



**CITY COUNCIL AGENDA ITEM**

Date: November 25, 2014

To: Brian Kischnick, City Manager

From: William S. Nelson, Fire Chief  
David J. Roberts, Assistant Fire Chief

Subject: Amendments to Troy City Code, Chapter 3, Administrative Service

**History**

Troy City Code, Chapter 3, provides for the administrative service of the City through various departments under the control of a department head who is responsible for the enforcement of said service.

Chapter 3, Section 1.141(7) of the Troy City Code gives authority to a City of Troy Fire Department Staff Lieutenant, Division Assistant Chief or Chief, to issue and serve upon a person an appearance ticket, a Municipal Civil Infraction notice of violation, and/or a Municipal Civil Infraction citation, if he/she has reasonable cause to believe that the person has committed a violation of any of the listed provisions (ordinances) of the Troy City Code.

Over the years some provisions (ordinances) have been added or deleted. Chapter 3, Section 1.141(7) references one such ordinance which has been deleted, Chapter 82B, Dangerous Buildings, and another ordinance which was added, Chapter 103, Alarm Ordinance, which needs to be referenced.

**Financial Considerations**

There are no financial considerations associated with this item.

**Legal Considerations**

Troy City Code Chapter 103, Alarm Ordinance, provides the appropriate regulations to facilitate the reduction of false alarm activations, establish procedures for administration of the ordinance, and to advance the disciplined use and maintenance of alarm systems and therefore should be referenced to grant the Fire Department Staff Lieutenant, Division Assistant Chief or Chief enforcement authority.

**Recommendation**

Staff recommends amending Troy City Code, Chapter 3, Section 1.141(7), to delete the reference to Chapter 82B, Dangerous Buildings, and to add Chapter 103, Alarm Ordinance.

**City Attorney's Review as to Form and Legality**

\_\_\_\_\_  
Lori Grigg Bluhm, City Attorney

\_\_\_\_\_  
Date

CITY OF TROY  
AN ORDINANCE TO AMEND  
CHAPTER 3 - CITY OF TROY ORDINANCE

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 3-  
City of Troy Ordinance.

Section 2. Amendment

Section 3.141(7) shall be amended as follows:

1.141(7) A City of Troy Fire Department Staff Lieutenant, Division Assistant Chief or Chief shall have authority to issue and serve upon a person an appearance ticket, a Municipal Civil Infraction notice of violation, and/or a Municipal Civil Infraction citation, if he/she has reasonable cause to believe that the person has committed a violation of any of the following provisions of the Troy City Code:

~~Chapter 82B: Dangerous Buildings (provisions related to fire safety)~~

Chapter 103: Alarm Ordinance

Section 3. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 5. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 6. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a Regular Meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Dane Slater, Mayor

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M. Aileen Bittner, CMC, City Clerk