

FIRE PREVENTION AND PROTECTION

- **Sec. 42**

All businesses and assembly occupancies with the City of Buchanan for the purpose of initial and reoccurring Fire Inspections.

Individuals or corporations owning businesses and assembly occupancies properties with the City of Buchanan are required to register with City of Buchanan and have a reoccurring fire inspection, including when any change of ownership, tenant, or occupancy occurs.

- **Sec. 42-1 Fire Hazards Prohibited**

No person shall maintain or allow a fire hazard as described in Act No. 207 of the Public Acts of Michigan of 1941 (MCL 29.1 et seq.), as amended, in or upon any property in the corporate limits of the city.

- **Sec. 42-2 Authorization**

The Fire Inspector to implement plans for businesses, assemblies, occupancies, or areas designated by the City Commission or Fire Chief.

The Fire Inspector is hereby authorized to perform inspections of business and assembly occupancies and any areas designated by the above list.

- **Sec. 42-3 Fire Inspector Duties for Inspections**

The City Commission shall designate a member of its fire department as the City of Buchanan Fire Inspector upon an individual's completion of State and NFPA Pro Board certification. The Inspector must maintain certification in accordance with state requirements. Duties shall be to inspect buildings or property as set forth in Section 42-2, either upon inspection, complaint, or at their own instance. The Inspector will perform periodic inspections as outlined in Section 42-1, 42.A, and 42.2.

If, at any time, the Fire Inspector discovers that a fire hazard (as described in Section 42-2) is being maintained within the City, a notice thereof shall be served upon the owner or occupants thereof to abate the fire hazard within such reasonable time as the Commission or Inspector shall determine and in case the fire hazard is not abated within the time allotted, the owner or occupants shall be deemed guilty of a misdemeanor and punishable in accordance with Section 1-15 of this Code.

- **Sec. 42-4 Hours for Inspection**

The Fire Inspector is hereby authorized to inspect properties between the hours of 8:00 a.m. and 5:00 p.m. or during normal business hours pursuant to Section 42-2.

- **Sec. 42-5 Notice of Inspection**

The Fire Inspector shall attempt to make contact with the owner for conducting the fire inspection. If no contact is gained after a reasonable time frame of attempts, the Fire Inspector will request the City of Buchanan to send a certified letter to the property owner, giving thirty-day (30-day) notice of a fire inspection appointment. If after thirty (30) days with no contact from the property owner or occupant, the City may issue a citation that may be transferred to the Fifth District Court.

- **Sec. 42-6 Authority**

The Fire Chief is the authority having jurisdiction for all matters related to Fire Department inspections, responses, investigations, functions, and public interactions.

The Fire Inspector named by the City Commission shall be properly identified and shall have full authority to inspect any premises within the City; all owner or occupants of the premises shall not hinder, in any way, the inspection or officer, so long as their demands for entry to or on the premises are reasonable.

- **Sec. 42-7 Failure to Meet Inspection Requirements; Issuance of Notice**

Whenever the Fire Inspector determines that any business, occupancy, or the premises surrounding any of these, fails to meet the requirements of said inspection set forth in this Article or in any applicable Codes or Regulations, they shall issue a notice setting forth the alleged violations and advise the owner, occupant, or other person in charge that such violations must be corrected. This notice shall:

1. Be in writing.
2. Outline in detail the alleged violations of this Article and applicable Fire Codes, the location of the violation within the structure.
3. Provide a reasonable time, not to exceed thirty (30) days, for the first correction notice of any alleged violation. If the Fire Inspector and or the Fire Chief agrees that the severity of correction of the violation could take longer, then an extension of time can be granted.
4. Be served upon the owner, occupant, or other person in charge of the premises. If the property owner is physically unable to be present during the inspection, a copy of the inspection data sheet can be sent by email, registered mail, return receipt requested, addressed to the last known residence of the owner.

- **Sec. 42-8 Re-Inspection**

At the end of the period of time allowed for the correction of any alleged violation, the Fire Inspector shall re-inspect the premises described in the notice issued pursuant to Section 42-7.

- **Sec. 42-9 Second Notice**

If, upon re-inspection, after the first notice the violation is determined by the Fire Inspector not to have been corrected, at their discretion shall issue a second notice of violation, which shall constitute an order requiring that the then-existing violations meet the requirements of this Article, or applicable Fire Codes. The owner, occupant, or other person in charge of an assembly who has received the second notice of violation of this Article, may be subject to a penalty per violation.

The Fire Inspector shall cause a copy of the second notice to be posted in a conspicuous place in or on the assembly where the violations are alleged to exist, and shall serve it in the manner provided in Section 42-7.

- **Sec. 42-10 Penalty for Second Notice**

At the discretion of the Fire Chief and Fire Inspector, fire code violations not corrected within sixty (60) days after the issuance of the first notice of violation may be transferred to the Fifth District Court. The District Court shall then establish the civil fine for the offense up to the maximum allowed by law. The City may extend these time limits as its discretion, provided that no such penalty shall be applicable while a reconsideration petition to the City Fire Board is pending in the matter.

- **Sec. 42-11 Fire Board**

It shall be known after the expiration of time granted, the person served with such second notice shall have the option to seek reconsideration or a hearing in the manner provided by this division, or after a final decision adverse to such person served has been rendered by the Fire Board as established by the City of Buchanan.