

BAY CITY CITY COMMISSION
Synopsis of Regular Meeting
November 21, 2022

The meeting was called to order by Commission President Christopher Girard at 6:00 PM.

Commissioners Present: Jesse Dockett, Kristen Rivet, Brentt Brunner, Rachelle Hilliker, Christopher Girard, Kerice Basmadjian, Ed Clements, 7.
Excused: Commissioners Trey Pinkstock, Cordal Morris, 2; Mayor Kathleen L. New-

The following items were approved:

- The meeting was called to order by Commission President Christopher Girard at 6:00 PM.
- Commissioners Present: Jesse Dockett, Kristen Rivet, Brentt Brunner, Rachelle Hilliker, Christopher Girard, Kerice Basmadjian, Ed Clements, 7.
- Excused: Commissioners Trey Pinkstock, Cordal Morris, 2; Mayor Kathleen L. Newsham.
- Absent: None.
- A Closed Session was held with Warner Norcross & Judd Attorney’s Kurt Brauer and William Lentine regarding the lease of Real Property.

Election Commission Minutes (7/7/22) were received.

Jody Bissonnette, Andrea Burney, Alex Dewitt and Shane Reinhardt spoke during public input.

Public hearing was held on application from Mersen USA GS Corp, for an Industrial Facilities Tax Exemption Certificate located at 900 Harrison in the amount of \$9,858,438.
Shane Reinhardt, 1791 W. German Road, Portsmouth Township, spoke in opposition of the exemption.

Public hearing was held on Ordinance amendment to the Code of Ordinances, Chapter 58, Article II - Fire Prevention Code. No one came forward.

SPECIAL ORDER

Ordinance No. 2022-15

Be it Ordained by the City of Bay City:
1. That the Code of Ordinances of the City of Bay City, Chapter 58, Fire Prevention and Protection, Section 58-26, be amended to read as follows:
Sec. 58-26. Adoption by reference.
Pursuant to the provision of Act 279 of the Public Acts of 1909, as amended, being MCLA 117.3(k), and Act 207 of the Public Acts of 1941, as amended, being MCLA 29.2b, there is hereby adopted by reference the International Fire Code 2021, as published by the International Code Council, Inc., together with the appendices and supplements therein printed, except those sections herein added, deleted or amended.

2. That the Code of Ordinances of the City of Bay City, Chapter 58, Fire Prevention and Protection, Section 58-41, be amended to read as follows:
Sec. 58-41. Amendments, deletions and additions to the International Fire Code 2009.
The International Fire Code 2021, is subject to the amendments, deletions and additions set forth in sections 58-41 through 58-56.

3. That the Code of Ordinances of the City of Bay City, Chapter 58, Fire Prevention and Protection, Section 58-42, be amended to read as follows:
Sec. 58-42. 101.1 Title, amended.
Section 101.1 of the International Fire Code 2021 shall be amended to read as follows:
“101.1 Title. These regulations shall be known as the fire prevention code of Bay City, hereinafter referred to as “this code.”

4. That the Code of Ordinances of the City of Bay City, Chapter 58, Fire Prevention and Protection, Section 58-43, be amended to read as follows:
Sec. 58-43. 104.13 Payment of fees, added.
Section 104.13 of the International Fire Code 2021 shall be added to read as follows:
“104.13 Payment of fees. The fees for an inspection and/or permit, or an appeal under this chapter shall be those fees on file with the city clerk which have been approved and filed by the city manager and of which the city commission has been notified for at least thirty (30) days in compliance with section 2-1 of the Bay City Code of Ordinances.”

5. That the Code of Ordinances of the City of Bay City, Chapter 58, Fire Prevention and Protection, Section 58-44, be amended to read as follows:
Sec. 58-44. 105.5 Required operational permits, amended.
Section 105.5 of the International Fire Code 2021 shall be amended to read as follows:
“105.5 Required operational permits. The fire code official is authorized to issue those operational permits required for operations set forth in sections 105.5.34, 105.5.36, 105.5.41 and 105.5.42. Remaining operational permits shall be authorized by the city clerk, city manager or the appropriate city department.”

6. That the Code of Ordinances of the City of Bay City, Chapter 58, Fire Prevention and Protection, Section 58-45, be amended to read as follows:
Sec. 58-45. 105.6. Required construction permits, amended.
Section 105.6 of the International Fire Code 2021 shall be amended to read as follows:
“105.6 Required construction permits. The fire code official is authorized to issue those construction permits required for work as set forth in sections 105.6.1, 105.6.6, 105.6.7, 105.6.18, 105.6.22, 105.6.23, and 105.6.24. Remaining construction permits shall be authorized by the city clerk, city manager or the appropriate city department.”

7. That the Code of Ordinances for the City of Bay City, Chapter 58, Fire Prevention and Protection, Section 58-46, be amended to read as follows:
Sec. 58-46. 112.3.3 Prosecution of violations, amended.
Section 112.3.3 of the International Fire Code 2021 shall be amended to read as follows:
“112.3.3 Prosecution of violations. If the notice of violation is not complied with within the time specified by the code official, the code official may request the city attorney institute the appropriate legal proceedings to restrain, correct or abate such violation or to require removal or termination of the unlawful use of the building or structure in violation of the provisions of this code or any order or direction may pursuant thereto. Alternatively or additionally, the code official may issue a civil infraction notice of violation or a civil infraction citation to any person violating the provisions of this code.”

8. That the Code of Ordinances of the City of Bay City, Chapter 58, Fire Prevention and Protection, Section 58-47, be amended to read as follows:
Sec. 58-47. 112.4 Violation penalties, amended.
Section 112.4 of the International Fire Code 2021 shall be amended to read as follows:
“112.4 Violation penalties. Persons who shall violate a provision of this code or who shall fail to comply with the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the code official, or of a permit or certificate used under the provisions of this code, shall be guilty of a municipal civil infraction, punishable by a class I fine. Each day that a violation continues after due notice has been served, shall be deemed a separate offense.”

9. That the Code of Ordinances of the City of Bay City, Chapter 58, Fire Prevention and Protection, Section 58-48, be amended to read as follows:
Sec. 58-48. 113.4 Failure to comply, amended.
Section 113.4 of the International Fire Code 2021 shall be amended to read as follows:
“113.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a class I civil infraction.

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Absent: None.

A Closed Session was held with Warner Norcross & Judd Attorney’s Kurt Brauer and William Lentine regarding the lease of Real Property.

10. That the Code of Ordinances of the City of Bay City, Chapter 58, Fire Prevention and Protection, Section 58-49, be amended to read as follows:
Sec. 58-49. Means of egress, amended.
Section 315.3.2 of the International Fire Code 2021 shall be amended to read as follows:
“315.3.2 Means of egress. Combustible materials, equipment, furniture, fixtures, materials designated for shipping, receivable goods, trash, rubbish or other such materials shall not be stored, maintained or placed in exits, exit enclosures, exit passageways, stairways or means of egress.”

11. That the Code of Ordinances of the City of Bay City, Chapter 58, Fire Prevention and Protection, Section 58-50, be amended to read as follows:
Sec. 58-50. Equipment rooms, amended.
Section 315.3.3 of the International Fire Code 2021 shall be amended to read as follows:
“315.3.3 Equipment rooms. Combustible material shall not be stored in boiler rooms, mechanical rooms or electrical equipment rooms. A minimum of 36 inches of clear unobstructed space shall be maintained on all sides of mechanical and electrical equipment.

12. That the Code of Ordinances of the City of Bay City, Chapter 58, Fire Prevention and Protection, Section 58-51, be amended to read as follows:
Sec. 58-51. 401.5 Making false report, amended.
Section 401.5 of the International Fire Code 2021 shall be amended to read as follows:
“401.5 Making false report. A person who gives, signals or transmits a false alarm shall be punished as set forth in Section 74-153 of the Bay City Code of Ordinances.”

13. That the Code of Ordinances of the City of Bay City, Chapter 58, Fire Prevention and Protection, Section 58-52, be amended to read as follows:
Sec. 58-52. 504.1 Required access, amended.
Section 504.1 of the International Fire Code 2021 shall be amended to read as follows:
“504.1 Required access. Exterior doors and openings required by this code or the currently adopted version of the Michigan Building Code or the Michigan Residential Code shall be installed and maintained readily accessible for emergency access by the fire department. An approved access walkway leading from fire apparatus access roads to the exterior openings shall be provided when required by the code official. Landings for fire suppression activities shall be provided equal to or greater than the width of the stairway or the width of the doorway it serves and at least 44 inches measured in the direction of travel.”

14. That the Code of Ordinances of the City of Bay City, Chapter 58, Fire Prevention and Protection, Section 58-53, be added to read as follows:
Sec. 58-53. 605.6.2 Heating appliance installation and maintenance, amended.
Section 605.6.2 of the International Fire Code 2021 shall be amended to read as follows:
“605.6.2 Heating appliance installation and maintenance. Heating appliances shall be installed and maintained in accordance with the manufacture’s instructions, the Michigan Building Code or Michigan Residential Code, as applicable, the Michigan Mechanical Code and the National Electrical Code. A minimum of 36 inches of clear unobstructed space shall be maintained around the perimeter of all heating appliances.”

15. That the Code of Ordinances of the City of Bay City, Chapter 58, Fire Prevention and Protection, Section 58-54, be added to read as follows:
Sec. 58-54. 901.11. Installation and maintenance contractors, added.
Section 901.11 is hereby added to the International Fire Code 2021 to read as follows:
“901.11 Installation and maintenance contractors. Persons, companies or corporations that service, recharge, install, hydro-test, inspect, maintain, alter, repair or replace fire extinguishers or fire suppression devices or systems, other than water based sprinkler systems, shall be registered as an installation and maintenance contractor with the code official. Applications for registration shall be filed with the building code official and shall require one of the following:
(1) Certification of training issued by the manufacturer of the extinguisher, suppression device or system the applicant will be servicing, recharging, installing, hydro-testing, inspecting, maintaining, altering, repairing or replacing;
(2) Authorization, certification, agreement or registration from the manufacturer of the extinguisher, suppression device or system the applicant will be servicing, recharging, installing, hydro-testing, inspecting, maintaining, altering, repairing or replacing as a distributor, representative of the manufacturer or confirmation of sponsorship by a distributor of said manufacturer; or
(3) Certification of fire extinguisher, fire suppression device or fire protection system training by a nationally recognized agency, association or testing firm acceptable to the fire code official.
An approved registration shall constitute permission to service, recharge, install, hydrotest, inspect, maintain, alter, repair or replace fire extinguishers, fire suppression devices or systems. A registration shall remain in effect until reissued, renewed or revoked or for a period of four years from the date of issuance specified on the registration. Registration of a contractor that leaves the employment of a company certified by an equipment manufacturer, a distributor or a certifying distributor or under the sponsorship of a distributor shall be terminated as of the date of unemployment.

16. That the Code of Ordinances of the City of Bay City, Chapter 58, Fire Prevention and Protection, Section 58-55, be added to read as follows:
Sec. 58-55. 903.4.2 Alarms, amended.
Section 903.4.2. of the International Fire Code 2021 shall be amended to read as follows:
903.4.2 Alarms. New and existing automatic sprinkler systems and alternate automatic fire extinguishing systems shall be supervised by an approved fire alarm system compliant with NFPA 72. The sprinkler system fire alarm system shall be monitored by an approved central station. The fire alarm system shall provide notification for building evacuation.

17. That the Code of Ordinances of the City of Bay City, Chapter 58, Fire Prevention and Protection, Section 58-56, be added to read as follows:
Sec. 58-56. A101.3 Membership, amended.
Section A101.3 of the International Fire Code 2021 shall be amended to read as follows:
“A101.3. Membership. The membership of the board of appeals shall consist of five (5) voting members having the qualifications established by section 108. Members shall be nominated by the city manager, subject to confirmation by a majority vote of the city commission. Each member shall serve for five (5) years according to the schedule of terms presently in place or until a successor is appointed.”

18. That the Code of Ordinances of the City of Bay City, Chapter 58, Fire Prevention and Protection, Sections 58-57 through 58-62, are hereby repealed.
A motion was made by Commissioner Dockett, seconded by Commissioner Brunner to adopt Ordinance No. 2022-15.
Motion approved by the following vote:
Yes, Commissioners Dockett, Rivet, Brunner, Hilliker, Girard, Basmadjian, Clements, 7.
No, None.

The meeting adjourned at 7:02 PM.

Christopher Girard, Commission President
Tema J. Lucero, City Clerk