



CITY COUNCIL REPORT

DATE: October 21, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Mark F. Miller, Planning Director
Mark S. Stimac, Director of Building and Zoning

SUBJECT: Temporary Merchant Business Ordinance

Background:

- This item will be considered at the November 24, 2008 City Council Regular meeting.
- At the June 16, 2008 Regular meeting, City Council directed City Management to “investigate the possibility of expanding Chapter 61 – Transient Merchant(s) or a similar means to include a mobile service vehicle”.
- City Management proposes to amend Chapter 61 – Transient Merchants to expand the uses regulated by this ordinance, including sidewalk sales and Christmas tree sales, which are presently regulated under Chapter 69. The application procedure for applicants seeking a Temporary Merchant Business license is described. Chapter 61 will be renamed Temporary Merchant Businesses.
- Chapter 3 – Administrative Service will be amended to add Chapter 61 to the list of City Codes that are enforced by the Building Department (see page 10 of Chapter 3).
- Chapter 60 Fees and Bonds Required will be amended to add fees for Temporary Indoor Uses and Temporary Outdoor Uses, and to delete reference to Transient Merchants (see pages 5-6).
- Chapter 69 – Miscellaneous Licensed Businesses will be amended to remove sidewalk sales and Christmas tree sales, since these uses will be regulated by Chapter 61.
- Chapter 39 – Zoning Ordinance will need to be amended in the future, since it presently states that sidewalk sales are regulated by Chapter 69.
- City Administration recommends approval of the proposed amendments.

Financial Considerations:

- There are no financial considerations for this item.

Legal Considerations:

- City Council has the authority to act on this application.

Policy Considerations:

- The application is consistent with the following “Outcome Statements” as established at the July 1 Special Council meeting:
 - II. Troy adds value to properties through maintenance or upgrades of infrastructure and quality of life venues.
 - III. Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world.

Options:

- City Council can approve or deny the proposed amendments.
- No City Council action until the November 24, 2008 City Council Regular meeting.

Approved as to form and legality:

Lori Grigg Bluhm, City Attorney

Attachments:

1. Chapter 61 – Temporary Merchant Businesses (formerly Transient Merchants) proposed amendments.
2. Chapter 3 – Administrative Service proposed amendments (excerpt).
3. Chapter 60 – Fees and Bonds Required proposed amendments (excerpt).
4. Chapter 69 – Miscellaneous Licensed Businesses proposed amendments.
5. Resolution from the June 16, 2008 City Council Regular meeting.

Prepared by RBS/MFM

cc: Applicant
File

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 61 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 an amendment to Chapter 61 of the Code of the City of Troy.

Section 2. Amendment

**CHAPTER 61 – TRANSIENT MERCHANTS TEMPORARY MERCHANT
BUSINESSES**

~~1. License Required.~~

~~No person shall engage in a temporary business of selling goods, wares or merchandising at retail within the City from any lot, premises, building room or structure, including railroad cars, without first obtaining a license therefor. No such license shall be granted except upon certification of the Police Chief and City Treasurer. License fees shall be in accordance with Chapter 60, Fees and Bonds of the City of Troy Code of Ordinances.~~

~~(Rev. 03-17-03)~~

~~2. Temporary Business Defined.~~

~~Every person engaged in the retail sale and delivery of goods, wares or merchandise, shall be deemed to be engaged in carrying on a temporary business unless his business establishment shall have been assessed for taxation in the City during the current year.~~

~~7.63 Indebtedness to the City.~~

~~No license shall be granted to any person owing any personal property taxes or other indebtedness to the City, or who contemplates using any personal property on which personal property taxes are owing, in the operation of such business.~~

~~7.65 Exemption.~~

~~Persons conducting a business licensed under another provision of this Code shall be exempt from the requirements of this Chapter.~~

1. Definitions

The following definitions shall apply to this Chapter:

- Applicant means a person that submits an application for a Temporary Merchant Business License.

- Christmas Tree Sales means the retail sale of real Christmas trees.
- Lot means a parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of Chapter 39. A lot may or may not be specifically designated as such on public records.
- Person means any individual, firm, partnership, limited liability company, or corporation.
- Sidewalk Sales means a promotional sales event conducted on the sidewalk or other hard surface along the front or side of the particular establishment in which such business is normally conducted.
- Temporary means a business that operates for ninety (90) days or less.
- Temporary Indoor Use means a person that engages in selling goods and wares or providing a service from any lot or premises indoors on a temporary basis.
- Temporary Outdoor Use means a person that engages in selling goods and wares or providing a service from any lot or premises outdoors on a temporary basis, not including sidewalk sales or Christmas tree sales.

2. License Required

No person shall operate a Temporary Merchant Business in the City of Troy without first obtaining a license pursuant to the provisions of this Chapter. The following shall be considered Temporary Merchant Businesses:

- a. Temporary Indoor Uses;
- b. Temporary Outdoor Uses;
- c. Sidewalk Sales;
- d. Christmas Tree Sales.

3. Application for Temporary Merchant Business License

- a. An applicant shall submit to the Clerk's Office a fully completed application, on a form furnished by the City Clerk.

- b. The application, at a minimum, shall include the following information:
- i. The full and complete name and current address of the applicant(s).
 1. If the applicant is a partnership, the name and address of each partner shall be listed, and a copy of any partnership agreement shall be attached to the application.
 2. If the applicant is a privately held corporation, the name and address of each corporate officer, member of the board of directors, and stockholder shall be listed, and a copy of the articles of incorporation shall be attached to the application.
 3. If the applicant is a publicly held corporation, the name and address of each corporate officer, member of the board of directors and stockholder who owns ten (10) percent or more of the corporate stock shall be listed on the application.
 4. If the applicant is a limited liability company, the name and address of each member, manager, or person with a membership interest shall be listed, and the articles of organization shall be attached to the application.
 - ii. The complete name, permanent address, and telephone number of the proposed licensed business.
 - iii. A written statement as to the applicant's experience in operating similar businesses in Troy or other communities.
 - iv. A concise statement as to the individual applicant's past employment or business practice including identification of other communities where the proposed licensed was operated.
 - v. Information related to the business's operation, which includes the following:
 1. Requested length of license;
 2. Proposed use;
 3. The days and hours of operation.
 - vi. Any other information pertinent to the applicant and the proposed business operation.

- c. The applicant shall also attach a sketch plan, drawn to scale, which shows the following information:
- i. The parcel boundaries of the property where the proposed business will be located.
 - ii. The footprint and dimensions of all existing and proposed buildings and structures on the subject property.
 - iii. All curb cuts, drive aisles, and parking spaces on the property.
 - iv. All sidewalks on the property.
 - v. The exact location of the proposed Temporary Merchant Business, including the exact location of any and all of the following: signage, sales, display or service areas, staff and customer parking areas, required restroom facility, and other activities associated with the proposed Temporary Merchant Business.

4. Licensing

Temporary Merchant Business Licenses shall also comply with the provisions of Chapter 59 of this Code.

5. License Fees

The fee for a Temporary Merchant Business License application is listed in Chapter 60 of this Code.

6. Application Review and Investigation

- a. After the City Clerk has received a completed Temporary Merchant Business application, said application shall be forwarded to the following City Departments for review and investigation:
- i. Police;
 - ii. Fire;
 - iii. Building Inspection;
 - iv. Planning Department;
 - v. Risk Management;

- vi. Any additional City Department that the City Manager or his/her designee deems necessary.
- b. During regular business hours or at another mutually agreeable time, City representatives shall be granted access onto the property to complete the necessary application investigation.
- c. The City Clerk shall be responsible for determining whether the application meets the standards for approval of this ordinance.

7. Standards for Approval

Each Temporary Merchant Business shall meet all of the following Standards for Approval:

- a. The proposed use is permitted as a principal use within the underlying zoning district, as set forth in the City of Troy Zoning Ordinance, Chapter 39 of this Code. The only exception is for licenses for Christmas tree sales within the B-1, B-2 and B-3 Zoning Districts as well as locations licensed before 1993.
- b. The applicant has provided written evidence that he or she owns or leases the premises at which the applicant will operate, or the applicant has permission from the property owner to operate temporarily on the property. Any restrictions imposed by the property owner shall be clearly identified.
- c. The location of the proposed Temporary Merchant Business does not negatively impact public health, safety and welfare, including but not limited to traffic flow, pedestrian circulation, and off-street parking.
- d. Proposed signage complies with the provisions of Chapter 85 Signs.
- e. The applicant shall maintain insurance (demonstrated with a certificate of insurance), and shall name the City as an additional insured, for general liability insurance coverage in the amount of at least \$1,000,000.00. No cancellation or reduction in coverage may occur during the operation of the Temporary Merchant Business.
- f. The Temporary Merchant Business shall be located within 500 feet of a restroom that is accessible to employees and customers.

8. Restrictions

- a. No license shall be issued to:
 - i. An applicant whose previous Temporary Merchant Business License was revoked by the City of Troy for cause.

- ii. An applicant who does not satisfy the current ordinance requirements, even if previously granted a license.
 - iii. A co-partnership, unless all of the members of such co-partnership qualify to obtain a license.
 - iv. A corporation if any officer, manager or director or a stock owner or stockholders owning more than five (5) percent of the stock of such corporation would not be eligible to receive a license.
 - v. An applicant whose business is operated by a manager or agent, unless such manager or agent possesses qualifications similar to those required of the licensee.
 - vi. An applicant who has been convicted or found responsible for a violation of any federal, state, or local law involving moral turpitude, fraud, theft, violence, or controlled substances.
 - vii. An applicant who does not own the premises for which a license is sought or does not have a lease therefore for the full period for which the license is issued, or does not have permission to operate at the location.
 - viii. An applicant who is in default to the City.
- b. The license shall expire after ninety (90) consecutive days in one calendar year. Licenses shall be renewable once per calendar year. The total operational period per license shall not exceed one-hundred eighty (180) days per calendar year.
 - c. The hours of operation shall be limited to the hours between 9 a.m. and 9 p.m.
 - d. If the applicant operates a temporary outdoor use, the operation shall be broken down and removed entirely from the site every day. No overnight storage of any kind shall be allowed. This requirement shall not apply to approved Christmas Tree Sales or Sidewalk Sales.
 - e. Sidewalk Sales are permitted only within B-1, B-2 and B-3 Zoning Districts. Licenses for sidewalk sales shall not be issued more than once during any consecutive thirty (30) day period on any individual parcel or within any shopping center. Each permit shall be valid for not more than seventy-two (72) hours. The applicant shall certify to the City Clerk that he/she has notified all other commercial establishments within said shopping center at the time the application is submitted. Outdoor sales areas shall be designed in accordance with accessibility requirements of the Michigan Building Code. Outdoor sales areas shall occur and shall occupy that portion of the sidewalk that is immediately adjacent to the front of the business establishment. Displays shall not extend beyond said sidewalk either

into a drive or parking lot or laterally beyond the limits of the establishment to which a license has been issued.

9. Display of License

A Temporary Merchant Business License issued pursuant to this Chapter's provisions shall be displayed in a prominent location visible to customers or clients at all times.

10. Bond Required

No license shall be issued until the applicant deposits a five hundred dollar (\$500.00) bond for each lot where the business will be operated. Each bond shall be retained by the Clerk's Office for a period of not less than ten (10) days after the date of expiration of the license. Said bond shall then be returned to the applicant upon its release being approved by the Building Inspector certifying in writing that the licensed premises to which said bond was applicable is cleared of all left-over equipment, vehicles and debris. This clean up shall occur within ten (10) days or City shall cause such clean up to be completed, and shall charge costs back to the applicant. The bond shall be used first to recoup these costs and additional amounts required shall be collected in any manner allowed by law. In the event that any licensee fails to clear the premises, the Building Inspector may cause the premises to be cleared and the cost thereof shall be deducted from the bond and the balance, if any, shall be returned to the licensee.

11. Revocation and Suspension of License

The City Manager, or his or her designee, may immediately revoke or suspend a Temporary Merchant Business License if the applicant violates any of this Ordinance's provisions, or for other good cause. The procedure for the suspension and revocation of the license shall be governed by the provisions of Chapter 59 of this Code.

12. Violations and Penalties

- a. A violation of any section of this Chapter is a Municipal Civil Infraction subject to the provisions of Chapter 100 of the Code of the City of Troy.
- b. Each day that a violation continues is a separate Municipal Civil Infraction violation. Sanctions for each violation of said sections shall include a fine of not more than \$500, costs, damages and injunctive orders as authorized by Chapter 100.

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 _____.

Louise E. Schilling, Mayor

Tonni Bartholomew. City Clerk

CHAPTER 3 - ADMINISTRATIVE SERVICE

1. Division of Administrative Service. The administrative service of the City shall be under the supervision and direction of the City Manager, except as otherwise provided by the City Charter, and shall be divided into the following offices and departments, each of which shall be the responsibility of and under the control of a head as listed opposite such office or department:

ADMINISTRATIVE OFFICERS

<u>Office or Department</u>	<u>Official Head</u>
Office of Clerk	City Clerk
Office of Assessor	City Assessor
Office of Treasurer	City Treasurer
Department of Police	Police Chief
Department of Fire	Fire Chief
Department of Law	City Attorney

(Rev. 05-01-78)

- 1.1. The following City employees shall be responsible for certain functions as provided in this Chapter but shall not be deemed administrative officers as the term is defined in section 3.9 of the Charter.

<u>Office or Department</u>	<u>Official Head</u>
Department of Finance	Finance Director
Department of Public Works	Director of Public Works
Department of Engineering	City Engineer
Department of Building	Director of Buildings and Inspections

(Rev. 02-17-03)

CLERK

- 1.2. Office of Clerk. This office shall be headed by the City Clerk, who shall serve as Clerk of the Council and perform such other duties for the Council as may be required by it. He/she shall be responsible for the publication, filing, indexing and safe keeping of all proceedings of the Council. (Rev. 05-01-78)
- 1.36. Election Records. He/she shall keep and maintain all election records and have custody of all property used in connection with elections.
- 1.37. Other Duties. He/she shall publish all legal notices unless otherwise provided; collect all license fees required by ordinance or statute except as otherwise provided; be the custodian of the official seal; and notify the appointing authority of any board or commission thirty (30) days prior to the expiration of the term of office of any member thereof.

DEPARTMENT OF ACCOUNTING

- 1.40. Department of Finance. The Department of Finance shall be headed by the Finance Director as accountant for the City. He/she shall examine and audit all accounts against the City and promptly report to the City Council through the City Manager in writing any default or delinquency he/she may discover in the books, records or accounts of any City department. It shall be his duty to examine, verify and approve all accounts against the City. He/she shall not verify or approve for payment any voucher until he/she has verified the correctness of the account for which the same is issued, neither shall he/she approve for payment any account unless the money has been appropriated therefor, nor shall he/she verify or sign any warrant except in accordance with the provisions of the Charter.

(Rev. 05-01-78)

- 1.41. Examination of Books. The Finance Director shall have access to all books, records and documents kept by any officer, employee or department of the City. Daily reports of all moneys collected and of the disposition thereof shall be made to the Finance Director by the department or person receiving the same. The books in all departments of the City shall be balanced each calendar month and a report thereon made by the Finance Director to the City Manager.

(Rev. 05-01-78)

- 1.42. Reports. The Finance Director shall present to the City Manager at the beginning of each quarter during the fiscal year and whenever required by the City Manager or the City Council at any other time, a detailed statement of the financial condition of the City.

(Rev. 05-01-78)

ASSESSOR

- 1.45. Office of Assessor. This office shall be headed by the City Assessor whose duty it shall be to perform all work in connection with the assessing of property and the preparation of all assessment and tax rolls and tax notices.

TREASURER

- 1.51. Office of Treasurer. This office shall be headed by the City Treasurer whose duty it shall be to:
- (a) Have the custody of all moneys of the City, any bond pertaining to the Clerk, and all evidences of indebtedness belonging to the City or held in trust by the City.
 - (b) Collect all moneys of the City, the collection of which is not provided for elsewhere by Charter or ordinance. He/she shall receive from other officers and employees of the City all money belonging to and receivable by the City that may be collected by such officers and employees, including fines, license fees, taxes, assessments and all other charges. All money shall be turned over to the Treasurer after collection or receipt, and he/she shall in all cases give a receipt therefor and shall daily present an accounting of receipts to the Finance Director.

Chapter 3 - Administrative Service

- (c) Keep and deposit all moneys or funds in such manner and only in such places as the Council may determine and shall report the same in detail to the Finance Director.
- (d) Disburse all City funds in accordance with the provisions of the City Charter and this Code.
- (e) Perform such other duties as may be prescribed for him by the Council or by the Finance Director.

(Rev. 05-01-78)

POLICE DEPARTMENT

1.70. Department of Police. The Department of Police shall be headed by the Police Chief, who shall be the commanding officer of the police force. He/she shall direct the police work of the City and be responsible for the enforcement of law and order.

1.71. Functions of Police Department. The police work of the City shall consist of the following functions:

- (1) The operation of motor and foot patrol units for routine investigations and the general maintenance of law and order.
- (2) The maintenance of the central complaint desk at Central Police Headquarters, the maintaining and supervising of police records, criminal and non-criminal identification, property identification, custody of property and the operation of detention quarters.
- (3) The investigation of crimes, elimination of illegal liquor traffic and vice, and the preparation of evidence for the prosecution of criminal cases and offenses in violation of this Code. The Police Department shall enforce all provisions of this Code for which any penalty is provided, as well as all other laws applicable to and in force within the City.
- (4) The prevention and control of juvenile delinquency, the removal of crime hazards and the co-ordination of community agencies interested in crime prevention.

(Rev. 02-05-01)

- (5) The control of traffic, traffic educational programs, school patrols, and co-ordination of traffic violation prosecutions.

(Rev. 02-05-01)

1.72. Department Rules. The Police Chief may prescribe rules for the government of police officers of the City, subject to approval by the City Manager, which shall be entered in a book of Police Department rules and orders and may be amended or revoked by the Police Chief upon written notice to the City Manager. Such rules may establish one or more divisions within the Police Department, each of which divisions may be charged with performing one or more of the functions of the Police Department enumerated in Section.

Chapter 3 - Administrative Service

- 1.71. Any such divisions shall be supervised by an officer of the Police Department, who shall be responsible for the particular functions of the Police Department assigned to the particular division supervised by him. It shall be the duty of all members of the Police Force to comply with such rules and orders while effective.

(Rev. 05-01-78)

- 1.73. Acting Chief: In case of the absence from the City of the Police Chief, or his disability, or inability from any cause, to act as Police Chief, The City Manager shall designate and appoint some other member of the Police Department to act as Chief during such absence or disability.

- 1.74. Delivery to Police Chief. When any person within the City of Troy finds any lost money or any lost personal property of any other nature having apparent value of ten dollars (\$10.00) or more and the owner of said money or personal property is unknown to such finder, the finder shall, within seven (7) days, deliver the said money or personal property to the Police Chief. The said finder shall further, within thirty (30) days from the date of finding such money or personal property, cause notice to be published in a newspaper circulating within the City that such money or personal property has been found, which notice shall briefly describe the property found, and notify the owner that he/she may recover the same upon application to the Police Department making satisfactory identification of himself and the lost property and paying for the cost of the advertisement. If any finder shall fail to give notice of such finding, as herein required, within the time limited, he/she shall forfeit all claims to any property right in said found property which he/she might otherwise have upon termination of the custody of the Police Department under the provisions of this Chapter.

(Rev. 05-01-78)

- 1.75. Property Record. Whenever any such money or other property shall be received by the Police Chief, he/she shall cause a record of the same to be entered in a book kept for that purpose. Such book shall be a part of the public records of the City of Troy and shall be kept on file in the Police Department.

(Rev. 05-01-78)

- 1.76. Notice to Owner. If the identity of the owner shall be learned while such property is in the custody of the Police Department, the Department shall cause to be served upon such owner a written notice informing him that his property has been found and is in possession of the Police Department. Said notice shall advise the owner that unless he/she shall reclaim the property within twenty (20) days from the date of the service of such notice that he/she shall have forfeited any claim to the return of such money or property. Any person making a claim for the return of lost money or property shall establish his ownership to the satisfaction of the Police Chief and such money or property shall be returned to him upon payment of the cost of advertising by the finder or expenses of storage incurred by the Department.

(Rev. 05-01-78)

Chapter 3 - Administrative Service

- 1.77. Return to Finder. After any lost money or lost personal property shall have been in the custody of the Police Department for sixty (60) days and the owner shall not have been found or has abandoned his claim to the property, and there being no claim of ownership pending against such property, the same may be returned by the Police Chief to the finder thereof, if said finder shall have complied with the provisions of this Chapter regarding lost property, in all respects. No employee of the City of Troy shall be eligible to acquire any property right in any lost money or lost personal property by reason of having found any such money or personal property.

(Rev. 05-01-78)

- 1.78. Unclaimed Property. As to any property remaining in the custody of the Police Department as to which there are no claims pending and no finder having any rights therein, the Police Chief shall cause said property, except money, to be sold at public auction, reserving the right to reject any or all bids, or to be sold by a system recommended by the City Manager and approved by resolution of City Council. If the unclaimed property is a bicycle, the Police Chief or his/ her designee may donate it to a state licensed charitable organization, or to the Oakland County Sheriff, in connection with any Sheriff operated recognized charitable program as provided in 1959 PA 54, MCL 434.171 et. seq. as amended. By written authorization of the City Manager, unclaimed property may be retained by the City for City use. Notice of the time and place of such sale shall be given by publishing notice thereof in a newspaper of general circulation with the City and posted for ten (10) days in three (3) of the most public places in the City. Such notice shall set forth a full description of said property. The Police Chief is hereby authorized to deliver and convey such property to the successful purchaser upon payment of the full purchase price without any warranty or representation as to title and with the understanding that in the event the rightful owner recovers such property in an action at law against such purchaser, that the liability of the City of Troy shall be limited to the amount paid by said purchaser for such property. The proceeds of all such sales and any money which shall have been held for sixty (60) days against which there is no claim pending either by any purported owner or by the finder thereof, shall be paid by the Police Chief to the City Treasurer to the credit of the General Fund. The City of Troy may purchase property at any such sale in the same manner as any other bidder.

(Rev. 04-21-08)

- 1.79. Property to Which Inapplicable. The provisions of this Chapter as to lost property shall not apply to perishable articles which may be sold or destroyed within twelve (12) hours, if unclaimed. This Chapter shall not apply to abandoned vehicles, nor to firearms carried in violation of State Law, nor alcoholic beverages seized by the Department, all of which shall be disposed of in accord with the applicable Statutes. Other dangerous weapons shall be destroyed.

FIRE DEPARTMENT

- 1.91. Department of Fire. The Department of Fire shall be headed by the Fire Chief, who shall be charged with the prevention and extinguishment of fires, the protection of life and property against fire, the removal of fire hazards, the performance of other public services of an emergency nature assigned to it, and the conducting of an educational fire prevention program.
- 1.92. Department Rules. The Fire Chief shall adopt rules and regulations for the government of the Department, subject to the approval of the City Manager, which shall be entered in a book of Fire Department Rules and which may be changed and repealed by the Fire Chief upon notice to and approval by the City Manager. Such rules and regulations shall designate the chain of command for the Department so that in the absence or disability of the Chief, the responsibility for the operation of the Department shall immediately and automatically be vested in the next ranking officer or member of the Department present.
- 1.93. Department Equipment. The Fire Chief shall be responsible for the maintenance and care of all property and equipment used by the Fire Department.
- 1.94. Enforce Fire Laws. It shall be the duty of the Fire Chief to enforce all State laws and provisions of this Code governing the following:
- (1) The prevention of fires.
 - (2) The storage and use of explosives and flammables.
 - (3) The maintenance of fire alarm systems, both automatic and private, and all fire extinguishing equipment.
 - (4) The maintenance and use of fire escapes.
 - (5) The maintenance of fire protection and the elimination of fire hazards in all buildings and structures.
 - (6) The maintenance and adequacy of fire exits from factories, schools, hotels, asylums, hospitals, churches, halls, theatres and all other places in which numbers of persons work or congregate for any purpose.
 - (7) Structures erected and uses conducted on premises located within the fire limits.
- 1.95. Other Duties. The Fire Chief shall perform the following duties:
- (1) Investigate the origin, cause and circumstances of all fires.
 - (2) Issue all orders necessary for the enforcement of State laws and provisions of this Code.
 - (3) Require and supervise from time to time fire drills from all schools and educational institutions as required by law.

DEPARTMENT OF HEALTH

- 1.101. Department of Health. The Oakland County Health Department Shall be responsible for all health related matters.

(Rev. 02-17-03)

DEPARTMENT OF PUBLIC WORKS

- 1.111. Department of Public Works. The Department of Public Works shall be headed by the Director of Public Works who shall be experienced in municipal engineering works and responsible to the Assistant City Manager for Services. The Department of Public Works shall include the Division of Streets, and the Division of Water Supply and Sewer Facilities. The Director of Public Works shall have charge of all such divisions.

(Rev. 02-17-03)

- A. Division of Streets. The Division of Streets shall be under the direction of the Director of Public Works and shall be headed by the Superintendent of Streets. He/she shall be in charge of the maintenance of all improved and unimproved streets and surfaces, the cleaning of improved streets, the removal of snow and the construction and maintenance of sidewalks.

(Rev. 02-17-03)

- B. Division of Water Supply and Sewer Facilities. The Division of Water Supply and Sewer Facilities shall be under the direction of the Director of Public Works and shall be headed by the Superintendent of Water Supply and Sewer Facilities. He/she shall have charge of the construction, operation and maintenance of the City sewage system and shall be responsible for the construction, operation and maintenance of City water mains and connections and other facilities pertaining to the water distribution system. He/she shall have charge of the pumping of the water into and through the City water distribution system.

(Rev. 02-17-03)

- 1.112. Department of Engineering. The Department of Engineering shall be headed by the City Engineer who, shall be headed by a competent civil engineer and responsible to the Assistant City Manager for Services. The Engineering Department shall include the Traffic Division. The City Engineer shall be responsible for all matters relating to construction of all the physical properties of the City except as provided elsewhere in this Code. The City Engineer shall also be responsible for planning in connection with such changing or improvements to the physical properties of the City as are consistent with and necessary to the future growth and development of the City. This department shall perform such engineering services for the City and for such other departments of the City as may be required.

(Rev. 02-17-03)

DEPARTMENT OF LAW

1.131. Department of Law. This Department shall be headed by the City Attorney who shall be the legal advisor to the Council, the City Manager and to other departments and officers of the City through the City Manager. He/she shall represent the City in all legal proceedings or matters in which the City is interested. He/she shall attend the meetings of the City Council.

(Rev. 04-08-85)

1.141(1) A City of Troy Police Service Aide assigned to Road Patrol Duty 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 16: Garbage and Rubbish

Chapter 26: Parks - General Regulations

Chapter 29: Cemetery

Chapter 39: Zoning (provisions related to the parking of vehicles)

Chapter 47: House Trailers and Trailer Courts

Chapter 48: Litter

Chapter 75: Pet Shops

Chapter 88: Nuisances

Chapter 90: Animals

Chapter 98.07.01: Hunting

Chapter 98-07.02 Trapping

Chapter 106: Traffic (Provisions related to the parking of vehicles)

(Rev. 03-01-06)

1.141(2) City of Troy Police Service Aide assigned to Lock-up shall have authority to issue and serve upon a person an appearance ticket 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 98.06.01: Hinder, Obstruct or Resist Police

Chapter 98.06.02: Hinder Police by False Identification

Chapter 3 - Administrative Service

Chapter 98.06.03: False Statement or Report to Police

(Rev. 02-05-01)

- 1.141(3) A City of Troy Animal Control Officer 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 26: Parks - General Regulations

Chapter 75: Pet Shops

Chapter 88: Nuisances

Chapter 90: Animals

Chapter 98.07.01: Hunting

Chapter 98.07.02: Trapping

Chapter 98.06.05: Willfully and knowingly torture, etc., any dog used by the City of Troy Police Department.

Chapter 106 § 8 Stopping, Standing and Parking Violations

(Rev. 03-01-06)

- 1.141(5) A City of Troy Water Division Inspector shall have the 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 18: City Water Utility

Chapter 19: City Sewer Service

Chapter 20: Water and Sewer Rates

Chapter 33: Streets

(Rev. 03-01-06)

- 1.141(6) A City of Troy Building Department Inspector 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 3 - Administrative Service

Chapter 2: House Numbering and Street Naming

Chapter 13: Historic Preservation

Chapter 16: Garbage and Rubbish

Chapter 18: City Water Utility

Chapter 19: City Sewer Service

Chapter 20: Water and Sewer Rates

Chapter 39: Zoning

Chapter 47: House Trailers and Trailer Courts

Chapter 48: Litter

Chapter 64: Gasoline Stations

Chapter 67: Dances and Dance Halls

Chapter 68: Amusements and Recreation Places

Chapter 69: Miscellaneous Licensed Businesses

Chapter 70: Self Service Laundries and Dry Cleaners

Chapter 71: Auto Wash

Chapter 73: Drive-In Restaurant

Chapter 76: Adult Use Businesses Licenses (07-09-07)

Chapter 77: Smoking Lounges (08-06-07)

Chapter 79: General Building Regulations

Chapter 82: Property Maintenance Regulations

Chapter 82-A: Rental and Dwelling Inspection and Enforcement

Chapter 82-B: Dangerous Buildings

Chapter 83: Fences

Chapter 85: Signs

Chapter 88: Nuisances

Chapter 93: Fire Prevention (provisions related to building codes)

Chapter 3 - Administrative Service

Chapter 97: Coin-Operated Amusement Devices and Arcades

(Rev. 03-01-06)

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 2: House Numbering and Street Naming

Chapter 67: Dances and Dance Halls (provisions related to fire safety)

Chapter 68: Amusements and Recreation Places (provisions related to fire safety)

Chapter 69: Miscellaneous Licensed Businesses (provisions related to fire safety)

Chapter 70: Self Service Laundries and Dry Cleaners (provisions related to fire safety)

Chapter 79: General Building Regulations (provisions related to fire safety)

Chapter 82: Property Maintenance Regulations (provisions related to fire safety)

Chapter 82-A. Rental and Dwelling Inspection and Enforcement (provisions related to fire safety)

Chapter 82-B. Dangerous Buildings (provisions related to fire safety)

Chapter 84: Garbage, Rubbish, and Refuse Transfer Station (provisions related to fire safety)

Chapter 88: Nuisances (provisions related to fire safety)

Chapter 93: Fire Prevention

Chapter 97: Coin-Operated Amusement Devices and Arcades (provisions related to fire safety)

Chapter 106: Traffic (provisions related to fire safety)

(Rev. 03-01-06)

1.141(8)

A City of Troy Engineering Inspector, Inspection Supervisor, Engineering Technician or Environmental Specialist 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 3 - Administrative Service

Chapter 17: Rubbish Fill Operation

Chapter 34: Sidewalks

Chapter 42: Flood Plain Management

Chapter 79: General Building Regulations

Chapter 80: Soil Removal and Fill

Chapter 86: Soil Erosion and Sedimentation Control

(Rev. 03-01-06)

1.141(9) A City of Troy Foreman of Parks Maintenance Division, Superintendent of Public Grounds, or Director of Parks and Recreation shall have authority to issue and service 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 28: Tree Regulations

Chapter 29: Cemetery

Chapter 39: Zoning (provisions related to landscaping)

Chapter 41: Subdivision Control (provisions related to landscaping)

(Rev. 03-01-06)

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 60 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 an amendment to Chapter 60 of the Code of the City of Troy.

Section 2. Amendment

60.03 Fee Schedule.

Temporary Indoor Uses (Chapter 61)	
Per application	\$ 100.00
Per extension	\$ 100.00
Temporary Outdoor Use (Chapter 61)	
Per application	\$ 100.00
Per extension	\$ 100.00
Transient Merchant (Chapter 61) – Per week	
\$ 50.00	

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 _____.

Louise E. Schilling, Mayor

Tonni Bartholomew. City Clerk

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 69 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 an amendment to Chapter 69 of the Code of the City of Troy.

Section 2. Amendment

1. ~~Sidewalk Sales.~~

~~No person or business shall engage in the outdoor display of goods for sale without first obtaining a license therefore. Such license shall issued by the City Clerk upon approval by the Fire and Building Departments.~~

~~—————(Rev. 06-16-97)~~

2. ~~Restrictions.~~

~~Sidewalk Sales may be permitted only within B-1, B-2 and B-3 Zoning Districts. No license for sidewalk sales shall be granted except upon certification of the Building Inspector and Fire Chief. No licenses for sidewalk sales shall be issued more than once during any consecutive 30 day period within any shopping center or within 700 feet of any other commercial establishment during said 30 days, and each permit shall be valid for not more than 72 hours. The applicant shall certify to the City Clerk that he has notified all other commercial establishments within said shopping center of said 700 foot distance at the time application for the sidewalk sale is submitted. Outdoor sales shall not block or obstruct more than one-half (1/2) the width of the sidewalk on which such sales shall occur and shall occupy that portion of the sidewalk (1/2 width) which is immediately adjacent to the front of the business establishment. Displays shall not extend beyond said sidewalk either into a drive or parking lot or laterally beyond the limits of the establishment to which a license has been issued. License fees shall be in accordance with Chapter 60, Fees and Bonds of the City of Troy Code of Ordinances.~~

~~—————(Rev. 03-17-03)~~

4. ~~Christmas Tree Sales.~~

~~No person shall engage in the business of selling Christmas trees at retail or operate or maintain a building or yard where Christmas trees are sold at retail without first obtaining a license. No license shall be granted except upon certification of the Building Inspector and Fire Chief. Applications for license shall be made in accordance with Chapter 59 of this Code and the fee shall be as prescribed in Chapter 60 of this Code. Christmas tree sales may be permitted within B-1, B-2 and B-3 Zoning Districts, as well as at locations licensed for 1993.~~

(Rev. 08-08-94)

5. Cash Deposits.

~~No license for the retail sale of Christmas trees shall be granted until the applicant shall make a clean-up deposit for each retail sales lot to be operated, said deposit to be retained by the City for a period of not less than ten (10) days after Christmas of the year in which the license was granted. Said deposit shall then be returned to the applicant upon its release being approved by the Building Inspector certifying in writing that the licensed premises to which said deposit was applicable have, within ten (10) days after Christmas of the year for which the license was granted, been cleared of all left over trees, branches, paper, waste and debris. In the event that any licensee shall fail to so clear the premises, the Building Inspector may cause the premises to be cleared and the cost thereof shall be deducted from the deposit and the balance, if any, shall be returned to the licensee.~~

(Rev. 08-26-91)

81. Registration of Dealers in Precious Metal, Gems and Items.

81.1 Definitions as used in this section:

- (a) "Agent or employee" means a person who, for compensation or valuable consideration is employed either directly or indirectly by a dealer.
- (b) "Dealer" means any person, corporation, partnership, or association, which, in whole or in part, engages in the ordinary course of repeated and recurrent transactions of buying or receiving precious items from the public within this state.
- (c) "Gold" means elemental gold having an atomic weight of 196.967 and the chemical element symbol of Au, whether found by itself or in combination with its alloys or any other metal.
- (d) "Jewelry" means an ornamental item made of a material that includes a precious gem.
- (e) "Local police agency" means the police agency of the City of Troy.
- (f) "Platinum" means elemental platinum having an atomic weight of 195.09 and the chemical element symbol of Pt, whether found by itself or in combination with its alloys or any other metal.
- (g) "Precious gem" means a diamond, alexandrite, ruby, sapphire, opal, amethyst, emerald, aquamarine, morganite, garnet, jadeite, topaz, tourmaline, or pearl.
- (h) "Precious item" means jewelry, a precious gem, or an item containing gold,

silver, or platinum. Precious item does not include the following:

- (i) Coins, commemorative medals, and tokens struck by, or in behalf of, a government or private mint.
 - (ii) Bullion bars and discs of the type traded by banks and commodity exchanges.
 - (iii) Items at the time they are purchased directly from a dealer registered under this act, a manufacturer, or a wholesaler who purchased them directly from a manufacturer.
 - (iv) Industrial machinery or equipment.
 - (v) An item being returned to or exchanged at the dealer where the item was purchased and which is accompanied by a valid sales receipt.
 - (vi) An item which is received for alteration, redesign, or repair in a manner that does not substantially change its use and returned directly to the customer.
 - (vii) An item which does not have a jeweler's identifying mark or a serial mark and which the dealer purchases for less than \$5.00.
 - (viii) Scrap metal which contains incidental traces of gold, silver, or platinum which are recoverable as a by-product.
 - (ix) Jewelry which a customer trades for other jewelry having a greater value, and which difference in value is paid by the customer.
- (i) "Silver" means elemental silver having an atomic weight of 107.869 and the chemical element symbol of Ag, whether found by itself or in combination with its alloys or any other metal.

(Rev. 08-24-81)

81.2 Administration of Ordinance.

The Chief of Police for the City of Troy or his or her designee shall be responsible for reviewing all applications for a certificate of registration.

81.3 Application by a Dealer

- (a) A dealer who applies for a certificate of registration shall submit the following information on the form provided:
 - (i) His or her name, home address, phone number, driver's license number, date of birth, and right thumb print (print to be affixed to the application by the police department). Applications for more than one establishment shall be made on separate application forms.

- (ii) The name, address, telephone number, and hours of the dealer's business. If the dealer's business is a corporation, an updated copy of the Articles of Incorporation or a valid certified copy of the assumed name certificate from the Clerk of Oakland County must be provided.
 - (iii) The name, address, date of birth and right thumb print of each employee or agent of the dealer.
- (b) The dealer shall also submit a signed statement indicating that he or she has read and understands the provisions of Act No. 95 of the Public Acts of 1981, as provided to him or her by the Police Department, and further that said dealer has informed his or her agents or employees, and will immediately inform all new agents or employees, as to the provisions of said Public Act 95 of 1981.
 - (c) The dealer shall submit a signed statement that neither he or she, nor any of his or her agents or employees has been convicted of a felony under Act No. 95 of the Public Acts of 1981, or under section 535 of Act No. 328 of the Public Acts of 1931, as amended, within the five year period preceding the date of the application, or convicted of a misdemeanor under said laws within a one year period preceding the date of this application.
 - (d) The dealer shall submit proof of proper zoning or other special exception permits as required by the Zoning Board of Appeals and Planning Commission of the City of Troy.
 - (e) The dealer shall pay a fee for each licensed establishment in the City of Troy. License fees shall be in accordance with Chapter 60, Fees and Bonds of the City of Troy Code of Ordinances.

(Rev. 8-24-81)

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

_____.

Louise E. Schilling, Mayor

Tonni Bartholomew. City Clerk

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