

# CITY COUNCIL ACTION REPORT

August 7, 2008

TO: Phillip L. Nelson, City Manager

FROM: William S. Nelson, Fire Chief *WSN*  
David J. Roberts, Assistant Fire Chief *DR*

SUBJECT: Troy City Code Chapter 93, Fire Prevention

## Background:

- The Troy Fire Department is responsible for fire prevention inspection activities and code enforcement of buildings and occupancies as related to the risk of fire or explosion within the City of Troy.
- The Fire Prevention Division is established under the direction of the Division Assistant Chief who serves as the Fire Marshal.
- The function of the division shall be the implementation, administration and enforcement of the provisions of the International Fire Code with local amendments as adopted in Troy City Code Chapter 93.
- Chapter 93 currently adopts the 2003 edition of the International Fire Code with amendments.
- The International Code Council publishes revised editions of codes every three years. The current edition of the International Fire Code is the 2006 edition.
- The International Building Code is a companion code to the International Fire Code, allowing uniformity in enforcing related fire and life safety related provisions by building officials and fire officials.
- The State of Michigan adopts the International Building Code with state amendments as the Michigan Building Code for use throughout all of Michigan. State amendments take approximately two years to approve before implementation as the Michigan Building Code.
- Per the requirements of Public Act 230 of 1972, as amended, the Troy Building Department enforces the Michigan Building Code.
- The 2006 Michigan Building Code took affect August 1, 2008.

## Financial Considerations:

- There are no financial considerations associated with this item.

## Legal Considerations:

- Revising Chapter 93 to adopt the 2006 edition of the International Fire Code with amendments coincides with the implementation of the 2006 edition of the Michigan Building Code on August 1, 2008.

- These codes serve as companion codes to one another and thus allow for uniform enforcement of each by fire and building department officials thereby avoiding potential conflict and any resulting legal proceedings.
- Code amendments / modifications are indicated by red strike-through text and are replaced with red/underlined text or are addressed elsewhere in the code.

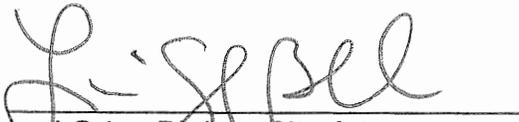
Policy Considerations:

- The implementation, administration, and enforcement of the provisions of Chapter 93 serve to meet Council's Outcome Statement of Troy enhancing the health and safety of the community.

Options

- City management requests the adoption of the 2006 International Fire Code with amendments as Chapter 93 of the Code of the City of Troy.

Reviewed and approved as to legality:



Lori Grigg Bluhm, City Attorney

CITY OF TROY  
AN ORDINANCE TO AMEND CHAPTER 93  
OF THE CODE OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as the 16th amendment to Chapter 93, Fire Prevention, of the Code of the City of Troy.

Section 2. Amendment

**93.00 Adoption of the ~~2003~~ 2006 International Fire Code by Reference.** The *International Fire Code*, ~~2003~~ 2006 Edition, including its appendices, is hereby adopted by reference with the additions, insertions, deletions and changes prescribed in Section 93.01 of this Ordinance, as the Fire Prevention Code of the City of Troy, 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 and property in the occupancy of buildings. This Ordinance and a copy of the International Fire Code, ~~2003~~ 2006 Edition, shall be kept on file with the City Clerk.

**93.01 Additions, Insertions, Deletions and Changes to the International Fire Code, ~~2003~~ 2006 Edition and Amendment to Chapter 93.** The City of Troy adopts the following ~~amendments to Chapter 93 of the Code of Ordinances which represent~~ additions, insertions, deletions and changes from the *International Fire Code*, ~~2003~~ 2006 Edition. Subsequent section numbers used in this section shall refer to the like numbered sections of the *International Fire Code*, ~~2003~~ 2006 Edition. Deletions are indicated with strike-through text while additions and insertions are indicated with underlined text. ~~Any provisions of Chapter 93, Section 93.01 which are not amended or deleted herein shall remain in full force and effect.~~

**105.6 Required operational permits.** The code official is authorized to issue operational permits for the operations set forth in Sections 105.6.1 through ~~105.6.47~~ 105.6.46. Where there are no provisions for issuing said permits, the code official is authorized to waive the particular permit requirement.

**105.6.13 ~~Exhibits, crafts and trade shows~~ Special events.** An operational permit is required to operate/conduct all special events including exhibits, crafts, and trade shows.

**105.6.20 Hazardous materials.** An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the ~~amounts listed in Table 105.6.21.~~ most restrictive amounts listed in this code, the EPA's *Emergency Planning and Community Right To Know regulations*, and MIOSHA's *Firefighter Right To Know requirements*.

**105.6.20.1 Required amounts for reporting.** Reportable quantities shall be considered the maximum amount of hazardous material on site at any given time. This amount is required to be reported to the fire department as indicated in ~~Table 105.6.21.~~ the Troy Fire Department's HMIS packet as defined in Chapter 27 of this code.

**105.6.21 Hazardous Materials.** Deleted.

**105.6.21.1 Required Amounts for Reporting.** Deleted.

**105.7.13 Permit Issuance.** Deleted.

**105.7.14 Permit issuance.** A permit granted hereunder shall not be transferable nor shall any such permit be extended beyond the time set forth therein unless approved by the fire official. When work is started without a permit, the permit fee shall be doubled.

**109.3 Violation penalties.** Persons who shall violate a provision of this code or shall fail to comply with any requirements thereof or who shall erect, install, alter, repair, service, test or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be ~~guilty of a misdemeanor punishable by a fine of not more than five hundred (500) dollars or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment as determined by a judge in a court of law.~~ responsible for a Municipal Civil Infraction subject to the provisions of Chapter 100 of the Code for the City of Troy. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Sanctions for each violation shall include a fine of not more than \$500, costs, damages and injunctive orders, as authorized by Chapter 100.

## SECTION 202 GENERAL DEFINITIONS

**307.1.1 Prohibited open burning.** Open burning that is offensive or objectionable because of smoke or odor emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited. Burning for purposes of incineration of waste material including paper, leaves, or any other combustible debris, outside of any structure at any place is prohibited.

**307.2 Allowable burning.** Open burning shall be allowed without prior notification to the fire official for recreational fires, highway safety flares, smudge pots and similar occupational needs. Bonfires may be permitted if in compliance with 307.3.1 and subject to prior approval of the fire official.

**307.2.2. Prohibited open burning.** Deleted.

**307.2.3. Allowable burning.** Deleted.

**307.3 Extinguishment authority.** The fire code official or police official is authorized to order the extinguishment by the ~~permit holder~~ responsible person, another person responsible, or the fire department of open burning that creates or adds to a hazardous or objectionable situation.

**307.3.1 Bonfires.** Deleted.

**307.4.1 Bonfires.** A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition. Once approved, the intended maximum size and duration of a bonfire shall not be increased unless by City Council and only after it has been determined by the fire official that fire safety requirements of the situation and the desirable duration of burn warrant the increase prior to the bonfire.

**307.3.3 Ground Fires.** Deleted.

**307.4.3 Ground fires.** A ground fire shall be the minimum size for the intended purpose but not larger than 3 feet by 3 feet by 3 feet in dimension and shall be contained in a safe manner.

**404.5.1 Format.** Fire safety and evacuation plans, general floor plans, seating arrangements, storage configurations, or other specific plans shall be furnished to the fire code official in an approved format upon request.

## SECTION 502 DEFINITIONS

**609.1.1 Exhaust fans.** Exhaust fans for commercial cooking hoods shall be installed so that the fans are operational at all times cooking is occurring. This may be accomplished by a temperature monitoring device installed in, on, or near the hood to activate the exhaust fan(s) at a pre-determined temperature, or as otherwise approved by the code official.

**610.1.1 Exhaust fans.** Deleted.

**803.1.1. Explosive and highly flammable or combustible materials.** Deleted.

**803.3.1. Explosive and highly flammable or combustible materials.** Furnishings or decorations of an explosive or highly flammable or combustible character shall not be used.

**804.1.1. Restricted Occupancies.** Deleted.

**805.1 General.** Deleted.

**806.1.1 Restricted occupancies.** Natural cut trees shall be prohibited in Group A, B, E, F, H, I, M, R-1, R-2, R-4, S, and U occupancies.

**Exceptions.** Trees located in areas protected by an approved automatic fire sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 shall not be prohibited in Groups A, B,E, F, M, R-1,R-2, S, and U.

**807.1 General.** In occupancies of Groups A, B, E, F, H, I, M, R-1, dormitories in Group R-2, R-4, S, and U, curtains, draperies, hangings and other decorative materials suspended from walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 806.2 or be noncombustible.

**901.5. Installation acceptance testing. Deleted.**

**901.5 Installation acceptance testing.** Fire detection and alarm systems, fire-extinguishing systems, fire hydrant systems, fire standpipe systems, fire pump systems, private fire service mains and all other fire protection systems and appurtenances thereto shall be subject to acceptance tests as contained in the installation standards and as approved by the fire code official. The fire code official shall be notified before any required acceptance testing is performed in order to schedule, witness and approve such testing prior to use of said fire protection system or equipment.

**901.6.2 Records. Deleted.**

**901.6.2 Records.** Records of all system inspections, tests and maintenance required by the referenced standards shall be maintained on the premises for a minimum of three years and shall be copied to the fire code official upon request. A copy shall also be sent to the fire code official by the service company or individual performing such work within 30 days or as may be otherwise required by the fire code official.

**901.6.2.1 Noncompliant systems. Deleted.**

**901.6.2.2 Noncompliant systems.** Fire suppression, protection, or other related systems found to be noncompliant, malfunctioning, or otherwise non-operational in the manner required, designed, or intended, shall be identified as “noncompliant” by the service company or individual performing such service, and the fire code official and the occupant shall be notified immediately or at the earliest practical time. At no time shall an approval, compliance, or other indication of operability be affixed to, on, or near such system(s) so as to give false indication of designed, intended, or expected operation.

## **SECTION 902 DEFINITIONS**

**903.2.10.3 Buildings over 30 feet in height. Deleted.**

**903.2.10.3 Buildings over 30 feet in height.** An automatic sprinkler system shall be installed throughout a building that has a floor level which has an occupant load of 30 or more occupants and which is located 30 feet (9144 mm) or more above the lowest level of fire department vehicle access.

**Exceptions:** Refer to the Michigan Building Code, as set forth in Chapter 79, Section 8.1 of the City of Troy Code.

**903.3.5.3 Required pressure margin.** ~~Due to unforeseeable and changing conditions within the water supply, t~~ The code official is authorized to require a pressure margin of up to twenty (20) ~~lbs p.s.i.~~ over the minimum design criteria for installed automatic fire sprinkler systems. Where this margin cannot be achieved, approved means shall be taken to provide this margin.

**907.7.1 Annunciation.** Where fire suppression systems exist in multi-tenant occupancies, i.e., strip malls, separate annunciation, including water flow switch and inspector test valve, shall be required for each separately addressed tenant space unless otherwise approved by the code official.

**907.10.2.2 Audible alarm appliance silencing.** Deleted.

**907.12.1 Remote annunciation:** Deleted.

## SECTION 914.0 TEMPERATURE AND MONITORING

**Deleted in its entirety**

## SECTION 915.0 TEMPERATURE AND MONITORING

**915.1 General.** Precautions shall be taken in all rooms and areas containing fire sprinkler equipment such as piping, valve(s), and fire pump(s), to prevent freezing of said equipment during times of extremely cold temperatures. Where the code official deems necessary, equipment shall be installed to monitor the temperature of said areas and send a trouble or supervisory signal to an approved location when the temperature falls below 40 degrees F to warn of freezing conditions so that the occurrence of frozen and/or broken piping, valve(s), and fire pump(s) can be prevented.

**1019.1.8 Smokeproof enclosures.** Deleted.

**1020.1.7 Smokeproof enclosures.** In buildings required to comply with Section 403 or 405 of the International Building Code, each of the exits of a building which serves stories where the floor surface is more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access or more than 30 feet (9144 mm) below the level of exit discharge serving such floor levels shall be a smokeproof enclosure or pressurized stairway in accordance with Section 909.2 of the International Building Code.

**1022.2 Use in a means of egress.** Deleted.

**1023.2 Use in a means of egress.** Exterior exit stairways shall not be used as an element of a required means of egress for occupancies in Group I-2. For occupancies in other than Group I-2, exterior exit stairways shall be permitted as an element of a required means of egress for buildings not exceeding five stories above grade plane or having occupied floors more than 55 feet (16 764 mm) in height above the lowest level of fire department vehicle access.

**1025.1 General.** Deleted.

**1026.1 General.** In addition to the means of egress required by this chapter, provisions shall be made for emergency escape and rescue in Group R and I-1 occupancies. Basements and sleeping rooms below the fourth story above grade plane shall have at least one exterior emergency escape and rescue opening in accordance with this section. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Such openings shall open directly into a public way or to a yard or court that opens to a public way.

**Exceptions:**

1. In other than Group R-3 occupancies, buildings equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.
2. In other than Group R-3 occupancies, sleeping rooms provided with a door to a fire-resistance-rated corridor having access to two remote exits in opposite directions.
3. The emergency escape and rescue opening is permitted to open onto a balcony within an atrium in accordance with the requirements of Section 404 of the *International Building Code*, provided the balcony provides access to an exit and the dwelling unit or sleeping unit has a means of egress that is not open to the atrium.
4. Basements with a ceiling height of less than 80 inches (2032 mm) shall not be required to have emergency escape and rescue windows.
5. High-rise buildings in accordance with Section 403 of the *International Building Code*.
6. Emergency escape and rescue openings are not required from basements or sleeping rooms that have an exit door or exit access door that opens directly into a public way or to a yard, court or exterior exit balcony that opens to a public way.
7. Basements without habitable spaces and having no more than 200 square feet (18.6m<sup>2</sup>) in floor area shall not be required to have emergency escape windows.

**3301.1.1 Explosive material standard.** In addition to the requirements of this chapter, NFPA 495 shall govern the manufacture, transportation, storage, sale, handling and use of explosive materials, ~~and along with~~ the Michigan Explosives Law 1970 PA 202, as amended, or its equivalent.

**3308.11 Retail display and sale.** Deleted.

**3308.11 Retail display and sale.** A permit shall be required as set forth in Section 105.6 and regulated in accordance with this section. Fireworks displayed for retail sale shall not be made readily accessible to the public. A minimum of one pressurized-water portable fire extinguisher complying with Section 906 shall be located not more than 15 feet (4572 mm) and not less than 10 feet (3048 mm) from the hazard. “No Smoking” signs complying with Section 310 shall be conspicuously posted in areas where fireworks are stored or displayed for retail sale. No person under the age of 18 years shall sell, purchase or possess fireworks unless accompanied by a parent or legal guardian.

**3405.2.4 Class I and II liquids.** Deleted.

**3406.2.5.2 Tanks for gravity discharge. Deleted.**

Section 3. 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 4. 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 5. 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 \_\_\_\_\_ 2008.

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Louise E. Schilling, Mayor

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Tonni L. Bartholomew, City Clerk

CITY OF TROY  
AN ORDINANCE TO AMEND CHAPTER 93  
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The City of Troy ordains:

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**105.6.13 Special events.** An operational permit is required to operate/conduct all special events including exhibits, crafts, and trade shows.

**105.6.20 Hazardous materials.** An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the most restrictive amounts listed in this code, the EPA's *Emergency Planning and Community Right To Know regulations*, and *MIOSHA's Firefighter Right To Know* requirements.

**105.6.20.1 Required amounts for reporting.** Reportable quantities shall be considered the maximum amount of hazardous material on site at any given time. This amount is required to be reported to the fire department as indicated in the Troy Fire Department's HMIS packet as defined in Chapter 27 of this code.

**105.6.21 Hazardous Materials.** Deleted.

**105.6.21.1 Required Amounts for Reporting.** Deleted.

**105.7.13 Permit Issuance.** Deleted.

**105.7.14 Permit issuance.** A permit granted hereunder shall not be transferable nor shall any such permit be extended beyond the time set forth therein unless approved by the fire official. When work is started without a permit, the permit fee shall be doubled.

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**307.2 Allowable burning.** Open burning shall be allowed without prior notification to the fire official for recreational fires, highway safety flares, smudge pots and similar occupational needs. Bonfires may be permitted if in compliance with 307.3.1 and subject to prior approval of the fire official.

**307.2.2. Prohibited open burning.** Deleted.

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**Exceptions.** Trees located in areas protected by an approved automatic fire sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 shall not be prohibited in Groups A, B,E, F, M, R-1,R-2, S, and U.

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**901.6.2 Records.** Records of all system inspections, tests and maintenance required by the referenced standards shall be maintained on the premises for a minimum of three years and shall be copied to the fire code official upon request. A copy shall also be sent to the fire code official by the service company or individual performing such work within 30 days or as may be otherwise required by the fire code official.

**901.6.2.1 Noncompliant systems.** Deleted.

**901.6.2.2 Noncompliant systems.** Fire suppression, protection, or other related systems found to be noncompliant, malfunctioning, or otherwise non-operational in the manner required, designed, or intended, shall be identified as “noncompliant” by the service company or individual performing such service, and the fire code official and the occupant shall be notified immediately or at the earliest practical time. At no time shall an approval, compliance, or other indication of operability be affixed to, on, or near such system(s) so as to give false indication of designed, intended, or expected operation.

## **SECTION 902 DEFINITIONS**

**903.2.10.3 Buildings over 30 feet in height.** Deleted.

**903.2.10.3 Buildings over 30 feet in height.** An automatic sprinkler system shall be installed throughout a building that has a floor level which has an occupant load of 30 or more occupants and which is located 30 feet (9144 mm) or more above the lowest level of fire department vehicle access.

**Exceptions:** Refer to the Michigan Building Code, as set forth in Chapter 79, Section 8.1 of the City of Troy Code.

**903.3.5.3 Required pressure margin.** The code official is authorized to require a pressure margin of up to twenty (20) p.s.i. over the minimum design criteria for installed automatic fire sprinkler systems. Where this margin cannot be achieved, approved means shall be taken to provide this margin.

**907.7.1 Annunciation.** Where fire suppression systems exist in multi-tenant occupancies, i.e., strip malls, separate annunciation, including water flow switch and inspector test valve, shall be required for each separately addressed tenant space unless otherwise approved by the code official.

**907.10.2.2 Audible alarm appliance silencing.** Deleted.

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## **SECTION 914.0 TEMPERATURE AND MONITORING**

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## **SECTION 915.0 TEMPERATURE AND MONITORING**

**915.1 General.** Precautions shall be taken in all rooms and areas containing fire sprinkler equipment such as piping, valve(s), and fire pump(s), to prevent freezing of said equipment during times of extremely cold temperatures. Where the code official deems necessary, equipment shall be installed to monitor the temperature of said areas and send a trouble or supervisory signal to an approved location when the temperature falls below 40 degrees F to warn of freezing conditions so that the occurrence of frozen and/or broken piping, valve(s), and fire pump(s) can be prevented.

**1019.1.8 Smokeproof enclosures.** Deleted.

**1020.1.7 Smokeproof enclosures.** In buildings required to comply with Section 403 or 405 of the International Building Code, each of the exits of a building which serves stories where the floor surface is more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access or more than 30 feet (9144 mm) below the level of exit discharge serving such floor levels shall be a smokeproof enclosure or pressurized stairway in accordance with Section 909.2 of the International Building Code.

**1022.2 Use in a means of egress.** Deleted.

**1023.2 Use in a means of egress.** Exterior exit stairways shall not be used as an element of a required means of egress for occupancies in Group I-2. For occupancies in other than Group I-2, exterior exit stairways shall be permitted as an element of a required means of egress for buildings not exceeding five stories above grade plane or having occupied floors more than 55 feet (16 764 mm) in height above the lowest level of fire department vehicle access.

**1025.1 General.** Deleted.

**1026.1 General.** In addition to the means of egress required by this chapter, provisions shall be made for emergency escape and rescue in Group R and I-1 occupancies. Basements and sleeping rooms below the fourth story above grade plane shall have at least one exterior emergency escape and rescue opening in accordance with this section. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Such openings shall open directly into a public way or to a yard or court that opens to a public way.

**Exceptions:**

1. In other than Group R-3 occupancies, buildings equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.
2. In other than Group R-3 occupancies, sleeping rooms provided with a door to a fire-resistance-rated corridor having access to two remote exits in opposite directions.
3. The emergency escape and rescue opening is permitted to open onto a balcony within an atrium in accordance with the requirements of Section 404 of the *International Building Code*, provided the balcony provides access to an exit and the dwelling unit or sleeping unit has a means of egress that is not open to the atrium.
4. Basements with a ceiling height of less than 80 inches (2032 mm) shall not be required to have emergency escape and rescue windows.
5. High-rise buildings in accordance with Section 403 of the *International Building Code*.
6. Emergency escape and rescue openings are not required from basements or sleeping rooms that have an exit door or exit access door that opens directly into a public way or to a yard, court or exterior exit balcony that opens to a public way.
7. Basements without habitable spaces and having no more than 200 square feet (18.6m<sup>2</sup>) in floor area shall not be required to have emergency escape windows.

**3301.1.1 Explosive material standard.** In addition to the requirements of this chapter, NFPA 495 shall govern the manufacture, transportation, storage, sale, handling and use of explosive materials, along with the Michigan Explosives Law 1970 PA 202, as amended, or its equivalent.

**3308.11 Retail display and sale.** Deleted.

**3308.11 Retail display and sale.** A permit shall be required as set forth in Section 105.6 and regulated in accordance with this section. Fireworks displayed for retail sale shall not be made readily accessible to the public. A minimum of one pressurized-water portable fire extinguisher complying with Section 906 shall be located not more than 15 feet (4572 mm) and not less than 10 feet (3048 mm) from the hazard. "No Smoking" signs complying with Section 310 shall be conspicuously posted in areas where fireworks are stored or displayed for retail sale. No person under the age of 18 years shall sell, purchase or possess fireworks unless accompanied by a parent or legal guardian.

**3405.2.4 Class I and II liquids.** Deleted.

**3406.2.5.2 Tanks for gravity discharge.** Deleted.

### Section 3. 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 4. 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 5. 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 \_\_\_\_\_ 2008.

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Louise E. Schilling, Mayor

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Tonni L. Bartholomew, City Clerk