard Temperature and Pressure). A temperature of 70°F (21°C) and a pressure of 1 atmosphere (14.7 psi or 760 mm Hg).

2-1.157 Street. A public thoroughfare that has been dedicated for vehicular use by the public and can be used for access by the Fire Department vehicles. (101:3.3.195)

2-1.158* Street Floor. A story or floor level accessible from the street or from outside a building at ground level, with the floor level at the main entrance located not more than three risers above or below ground level, and arranged and utilized to qualify as the main floor. (101:3.3.196)

2-1.159* Structure. That which is built or constructed. (101:3.3.197)

2-1.160 Summarily Abate. To immediately judge a condition to be a fire hazard to life or property and to order immediate correction of such condition.

2-1.161 System. Several items of equipment assembled, grouped, or otherwise interconnected for the accomplishment of a purpose or function.

2-1.161-A Tar Kettle. Any container in excess of fifteen (15) gallons used for pre-heating tar, asphalt, pitch, or similar substances for water proofing.

2-1.161-B Temporary Emergency Shelter. A building which is opened on an urgent basis to provide shelter for the homeless from the elements for not more than four (4) weeks in any calendar year, including those operated in concert by churches and other religious organizations that permit the homeless to utilize their facilities as a place of lodging on a weekly rotating basis.

2-1.162 Temporary Wiring. Approved wiring for power and lighting during a period of construction, remodeling, maintenance, repair, or demolition, and decorative lighting, carnival power and lighting, and similar purposes.

2-1.162-A Tenant. This term shall have its ordinary meaning and shall include both the singular and the plural.

2-1.163 Vaporizer. A device, other than a container, that receives LP-Gas in

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liquid form and adds sufficient heat to convert the liquid to a gaseous state. (58:1-6)

2-1.163.1 Vaporizer, Indirect-Fired. A vaporizer in which heat furnished by a flame is directly applied to some form of heat exchange surface in contact with the liquid LP-Gas to be vaporized. This classification includes submerged-combustion vaporizers. (58:1-6)

2-1.163.2 Vaporizer, Indirect (also called Indirect-Fired). A vaporizer in which heat furnished by steam, hot water, the ground, surrounding air, or other heating medium is applied to a vaporizing chamber or to tubing, pipe coils, or other heat exchange surface containing the liquid LP-Gas to be vaporized; the heating of the medium used being at a point remote from the vaporizer. (58:1-6)

2-1.163-A Warming Center. A facility which is not designed for lodging and is operated for the purpose of sheltering the transient homeless from the elements for brief intervals during any twenty-four-hour period.

2-1.164 Water Capacity. The amount of water, in either pounds or gallons, at 60°F (15.6°C) required to fill a container liquid full of water. (58-1-6)

2-1.164-A Wholesale Bulk Dealer. Any person, except one who is engaged in the manufacturing of a flammable or combustible liquid, in the mixing or compounding of a flammable or combustible liquid, or in the use of a flammable liquid in the manufacture or coding of a manufactured product, who has aboveground or underground bulk storage tanks from which he or she distributes, or sells for distribution, by pipeline, tank car, tank truck or container any flammable or combustible liquid, but excludes a bulk dealer who is engaged in the packaging of his or her product and is defined as a wholesale package dealer.

2-1.164-B Wholesale Package Dealer. Any person storing flammable or combustible liquids in sealed containers for sale or distribution to retail dealers.

2-1.165 Written Notice. A notification in writing delivered in person to the individual or parties intended, or delivered at, or sent by certified or registered mail to, the last residential or business address of legal record.

Chapter 3 General Provisions

3-1 Fundamental Requirements.

3-1.1.1 No person shall place, allow, or maintain upon any roof any materials or objects, which may interfere with Fire Department operations.

3-1.4 Building Evacuation.

3-1.4.3 The manager, occupant, operator, owner, tenant, college administrator, school principal, or person in control of the premises shall be responsible for preventing overcrowding as specified by this Code.

3-2* Fire Drills.

3-2.1 Where required. Emergency egress and relocation drills conforming to the provisions of this Code shall be conducted as specified by the provisions of Chapter 8 of this Code or Chapters 11 through 42 of NFPA 101 or by appropriate action of the authority having jurisdiction. Plans for fire evacuation and drills shall be approved by the authority having jurisdiction. (101:4.7.1)

3-5 Fire Lanes, Fire Hydrants, and

Fire Stations.

3-5.6 Illegal parking on a fire lane is prohibited under Section 55-6-2(11) of the 1984 Detroit City Code, violation thereof is a civil infraction, and enforcement by the Fire Marshal shall be in accordance with Section 1-1-9(g) of the 1984 Detroit City Code.

3-5.7 Illegal parking near fire hydrants and fire stations is prohibited under Section 55-6-15 of the 1984 Detroit City Code, violation thereof is a civil infraction, and enforcement by the Fire Marshal shall be in accordance with Section 1-1-9(g) of the 1984 Detroit City Code.

3-5.8 The issuance of permits for the opening of fire hydrants is governed by Section 55-2-7 of the 1984 Detroit City Code, violation thereof is a civil infraction, and enforcement by the Fire Marshal shall be in accordance with Section 1-1-9(g) of the 1984 Detroit City Code.

3-5.9 Illegal obstruction of fire hydrants is prohibited under Section 56-2-7 of the 1984 Detroit City Code, violation thereof is a civil infraction, and enforcement by the Fire Marshal shall be in accordance with Section 1-1-9(g) of the 1984 Detroit City Code.

3-5.10 It is illegal 1) to render a fire hydrant inoperable by interfering with, destroying, or tampering with a fire hydrant or any of its components, or in any other manner rendering a fire hydrant inoperable, or 2) to remove a fire hydrant from service without the express authority of the City of Detroit Fire Department.

Chapter 4 Means of Egress

4-9 Means of Egress Reliability.

4-9.1.1 The manager, occupant, operator, owner, tenant, college administrator, school principal, or person in control of the premises shall be responsible for the blocking, impeding, or obstructing, by any person, of any means of egress leading to or from any entrance or exit that is required by law.

4-9.1.2 No person shall block, impede or obstruct any means of egress leading to or from any entrance or exit that is required by law, which will prevent, delay, hinder or interfere with the free use of means of egress by any person. Special security or security devices, which affect means of egress, shall be subject to the approval of the Fire Marshal.

Chapter 7 Fire Protection Systems

7-5 Water Supply.

7-5.1 Water Supply and Fire Hydrants. No building or structure shall be located more than two hundred (200) feet from a fire hydrant unless otherwise approved by the Fire Marshal. Where access to public fire hydrants is limited or is of such a distance that the Fire Marshal can demonstrate fire-fighting operations would be impaired, the Fire Marshal may require that buildings and structures, other than one- and two-family dwellings, be constructed and located to require a water supply system be installed in accordance with the provisions of *Standard for the Installation of Private Fire Service and Their Appurtenances*, NFPA 24.

7-5.1.1 Fire Department Connections. A Fire Department connection shall be within one hundred fifty (150) feet of a public road or of a location that is approved by the Fire Marshal.

7-7 Detection, Alarm, and Communications Systems.

7-7.1 General.

7-7.1.4 Sale, Transfer, and Repair of Building Classified as a Residential Occupancy. It shall be unlawful 1) to sell, transfer or act as broker for a sale or transfer of a residential occupancy, or 2) to occupy or allow the residential occupancy to be occupied after the sale or transfer or where any structural change or repair of a value in excess of three thousand dollars (\$3,000.00) has been made to a residential occupancy, unless the residential occupancy meets the following requirements:

(1) The installation and maintenance of fire protection systems shall be in accordance with the requirements of the NFPA 72, *National Fire Alarm Code*, referenced in Chapter 32 of this Code; and

(2) The Fire Marshal shall certify compliance, after inspection, indicating that the residential occupancy meets the requirements of this section and provide the Director of the Buildings and Safety Engineering Department with a copy of the report indicating said compliance.

Exception No. 1: The Fire Marshal shall have the authority to waive the requirements of this section and approve an alternate form of installation for smoke detectors or smoke detection systems upon submission of adequate proof that the alternate method adequately safeguards the occupants of the residential occupancy in question.

Exception No. 2: Where a building has not been sold or transferred, single-station alarm devices may be voluntarily installed in a building with four (4) or less residential occupancies.

7-7.2 Where Required.

7-7.2.2.3 High-Rise Buildings.

7-7.2.2.3.3 A standard signal shall be installed in all buildings covered by this division. It shall be an audible alarm, the sound indicating fire emergency only, and shall be so distributed throughout the building so as to be effectively heard above the maximum noise level obtained under normal conditions of occupancy. This alarm signal shall be approved by the Fire Marshal.

7-7.2.2.4 An approved fire command station shall be established in the lobby at grade level or elsewhere as approved by the Fire Marshal and equipped with the following minimum features:

(1) An approved two-way communication system to each mechanical equipment room, to elevator equipment room, to each floor of the building in the public hallway;

(2) A public telephone which is not coin-operated;

(3) A copy of the most current approved fire safety plan;

(4) Floor plans of the building and all pertinent information relative to the operation of the building service equipment;

(5) A pull-station at each exit on every floor; and

(6) Hard-wired smoke detectors installed down all exit access corridors.

7-7.2.2.5 The fire command station must be in operation within six (6) months after approval by the Fire Marshal. Owners of buildings shall submit their fire command station plans to the Fire Marshal for approval prior to the issuance of a certificate of occupancy of the building.

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Chapter 8 Occupancy Fire Safety 8-1 Assembly Occupancies.

8-1.1 Application. The following new and existing assembly occupancies shall comply with this section, Section 1-16 of this Code, and the referenced edition of NFPA 101:

- (1) Adult Cabaret (D and E);
- (2) Adult Drive-In Motion Picture Theater;
- (3) Adult Mini-Motion Picture Theater;
- (4) Adult Motion Picture Theater;
- (5) Amusement Park;
- (6) Arcade;
- (7) Archery Gallery, Range, or School;
- (8) Auctioneer;
- (9) Bathhouse;
- (10) Billiard Room;
- (11) Bowling Alley;
- (12) Burlesque Theater;
- (13) Cabaret (A, B, and C);
- (14) Carnival;
- (15) Casino;
- (16) Circus, Menagerie, or Related Show;
- (17) Coffee House;
- (18) Concert, Play, or Operatic or Comedic Performance Not Held in a Concert Hall or Stage Show Theater;
- (19) Concert Café;
- (20) Concert Hall;
- (21) Dance Studio;
- (22) Firearms Target Practice Range;
- (23) Golf-Practice Driving Range, Golf-Practice Driving Net, Golf-Practice Putting Green, or Golf School;
- (24) Hotel;
- (25) Massage Parlor or School;
- (26) Miniature Golf Course;
- (27) Motion Picture Theater;
- (28) Public Dance Hall;
- (29) Rebound Tumbling Center, Commonly Known as a Trampoline;
- (30) Rental Hall;
- (31) Restaurant;
- (32) Roller and Ice Skating Rink;
- (33) Self-service Laundry;
- (34) Stadium and Sports Arena;
- (35) Stage Show Theater;
- (36) Taxi-Dance Hall;
- (37) Track for Bicycles, Go-carts, Midget Auto, Racing Drones, or Similar Amusement; and
- (38) Used Car Dealer.

8-1.1.1 Persons Having Interest in Premises Presumed to Have Knowledge of Conditions Therein. All persons recorded as having an interest in either the management or ownership of any assembly occupancy shall be presumed to have knowledge of conditions existing therein and to have ordered any changes or alterations. Where the statement required in obtaining a license or a permit indicates that such business is owned or managed in whole or in part by a corporation, its officers shall be presumed to have knowledge of conditions therein and to have ordered any changes or alterations.

8-1.1.2 Alterations, Structural Changes, or Changes in Decorations to Be Approved by Fire Marshal. No alterations, structural changes, or changes in decorations in places or an assembly occupancy shall be permitted after the issuance of a license or permit without the approval of the Fire Marshal.

8-1.1.3 Licensee, Owner, Operator and Manager to Enforce Compliance with Code by Patrons and Employees.

It shall be the duty of the licensee, owner, operator and manager of an assembly occupancy to comply with the provisions of this Code and to enforce compliance by patrons and by employees.

8-1.1.4 Responsibility to Prevent Overcrowding. The licensee, owner, operator, and manager of an assembly occupancy shall be responsible for preventing overcrowding.

8-1.1.5 Obstruction of aisles and passageways. No person shall impede or obstruct any means of egress leading to, or from, an entrance or exit required by law in an assembly occupancy, which will delay, hinder, interfere with, or prevent the free use of such means of egress.

8-1.1.6 Failure to vacate. No person shall fail to leave an assembly occupancy, which is overcrowded, when told to do so by the licensee, owner, operator or manager, or by the authority having jurisdiction, or by a peace officer.

8-8 Hotels and Dormitories.

8-8.2.4 Emergency Instructions for Residents or Guests.

8-8.2.4.3 See Appendix A for Recommended Text of Fire Safety Regulations.

8-9 Apartment Buildings.

8-9.2.3 Emergency Instructions for Residents or Guests. See Appendix A for Recommended Text of Fire Safety Regulations.

8-10 Lodging or Rooming Houses.

8-10.3 Emergency Instructions for Residents or Guests. See Appendix A for Recommended Text of Fire Safety Regulations.

8-15 Storage Occupancies.

8-15.4 Rubber Tire Storage.

8-15.4.1 Storage of rubber tires shall comply with NFPA 231D, *Standard for Storage of Rubber Tires*.

Exception: Storage of scrap tires in outdoor collection sites shall comply with Chapter 19, Article 1, Division 7, of the 1984 Detroit City Code.

8-16.1 High-Rise Building Fire Safety Plan.

8-16.1.1 Where Required. Whenever a building that is governed by this Code is sold, or is renovated in whole or in part, the owners or other persons having charge of the building shall submit to the Fire Marshal, for approval, a written fire safety plan for the protection of all occupants of the building in the event of fire and for their evacuation to areas of refuge, away from the building when necessary.

8-16.1.2 After approval. This plan shall be put into effect within thirty (30) days of purchase, or where the building is renovated, in whole or in part, before the renovated space is occupied. The plan shall consist of the following:

(1) Procedure for notifying the Fire Department and the building manager.

(2) Procedure for handling the emergency until proper authorities arrive:

- a. Notifying Fire Department;
- b. Sounding building alarm;
- c. Manning command station;
- d. Notifying tenants;
- e. Organizing building employees; and
- f. Initiating evacuation procedure; and

(3) Procedures for cooperation with the authorities after their arrival.

8-16.1.3 Distribution to tenants and employees.

(1) After the fire safety plan has been approved by the Fire Marshal, the building

manager shall distribute applicable parts of the approved fire safety plan to all tenants of the building; and

(2) The applicable parts of the approved fire safety plan shall be distributed by the tenants to all their employees and by the building manager to all their building employees.

8-16.1.4 Pictorial sign posted over elevator hallway push buttons. A pictograph sign shall be posted, at a height of five (5) feet above the floor, over each of the elevator hallway push buttons on all floors, indicating that in case of fire occupants shall not use elevators and that stairways are the approved method of exit.

8-16.1.5 Signs at each elevator bank. A sign shall be posted and maintained on every floor at each elevator bank in a color that contrasts with the background. The signs shall be mounted between four (4) feet six (6) inches and five (5) feet six (6) inches from the floor on the occupancy side of the door to the stairway and near the elevator call buttons in the public hallway.

8-16.1.6 In addition to the requirements of Section 4-1.8 of this Code, the sign for each elevator bank shall be in an Arabic numeral two (2) inches high with a one-half inch wide stroke. Each different elevator bank shall receive a different number that is sequentially in order after beginning with "1" for the first elevator bank.

8-16.1.7 In addition to the requirements of Section 4-1.8 of this Code, the sign for each stairway shaft shall be a capital Roman letter two (2) inches high with a one-half inch wide stroke. Each different stairway shaft shall receive a different letter that is sequentially in order after beginning with "A" for the first stairway shaft.

8-16.1.8 Exit signs. A sign with six (6) inches high, red color, three-fourths-inch wide strokes, all capitals on a white background reading "E-X-I-T" shall be posted and maintained on the stairway side of the door at the floor level that leads to grade. The sign shall be mounted between four (4) feet and six (6) feet from the bottom of the door.

8-16.2 Fire Drills.

8-16.2.1 A physical fire drill notification of the evacuation plan, and a test of the alarm system shall be held at least twice each calendar year and shall be spaced so that an approximate equal amount of time occurs between such drills.

8-16.2.2 All buildings employees, tenants and the Fire Marshal Division of the Fire Department shall be notified in writing of the date and time for the alarm test.

8-16.2.3 All building employees and tenants shall be supplied with the latest fire safety plans and procedures for fire drills.

8-16.2.4 The test shall consist of sounding the alarm for a period of sixty (60) seconds.

8-16.2.5 A physical fire drill will consist of employees and/or tenants, upon actuation of the alarm, leaving the point of exit from their floor as designated in the evacuation plan. Tenants and tenants with employees shall be responsible for participating in and supervising the drill regarding their areas.

8-16.2.6 The building owner or manager shall maintain on the premises for

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inspection by the Fire Marshal a record of the date and time of each fire drill.

Chapter 9 Aerosol Products

9-1 Application.

9-1.3 Electrical wiring and equipment in any building or room where a process takes place, which produces combustible or flammable aerosol products, shall be installed in accordance with the requirements of NFPA 70, *National Electrical Code*, for hazardous locations. The authority having jurisdiction shall be responsible for designating the areas requiring hazardous location electrical classifications and shall classify the area in accordance with the classification system set forth in NFPA 70, *National Electrical Code*.

Chapter 15 Dust Explosion Prevention

15-3 Electrical wiring and equipment in any building or room where a process takes place, which produces combustible dust or particles, shall be installed in accordance with the requirements of NFPA 70, *National Electrical Code*, for hazardous locations. The authority having jurisdiction shall be responsible for designating the areas requiring hazardous location electrical classifications and shall classify the area in accordance with the classification system set forth in NFPA 70, *National Electrical Code*.

Chapter 16 Fireworks, Model Rocketry, and Explosives

16-1 Fireworks Displays. The construction, handling, and use of fireworks intended solely for outdoor display as well as the general conduct and operation of the display shall comply with the requirements of NFPA 1123, *Code for Fireworks Display*, except for Section 3.1.3.2 of NFPA 1123, as well as the requirements of Sections 19-1-46 through 19-1-48 of the 1984 Detroit City Code.

16-8 Explosives. The manufacture, transportation, storage, sale, and use of explosive materials shall comply with NFPA 495, *Explosive Materials Code*, and NFPA 498, *Standard for Safe Havens and Interchange Lots for Vehicles Transporting Explosives*. However, NFPA 495 and NFPA 498 shall not apply to fireworks which are governed by Chapter 19, Article I, Division 4, of the 1984 Detroit City Code.

Chapter 17 Flammable and Combustible Liquids

17-2* Storage, Handling and Use. Except for the finishing, resurfacing and refinishing of bowling lanes, and the reconditioning and resurfacing of bowling pins, which are governed by Chapter 19, Article I, Division 3, of the 1984 Detroit City Code, the storage, handling, and use of flammable and combustible liquids, including waste liquids, shall comply this section and NFPA 30, *Flammable and Combustible Liquids Code*.

17-2.3 Permit Required. Permits, where required, including for retail bulk dealers, retail package dealers, wholesale bulk dealers, and wholesale package dealers, shall comply with Section 1-16.

17-3.4 Electrical and Other Sources of Ignition.

17-3.4.1.7 Electrical wiring and equipment in any combustible fibers storage room or building shall be installed in accordance with the requirements of NFPA 70, *National Electrical Code*, for Class III hazardous locations. The author-

ity having jurisdiction shall be responsible for designating the areas requiring hazardous location electrical classifications and shall classify the area in accordance with the classification system set forth in NFPA 70, *National Electrical Code*.

Chapter 28 Refueling

28-2 Automotive Fuel Servicing.

28-2.1 General Requirements.

28-2.1.5 License Required for Retail Sales of Flammable Liquids. It shall be unlawful for any person to act as a wholesale bulk dealer or as a wholesale package dealer in the City without having first obtained such license from the Buildings and Safety Engineering Department Business License Center.

A license shall not be issued until the applicant has complied with the requirements of Chapter 61 of the 1984 Detroit City Code, the Detroit Zoning Ordinance, the provisions of this Code, and other applicable provisions of the 1984 Detroit City Code.

28-2.1.5.1 Application; Information Required; Buildings and Safety Engineering Department to Take Action Thereon. At the time of application or renewal, every person who desires to obtain a wholesale bulk dealer license or a wholesale package dealer license that is required by this Chapter shall file a written application with the Buildings and Safety Engineering Department Business License Center on a form that is provided by the department. In addition to other required information, the applicant shall provide:

(1) The complete name and address, and age, of the applicant;

(2) Where the applicant is a corporation:

a. The complete and accurate corporate name;

b. When and where such corporation was incorporated; and

c. The complete names and addresses of officers, directors, managers, and other persons with authority to bind the corporation;

(3) Where the applicant is a partnership, the complete names and addresses of the partners;

(4) Where the applicant conducts business under a trade or assumed name:

a. The complete and full trade or assumed name; and

b. The complete name(s) of the person(s) doing business under such trade or assumed name, the manager(s) and other person(s) in charge; and

(5) The location of the a wholesale bulk dealer license or a wholesale package dealer. Upon receipt of an application for a wholesale bulk dealer or a wholesale package dealer, the Buildings and Safety Engineering Department shall take action in accordance with Chapter 30 of the 1984 Detroit City Code.

28-2.1.5.2 Fee. A non-refundable fee shall be charged for the processing and issuance of a license under Section 28-2.1.5 of this Code. In accordance with Chapter 30 of the 1984 Detroit City Code, this fee shall be established by the Director of the Buildings and Safety Engineering Department, through the Business License Center, based upon the cost of issuance and administration of the licensing regulations, and shall be approved by the City Council. The fee shall be posted on a schedule at the Buildings

and Safety Engineering Department Business License Center.

A fee shall be charged each new applicant and any current licensee who seeks to open any new wholesale bulk dealer or any new wholesale package dealer.

Upon the expiration of a current license, each licensee shall pay an annual fee for a license renewal.

Upon payment of the fee and approval of the license application by the Buildings and Safety Engineering Department, an annual license shall be issued.

28-2.1.5.3 Neighborhood Petition Required — Approval of Persons Owning Property, Residing, or Conducting Business Within Five Hundred (500) Feet of Proposed Location. In accordance with Chapter 61 of the 1984 Detroit City Code, the Detroit Zoning Ordinance, it shall be unlawful to establish a wholesale bulk dealer or a wholesale package dealer within five hundred (500) feet of a Residentially Zoned District (R1, R2, R3, R4, R5, and R6), or of a Residential Planned Development (PD) District.

In accordance with Chapter 61 of the 1984 Detroit City Code, the Detroit Zoning Ordinance, this prohibition shall be waived upon presentation to the Buildings and Safety Engineering Department of a 'Petition to Establish a Wholesale Bulk Dealer or a Wholesale Package Dealer', signed by at least two-thirds (2/3) of the persons who own property, reside, or conduct business within a radius of five hundred (500) feet of the proposed location, and who indicate their approval for the establishment of the wholesale bulk dealer or the wholesale package dealer.

The Director of the Buildings and Safety Engineering Department shall adopt rules and regulations governing the procedure for obtaining the petition that is provided for in Chapter 61 of the 1984 Detroit City Code, the Detroit Zoning Ordinance. The rules shall provide that the circulator of the petition who requests a waiver of the prohibition shall subscribe to an affidavit attesting to the fact that the petition was circulated in accordance with the rules of the department, that the circulator personally witnessed the signatures on the petition, and that the signatures were affixed to the petition by the petition whose name appeared thereon.

An official petition form shall be prepared by the Buildings and Safety Engineering Department and shall state in bold faced type the official definition of a wholesale bulk dealer and a wholesale package dealer, including its allowed hours of operation and the fact that the consent of two-thirds (2/3) of those who own property, reside, or conduct business within five hundred (500) feet of the subject establishment is required. The petition form to be circulated for a wholesale bulk dealer or a wholesale package dealer shall be the official form prepared by the department. No other form shall be used or will be accepted as a valid petition.

28-2.1.5.4 Inspection and approval of premises; structural, fire safety, and sanitation requirements. Upon application and before any license that is required by Section 28-2.1.5 of this Code shall be issued or renewed, it shall be the duty of the Buildings and Safety

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Engineering Department Business License Center to refer such application to the Director of the Buildings and Safety Engineering Department and the Department of Health and Wellness Promotion, and to the Detroit Fire Marshal who each shall cause an inspection to be made of the premises of such proposed wholesale bulk dealer or wholesale package dealer.

The Fire Marshal shall conduct an investigation to determine whether the proposed wholesale bulk dealer or wholesale package dealer complies with all applicable sections of the *Detroit Fire Prevention and Protection Code*, being Chapter 19, Article I, of the 1984 Detroit City Code and the State of Michigan Flammable Liquid Regulations concerning the operation of a wholesale bulk dealer or a wholesale package dealer. After the completion of such investigation, the Fire Marshal shall certify, in writing, to the Buildings and Safety Engineering Department Business License Center his or her findings and recommendations as to whether a license to operate a wholesale bulk dealer or a wholesale package dealer should be issued to the applicant.

Upon full compliance with all pertinent laws, rules and regulations of the Buildings and Safety Engineering Department, the Department of Health and Wellness Promotion, and the Fire Department, including the following requirements, such departments shall certify the application to the Buildings and Safety Engineering Department.

(1) *Building and Property Maintenance Codes.* The premises shall be in compliance with the Michigan Building Code and with the Detroit Property Maintenance Code being Chapter 9, Article I, of the 1984 Detroit City Code;

(2) *Fire Protection and Safety.* The premises of the licensed establishment shall meet the requirements and limitations of the *Detroit Fire Prevention and Protection Code*, being Chapter 19, Article I, of the 1984 Detroit City Code;

(3) *Toilet Facilities.* Public toilet facilities shall be provided in the premises in accordance with the Michigan Building Code and with the Michigan Plumbing Code. The location of public toilet facilities shall be clearly accessible and identifiable during all hours of operation. The toilet facilities shall be clearly marked 'Public Restroom', and shall be open for use by patrons during all hours of operation;

(4) *Drinking Facilities.* Adequate drinking facilities shall be provided in the premises in accordance with the Michigan Building Code and with the Michigan Plumbing Code. Such drinking facilities shall not be located within the toilet room;

(5) *Ventilation.* Proper ventilation, either natural or mechanical, shall be provided so that each person in the premises will be supplied with one thousand two hundred (1,200) cubic feet or air per hour;

(6) *Lighting.* The licensee of a wholesale bulk dealer or a wholesale package dealer shall at all times provide adequate lighting in every part of the licensed premises in compliance with the Michigan Electrical Code; and

(7) *Sanitation.* All rooms housing toilet facilities shall be equipped with sanitary towels of a type acceptable to the Detroit Department of Health and Wellness

Promotion.

28-2.1.5.5 Investigations Required.

Upon application and before any license required by Section 28-2.1.5 of this Code shall be issued or renewed, it shall be the duty of the Buildings and Safety Engineering Department to refer such application to the Finance Director who shall cause an investigation to be completed to determine whether any property tax, income tax, and/or special assessments are unpaid, outstanding and/or delinquent.

A wholesale bulk dealer license or a wholesale package dealer license shall not be issued or renewed by the Buildings and Safety Engineering Department until the Finance Director has given his or her written confirmation that the applicant is not in arrears for taxes, or assessments, which are delineated in this section.

28-2.1.5.6 License Posting Required; Non-transferable. Upon issuance by the Buildings and Safety Engineering Department and after receipt by the applicant, a wholesale bulk dealer license or a wholesale package dealer license shall be posted at all times by the licensee inside the licensed premises in a conspicuous location near the entrance.

All wholesale bulk dealer licenses and wholesale package dealer licenses that are issued pursuant to this Chapter shall not be transferable.

28-2.1.5.7 Expiration and Renewal Dates. All wholesale bulk dealer licenses and wholesale package dealer licenses that are issued pursuant to this Chapter shall expire on August 31st of each year.

All applications for renewal of a wholesale bulk dealer license and a wholesale package dealer license shall be filed before September 1st of each year.

28-2.1.5.8 License suspension, revocation, or denial of renewal. A license that is issued under this Chapter may be suspended, revoked, or denied renewal in accordance with Chapter 30 of the 1984 Detroit City Code.

28-2.1.6 License Required to Operate Self-Service Station. It shall be unlawful for any person to operate any self-service station in the City without having first obtained such license from the Buildings and Safety Engineering Department Business License Center.

A license shall not be issued until the applicant has complied with the requirements of Chapter 61 of the 1984 Detroit City Code, the Detroit Zoning Ordinance, the provisions of this Code, and other applicable provisions of the 1984 Detroit City Code.

28-2.1.6.1 Application; Information Required; Buildings and Safety Engineering Department to Take Action Thereon. At the time of application or renewal, every person who desires to obtain a self-service station license that is required by Section 28-2.1.6 of this Code shall file a written application with the Buildings and Safety Engineering Department Business License Center on a form that is provided by the department. In addition to other required information, the applicant shall provide:

(1) The complete name and address, and age, of the applicant;

(2) Where the applicant is a corporation:
a. The complete and accurate corporate name;

b. When and where such corporation was incorporated; and

c. The complete names and addresses of officers, directors, managers, and other persons with authority to bind the corporation;

(3) Where the applicant is a partnership, the complete names and addresses of the partners;

(4) Where the applicant conducts business under a trade or assumed name:

b. The complete and full trade or assumed name; and

c. The complete name(s) of the person(s) doing business under such trade or assumed name, the manager(s) and other person(s) in charge; and

(5) The location of the self-service station.

Upon receipt of an application for a self-service station, the Buildings and Safety Engineering Department shall take action in accordance with Chapter 30 of the 1984 Detroit City Code.

28-2.1.6.2 Fee. A non-refundable fee shall be charged for the processing and issuance of a license under Section 28-2.1.6 of this Code. In accordance with Chapter 30 of the 1984 Detroit City Code, this fee shall be established by the Director of the Buildings and Safety Engineering Department, through the Business License Center, based upon the cost of issuance and administration of the licensing regulations, and shall be approved by the City Council. The fee shall be posted on a schedule at the Buildings and Safety Engineering Department Business License Center.

A fee shall be charged each new applicant and any current licensee who seeks to open any new self-service station.

Upon the expiration of a current license, each licensee shall pay an annual fee for a license renewal.

Upon payment of the fee and approval of the license application by the Buildings and Safety Engineering Department, an annual license shall be issued.

28-2.1.6.3 Neighborhood Petition Required — Approval of Persons Owning Property, Residing, or Conducting Business Within Five Hundred (500) Feet of Proposed Location. In accordance with Chapter 61 of the 1984 Detroit City Code, the Detroit Zoning Ordinance, it shall be unlawful to establish a self-service station within five hundred (500) feet of a Residentially Zoned District (R1, R2, R3, R4, R5, and R6), or of a Residential Planned Development (PD) District.

In accordance with Chapter 61 of the 1984 Detroit City Code, the Detroit Zoning Ordinance, this prohibition shall be waived upon presentation to the Buildings and Safety Engineering Department of a 'Petition to Establish a Self-Service Station', signed by at least two-thirds (2/3) of the persons who own property, reside, or conduct business within a radius of five hundred (500) feet of the proposed location, and who indicate their approval for the establishment of the wholesale bulk dealer or the self-service station.

The Director of the Buildings and Safety Engineering Department shall adopt rules and regulations governing the procedure for obtaining the petition that is provided for in Chapter 61 of the 1984 Detroit City Code, the Detroit Zoning

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Ordinance. The rules shall provide that the circulator of the petition who requests a waiver of the prohibition shall subscribe to an affidavit attesting to the fact that the petition was circulated in accordance with the rules of the department, that the circulator personally witnessed the signatures on the petition, and that the signatures were affixed to the petition by the person whose name appeared thereon.

An official petition form shall be prepared by the Buildings and Safety Engineering Department and shall state in bold faced type the official definition of a service station, including its allowed hours of operations and the fact that the consent of two-thirds (2/3) of those who own property, reside, or conduct business within five hundred (500) feet of the subject establishment is required. The petition form to be circulated for a self-service station shall be the official form prepared by the department. No other form shall be used or will be accepted as a valid petition.

28-2.1.6.4 Inspection and approval of premises; structural, fire safety, and sanitation requirements. Upon application and before any license that is required by Section 28-2.1.6 of this Code shall be issued or renewed, it shall be the duty of the Buildings and Safety Engineering Department Business License Center to refer such application to the Director of the Buildings and Safety Engineering Department and the Department of Health and Wellness Promotion, and to the Detroit Fire Marshal who each shall cause an inspection to be made of the premises of such proposed self-service station.

The Fire Marshal shall conduct an investigation to determine whether the proposed self-service station complies with all applicable sections of the *Detroit Fire Prevention and Protection Code*, being Chapter 19, Article I, of the 1984 Detroit City Code and the State of Michigan Flammable Liquid Regulations concerning the operation of self-service station. After the completion of such investigation, the Fire Marshal shall certify, in writing, to the Buildings and Safety Engineering Department Business License Center his or her findings and recommendations as to whether a license to operate a self-service station should be issued to the applicant.

Upon full compliance with all pertinent laws, rules and regulations of the Buildings and Safety Engineering Department, the Department of Health and Wellness Promotion, and the Fire Department, including the following requirements, such departments shall certify the application to the Buildings and Safety Engineering Department.

(1) *Building and Property Maintenance Codes.* The premises shall be in compliance with the Michigan Building Code and with the Detroit Property Maintenance Code being Chapter 9, Article I, of the 1984 Detroit City Code;

(2) *Fire Protection and Safety.* The premises of the licensed establishment shall meet the requirements and limitations of the *Detroit Fire Prevention and Protection Code*, being Chapter 19, Article I, of the 1984 Detroit City Code;

(3) *Toilet Facilities.* Public toilet facilities shall be provided in the premises in accordance with the Michigan Building

Code and with the Michigan Plumbing Code. The location of public toilet facilities shall be clearly accessible and identifiable during all hours of operation. The toilet facilities shall be clearly marked 'Public Restroom', and shall be open for use by patrons during all hours of operation;

(4) *Drinking Facilities.* Adequate drinking facilities shall be provided in the premises in accordance with the Michigan Building Code and with the Michigan Plumbing Code. Such drinking facilities shall not be located within the toilet room;

(5) *Ventilation.* Proper ventilation, either natural or mechanical, shall be provided so that each person in the premises will be supplied with one thousand two hundred (1,200) cubic feet of air per hour;

(6) *Lighting.* The licensee of a self-service station shall at all times provide adequate lighting in every part of the licensed premises in compliance with the Michigan Electrical Code; and

(7) *Sanitation.* All rooms housing toilet facilities shall be equipped with sanitary towels of a type acceptable to the Detroit Department of Health and Wellness Promotion.

28-2.1.6.5 Investigations Required. Upon application and before any license required by Section 28-2.1.6 of this Code shall be issued or renewed, it shall be the duty of the Buildings and Safety Engineering Department to refer such application to the Finance Director who shall cause an investigation to be completed to determine whether any property tax, income tax, and/or special assessments are unpaid, outstanding and/or delinquent.

A self-service station license shall not be issued or renewed by the Buildings and Safety Engineering Department until the Finance Director has given his or her written confirmation that the applicant is not in arrears for taxes, or assessments, which are delineated in this section.

28-2.1.6.6 License Posting Required; Non-transferable. Upon issuance by the Buildings and Safety Engineering Department and after receipt by the applicant, a self-service station license shall be posted at all times by the licensee inside the licensed premises in a conspicuous location near the entrance.

All self-service station licenses that are issued pursuant to this Chapter shall not be transferable.

28-2.1.6.7 Expiration and Renewal Dates. All self-service station licenses that are issued pursuant to this Chapter shall expire on August 31st of each year.

All applications for renewal of a self-service station license shall be filed before September 1st of each year.

28-2.1.6.8 License suspension, revocation, or denial of renewal. A license that is issued under this Chapter may be suspended, revoked, or denied renewal in accordance with Chapter 30 of the 1984 Detroit City Code.

28-2.2 Storage Requirements.

28-2.2.1 General Provisions.

28-2.2.1.6. Interceptor test for underground gasoline tanks.

28-2.2.1.6.1 Interceptor test wells are required to be installed for all armor-coated underground tanks with a flash point below one hundred (100) degrees Fahrenheit. Where there is evidence of the escape of flammable liquids or the vapors thereof into a sewer, drain, or

manhole, or into soil or the like, the Fire Marshal may order corrective measures such as sumps, interceptors, or the like, as he or she deems necessary, or where corrective measures are not effective, he or she may order the discontinuance of the operation or practice, which, in his or her judgment, is responsible for the condition. An interceptor test well shall:

(1) Have a minimum of eight (8) inches inside diameter, which consists of a suitable porous material and installed in the sand back fill of each tank or tanks, and shall extend at least twelve (12) inches below the bottom of the tank or tanks, terminate at grade level, and be maintained tightly capped but readily accessible for inspection at any time and for pumping purposes to remove the ground saturation of flammable liquids;

(2) Be installed at each end of an underground tank or group of tanks in the same excavation; and

(3) Be maintained, including its pump, as requested, and failure to do so shall result in ordering that the tank or tanks be removed from the ground.

28-2.2.1.6.2 The Fire Marshal may require tests within two (2) years of original installation, or may require tests of any tank or its piping installed over ten (10) years. Periodic tests under this provision shall not be required more often than every five (5) year, unless the Fire Marshal suspects that the tank or its piping is defective. Test pressure shall be in accordance with NFPA 30-2-8. Tests and the maintenance of tanks shall be provided by the owner or person in control of the premises where the tank is located and shall be conducted in the presence of the authority having jurisdiction.

Appendix A Explanatory Material A-2-1.13 Assembly Occupancy.

Assembly occupancies are characterized by the presence or potential presence of crowds with attendant panic hazard in case of fire or other emergency. They are generally open or occasionally open to the public, and the occupants, who are present voluntarily, are not ordinary subject to discipline or control. Such buildings are ordinarily occupied by able-bodied persons and are not used for sleeping purposes. Special conference rooms, snack areas, and other areas incidental to, and under the control of, the management of other occupancies, such as offices, fall under the 50-person limitation.

Restaurants and drinking establishments with an occupant load of fewer than 50 persons should be classified as mercantile occupancies.

For special amusement buildings, see 12.4.7 and 13.4.7 of NFPA 101. (101:A.3.3.134.2)

A-8-8.2.4.3 Recommended Text for Fire Safety Regulations

Fire Safety Regulations

It is illegal for any person to throw or place, any lighted match or matches, cigar, cigarette, or other flaming or glowing substance or things on any surface or article where doing so may cause or start a fire.

Any person who deliberately, or through negligence, sets fire to, or causes the burning of, any bedding, curtain, drape, furniture, rug, or other combustible material in such a manner as to endanger the safety of any person or property shall

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be deemed to be in violation of the *Detroit Fire Prevention and Protection Code*, Chapter 19, Article I, of the 1984 Detroit City Code.

When discovering a fire, regardless of magnitude, a person shall:

1. Notify the Fire Department by dialing "911".

2. Immediately notify the person in charge of the premises, and all occupants and guests in the immediate vicinity, about the fire.

3. Evacuate the area by following the approved evacuation plan.

A-8-9.2.3 Recommended Text for Fire Safety Regulations. See, A-8-8.2.4.3

A-8-10.3 Recommended Text for Fire Safety Regulations. See, A-8-8.2.4.3

Secs. 19-1-23 — 19-1-30. Reserved.

DIVISION 3. FINISHING, RESURFACING AND REFINISHING OF BOWLING LANES, AND RECONDITIONING AND RESURFACING OF BOWLING PINS

Sec. 19-1-31. Definitions.

For purposes of this division, the following terms shall have the meanings respectively ascribed to them by this section:

Bowling means any of the several games played on a surface where the balls are thrown by hand toward wooden pins, and includes all forms of the game known as ten pins, nine pins, duck pins, or any other game played on a bowling lane.

Bowling alley means a public place where the game of bowling is played, or permitted to be played, on bowling lanes.

Bowling lane means the wooden surface upon which the bowling ball is rolled, including that section of the area commonly referred to as the approach.

Finishing means the application of flammable liquids, pyroxylin or other hazardous materials.

Hazardous materials means any material which in the judgment of the Fire Marshal constitutes a hazard to life, limb or property by fire or explosion.

Reconditioning means, in reference to bowling pins, the removal of the finish and the preparation of the pin prior to the application of the new finish.

Refinishing means the application of flammable liquids, pyroxylin or other hazardous materials.

Resurfacing means the removal of pyroxylin or other hazardous finishes by means of sanding machines or other methods, and/or the use or application of flammable liquids, pyroxylin or other hazardous materials.

Sanding means the removal of a finished pyroxylin surface such as lacquer or other similar surfaces by means of a sanding machine.

Waste means all sanding residue, used rags or fibrous waste, empty finish or thinner containers, papers and other miscellaneous debris resulting from any sanding, surfacing or finishing operations of bowling lanes at a bowling alley.

Sec. 19-1-32. Bowling lane resurfacing.

(a) *Permits.* Before any person resurfaces a bowling lane, involving the use, storage, handling or application of flammable liquids or hazardous materials, the person who has control of the bowling alley shall obtain a permit from the Fire Marshal as required by Section 1-16-

16(7) of NFPA 1. No permit shall be required for what is commonly referred to as "touch-up" or "spot repair" work.

(b) *Notification.* The Fire Marshal Division shall be notified at least seventy-two (72) hours prior to the surfacing of the bowling lanes of any bowling alley, in whole or part, except that notification shall not be required for touch-up or spot repair work or for the application of nonflammable liquids or nonhazardous materials to the surface of the lanes where no removal of the old surface is involved. A total of not more than ten (10) gallons of flammable liquids, in containers not larger than five (5) gallons in size, will be permitted on the premises of the bowling alley for touch-up and spot repair work where kept in sealed metal containers and stored in enclosed type metal cabinets.

(c) *Issuance of permit.* Upon proper application for a permit by the owner, operator or person in control of a bowling alley or his authorized representative, of intent to surface any bowling lane and/or part thereof, the Fire Marshal shall make or caused to be issued, where all proper safeguards have been taken, and the intent of this division fulfilled, a "bowling lane surfacing permit." This permit shall be issued for the completion of the work.

(d) *Exclusion of the public.* Before any surfacing operations are undertaken, no part of the bowling alley, including adjoining occupancies not completely protected by approved fire separations, may be open for business, and all members of the public must be excluded from the premises. It shall be the responsibility of the owner, operator or person in control of the premises to maintain the premises closed to the public for such periods as stated on the permit.

(e) *Flammable liquid storage.* When a bowling lane surfacing permit has been applied for and issued, a sufficient amount of flammable liquids as directed by the Fire Marshal will be permitted, provided, that it is not stored on the premises more than two (2) hours before the work is started, or more than two (2) hours after the work is completed. The Fire Marshal shall waive the two (2) hour time restriction, provided, that storage facilities on the premises are available where the public is excluded. A bowling alley or adjoining occupancy that is not completely protected by approved fire separations shall not be reopened for business or made accessible to the public until such time as all flammable liquid, except as noted in Subsection (b) of this section, and all waste materials, shall have been removed from the premises and approval to reopen has been obtained from the Fire Marshal Division. Upon request for approval to reopen by the owner, operator or person in control of the premises, the Fire Marshal shall make, or cause to be made, within a period of twenty-four (24) hours, an inspection and approval of the request.

(f) *Daily removal.* When the surfacing operations involves a time period of more than one (1) working day, all waste material must be removed from the premises and stored in approved containers outside the building, by the refinisher, immediately at the end of each working day. The flammable liquids shall be returned to the approved storage facilities on the premises

where such storage facilities are available, or where no approved storage facility or area is available, the flammable liquids shall be removed from the premises.

(g) *Preliminary safety precautions.* Before any surfacing work is started, the following safety precautions shall be taken:

(1) All entrance doors to the premises shall be posted with a readily legible sign, "DANGER-KEEP OUT," or other approved signage;

(2) All sources of open flames or sparks must be extinguished or disconnected. This includes, but is not limited to, furnaces, electric or gas heaters, refrigeration or fan motors, cold-water fountains with electric refrigeration, automatic pin-setting machines and air conditioning systems;

(3) Post "NO SMOKING" signs throughout the premises;

(4) All possible sources of ignition shall be removed from the lane or approaches prior to any sanding operations; and

(5) Use natural ventilation by opening as many doors and windows as possible. Where, in his or her judgment, natural ventilation is not sufficient, the Fire Marshal may order adequate, approved mechanical ventilation, provided, that Subsections (2) and (5) of this section are required only during the finishing and drying out period of the surfacing operations, and do not apply to the sanding operations as defined in Section 19-1-31 of this Code.

(h) *Operating precautions.* During sanding or surfacing operations, the following safe practices shall be followed:

(1) No finish shall be cut from any bowling lane until two (2) pounds of approved dry chemical fire extinguisher powder has been spread evenly over the entire lane from foul line to pit end. Proportionate areas of the approach surface being sanded shall be similar protected;

(2) Only the use of approved sanding machines is permitted. Dust collectors shall be restricted to approved water tanks. Dust bags are prohibited. This provision applies only to use on pyroxylin or other hazardous finishes;

(3) The residue in the sanding machine water tank shall be emptied into a metal container containing water. One (1) pound of hydrated lime for each water tank of residue shall be added to the disposal container; and

(4) Limit the hazardous finishing material that shall be opened at any one time to the amount necessary for practical operation.

Sec. 19-1-33. Bowling pin reconditioning and refinishing.

(a) *Permit.* No person shall recondition or finish bowling pins, involving the use, storage, handling or application of flammable liquids or hazardous materials on the premises of a bowling alley, without first having obtained a permit from the Fire Marshal.

(b) *Application for permit.* Upon application for such permit, a set of plans, which shall provide for a room or building for the reconditioning and/or finishing of bowling pins, shall be submitted to the Fire Marshal and to the Buildings and Safety Engineering Department. This room or building shall be constructed as follows:

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(1) The room shall be separated from the remainder of the building by an unpierced fire wall with a fire resistive rating of four (4) hours, with all entrances and/or exists to or from the room directly from the outside;

(2) At least one (1) wall of the pin finishing and/or reconditioning room shall be an exterior wall;

(3) Approved explosion venting shall be provided for the pin finishing and/or reconditioning room or building, and shall be in the exterior walls or roof only. The venting area shall be equal to not less than one (1) square foot per fifty (50) cubic feet of room volume and may consist of any one or any combination of the following: where the ceiling of the room constitutes the roof of the building, a ceiling of light noncombustible material designed to relieve at a maximum pressure of twenty-five (25) pounds per square foot; lightly fastened swinging doors in exterior walls, opening outward; single-strength glass in metal window sash; lightly fastened roof hatches or lightly fastened noncombustible wall section. In no instance shall explosive facilities be so designed as to create a hazard to adjacent occupancies or passers-by;

(4) The pin finishing and/or reconditioning room or building shall be completely protected by an approved sprinkler system;

(5) The remainder of the room or building shall be constructed to conform to the requirements of NFPA 30, *Flammable and Combustible Liquids Code*, as referenced in Chapter 32 of NFPA 1;

(6) The area where the finish is being applied shall be separated from the area where the sanding and reconditioning is being done by a one-hour fire-resistant partition wall. A communicating opening may be permitted between these two areas, provided, that the opening is protected by a self-closing Class "B" fire door and a six-inch-high, vapor-tight, noncombustible sill;

(7) All electric wiring in the pin finishing area, to a height of eight (8) feet above the floor level, shall conform to NFPA 70, *National Electrical Code*, for Class 1, Group D, Division 1 hazardous locations, and to Division 2 hazardous locations above the eight (8) foot level. The electric wiring in the pin reconditioning area shall conform, throughout, to NFPA 70, *National Electrical Code*, for Class 2, Group G, Division 2;

(8) The use, storage and handling of flammable liquids shall conform to all applicable sections of NFPA 30, *Flammable and Combustible Liquids Code*, as referenced in Chapter 32 of NFPA 1;

(9) At least one (1) approved egress door direct to the outside, hinged to swing outward, shall be provided for each room section. The doors shall be posted on the outside with a readily legible sign, "Danger, Keep Open Fire or Flame Away," and the room areas shall be posted on the inside with "No Smoking" signs; and

(10) An approved fire extinguisher shall be located near the exit door in each room section.

(c) *Issuance of permit.* Upon completion of the room as specified in Subsection (b) of this section, the Fire Marshal shall cause to be made an

inspection of the premises and where, in his or her judgment, the intent of this division has been complied with, he or she shall issue a bowling pin finishing permit.

(d) *Existing pin finishing and/or reconditioning rooms.* The provisions of this division shall not be construed to require structural changes in existing pin finishing and/or pin reconditioning rooms or buildings unless the Fire Marshal determines, through investigation, that the existing conditions requires such structural changes.

Secs. 19-1-34 — 19-1-40. Reserved.

DIVISION 4. FIREWORKS AND PYROTECHNICS

Sec. 19-1-41. Purpose.

The purpose of this division is to act in concert with Chapter 16, *Fireworks, Model Rocketry, and Explosives*, of NFPA 1, 2000 Edition.

Sec. 19-1-42. Definitions.

For purposes of this division, the following terms shall have the meanings respectively ascribed to them by this section:

Consumer fireworks means any small firework device designed primarily to produce visible effects by combustion or deflagration that complies with the construction, chemical composition, and labeling regulations of the United States Consumer Products Safety Commission, as set forth in Title 16, *Code of Federal Regulations*, Parts 1500 and 1507, including some small devices designed to produce audible effects, such as whistling devices, ground devices containing 50 mg (0.002 g) or less of explosive composition (salute powder), and aerial devices containing 130 mg (0.0005 g) or less of explosive composition (salute powder) per explosive unit.

Display fireworks means fireworks devices intended for use in fireworks displays that are presented in conformance with the provisions of this Code, are designed to produce visible or audible effects for entertainment purposes by combustion, deflagration, or detonation, and includes 1) consumer fireworks to be used in fireworks displays, 2) larger devices of similar construction and chemical composition that are classed as explosives, 1.3g and described as fireworks, UN0335 by the United States Department of Transportation, and 3) other devices that produce visible or audible effects for entertainment purposes that are classed as Explosives, 1.3g, 1.4g, or 1.4s and described as Article, Pyrotechnic by the United States Department of Transportation.

Fireworks means any composition or device for the purpose of producing a visible display, or an audible effect, or both, for entertainment purposes, by combustion, deflagration or detonation, and that meets the definition of consumer fireworks, as defined in this section, or display fireworks, as defined in this section.

Public display of fireworks means the use of fireworks in a manner to provide audio and/or visual entertainment.

Pyrotechnic materials (Pyrotechnic Special Effects Material) means a chemical mixture used in the entertainment industry to produce visible or audible effects by combustion, deflagration, or detonation. Such a chemical mixture consists predominantly of solids capable of producing a controlled, self-sustaining, and self-

contained exothermic chemical reaction that results in heat, gas, sound, light, or a combination of these effects. The chemical reaction functions without external oxygen.

Pyrotechnics means controlled exothermic chemical reactions that are timed to create the effects of heat, gas, sound, dispersion of aerosols, emission of visible electromagnetic radiation, or a combination of these effects to provide the maximum effect from the least volume.

Through shipment of fireworks or pyrotechnic materials means fireworks or pyrotechnic materials that do not originate in the City, are not destined for a point within the City, and remain in shipping containers while in the City of Detroit.

Sec. 19-1-43. Wholesale sale within City prohibited.

The wholesale sale of fireworks and pyrotechnic materials is prohibited within the City.

Sec. 19-1-44. Sale, possession, transport, and use within City prohibited; exceptions.

(a) The sale, offering for sale, possession, transport and use of fireworks not specifically listed in this section, are prohibited within the City, except as otherwise provided for in this division. Any fireworks, sold, offered for sale, possessed or transported within the City not specifically listed in this section shall be deemed to be contraband.

(b) Those who are eighteen (18) years of age or older may possess, transport and use up to ten (10) pounds gross weight of the following types of fireworks and persons holding retail dealer licenses under this division may possess, sell and offer to sell them in accordance with this Code:

(1) Signal flares of a type approved by the Director of Michigan State Police for emergency signal purposes and meeting all applicable state and federal performance and labeling requirements;

(2) Blank cartridges for use in toy pistols, toy cannons, trick noise makers, theatrical events, dog training, and signaling athletic events, provided that such blank cartridges and devices employing them are of a type approved by the Director of Michigan State Police, are not designed to break apart so as to form a missile upon explosion, are so designed as to prevent contact between the cartridge and the hand when in place for explosion, and otherwise meet all applicable state and federal performance and labeling requirements;

(3) Sparklers containing not more than .0125 pounds of burning portion per sparkler that otherwise meet all applicable state and federal performance and labeling requirements;

(4) Flitter sparklers not exceeding one-eighth-inch in diameter that otherwise meet all applicable state and federal performance and labeling requirements;

(5) Flat paper caps containing not more than .25 of a grain of explosive content per cap and otherwise meeting all applicable state and federal performance and labeling requirements; and

(6) Trick noise makers, toy canes, and toy snakes that do not containing mercury and meet all applicable state and federal performance and labeling requirements.

(c) No sales may be made to any person under the age of eighteen (18) of the

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fireworks described in Subsection (b) of this section.

(d) No person may possess, transport, store or use more than one hundred (100) pounds gross weight of fireworks within the City of Detroit except as otherwise provided for in this Code.

(e) No person may possess, transport, use, store, expose for sale, or sell any fireworks in violation of Michigan or federal law.

Sec. 19-1-45. License for retail sales.

(a) No person shall sell, offer for sale, or expose for sale any fireworks except in accordance with the provisions of a license issued pursuant to this Code.

(b) Any person over eighteen (18) years of age may apply to the Buildings and Safety Engineering Department Business License Center for a license for the retail sale of fireworks at a specified location. To be considered complete, the application for a license, must include:

(1) A nonrefundable licensing fee as established by the Director of the Buildings and Safety Engineering Department, with the approval of City Council, in accordance with Chapter 30 of the 1984 Detroit City Code;

(2) Proof of insurance in an amount of at least one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) in the aggregate for premises, vehicle, and product liability; and

(3) Identification of the premises where fireworks are to be sold, the location on the premises where fireworks are to be sold, the location on the premises where the fireworks are to be stored, the owner of the premises, the operator of any business located on the premises, and the person or persons who will sell the fireworks.

(c) The Buildings and Safety Engineering Department Business License Center shall cause the proposed premises to be inspected by the Fire Marshal, and other authorized officials, to determine whether it is a safe place to store and sell fireworks.

(d) Upon application and before any license required by this division shall be issued or renewed, it shall be the duty of the Buildings and Safety Engineering Department Business License Center to refer such application:

(1) To the Chief of Police, or his or her designee, who shall cause an investigation to be completed to determine whether the applicant, or any of the applicant's officers, have been convicted of any felony during the last five (5) years; and

(2) To the Finance Director who shall cause an investigation to be completed to determine whether any property tax, income tax, and/or special assessments are unpaid, outstanding and/or delinquent.

(e) A complete application shall be filed with the Buildings and Safety Engineering Department Business License Center no later than February 1st, in order to engage in the retail fireworks business for the following June and July. A complete application for renewal of a license must be filed at least ten (10) days before expiration of the current license. The Business License Center shall grant or deny any application for a license under this section within ninety (90) days of the date a complete application is submitted.

(f) A license issued pursuant to this

section may contain reasonable record keeping requirements and such other conditions as the Buildings and Safety Engineering Department Business License Center shall determine are appropriate for the health, safety and welfare of the People of the City. Violation of any such condition may be grounds for revocation or denial of a license and/or for the imposition of penalties.

(g) No more than one hundred (100) pounds gross weight of fireworks, including shelf and display stock, shall be present on the premises of any retail establishment of a licensed retail dealer.

(h) The premises of any licensed retail dealer is subject to inspection during normal business hours, without notice or probable cause, by the Fire Marshal or his or her designees, police officers, or Buildings and Safety Engineering Department inspectors to ensure compliance with this Code.

Sec. 19-1-46. Permit for public display of fireworks or pyrotechnics.

(a) *Required.* Any qualified person, at least eighteen (18) years of age or over, who desires to sponsor or promote any display fireworks, or pyrotechnics, as defined in Section 19-1-42 of this Code, in a public display, shall first obtain a permit for such display from the Fire Marshal.

(b) *Application for display fireworks.* Application for public display of fireworks, as defined in Section 19-1-42 of this Code, shall be made in writing to the Fire Marshal, at least fifteen (15) days in advance of the proposed date of the display. Such application shall set forth:

(1) The name of the individual who, or corporation or organization, including whether a *bona fide* association or amusement park, which is sponsoring the display and, where a corporation or an organization, the name(s) of the individual(s) who have authority to bind the corporation or organization;

(2) The name, age, experience and physical characteristics of the operator who must be at least twenty-one (21) years of age;

(3) Whether the shooter possesses a certificate of fitness in accordance with Section 1-17 of NFPA 1;

(4) The names and ages of all assistants who must be at least eighteen (18) years of age;

(5) The date and the time of the day at which the display will be held;

(6) The exact location planned for the display;

(7) The numbers and kinds of display fireworks to be discharged;

(8) The manner and place of storage of such display fireworks prior to the display;

(9) A diagram of the grounds on which the display is to be held, showing the point where the display fireworks are to be discharged, the location of all buildings, highways and other lines of communication, the lines behind which the audience will be restrained and the location of all trees, telegraph, telephone or electrical wires in the nearby vicinity or other overhead obstructions; and

(10) The application for such permit shall be verified by affidavit.

(c) *Application for pyrotechnic display.* Application for a public display of pyrotechnics shall be made in writing to

the Fire Marshal at least fifteen (15) days in advance of the proposed date of the display in compliance with the permit requirements and contents of plans that are contained in Chapter 4 of NFPA 1126 as well as whether the operator possesses a certificate of fitness in accordance with Section 1-17 of NFPA 1.

(d) *Investigation of applicant and operator.*

(1) The Fire Marshal shall investigate applicant and the qualifications of the proposed operator of the display fireworks that are delineated in Chapter 6 of NFPA 1123, or of the pyrotechnic display of Section 4-5 of NFPA 1126.

(2) The Chief of Police, or his or her designee, shall cause an investigation to be completed to determine whether the applicant, or any of the applicant's officers, have been convicted of any felony during the last five (5) years; and

(3) The Finance Director shall cause an investigation to be completed to determine whether any property tax, income tax, and/or special assessments are unpaid, outstanding and/or delinquent.

(e) *Inspection of proposed location and fireworks or pyrotechnics.* The Fire Marshal shall make or cause to be made an inspection of the place stated in the application as the location of the proposed public display of display fireworks or pyrotechnics, in accordance with Section 16-1 of NFPA 1, to ascertain whether it is a safe and proper location for the display thereof.

(f) *Issuance of permit; permit for certain displays not allowed.* Where the Fire Marshal ascertains that the proposed display is to be given in a proper place by a competent operator so that it shall not be hazardous to property or endanger any person or persons, he shall endorse and approve the application, and issue the necessary permit. In making a determination under this subsection, the Fire Marshal may also consider any of the factors enumerated for the denial, suspension and revocation of City licenses that are contained in Section 30-1-16 of this Code.

(g) *Issuance and effect of permit; non-transferable.* After a permit for the public display of public fireworks or pyrotechnics has granted, the sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit for public display shall be approved where the display is within two hundred (200) feet of any dwelling or other structure where persons reside. No permit granted under this division shall be transferable.

(h) *Insurance required.* Before the issuance of any permit to hold public display of display fireworks or pyrotechnics, the applicant shall provide to the City proof of insurance, in a form acceptable to the Law Department, which names the City as an additional insured. Such insurance shall provide coverage for public liability, including bodily injury and property damage, in the amount of at least one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) in the aggregate. Such insurance shall provide coverage for the acts, errors and omissions of the permittee, its agents, employees or subcontractors resulting from the permitted use or display.

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Sec. 19-1-47. Authority of the Fire Marshal to be present at public displays and to stop same.

Except as otherwise permitted under this Code, the Fire Marshal shall have the right to be present at the firing of any permitted public display of display fireworks or pyrotechnics, and shall have the right to cause the same to be stopped unless it is conducted in strict accordance with the statements made in the application and so as not to be hazardous to property or endanger any person.

Sec. 19-1-48. Transport and storage for public display; through shipments.

(a) Transport of more than one hundred (100) pounds gross weight of fireworks or pyrotechnic materials for use or storage within the City solely for the purpose of a public display permitted by the Fire Marshal under Section 19-1-45 of this Code is allowed, provided, that:

(1) The person making such transport has a copy of the display permit specifying the permitted items;

(2) Such transportation is made in accordance with all applicable federal and state requirements;

(3) The Fire Marshal escorts the transport of such fireworks or pyrotechnic materials throughout the City of Detroit; and

(4) Such transport occurs only during the four (4) days preceding the date of the display.

(b) Fireworks and pyrotechnic materials that are specified on a permit for public display may be stored within the City during the four (4)-day period preceding the permitted display provided they are stored in the manner described in the application for the public display permit.

(c) A through shipment of fireworks or pyrotechnic materials, as defined in Section 19-1-42 of this Code, that is made in accordance with applicable Michigan and federal laws is allowed.

Sec. 19-1-49. Enforcement.

(a) Any person who shall possess, use, sell, transport or offer for sale, fireworks or pyrotechnic materials in violation of this Code, or in violation of a permit or license issued pursuant to this Code, shall be subject to a fine of five hundred dollars (\$500.00) for each violation, or imprisonment not to exceed ninety (90) days for each violation, or both per day per violation in the discretion of the Court. Nothing in this section shall preclude additional penalties for violations of the Michigan Fireworks Act that are also violations of this division.

(b) Any member of the Fire Marshal Division or the Police Department may confiscate any fireworks or pyrotechnic materials that are found within the City in violation of Michigan or federal law, or in violation of this Code, including any quantity of otherwise lawful fireworks in excess of ten (10) pounds gross weight or one hundred (100) pounds gross weight in the case of a licensed retail dealer. All fireworks of the kind prohibited for sale and use within the City, or in a quantity exceeding ten (10) pounds gross weight, or one hundred (100) pounds gross weight for a licensed dealer, that may be found within the City shall be presumed to be within the City unlawfully, unless the person in whose possession they are found can produce a copy of a valid pub-

lic display permit covering the subject fireworks, or can demonstrate that the fireworks are part of a through shipment or that they were in the lawful possession of a licensed fireworks dealer. The person seizing the fireworks shall notify the person in whose possession they are found that the fireworks will be forfeited unless a claim is filed within twenty (20) days as set forth below. Where no person is in possession of the fireworks, written notice of the right to file a claim shall be affixed to the building or vehicle where the fireworks are found. The fireworks shall be returned immediately where a valid display permit covering the items is presented to the seizing officials within twelve (12) hours of the seizure.

Any person claiming lawful possession of seized fireworks may file a claim with the Consumer Affairs Department as follows: The claim must be in writing, must state the grounds for lawful possession, and the claimant must give a bond in the amount of ten percent (10%) of the value of the seized items, but not less than two hundred fifty dollars (\$250.00) or greater than five thousand dollars (\$5,000.00), with the sureties approved by the City on the condition that where the property is ordered forfeit, the obligor shall pay the costs and expenses of the forfeiture proceeding. Upon the filing of a claim and bond, the Consumer Affairs Department shall conduct a hearing and render a decision on the question of forfeiture within twenty (20) days. A claimant may appeal on adverse determination to the circuit court.

Where no claim is filed and bond given within the twenty (20) days of the date of seizure, the fireworks shall be forfeited to the City and the City shall properly dispose of them by destruction, or by sale to an entity in a jurisdiction where such items are lawful. However, unless all criminal proceedings relating to the seized fireworks have been completed, the City shall not dispose of them without the written permission of the Corporation Counsel.

Secs. 19-1-50. Reserved.

DIVISION 5. SMOKING IN ELEVATORS

Sec. 19-1-51. Prohibited.

It shall be unlawful for any person to smoke, or to carry lighted tobacco in any form, in any elevator in any building, structure or premises within the City.

Sec. 19-1-52. Smoking in elevators prohibited.

No person having control or management of any building, structure or premises, which is equipped with an elevator, shall permit smoking, or the carrying of lighted tobacco in any form, in any such elevator.

Sec. 19-1-53. Signs required in elevators.

The owner, occupant or person having control or management of any building, structure or premises, which is equipped with an elevator, shall post in each elevator a sign reading "Smoking Prohibited by Detroit City Code — Violators Subject to Fine of up to \$500 and/or 90 Days Imprisonment."

Sec. 19-1-54. Receptacles required near elevator entrance.

The owner, occupant or person having control or management of any building, structure or premises which is equipped with an elevator shall provide and locate

near the elevator entrance at each floor a noncombustible receptacle, approved by the Fire Marshal, for the proper disposal of cigar and cigarette stubs, pipe ash or lighted tobacco in any form.

Sec. 19-1-55. Enforcement.

The Fire Marshal, or his or her duly authorized representative, and the Police Department are charged with the duty and responsibility of enforcing this division upon complaint or observation.

Secs. 19-1-56 — 19-1-60. Reserved.

DIVISION 6. STORAGE, HANDLING, AND USE OF ETHYLENE OXIDE FOR FUMIGATION AND FOR FRUIT AND CROP RIPENING

Sec. 19-1-61. Purpose.

The purpose of this division is to act in concert with NFPA 560, *Storage, Handling, and Use of Ethylene Oxide for Sterilization and Fumigation*, 1995 Edition.

Sec. 19-1-62. Scope.

This division shall apply to storage, handling, and use of ethylene oxide: 1) for fumigation and 2) for fruit and crop ripening.

Sec. 19-1-63. Permits.

A permit that is required by Section 1-16.16(19) of NFPA 1 for fumigation and for fruit and crop ripening shall be obtained from the Fire Marshal.

Sec. 19-1-64. Use of ethylene.

The location of buildings where fumigation and fruit and crop ripening is conducted that utilizes ethylene and the use of ethylene in such buildings shall be approved by the Fire Marshal.

Sec. 19-1-65. Heating.

(a) Steam and hot water pipes and radiators shall have a clearance of at least one (1) inch to combustible material.

(b) Gas heaters, kerosene heaters, and their vents shall be installed in accordance with the Michigan Mechanical Code.

(c) Gas heaters shall be equipped with an automatic pilot device to shut off the gas supply whenever the flame is extinguished.

(d) Burners for gas or kerosene heaters shall be installed so that air for combustion is taken from outside the ripening room(s) and the products of combustion are discharged to the outside.

(e) Electric heaters shall be of a type that are without exposed surfaces at a temperature higher than eight hundred (800) degrees Fahrenheit, that have thermostatic elements which produce no sparks, and that are approved for use in hazardous locations.

(f) A protective guard shall be provided around any heater to prevent the possibility of its being knocked over by other equipment such as vehicles or lift trucks.

Sec. 19-1-66. Housekeeping.

Empty boxes, cartons, pallets and other combustible waste shall be removed from ripening rooms, or enclosures, and disposed of at regular intervals.

Secs. 19-1-67 — 19-1-70. Reserved.

DIVISION 7. STORAGE OF SCRAP TIRES IN OUTDOOR COLLECTION SITES

Sec. 19-1-71. Definitions.

For the purpose of this division, the following terms shall have the meanings respectively ascribed to them by this section:

Outdoor collection site means any loca-

