



## CITY of NOVI CITY COUNCIL

**Agenda Item 1**  
**April 4, 2011**

**SUBJECT:** Consideration of Ordinance Amendments 11-176 (Chapter 2), 11-99.5 (Chapter 15), and 11-23.26 (Chapter 22) to update and expand cost recovery options for extraordinary or avoidable public safety expenses, together with fee resolution, as recommended by the Ordinance Review Committee:

- a) Consideration of Ordinance No. 11-176 to amend Chapter 2, "Administration," of the City of Novi Code of Ordinances to add a new Article VIII regarding cost recovery for emergency response. **SECOND READING**
- b) Consideration of Ordinance No. 11-99.15 to amend Chapter 15, Article II, "Fire Prevention Code," of the City of Novi Code of Ordinances to specify in Section 15-16 the penalty for violation, to revise Section 15-17 regarding hazardous materials discharge recovery action, and to refer in Section 15-20 to Chapter 2, Article VIII for cost recovery. **SECOND READING**
- c) Consideration of Ordinance No. 11-23.26, to amend Chapter 22, "Offenses," Article II, "Offenses Against Public Administration," of the City of Novi Code of Ordinances to revise the standards for the regulation of alarm systems in Section 22-96 to include fees for responses to false alarms from fire alarm systems. **SECOND READING**
- d) Consideration of a resolution establishing the fee schedule for cost recovery for the determination of the cost of a response under Chapter 2, new Article VIII of the City Code.

**SUBMITTING DEPARTMENT:** Public Safety – Fire Department *gns*

**CITY MANAGER APPROVAL:**

**BACKGROUND INFORMATION:**

The City Council approved First Reading of the three ordinance amendments attached at its March 21, 2011 meeting. The ordinances briefly stated create a new Article in Chapter 2, Administration, of the Code of Ordinances, relating to general categories of cost recovery (Ordinance 211-176), and also amend Chapter 15, Fire Protection, relating to hazardous materials to its provisions consistent with the new Article 2 (Ordinance 11-99.15), and also Chapter 22 of the Code, relating to false alarms, to add provisions dealing with false fire alarms to that Chapter (Ordinance 11-23.26). The fee resolution was included for review, but no action was requested.

First reading of the three ordinances was approved with only one change to Ordinance 11-176, which was to remove any reference to cost recovery for downed power lines. That section has been removed in the attached ordinances, which otherwise remain as approved at the prior Council meeting.

**RECOMMENDED ACTION:** Consideration to Adopt Ordinance Amendments 11-176 (Chapter 2), 11-99.5 (Chapter 15), and 11-23.26 (Chapter 22) (Items a through c) and the related fee resolution (Item d).

	1	2	Y	N
Mayor Landry				
Mayor Pro Tem Gatt				
Council Member Fischer				
Council Member Margolis				

	1	2	Y	N
Council Member Mutch				
Council Member Staudt				
Council Member Wrobel				

**CITY OF NOVI  
COUNTY OF OAKLAND  
STATE OF MICHIGAN**

**ORDINANCE NO. 11-176**

**AN ORDINANCE TO AMEND CHAPTER 2, "ADMINISTRATION," OF THE CITY OF NOVI CODE OF ORDINANCES IN ORDER TO ADD NEW ARTICLE VIII, "EMERGENCY RESPONSE COST RECOVERY"; TO REPEAL OR AMEND EXISTING COST RECOVERY PROVISIONS TO EXPAND THEIR SCOPE; AND TO CONFORM TO STATE LAW REQUIREMENTS FOR COST RECOVERY FOR HAZARDOUS SUBSTANCES REMEDIATION.**

**THE CITY OF NOVI ORDAINS:**

**PART I**

Chapter 2, "Administration," is hereby amended to add Article VIII, "Emergency Response Cost Recovery," to state as follows:

**ARTICLE VIII. COST RECOVERY FOR EMERGENCY RESPONSE**

**2-220. Purpose and intent.**

Costs for emergency services are a normal and budgeted public expenditure by the City in order to serve its residents, taxpayers, and the public at large. However, the City Council finds that certain kinds of emergency responses primarily benefit identifiable persons or property owners, or are necessitated by certain kinds of unlawful or improper conduct. The City Council further finds that such costs should be borne by the party responsible for those costs, as provided for in this Article, in order to avoid imposition of an economic hardship on the City.

**2-221. Definitions.**

*"Costs of the emergency response"* shall mean the actual costs incurred by the City, and by any other governmental or intergovernmental entity providing services at the request or direction of the City's Fire or Police Department, as the result of an emergency response. Such costs shall include, without limitation: (a) all labor costs for City personnel (including wages, salaries, fringe benefits, and reimbursable expenses); (b) all costs for materials, supplies, and equipment utilized or damaged in connection with an emergency incident and emergency response; (c) all costs for the repair or replacement of publicly-owned property, buildings, facilities, and infrastructure damaged or destroyed in connection with an emergency response; (d) all costs for cleaning up, boarding-up,

inspecting, testing, abating, mitigating, restoring at the site of an emergency response; (e) all costs for labor and services for which the City had to contract in connection with or as a direct or indirect result of an emergency incident and emergency response; (f) all costs for investigation, enforcement, and prosecution in connection with the incident or response; and (g) any other costs incurred by the City, and by any other governmental or intergovernmental entity providing services at the request or direction of the City's Fire or Police Department, in connection with an emergency incident and emergency response.

*“Emergency response”* shall mean the dispatch, provision, response, and/or utilization of police, fire, emergency medical, rescue services, and/or other emergency services by the City, or by any other governmental or intergovernmental entity providing any such services at the request or direction of the City's Fire or Police Departments, in response to a call for assistance from any person, property owner, government agency, emergency service provider, or other entity.

*“Hazardous substances incident”* shall mean an incident involving any chemical, substance, compound, mixture, or other material defined as, designated as, listed as, or having the same characteristics as any substance, compound, mixture or material listed as hazardous under the Fire Code adopted under Chapter 15 of this Ordinance Code, any other code adopted or enforced by the City, or any federal or state law or regulation.

*“Large-scale incident”* shall mean an incident, such as a tanker truck fire or explosion, a railroad derailment, gas well explosion, or the like that results in the disruption of day-to-day activities in the City and the use of City personnel or contracted resources for a prolonged period of time of more than 12 hours in duration.

*“Responsible person”* shall mean any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, or other entity that creates the need for a response, or who owns, operates, maintains, occupies, or controls any building, premises, or property in a manner that causes a response incident to arise. The phrase “creates the need for a response” is intended to include only those persons whose intentional or negligent actions caused the need for the emergency response.

## **2-222. Assessment of Costs of the Emergency Response.**

The costs of an emergency response shall be assessed to and received from the person(s) responsible for causing the response in the following circumstances:

- (1) Where the costs result from a charge, invoice, or other expense to the City for an emergency response to non-residential property by any other governmental or intergovernmental entity at the request or direction of the City pursuant to a **mutual aid agreement**.
- (2) Where the costs result from a **hazardous substances incident**, subject to subsection (6) below.

- (3) Where the costs result from a **violation of law** for which the responsible party has been convicted or found responsible in a court of law, to the extent the City has incurred a specific charge or invoice for a response to specific activity that would not otherwise have been incurred (e.g., for demolition or clean-up).
- (4) Where the costs result for a **large scale incident**.
- (5) In the event of an emergency incident that involves a hazardous substances incident, to the extent the Michigan Natural Resources and Environmental Protection Act (being MCL 324.20101, et seq.) or any other law preempts the cost recovery provisions of this Article, the liability for and recovery of costs of the emergency response shall be governed by the Michigan Natural Resources and Environmental Protection Act or such other law, and the City may pursue collection of such costs of the emergency response in a civil action, pursuant to said laws.

#### **Section 2-223. Payment of Costs, Appeal, and Collection.**

- (1) A schedule of costs shall be established by resolution of Council. The cost of an emergency response shall be a charge against the responsible party. Such charge constitutes a debt of that person or persons. The City Treasurer shall submit an invoice for costs by first class mail or personal service to the person or persons determined by the Director of Public Safety or his or her designee to be liable for the expenses as enumerated under this Article.
- (2) Any person receiving a bill may appeal all or any portion of the amount shown on such statement by filing a written request with the City Clerk within 30 days of receipt of an invoice from the City. An *ad hoc* committee consisting of the City Manager or designee, the Finance Director, and the immediate past Mayor, or if he or she is unable to serve, a past Councilmember appointed by the current Mayor. The Committee may waive or reduce the amount of any invoice.
- (3) In the event of a failure to pay the invoice within thirty (30) days of service or the denial of any appeal, the invoiced person or persons shall be in default to the City and the City may commence a civil action to recover the invoiced expenses of an emergency response, plus the City's attorney fees, court costs, litigation expenses and all other costs allowed by law. The City shall also have any other remedy available to the City by law, including but not limited to requesting the City Attorney to file a civil action for the recovery of costs.

#### **PART II**

**Severability.** If one or more sections, provisions, phrases or words of this Ordinance are declared to be invalid by a Court of competent jurisdiction, such decision shall not affect the

validity of the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end, this Ordinance is declared to be severable.

**PART III**

**Effective Date: Publication.** The provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

**PART IV**

**Repealer.** All ordinances or parts of ordinances in conflict herewith, including Chapter 15, Fire Prevention,” Article V, “Cost Recovery,” including Sections 15-96 through 15-98, are hereby repealed, but shall not include provisions relating to cost recovery in Chapter 33 of this Code.

**PART V**

**Savings.** This amendatory ordinance shall not affect violations of the ordinance code or any other ordinance existing prior to the effective date of this ordinance and such violation shall be governed and shall continue to be separately punishable to the full extent of the law under the provisions of such ordinance at the time the violation was committed.

**CERTIFICATION**

It is hereby certified that the foregoing Ordinance was adopted by the Novi City Council, Oakland County, Michigan, at a meeting of the Council duly called and held on the \_\_\_\_ day of \_\_\_\_\_, 2011.

**CITY OF NOVI**

By: \_\_\_\_\_  
Maryanne Cornelius, City Clerk

**ADOPTED:  
EFFECTIVE:  
PUBLISHED:**

CITY OF NOVI  
COUNTY OF OAKLAND  
STATE OF MICHIGAN

ORDINANCE NO. 11-176

AN ORDINANCE TO AMEND CHAPTER 2, "ADMINISTRATION," OF THE CITY OF NOVI CODE OF ORDINANCES IN ORDER TO ADD NEW ARTICLE VIII, "EMERGENCY RESPONSE COST RECOVERY"; TO REPEAL OR AMEND EXISTING COST RECOVERY PROVISIONS TO EXPAND THEIR SCOPE; AND TO CONFORM TO STATE LAW REQUIREMENTS FOR COST RECOVERY FOR HAZARDOUS SUBSTANCES REMEDIATION.

THE CITY OF NOVI ORDAINS:

PART I

Chapter 2, "Administration," is hereby amended to add Article VIII, "Emergency Response Cost Recovery," to state as follows:

**ARTICLE VIII. COST RECOVERY FOR EMERGENCY RESPONSE**

**2-220. Purpose and intent.**

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**2-221. Definitions.**

"*Costs of the emergency response*" shall mean the actual costs incurred by the City, and by any other governmental or intergovernmental entity providing services at the request or direction of the City's Fire or Police Department, as the result of an emergency response. Such costs shall include, without limitation: (a) all labor costs for City personnel (including wages, salaries, fringe benefits, and reimbursable expenses); (b) all costs for materials, supplies, and equipment utilized or damaged in connection with an emergency incident and emergency response; (c) all costs for the repair or replacement of publicly-owned property, buildings, facilities, and infrastructure damaged or destroyed in

connection with an emergency response; (d) all costs for cleaning up, boarding-up, inspecting, testing, abating, mitigating, restoring at the site of an emergency response; (e) all costs for labor and services for which the City had to contract in connection with or as a direct or indirect result of an emergency incident and emergency response; (f) all costs for investigation, enforcement, and prosecution in connection with the incident or response; and (g) any other costs incurred by the City, and by any other governmental or intergovernmental entity providing services at the request or direction of the City's Fire or Police Department, in connection with an emergency incident and emergency response.

*"Emergency response"* shall mean the dispatch, provision, response, and/or utilization of police, fire, emergency medical, rescue services, and/or other emergency services by the City, or by any other governmental or intergovernmental entity providing any such services at the request or direction of the City's Fire or Police Departments, in response to a call for assistance from any person, property owner, government agency, emergency service provider, or other entity.

*"Hazardous substances incident"* shall mean an incident involving any chemical, substance, compound, mixture, or other material defined as, designated as, listed as, or having the same characteristics as any substance, compound, mixture or material listed as hazardous under the Fire Code adopted under Chapter 15 of this Ordinance Code, any other code adopted or enforced by the City, or any federal or state law or regulation.

*"Large-scale incident"* shall mean an incident, such as a tanker truck fire or explosion, a railroad derailment, gas well explosion, or the like that results in the disruption of day-to-day activities in the City and the use of City personnel or contracted resources for a prolonged period of time of more than 12 hours in duration.

*"Responsible person"* shall mean any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, or other entity that creates the need for a response, or who owns, operates, maintains, occupies, or controls any building, premises, or property in a manner that causes a response incident to arise. The phrase "creates the need for a response" is intended to include only those persons whose intentional or negligent actions caused the need for the emergency response.

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- (1) Where the costs result from a charge, invoice, or other expense to the City for an emergency response to non-residential property by any other governmental or intergovernmental entity at the request or direction of the City pursuant to a **mutual aid agreement**.



- (2) Where the costs result from a **hazardous substances incident**, subject to subsection (6) below.
- (3) Where the costs result from a **violation of law** for which the responsible party has been convicted or found responsible in a court of law, to the extent the City has incurred a specific charge or invoice for a response to specific activity that would not otherwise have been incurred (e.g., for demolition or clean-up).
- ~~(4) Where the costs result from (a) monitoring **downed or damaged power lines or other inherently dangerous conditions** by City personnel in order to protect the public health and safety, or (b) damages to public property, if such response involves a gas, electric, lighting, or other fuel or energy providing utility whose activities or facilities necessitated the response. Such costs shall be calculated beginning two (2) hours after notification to the public utility whose facilities are involved.~~
- ~~(54)~~ Where the costs result for a **large scale incident**.
- ~~(65)~~ In the event of an emergency incident that involves a hazardous substances incident, to the extent the Michigan Natural Resources and Environmental Protection Act (being MCL 324.20101, et seq.) or any other law preempts the cost recovery provisions of this Article, the liability for and recovery of costs of the emergency response shall be governed by the Michigan Natural Resources and Environmental Protection Act or such other law, and the City may pursue collection of such costs of the emergency response in a civil action, pursuant to said laws.

**Section 2-223. Payment of Costs, Appeal, and Collection.**

- (1) A schedule of costs shall be established by resolution of Council. The cost of an emergency response shall be a charge against the responsible party. Such charge constitutes a debt of that person or persons. The City Treasurer shall submit an invoice for costs by first class mail or personal service to the person or persons determined by the Director of Public Safety or his or her designee to be liable for the expenses as enumerated under this Article.
- (2) Any person receiving a bill may appeal all or any portion of the amount shown on such statement by filing a written request with the City Clerk within 30 days of receipt of an invoice from the City. An *ad hoc* committee consisting of the City Manager or designee, the Finance Director, and the immediate past Mayor, or if he or she is unable to serve, a past Councilmember appointed by the current Mayor. The Committee may waive or reduce the amount of any invoice.
- (3) In the event of a failure to pay the invoice within thirty (30) days of service or the denial of any appeal, the invoiced person or persons shall be in default to the City and the City may commence a civil action to recover the invoiced expenses of an

emergency response, plus the City's attorney fees, court costs, litigation expenses and all other costs allowed by law. The City shall also have any other remedy available to the City by law, including but not limited to requesting the City Attorney to file a civil action for the recovery of costs.

**PART II**

**Severability.** If one or more sections, provisions, phrases or words of this Ordinance are declared to be invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end, this Ordinance is declared to be severable.

**PART III**

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**PART IV**

**Repealer.** All ordinances or parts of ordinances in conflict herewith, including Chapter 15, Fire Prevention," Article V, "Cost Recovery," including Sections 15-96 through 15-98, are hereby repealed, but shall not include provisions relating to cost recovery in Chapter 33 of this Code.

**PART V**

**Savings.** This amendatory ordinance shall not affect violations of the ordinance code or any other ordinance existing prior to the effective date of this ordinance and such violation shall be governed and shall continue to be separately punishable to the full extent of the law under the provisions of such ordinance at the time the violation was committed.

**CERTIFICATION**

It is hereby certified that the foregoing Ordinance was adopted by the Novi City Council, Oakland County, Michigan, at a meeting of the Council duly called and held on the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**CITY OF NOVI**

By: \_\_\_\_\_  
Maryanne Cornelius, City Clerk

**ADOPTED:**  
**EFFECTIVE:**  
**PUBLISHED:**

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**COUNTY OF OAKLAND  
STATE OF MICHIGAN  
CITY OF NOVI  
ORDINANCE NO. 11-99.15**

**AN ORDINANCE TO AMEND CHAPTER 15, "FIRE PREVENTION AND PROTECTION," OF THE CITY OF NOVI CODE OF ORDINANCES FOR CONSISTENCY WITH OTHER PROVISIONS WITHIN THE CITY CODE AND STATE LAW FOR COST RECOVERY.**

**THE CITY OF NOVI ORDAINS:**

**PART I**

Chapter 15, "Fire Prevention and Protection," Article II, "Fire Prevention Code," is hereby amended to state as follows:

**Sec. 15-16. International Fire Prevention Code--Adopted as amended; insertions.**

The International Fire Code, 2006 Edition, including the appendix chapters, as promulgated and published by the International Code Council and except as amended herein is hereby adopted by reference as an ordinance and fire code for the City of Novi, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore, and each and all of the regulations, provisions, penalties, conditions and terms of said fire code on file in the office of the city clerk are hereby referred to, adopted and made a part hereof, as if fully set out in this article, with the amendments and insertions, and subject to the limitations, in the remaining sections of this article.

The following sections of the fire code are amended to insert the information indicated.

Section 101.1 Insert "City of Novi."

Section 109.3 Insert "misdemeanor" and "\$500 and/or 90 days in jail."

Section 111.4 Insert "\$250 up to \$500."

**Sec. 15-17. Amendments.**

The Fire Code adopted by reference in section 15-16 is hereby amended in the following respects:

*Subsection 105.1.1. Permits required,* shall be amended to read as follows:

Permits are required for the various uses and activities as provided in this code, except in instances where the use or activity is conducted pursuant to a permit issued by the

building department under the state construction code, as enforced by the city. Permits required under this code shall be obtained from the code official. Permits shall at all times be kept on the premises designated therein and shall at all times be subject to inspection by the code official. Inspections of work and materials for which a permit was obtained shall be made as required by the authority having jurisdiction or the duly authorized representative.

*Subsection 108.1. Membership of Board,* shall be amended to read as follows:

*108.1 Board of Appeals Established.* The City of Novi Construction Board of Appeals shall sit as the board of appeals for purposes of this code.

*Section 307. Open Burning and Recreational Fires,* shall be amended to read as follows:

*307.2 Permit required.* A permit shall be obtained from the fire code official in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

*Exception:* Bonfires located within thirty (30) feet of a lake, not exceeding 3'x3'x3' in size and meeting all other provisions of this code shall be allowed without a permit

*307.5 Materials:* Fuel for open burning shall consist only of seasoned dry firewood and be ignited with a small quantity of paper. The use of refuse, waste, trash, garbage, tires, stumps, cardboard, lumber, furniture, grass, leaves, brush, evergreens, roof covering, flammable liquids, fabric, cloth or other material not approved by the code official as fuel is prohibited. Open burning shall not be used for waste disposal purposes.

*307.6 Occupational Needs:* Open burning for the warmth of workers or heating for occupational needs shall be confined to an approved noncombustible container or apparatus to prevent the fire from spreading.

*Section 503. Fire department access,* shall be amended to read as follows.

*503.2 Specifications:* Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.7 and the City of Novi Design and Construction Standards.

*503.2.1 Dimensions.* Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), and an unobstructed vertical clearance of not less than 14 feet (4115 mm).

*503.2.2 Authority.* The code official shall have the authority to require an increase in the minimum access widths where they are inadequate for fire or rescue operations.

503.2.3 *Surface.* Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities supporting thirty-five (35) tons.

503.2.4 *Turning radius.* The minimum required outside turning radius of a fire apparatus access road shall be fifty (50) feet.

503.2.5 *Dead ends.* Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus.

503.2.6 *Bridges and elevated surfaces.* Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO Standard Specification for Highway Bridges. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the code official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs or both shall be installed and maintained when required by the code official.

503.2.7 *Grade.* The grade of the fire apparatus access road shall be a maximum of eight percent (8%).

503.2.8 *Temporary roadways:* Where approved by the code official, temporary fire department access roadways of such a surface, width, turning radii and vertical clearance which will permit access by fire apparatus shall be allowed until permanent roads are constructed.

*Section 912. Fire Department Connections,* shall be amended to include the following subsections:

912.2.3 *Proximity to hydrant:* In any building or structure required to be equipped with a fire department connection, the connection shall be located within one hundred (100) feet of a fire hydrant.

912.7 *Alarm Devices:* Both an audible and visual means of indicating an automatic sprinkler system activation shall be mounted above or in close proximity to the fire department connection.

Section 2703.3.1.4. Responsibility for cleanup, shall be amended to read as follows:

2703.3.1.4 *Responsibility for cleanup.* The person, firm or corporation responsible for an unauthorized discharge shall institute and complete all actions necessary to remedy the effects of such unauthorized discharge, whether sudden or gradual, at no cost to the City. When deemed necessary by the fire code official, cleanup may be initiated by the fire department or by an authorized individual or firm. The liability for and recovery of costs of the cleanup shall be governed by the Michigan Natural Resources

and Environmental Protection Act (MCL 324.20101, et seq.) or any other law that preempts the cost recovery provisions of this Chapter, and the City may pursue collection of such costs of the cleanup in a civil action, pursuant to said laws.

*Geographic Limits.* The geographic limits referred to in the following sections of the Fire Code shall be as follows:

*Section 3204.3.1.1* The storage of flammable cryogenic fluids in stationary containers is prohibited except: (1) as disclosed and permitted by an approved site plan on property zoned I-2, Heavy Industrial, under the City of Novi Zoning Ordinance or (2) if determined by the City Fire Marshal to be allowed by the State of Michigan Fire Prevention Code, Public Act No 207 of 1941, as amended, or rules promulgated under that Act, and in compliance with all other applicable governmental regulations.

*Section 3404.2.9.5.1* The storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited except: (1) as disclosed and permitted by an approved site plan on property zoned I-2, Heavy Industrial, under the City of Novi Zoning Ordinance or (2) if determined by the City Fire Marshal to be allowed by the State of Michigan Fire Prevention Code, Public Act No 207 of 1941, as amended, or rules promulgated under that Act, and in compliance with all other applicable governmental regulations.

*Section 3406.2.4.4* The storage of Class I and Class II liquids in above-ground tanks is prohibited except: (1) as disclosed and permitted by an approved site plan on property zoned I-2, Heavy Industrial, under the City of Novi Zoning Ordinance, (2) if determined by the City Fire Marshal to be allowed by the State of Michigan Fire Prevention Code, Public Act No 207 of 1941, as amended, or rules promulgated under that Act, and in compliance with all other applicable governmental regulations, or (3) in connection with a temporary activity necessary to the use or development of property in conformity with all City and other governmental ordinances, laws, permits and approvals.

*Section 3804.2* For the protection of heavily populated or congested areas, the capacity limitations in this Section shall apply to all properties except as disclosed and permitted by an approved site plan on property zoned I-2, Heavy Industrial, under the City of Novi Zoning Ordinance.

**Sec. 15-18. [Unchanged]**

**Sec. 15-19. [Unchanged]**

**Sec. 15-20. Open buildings due to fire.**

The code official or his duly authorized representative is empowered to order the securing of fire damaged buildings. If the owner of the affected building is present, this order shall be given to him/her. If no owner or representative of the building is present, the code official or his duly authorized representative may have the building secured. The expense of this securing shall be a debt to the city from the responsible owner and

shall be collected in accordance with the provisions of Chapter 2, Article VIII of the City Code.

**Sec. 15-21. Interference with fire department operations.**

(a) It shall be unlawful to interfere with, attempt to interfere with, conspire to interfere with, obstruct or restrict the mobility of or block the path of travel of any fire department emergency vehicle in any way, or to interfere with, attempt to interfere with, conspire to interfere with, obstruct or hamper any fire department operation.

(b) A person shall not willfully fail or refuse to comply with any lawful order or direction of the code official or to interfere with the compliance attempts of another individual.

(c) A vehicle shall not be driven or propelled over any unprotected fire hose of the fire department when laid down on any street, alleyway, private drive or any other vehicular roadway without the consent of the code official in command of said operation.

(d) A person shall not without proper authorization from the code official in charge of said fire department emergency equipment, cling to, attach himself to, climb upon or into, board or swing upon any fire department emergency vehicle, whether the same is in motion or at rest, or sound the siren, horn, bell or other sound-producing device thereon, or to manipulate or tamper with, or attempt to manipulate or tamper with any levers, valves, switches, starting devices, brakes, pumps or any equipment or protective clothing on, or a part of, any fire department emergency vehicle.

(e) It shall be unlawful to obscure from view, damage, deface, obstruct or restrict the access to any fire hydrant or any fire department connection for the pressurization of fire suppression systems, including fire hydrants and fire department connections located on public or private streets and access lanes or on private property. If upon the expiration of the time mentioned in a notice of violation, obstructions or encroachments are not removed, the code official shall proceed to remove the same. The necessary work shall be completed by the City, and the cost of the work shall be debt to the city from the responsible party and shall be collected in accordance with the provisions of Chapter 2, Article VIII of the City Code.

(f) A person shall not obstruct, remove, tamper with or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provisions of the fire prevention code except for the purpose of extinguishing a fire, training or testing purposes, recharging or making necessary repairs or when permitted by the code official. Whenever a fire appliance is removed as herein permitted, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished. Defective and non-approved fire appliances or equipment shall be replaced or repaired as directed by the code official.

(g) A person or persons shall not erect, construct, place or maintain any bumps, fences, gates, chains, bars, pipes, wood or metal horses or any other type of construction in or on any street, within the boundaries of the municipality. The word



"street" as used in this article, shall mean any roadway accessible to the public for vehicular traffic, including, but not limited to, private streets or access lanes, as well as all public streets and highways within the boundaries of the municipality.

**Sec. 15-22. Activation of fire protective signaling systems.**

A person shall not activate or cause to be activated any fire protective signaling system in any building or premise within the city, unless a valid fire emergency exists. A fire protective signaling system is any system which upon activation warns the occupants of the building or premise that a fire emergency exists or causes the fire department to be summoned. Costs incurred by the City in responding to a knowingly made false alarm shall be a debt to the city from the responsible party and shall be collected in accordance with the provisions of Chapter 2, Article VIII of the City Code.

**Sec. 15-23. [Unchanged]**

**Sec. 15-24. [Unchanged]**

**PART II**

**Severability.** If one or more sections, provisions, phrases or words of this Ordinance are declared to be invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end, this Ordinance is declared to be severable.

**PART III**

**Effective Date: Publication.** The provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

**PART IV**

**Repealer** All ordinances or parts of ordinances in conflict herewith are repealed.

**PART V**

**Savings.** This amendatory ordinance shall not affect violations of the ordinance code or any other ordinance existing prior to the effective date of this ordinance and such violation shall be governed and shall continue to be separately punishable to the full extent of the law under the provisions of such ordinance at the time the violation was committed.

Made, Passed and Adopted by the Novi City Council this 4<sup>th</sup> day of April, 2011.

\_\_\_\_\_  
David B. Landry, Mayor

\_\_\_\_\_  
Maryanne Cornelius, City Clerk

**Certificate of Adoption**

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the 4<sup>th</sup> day of April, 2011.

\_\_\_\_\_  
Maryanne Cornelius, City Clerk

Adopted: 04/04/11  
Published: 04/14/11  
Effective: 04/19/11

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 11-23.26

**AN ORDINANCE TO AMEND CHAPTER 22, "OFFENSES,"  
ARTICLE II, "OFFENSES AGAINST PUBLIC ADMINISTRATION,"  
SECTIONS 22-96 TO AMEND THE STANDARDS FOR THE  
REGULATION OF ALARM SYSTEMS TO INCLUDE REGULATION OF  
FIRE ALARM SYSTEMS.**

**The City of Novi Ordains:**

**PART I.**

Chapter 22, "Offenses", Article II, "Offenses Against Public Administration," Sections 22-34 through 22-36 are hereby amended to read as follow:

**Sec. 22-34. Regulation of alarm systems--Definitions.**

As used in sections 22-34 through 22-39:

(1) *Alarm system* means a detection device or an assembly of equipment and devices arranged to signal the presence of a hazard requiring urgent attention or to which police or fire personnel are expected to respond.

(2) *Alarm system contractor* means a person, firm, company, partnership, or corporation engaged in the installation, maintenance, alteration, or servicing of alarm systems, or who responds to an alarm system. "Alarm system contractor" shall not include a business which only sells, or manufactures alarm systems unless the business services alarm systems, installs alarm systems, or monitors or responds to alarm systems at the protected premises.

(3) *False alarm* means the activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence of the owner or lessee of an alarm system or of his employee or agent. False alarm shall include activations where there is no evidence of illegal entry or attempt thereof, activations where there is no evidence of smoke, fire, other temperature or humidity related cause; activations caused by system malfunctions, activations caused by mistake or error, and activations caused by persons working on an alarm system where the police or fire department has not been previously notified.

**Sec. 22-35. Same--Registration of customers served by alarm system contractor for which police or fire department response may be requested.**

(a) It shall be the responsibility of alarm system contractors and the owners of property protected by alarm systems to provide the Novi Police or Fire Department with the name, address, telephone number and any other pertinent information, including the name and telephone number of persons to contact to reset or disable the alarm system, as to each alarm system within the City of Novi for which police or fire response may be requested in the event of an alarm activation, no later than date of commencement of operation of the system. For systems made operable prior to the adoption of these provisions, said information shall be provided within thirty (30) days after the adoption of these provisions.

(b) The director of public safety shall be authorized to promulgate a standardized form for such registration information and to promulgated rules and regulations governing the procedure for such registration.

**Sec. 22-36. Same--Penalty for excessive false alarms.**

(a) Violations of Section 22-34 through 22-36 shall be a municipal civil infraction. Notwithstanding the fact that a prosecution for violation of this section has or has not been commenced, in order to defray the cost of responding to false alarms the owner, lessee or user of any commercial, business, office, retail, manufacturing or other non-residential property, or any property outside of the City, protected by an alarm system shall pay to the city the following fees:

(1) First false alarm in the calendar year resulting in response by police or fire department . . . No charge.

(2) Second false alarm in the calendar year resulting in response by police or fire department . . . No charge.

(3) Third false alarm in the calendar year resulting in response by police or fire department. Provided, that if the owner, lessee or user can demonstrate to the police or fire department that repair work was performed on the alarm system by an alarm system contractor after the second false alarm and before the third false alarm, there shall be no charge . . . \$50.00.

(4) Fourth false alarm in the calendar year resulting in response by police or fire department . . . 75.00.

(5) Fifth false alarm in the calendar year resulting in response by police or fire department . . . 100.00.

(6) Sixth false alarm in the calendar year resulting in response by police or fire department . . . 190.00.

(7) Seventh false alarm in the calendar year resulting in response by police or fire department . . . 190.00.

(8) No charges shall be imposed for a false alarm that occurs prior to the transmitting of notice of the next previous false alarm.

(b) For the purpose of computation of fees, responses to alarms will be based upon the calendar year, January 1 through December 31.

(c) The city shall notify the owner, lessee or user of any commercial, business, office, retail, manufacturing or other non-residential property, any property outside of the City, protected by an alarm system in writing by first class mail of the occurrence of a false alarm, and of the imposition of fees pursuant to subsection (a) above. The notice shall provide that the person may contest the classification of the activation as a false alarm, or, as provided below, may provide information regarding the circumstances of the false alarm demonstrating that it would be inequitable to impose the charges. Such an appeal shall be filed by forwarding to the director of public safety a written request to contest such matter within twenty (20) days of the date of such notice. Upon receipt of such a request, the director of public safety, or his designee, shall schedule a hearing on the matter within thirty (30) days, and notify the person by first class mail of the time and place of the hearing. Upon conclusion of the hearing the director of public safety, or his designee, shall make a written determination of one (1) or more of the following:

(1) That the city acted reasonably in characterizing the activation as a false alarm, and that the charges shall be assessed as provided above.

(2) That the city did not act reasonably in characterizing the activation as a false alarm, and that the charges shall not be assessed.

(3) That, although the city acted reasonably in characterizing the activation as a false alarm, the circumstances surrounding the activation, such as a motor vehicle/utility pole accident, storm conditions, power outage, independent malicious act of a third party, or similar circumstances beyond the control of the owner, lessee or user, justify a reduction of the charges. In such case, the chief, or his designee, shall reduce the charges in whole or in part, as is so determined.

(d) A late fee of ten dollars (\$10.00) will be assessed to fines not paid within thirty (30) days for first through fourth false activations. A late fee of twenty-five dollars (\$25.00) will be assessed to fines not paid within thirty (30) days for fifth and subsequent false activations. For each additional thirty-day period that the above required fees are not paid, an additional fee of ten dollars (\$10.00) will be assessed.

(e) The charges for responding to false alarms shall be paid to the City within thirty (30) days of service of invoice. Failure to pay charges in accordance with this section shall be a violation subject to additional penalties in accordance with Section 1-11 of the City Code. Unpaid charges may become a lien on premises served. In the event a lien has been placed on the premises, whenever such charge against any such premises shall be delinquent for six (6) months, the city official in charge of the collection thereof shall certify annually, on March first of each year, to the tax assessing officer of the city the fact of such delinquency, whereupon such charge shall be by him entered upon the next tax roll as a charge against such premises and shall be collected, and the lien

therefor enforced, in the same manner as general city taxes against such premises are collected and the lien therefor enforced.

(f) Following four (4) false alarms from a burglar alarm system during a calendar year, the police department may refuse to respond to further burglar alarms from such system until that alarm system has been inspected and certified by a licensed alarm systems contractor as being properly installed, operated and maintained. The police department shall not take any action pursuant to this subsection until ten (10) days after the party responsible for maintaining the alarm system has been served with notice of intent to take action pursuant to this section. Notification may be made by personal service to the person responsible for the alarm system, or upon his/her agent or employee, or upon a resident or the guest of a resident of the protected property or by mailing by first class mail to the address on file with the police department or, if none, to the address of the protected property. If, at the expiration of the ten (10) days, documentation of inspection and certification has not been delivered to the police department, the director of public safety may direct that no further response will be made to an activation from the burglar alarm system.

## **Part II.**

**Savings Clause.** The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

## **PART III.**

**Severability.** Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

## **PART IV.**

**Effective Date: Publication.** The provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

Made, Passed and Adopted by the Novi City Council this 4<sup>th</sup> day of April, 2011.

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David B. Landry, Mayor

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Maryanne Cornelius, City Clerk

**Certificate of Adoption**

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the 4<sup>th</sup> day of April, 2011.

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Maryanne Cornelius, City Clerk

Adopted: 04/04/11  
Published: 04/14/11  
Effective: 04/19/11

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CITY OF NOVI

**RESOLUTION ESTABLISHING FEE SCHEDULE FOR COST RECOVERY FOR THE  
DETERMINATION OF THE COST OF A RESPONSE UNDER CHAPTER 2, ARTICLE  
VIII OF THE CITY CODE OF THE CITY OF NOVI**

At a regular meeting of the City Council of the City of Novi, County of Oakland, State of Michigan, held on the \_\_\_ day of \_\_\_\_\_, 2011, at 7:00 p.m., Eastern Daylight Savings Time, with those present and absent being,

PRESENT: \_\_\_\_\_

ABSENT: \_\_\_\_\_

The following preamble and resolution were offered by Councilperson \_\_\_\_\_ and supported by Councilperson \_\_\_\_\_:

**WHEREAS**, pursuant to Section 2-223 of the City Code, the City Council is authorized to established a fee schedule pursuant to the Cost Recovery Ordinance for the determination of the cost of a response; and

**WHEREAS**, the City Council has determined that it is in the best interest of the City to establish a fee schedule; and

**WHEREAS**, the City of Novi City Council desires to adopt the attached fee schedule.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the City of Novi City Council hereby establishes the attached schedule of fees pursuant to Section 2-223 of the City Code, for the determination of a cost of a response

AYES  
NAYS  
ABSTENTIONS:  
ABSENT:

**CERTIFICATION**

It is hereby certified that the foregoing Resolution is a true and accurate copy of the Resolution adopted by the City Council of the City of Novi at a meeting duly called and held on the \_\_\_ day of \_\_\_\_\_, 2011.



CITY OF NOVI

BY: \_\_\_\_\_  
MARYANNE CORNELIUS, Clerk

**FEE SCHEDULE**

The following schedule has been updated for use in conjunction with the Department's Cost Recovery program pursuant to Chapter 2, Article VIII and Chapter 15, Article II of the City of Novi Code. The schedule does not include EMS billing or false alarm billing, which is handled separately.

<b>FIRE DEPARTMENT FEE SCHEDULE</b>		
<b>Equipment/Vehicle Type</b>	<b>No. of Personnel Included</b>	<b>Total Per Hour Cost</b>
SUV	2	\$220.00
Squad/Rescue	2	\$235.00
Engine	2	\$503.00
Ladder	2	\$656.00
Inspection/Special Purpose	1	\$132.00
Fire Investigation Unit	1	\$187.00
Staff	1	\$116.00
Monitoring & Recording Equipment Depreciation	0	\$20.00 per incident
<b>PERSONNEL COST</b>		
<b>Type</b>	<b>Cost per Hour</b>	
Paid-on-Call Fire Fighter	Labor contract plus 50% benefits	
Career	Labor contract plus 50% benefits	
Secretarial Staff	Labor contract plus 50% benefits	

Personnel not included in the above schedule shall be billed as applicable. Overtime inspection costs shall be per employee with a three-hour minimum. Plan reviews are completed jointly by Department personnel and third party review agencies. The total plan review fee shall be third party fee plus shipping, plus 20%. The cost of using consulting experts or laboratories shall be the actual cost plus 20%. Record search fees where a specific document or data is not specified, shall be a per hour charge per the above schedule. Cost for duplicating photographs, slides, video, or digital images, shall be the actual processing cost plus a per hour charge for delivery and pickup from the processing facility (if applicable).

Damaged or destroyed equipment and expendable supplies shall be billed at the replacement cost value. Charges for Western Wayne HIRT or other mutual aid responses shall be in addition to any Novi's cost.