

CITY COUNCIL ACTION REPORT

March 18, 2009

TO: The Honorable Mayor and City Council Members

FROM: Phillip L. Nelson, City Manager
John M. Lamerato, Assistant City Manager/Finance & Administration
Brian P. Murphy, Assistant City Manager/Economic Development Services

SUBJECT: Implementation of Revenue Enhancements

Background:

- City Council instructed staff to develop alternative revenue sources and expenditure reductions that will continue to provide the highest level of service within means that do not overburden residents and resources.
- Staff developed a list of suggested revenue enhancements that provide service enhancements with costs that are to be levied toward direct users of the services.
- City Council studied the proposed revenue enhancements and expenditure reductions and adopted the attached list on February 16, 2009 via resolution #2009-02-45.

Policy Considerations

- Staff prepared the necessary revisions to applicable ordinances and proposes these revisions in order to implement fee adjustments in line with the list of revenue enhancements that City Council approved on February 16, 2009.
- Staff identified a few other areas where the current fee structure required updating.
- Below is a list of the ordinance revisions and fee adjustments included in this agenda item. Each item has its own motion so that Council can consider the items individually:

Notary Service and Dog License Fees and Bonds (Chapter 60)
 Planning Department Fees (Chapter 60)
 Fire Department Fees and Bonds (Chapter 60)
 Rental and Dwelling Inspection and Enforcement (Chapter 82A)
 Building Occupancy Permits for Fire Prevention (Chapter 93)
 Building Department Fees (Established by City Council Resolution, not City Code)

Yes: Eisenbacher, Howrylak

No: Kerwin, Schilling, Beltramini, Broomfield, Fleming

MOTION FAILED

Vote on Resolution E-8 Adoption of Revenue Enhancements and Expenditure Reductions as Amended

Resolution #2009-02-045

Moved by Kerwin

Seconded by Beltramini

WHEREAS, The nation and the State of Michigan are experiencing an economic recession that has impacted all aspects of life;

WHEREAS, The City of Troy, as a result of the recession, is faced with a budget deficit;

WHEREAS, The Troy City Council has instructed staff to develop alternative revenue sources and expenditure reductions that will continue to provide the highest levels of services, but within means that do not overburden residents and resources;

WHEREAS, Based on Council's adopted Outcomes and ranked Outputs, staff has developed a listing of revenue sources that provide service enhancements but with costs that are to be levied toward direct users of the services; and

WHEREAS, Staff has developed a listing of expenditure reductions that are designed to reduce or eliminate nominal services or programs, but still offer an acceptable level of services to the community;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **ADOPTS** the following lists of revenue enhancements and expenditure reductions that will be incorporated in the General Fund section of the operating budget:

- Transfer excess special assessment funds
- Increase DDA direct charges for services offered City staff
- Implement police arrest booking fee
- Implement a \$1.00 charge on all park and recreation transactions
- Charge admission to museum grounds
- Charge non-resident fee for Internet usage at the Library
- Implement property damage auto crash recovery fee
- Increase building permit fees by 5%
- Charge non-profit groups for use of Community Center meeting rooms
- Increase shelter fees
- Charge seniors the full cost of all programs
- Implement auto injury accident cost recovery fee
- Implement structure fire response fee
- Implement fire re-inspection and revised plan review fee
- Implement a fuel surcharge on traffic tickets

- Implement suspicious fire response and investigation fee
- Limit staff positions through retirement incentives and layoffs
- Eliminate the City calendar
- Eliminate all irrigation except athletic fields, DDA and City Hall grounds
- Reduce part-time staff in the parks department by 25%
- Reduce the number of rights-of-way mowing from 6 to a minimum of 3 cuttings per year
- Eliminate annual plantings, mulch, street rights of way except DDA and Civic Center
- Reduce Civic Center maintenance levels
- Eliminate employee tuition reimbursement program
- Negotiate hiring part-time in lieu of full-time staff with recognized bargaining units
- Reduce mowing in parks/public grounds
- Eliminate family festival
- Eliminate annual boards and committees appreciation banquet
- Consider benefits of alternative fuel vehicles
- Develop and promote energy saving policy
- Direct city manager and department heads to cut lowest priority services
- Promote Troy to the film industry to reap the economic benefits
- Provide fee offsets to fund the nature center
- Implement business occupancy permit and annual renewal fee
- Implement a fee for conducting the citizen's academy
- Utilize approximately \$250,000.00 from the Budget Stabilization Fund

BE IT FURTHER RESOLVED, That Troy City Council hereby **AFFIRMS** that all funds generated from revenue enhancements and expenditure reductions shall be used to balance the General Fund of the City of Troy Operating Budget.

Yes: Schilling, Beltramini, Broomfield, Eisenbacher, Fleming, Kerwin

No: Howrylak

MOTION CARRIED

The meeting **RECESSED** at 9:04 PM.

The meeting **RECONVENED** at 9:17 PM

Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #6 – Order of Business, Article 15 I.

Resolution #2009-02-046

Moved by Schilling

Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #6 Order of Business, Article 15-I. Council Comments and **AUTHORIZE** City Council to discuss and take action on an item that does not appear on the agenda.



CITY COUNCIL ACTION ITEM

Date March 19, 2009

TO: Mayor and City Council

FROM: Phillip L. Nelson, City Manager
Tonni L. Bartholomew, City Clerk

SUBJECT: Chapter 60 – Fees and Bonds Required– Notary Service and Dog Licenses

Background:

- Notary non-resident charges as referenced in Chapter 60, Fees and Bonds Required, are not sufficiently addressed in relation to the time demands on staffing. Additionally, it is the intent of City Management to similarly calculate notary acts for residents and non-residents with the exception of the first notary act being provided for residents at no charge.
- The State Statute regarding notaries stipulates charges to be no more than \$10.00 per notary act.
- It is requested that the charge for Notary Service be calculated as follows:
 - Residents:
 - First notary act – no charge
 - Subsequent notary acts - \$10.00 per notary act
 - Non-residents - \$10.00 per notary act.
- **Dogs (Chapter 90)**
Fees for dogs (Chapter 90) as referenced in Chapter 60, Fees and Bonds Required provide for the licensing of dogs which have been spayed or neutered under the ownership of senior citizen (age 62+) residents to be discounted as much as 75% or \$3.00 annually.
- It is requested that the maximum discount for any dog be no more than 50% of the licensing fee or \$6.00 annually.

Financial Consideration:

- The incurred costs, labor and supplies, will be off-set by fee received.

Legal Consideration:

- There is no legal consideration associated with this item.

Policy Consideration:

- There is no policy consideration associated with this item.

Options:

- City Council can approve the proposed amendments.
City Council can deny the proposed amendments.
City Council can direct City staff to modify the proposed amendments.

Attachment:

- Chapter 60 – Fee and Bonds Required proposed amendments

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, Fees and Bonds Required, of the Code of the City of Troy.

Section 2. Amendment

60.04 Fee Schedule. (DOGS and NOTARY EXCERPT)

Dogs (Chapter 90)	
Monthly License	
Licenses shall be issued for the unexpired portion of rabies vaccination (90.60.40)	
Each spayed or neutered dog	\$ 0.50
Each un-spayed or un-neutered dog	\$ 1.00
Senior Citizen (Age 62+)	\$ 0.50
Leader/Hearing/Service Dog	No Charge
Duplicate/Replacement Tag	\$ 3.00
If a person makes application for a dog license that is not timely pursuant to Section 17 of Chapter 90, then a late charge of \$15.00 will be assessed.	
Pound Fees	
1st Offense	\$ 25.00
Each Additional Offense	\$ 50.00
Current license fees and vaccination fees may also be due if not up to date	
License Fee Refund for Dogs which become deceased after license issuance will be prorated on complete year units and will be refunded to the dog owner as originally assessed/calculated. (Rev. 12-15-03)	
NOTARY SERVICE	
Required as part of official City business	No Charge
Fee per Notary Act	\$10.00
Troy Resident or Troy Property Owner:	
First Notary Act	No Charge
Subsequent Notary Act/s (per Notary Act)	\$10.00

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 the _____ day of _____, 2009.

Louise E. Schilling, Mayor

Tonni Bartholomew. City Clerk



CITY COUNCIL ACTION REPORT

DATE: March 18, 2009

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Mark F. Miller, Planning Director

SUBJECT: Amendment to Chapter 60

Background:

- Article 40.20.12 of the Zoning Ordinance gives the Planning Commission authority to grant deviations from the parking standards.
- The Planning Department is receiving an increasing number of such requests that are not included as part of a site plan review or special use request application.
- The Planning Department established a fee schedule for Planning Department activities. The established Planning Department Fee Schedule does not have a fee for this type of request.
- The proposed fee will cover the cost to review these applications.

Financial Considerations:

- The proposed fee reimburses the City of Troy for costs associated with the review of the application, including the Planning Commission public meeting.
- The Development Approval/Permit Process prepared by Zucker Systems recommended that the City consider fee increases as necessary to meet suggested performance standards and technology improvements.

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, 2008 Special Council meeting:
 - I. Troy has enhanced the health and safety of the community.
 - 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 the proposed amendment to Chapter 60 as submitted or with conditions.
- City Council can deny the proposed amendment to Chapter 60.
- City Management recommends approval of the proposed amendments to Chapter 60.

Approved as to form and legality:

Lori Grigg Bluhm, City Attorney

Attachments:

1. Proposed amendment to Chapter 60 Fees and Bonds Required.

Prepared by RBS/MFM

cc: Applicant
File/Planning Fees

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Section 2. Amendment

Planning Department Fees (Chapter 39)	
<u>Preliminary Site Plan Review (Deviation from Parking Space Requirements ONLY):</u>	
<u>Application fee</u>	<u>\$500.00</u>
<u>Escrow fees</u>	<u>\$1,500.00</u>

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.

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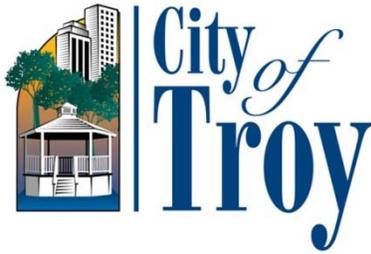
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This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, _____.

Louise E. Schilling, Mayor

Tonni Bartholomew, City Clerk

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CITY COUNCIL ACTION REPORT

March 12, 2009

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Modification to Chapter 60 – Fees & Bonds Required – Fire Dept.

Background:

- The purpose for fire department fees is to help cover associated costs of plan reviews, inspections, and permit processing as established by the Fire Prevention Ordinance, Troy City Code Chapter 93, and apparatus and equipment costs.

Financial Considerations:

- Changing applicable fees related to the permitting process will more accurately cover associated personnel and administrative costs.
- Changing applicable fees related to apparatus cost recovery will reflect the fully calculated rate as adopted by the Oakland County Mutual Aid Association.

Legal Considerations:

- Permits and associated fees comply with the permitting requirements of Chapter 93.
- Recovery charges comply with the cost recovery requirements of Chapter 60 and the Oakland County Mutual Aid Association.

Policy Considerations:

- Increase the efficiency and effectiveness of City government.

Options

- Recommend adoption of the proposed amendments to Chapter 60 of the Troy City Code.

Reviewed and approved as to legality:

Lori Grigg Bluhm, City Attorney

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Section 2. Amendment

Section 60.04, Fee Schedule shall be amended to incorporate the following:

FIRE DEPARTMENT FEES (Chapter 93)

Permit Fee: Special Event, Exhibit, Craft, Trade Show	\$60.00 <u>\$70.00</u>
Permit Fee: public display and the retail sale of fireworks	\$125.00

Hazardous Material Permit Fees – Based on Quantity & Form:

0-1,000 Lbs; 0-100 Cu. Ft.; 0-330 Gals.	\$175.00 <u>\$250.00</u>
1,001-20,000 Lbs; 101-6,000 Cu. Ft.; 331-990 Gals.	\$350.00 <u>\$500.00</u>
20,001+ Lbs; 6,001+ Cu. Ft.; 991+ Gals.	\$700.00 <u>\$1000.00</u>

Permit fee covers initial plan review and two inspections.

~~Subsequent plan reviews and inspections of the same system shall apply to each inspector performing the re-inspection.~~

Sprinkler Systems – Risers & Sprinkler Heads:

1-10 Heads	\$90.00
11-20 <u>1-20</u> Heads	\$125.00
21-50 Heads	\$150.00
51-100 Heads	\$210.00 <u>\$225.00</u>
101-200 Heads	\$300.00
201-300 Heads	\$390.00 <u>\$400.00</u>
301-400 Heads	\$510.00 <u>\$550.00</u>
401-500 Heads	\$600.00
501 + Heads	\$660.00 <u>\$675.00</u> *
*Plus \$0.60 <u>\$0.75</u> per head over 500	
Standpipes	\$60.00 <u>\$70.00</u> **
**Base fee plus \$7.00 <u>\$10.00</u> per hose connection	
Fire Pump	\$125.00
Dry or Wet Chemical Fire Suppression System — Per System	\$125.00
Each additional system reviewed at the same time	\$60.00 <u>\$70.00</u>
Total Flooding Agent Extinguishing System	\$125.00 <u>\$250.00</u> ***

~~***Plus appropriate Detection System Fee.~~

~~***Includes associated alarm devices~~

Alterations, additions, or modifications to an existing system ~~\$45.00~~ \$70.00

Permit Fees: Subsequent plan reviews and inspections of the same system ~~\$60.00~~ \$70.00

Fire Alarm and Detection Systems / and Devices:

Minimum Permit Fee \$70.00

Control Panel ~~\$60.00~~ \$70.00

Central Station Connection ~~\$30.00~~ \$45.00

Fire First Initiating Device (Smoke Detector, Heat Detector, etc.) ~~\$20.00~~ \$25.00

Each Additional Initiating or Auxiliary Control Device ~~\$7.00~~ \$10.00

First Initiating Auxiliary Control Device (Control Switch, Relay, etc.) ~~\$20.00~~

\$25.00

Each Additional Auxiliary Control Device ~~\$7.00~~ \$10.00

First Audio/Visual Device (Horn, Speaker, Bell, Strobe, etc.) ~~\$20.00~~ \$25.00

Each Additional Audio/Visual Device ~~\$7.00~~ \$10.00

First Communication Device (Firefighter Phone, etc.) ~~\$20.00~~ \$25.00

Each Additional Communication Device ~~\$7.00~~ \$10.00

Exception: One and two-family residential alarm systems must Meet the requirements of the Troy Building Department.

Other System or Device / Item ~~\$25.00~~ \$70.00

Additional Fees

Each Re-inspection: During Normal Working Hours ~~\$60.00~~ \$70.00 ea.
per hour

Each Re-inspection: During Non-working hours ~~\$90.00~~ \$105.00 per
hour each

with a minimum assessment of three hours per person

Occupancy Permit Fee \$100.00

Recovery Charges Troy Fire Department: Apparatus, Equipment and Personnel Cost

(Does not include personnel costs)

Apparatus **Charges for 1st Hour** **Charges for Subsequent Hour**
Not Including Personnel **Not Including Personnel**

Charges for Each Hour
Or Portion Thereof

Engine ~~\$441.00~~ \$446.00 ~~\$294.00~~

Grass Truck ~~\$221.00~~ \$47.00 ~~\$110.00~~

Ladder Truck ~~\$882.00~~ \$828.00 ~~\$725.00~~

Pumper-Ladder \$448.00

Air Tender	\$294.00	\$146.00	\$147.00
Mobile Command	\$294.00	\$400.00	\$147.00
Hazmat	\$294.00		\$147.00
<u>Field Comm. Unit</u>		<u>\$216.00</u>	
<u>Rescue Truck</u>		<u>\$347.00</u>	
Staff Vehicle	\$25.00	\$38.00	

Personnel

The cost of firefighters and officers are to be commensurate with their pay rate, fringe benefits and ~~time and one half~~ overtime rate where applicable.

Expendable Items

Replacement cost for reasonable and customary items necessary in firefighting, hazmat, and EMS operations may be recovered. Examples of such items that can be recovered are extinguishing agents (Foam, AFFF), absorbent materials, chemical suits, etc.

Non-Retrievable Items

Items that are lost, stolen, or destroyed will be charged replacement value.

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 _____, _____.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk

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Permit Fee: public display and the retail sale of fireworks	\$125.00

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0-1,000 Lbs; 0-100 Cu. Ft.; 0-330 Gals.	\$250.00
1,001-20,000 Lbs; 101-6,000 Cu. Ft.; 331-990 Gals.	\$500.00
20,001+ Lbs; 6001+ Cu. Ft.; 991+ Gals.	\$1,000.00

Permit fee covers initial plan review and two inspections.

Sprinkler Systems – Risers & Sprinkler Heads:

1-20 Heads	\$125.00
21-50 Heads	\$150.00
51-100 Heads	\$225.00
101-200 Heads	\$300.00
201-300 Heads	\$400.00
301-400 Heads	\$550.00
401-500 Heads	\$600.00
501 + Heads	\$675.00*
*Plus \$0.75 per head over 500	
Standpipes	\$70.00**
**Base fee plus \$10.00 per hose connection	
Fire Pump	\$125.00
Dry or Wet Chemical Fire Suppression System	\$125.00
Each additional system reviewed at the same time	\$70.00
Total Flooding Agent Extinguishing System	\$250.00***
***Includes associated alarm devices	
Alterations, additions, or modifications to an existing system	\$70.00
Subsequent plan reviews and inspections of the same system	\$70.00

Fire Alarm and Detection Systems and Devices:

Minimum Permit Fee	\$70.00
Control Panel	\$70.00
Central Station Connection	\$45.00
First Initiating Device (Smoke Detector, Heat Detector, etc.)	\$25.00
Each Additional Initiating Device	\$10.00
First Initiating Auxiliary Control Device (Control Switch, Relay, etc.)	\$25.00
Each Additional Auxiliary Control Device	\$10.00
First Audio/Visual Device (Horn, Speaker, Bell, Strobe, etc.)	\$25.00
Each Additional Audio/Visual Device	\$10.00
First Communication Device (Firefighter Phone, etc.)	\$25.00
Each Additional Communication Device	\$10.00

Exception: One and two-family residential alarm systems must Meet the requirements of the Troy Building Department.

Other System or Device / Item	\$70.00
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Additional Fees

Each Re-inspection: During Normal Working Hours	\$70.00 per hour
Each Re-inspection: During Non-working hours with a minimum assessment of three hours per person	\$105.00 per hour

Occupancy Permit Fee	\$100.00
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Recovery Charges Troy Fire Department:

Apparatus, Equipment and Personnel Cost

(Does not include personnel costs)

Apparatus	Charges for Each Hour or Portion Thereof
Engine	\$446.00
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Mobile Command	\$400.00
Field Comm. Unit	\$216.00
Rescue Truck	\$347.00
Staff Vehicle	\$38.00

Personnel

The cost of firefighters and officers are to be commensurate with their pay rate, fringe benefits and overtime rate where applicable.

Expendable Items

Replacement cost for reasonable and customary items necessary in firefighting, hazmat, and EMS operations may be recovered. Examples of such items that can be recovered are extinguishing agents (Foam, AFFF), absorbent materials, chemical suits, etc.

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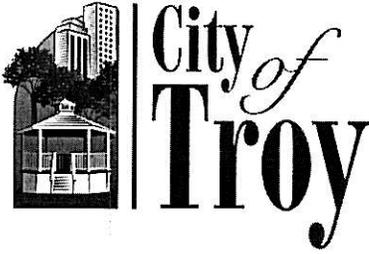
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Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk



CITY COUNCIL ACTION REPORT

DATE: March 17, 2009

TO: Phillip L. Nelson, City Manager

FROM: Brian Murphy, Assistant City Manager/ Economic Development Services
Mark Stimac, Director of Building and Zoning *MS*

SUBJECT: Revisions to Chapter 82A
Rental and Dwelling Inspection and Enforcement

Background:

- Recently the Michigan Legislature, in Public Act 408 of 2008, approved revisions to the State Housing Code relating to the inspections of multi-family residential dwelling units.
- These revisions require some changes in the City of Troy Ordinance regarding the multi-family residential inspection program found within Chapter 82A of the City Code.
- In addition, in reviewing the fees charged for inspection services we find that the fees collected are not meeting expenditures. As such we are proposing an increase in the fees currently charged for the registration and inspections.
- We propose these changes to go into effect beginning July 1, 2009 when it is anticipated that the current round of apartment inspections will be concluded.

Financial Considerations:

- Raising permit and inspection fees was part of the Council resolution on revenue enhancement.
- The increase in the fees will generate approximately \$20,000 in additional revenue annually.

Legal Considerations:

- The proposed changes will bring the Ordinance in line with the new provisions of the State of Michigan Housing Code.

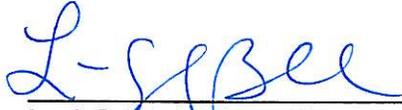
Policy Considerations:

- Troy enhances the health and safety of the community (Outcome I)

Options:

- City Council can approve the changes to Chapter 82A
- City Council can disapprove the changes to Chapter 82A
- City Council can approve modified changes to Chapter 82A

Approved as to Form and Legality:



Lori Grigg Bluhm, City Attorney

Chapter 82-A - Rental and Dwelling Inspection and Enforcement

RENTAL AND DWELLING INSPECTION AND ENFORCEMENT

1. Purpose and Reference to State Act

The inspection procedures set forth in this Chapter are established in the public interest, to secure the health and safety of the occupants of dwellings and of the general public.

This Chapter is enacted pursuant to the Housing Law of Michigan, found at Michigan Compiled Laws § 125.401 et. seq and is to be construed in conjunction and interpreted to comply with the language of said law and any subsequent amendments.

2. Definitions

(1) For the purposes of this Chapter, certain terms, words and phrases shall, whenever used in this Chapter, have the meaning herewith defined as follows:

(2) Terms not herein defined shall have the meaning customarily assigned to them.

a-) Apartments shall mean ~~the~~ The dwelling units in a multiple family dwelling as defined herein.

Child: An individual under 18 years of age.

b-) Dwelling unit: shall mean ~~a~~ A residential structure, or portion thereof, permanently sited on a continuous frost free masonry foundation, containing all required plumbing, heating and electrical systems attached to the available public utilities, designed for the occupancy of one (1) family with cooking facilities.

Leasehold: A private dwelling or separately occupied apartment, suite, or group of rooms in a 2-family or in a multiple dwelling if the private dwelling or separately occupied apartment, suite, or group of rooms is leased to the occupant under the terms of either an oral or written lease.

e-) Multiple family dwelling: shall mean ~~a~~ A building or portion thereof, designed for occupancy by three (3) or more families living in individual dwelling units.

d-) Premises: shall mean ~~a~~ A building which is enclosed by continuous exterior walls and is covered by a single roof, except that the roof does not have to be continuous and may be of several types or elevations and may be on different levels.

e-) Rooming house: shall mean ~~any~~ Any dwelling occupied in such a manner that certain rooms, in excess of those used by the members of the immediate family and occupied as a home or family unit, are leased or rented to persons outside of the family, without any attempt to provide therein or therewith, cooking or kitchen accommodations for individuals leasing or renting rooms.

3. Designation of Enforcement Body

The Building Department, through its Director of Building and Zoning, his authorized representatives and employees, shall enforce the provisions of this Chapter, and shall have jurisdiction to establish the registration, inspection, violation, and certification procedures to implement the said enforcement.

Chapter 82-A - Rental and Dwelling Inspection and Enforcement

4. Joint Implementation

The Chapter herein may be enforced by any other governmental agency by joint agreement where joint enforcement is practicable.

(Rev. 04-17-00)

5. Registry of Owners and Premises

- (1) A registry of owners and premises shall be maintained by the Director of Building and Zoning or his authorized representatives and employees.
- (2) The owner(s) of a multiple family dwelling or rooming house which contains any apartment(s) or unit(s) which will be offered to rent, let, or to hire, for more than six months of a calendar year, shall register their names and places of residence or usual places of business and the location of the premises regulated by this Chapter with the Director of Building and Zoning or his authorized representatives or employees. The owners shall complete this registry within sixty days following the day on which any part of the premises is offered for occupancy.
- (3) If the premises are managed or operated by an agent, the agent's name and place of business shall be placed with the name of the owner in the registry. Any change in agency status shall be immediately reported to the Director of Building and Zoning or his authorized representatives or employees.
- (4) If there is a transfer of ownership or a transfer of management by an agent, the new owner(s) shall register their names and places of residence or usual places of business and the location of the premises regulated by this Chapter with the Director of Building and Zoning or his authorized representatives or employees. This registration shall be completed within sixty days following the date of the transfer of ownership.
- (5) The owner(s) of a multiple family dwelling or rooming house shall pay an initial registration fee of ~~\$20~~\$50 per premises.

6. Certificate of Compliance; No Occupancy Unless Certificate Issued; Hazardous Conditions; Inspections.

- (1) In addition to registering each premises, owner(s) of a multiple family dwelling or rooming house shall apply for a certificate of compliance. Inspection and issuance of certificates shall be in accordance with the requirements of this Chapter and with procedures established by the Director of Building and Zoning or his authorized representative or employee.
- (2) An application for a certificate shall be made when the owners, or any of them, enroll in the registry of owners and premises. If the owner fails to register, any occupant of unregistered or uncertified premises may make application.-
- (3) Apartments or units in multiple family dwellings or rooming houses shall not be occupied unless a certificate of compliance has been issued by the Building Department. The Certificate of compliance shall be issued only upon an inspection of the premises by the Director of Building and Zoning or his authorized representatives or employees, except that the inspection required for the first issuance of a certificate of occupancy shall also serve as the initial inspection for a certificate of compliance. The required inspections shall be conducted as soon as possible, but in no event later than 15 days after written application for a certificate of compliance.

Chapter 82-A - Rental and Dwelling Inspection and Enforcement

- (4) A violation of this Chapter shall not prevent the issuance of a certificate, but the Building Department shall not issue a certificate when the existing conditions constitute a hazard to the health or safety of those who may occupy the premises.

(Rev. 04-17-00)

- (5) A certificate of compliance shall be issued on condition that the premises remain in safe, healthful and fit condition for occupancy.
- (6) If an inspection reveals condition(s) that constitute a hazard to health and safety, the certificate of compliance shall be immediately suspended as to the affected areas. Those premises which have been or are occupied for dwelling or rooming purposes may be ordered vacated until re-inspection and proof of elimination of the condition constituting a hazard to health and safety. On re-inspection and proof of compliance, the order shall be rescinded and a certificate of compliance shall be re-issued.
- (7) The Director of Housing and Zoning or his authorized representatives or employees shall charge a ~~\$40~~ \$20 per apartment or dwelling unit fee for each inspection required by this Chapter. An owner or property manager shall not be liable for an inspection fee if the inspection is not performed and the Director or Building and Zoning, his designee or employee is the direct cause of the failure to perform.

7. Inspection; Intervals; Basis; Inspectors

- (1) The Director of Building and Zoning or his authorized representatives or employees shall inspect, on a periodic basis, multiple family dwellings and rooming houses regulated by this Chapter. The period between inspections shall be no longer than two years, unless the most recent inspection of the premises revealed no violations of this Chapter, in which event the maximum period between inspections may be extended to three years.
- (2) An inspection shall be conducted in the manner best calculated to secure compliance with the Chapter and appropriate to the needs of the community. Inspections may be conducted for one or more of the following basis:
 - (a) An area basis, such that all the regulated premises in a predetermined geographical area will be inspected simultaneously, or within a short period of time.
 - (b) A complaint basis, such that complaints of violations will be inspected within a reasonable time.
 - (c) A recurrent violation basis, such that those premises which are found to have a high incidence of recurrent or uncorrected violations will be inspected more frequently.
 - (d) A compliance basis, such that a premises brought into compliance before the expiration of a certificate of compliance or any requested repair order may be issued a certificate of compliance for the maximum renewal certification period authorized by the City.
 - (e) A percentage basis, such that the City may establish a percentage of units in a multiple dwelling to be inspected in order to issue a certificate of compliance for the multiple dwellings.
- (3) An inspection shall be carried out by the Director of Building and Zoning or his authorized representatives or employees, which may include representatives of other

Chapter 82-A - Rental and Dwelling Inspection and Enforcement

agencies as permitted by law.

- (4) Except in the case of an emergency, the owner of the premises regulated by this Chapter shall request and obtain permission to enter before entering a premises regulated by this Chapter. In the case of an emergency, including but not limited to, fire flood, or other serious injury or death, the owner may enter at any time.
- (5) The Director of Building and Zoning or his authorized representatives or employees shall require the owner of the premises regulated by this Chapter to do one or more of the following:
 - a) The owner of a premises regulated by this Chapter shall provide the Director of Building and Zoning or his authorized representatives or employees and/or inspection team with access to the premises if the lease provides the owner a right of entry.

(Rev. 04-17-00)

- b) If the lease does not provide the owner with a right of entry, then the owner of a premises regulated by this Chapter shall ~~notify the tenant(s) that the state law requires inspections to be performed by the enforcing agency on a periodic basis. The owner of the premises shall also make a good faith effort to obtain the tenant's permission for an inspection, and arrange for the inspection. The owner is further required to notify the enforcing agency when a tenant vacates a dwelling after an inspection has been requested. This notification shall be provided within ten days after the leasehold is vacated.~~
 - c) The owner of a premises regulated by this Chapter shall provide the Director of Building and Zoning or his authorized representatives or employees and/or inspection team with access to areas other than a dwelling or areas open to the public view or both.
 - d) The owner of a premises regulated by this Chapter shall provide access to the dwelling if a tenant of the premises has made a complaint to the City of Troy.
- (6) In the case of an emergency, which is defined as an occurrence or imminent threat of severe damage, injury, or loss of life or property resulting from a natural or man made cause, including but not limited to fire, flood, snow, ice, windstorm, utility failure, epidemic, air contamination, blight, drought, infestation, explosion or civil disorder, or upon presentment of a warrant, the inspector or team of inspectors shall have the right to enter at any time.
- (7) If a complaint identifies a dwelling or rooming house regulated under this Chapter in which a child is residing, the dwelling or rooming house shall be inspected prior to inspection of any nonemergency complaint.
- (78) If the apartment or dwelling unit regulated by this Chapter houses more than one tenant, then the requirements of this Chapter are satisfied when notification is provided to and permission is received from at least one tenant in a multiple tenant apartment or dwelling unit.

8. Inspection; Warrants for Non-Emergency Situation; No Warrant Required in Emergency

- (1) In a non-emergency situation, ~~where the owner or occupant demands a warrant for inspection of the premises,~~ the Director of Housing or Building and Zoning or his authorized representatives or employees shall request and receive permission, either

Chapter 82-A - Rental and Dwelling Inspection and Enforcement

oral or written, from a tenant or the landlord as set out herein, before entering an apartment or dwelling unit regulated by this Chapter. If permission is not received, the Director of Building and Zoning or his authorized representative shall obtain a—an administrative search warrant from a court of competent jurisdiction. The affidavit for the administrative search warrant and proposed warrant shall include the address of the premises or apartment or unit to be inspected, the nature of the inspection, as defined in this Chapter or other applicable acts, and the reasons for the inspection. It shall be appropriate and sufficient to set forth the basis for inspection (e.g. complaint, area or recurrent violation basis) established in this sectionChapter, in other applicable acts and/or ordinances or in rules or regulations. The affidavit for the administrative search warrant and proposed warrant shall also state that periodic inspections of rental dwelling(s) are mandated by both state and local law. Inspections and the execution of administrative search warrants shall be conducted at reasonable hours. Reasonable hours shall include the hours from 8:00 a.m. to 4:30 p.m. on Mondays through Fridays on days considered regular work days for the Director of Building and Zoning or his authorized representatives or employees, or on days and hours agreed to by appointment, either orally or in writing by a tenant, or landlord or the landlord's property manager. An inspection or execution of an administrative search warrant carried out on a date and time not specified in this Chapter is not per se unreasonable.

- (2) If the court finds that the proposed warrant is in proper form and in accord with this section, it shall be issued forthwith.
- (3) In the event of an emergency, as herein defined, no warrant shall be required.

9. Inspection; Policy; Records; Checklist of Recurring Violation; Non-Discrimination.

- (1) The inspection procedures set forth in this Chapter are established in the public interest, to secure the health and safety of the occupants of dwellings and of the general public.

(Rev.04-17-00)

- (2) The Director of ~~Housing~~Building and Zoning or his authorized representatives or employees shall keep a record of all inspection reports, code violation notices, and the results of enforcement actions for all premises regulated by this chapter. These records shall be made available to the general public for inspection and copying during business hours. Any or all parts of this file may be stored on an electronic medium.
- (3) The Director of ~~Housing~~Building and Zoning or his authorized representatives or employees shall make available to the general public a check list of commonly recurring violations for use in examining premises offered for occupancy.

(Rev. 04-17-00)

- (4) Neither the Director of Building and Zoning, his authorized representatives or employees nor the owner of any leasehold, may discriminate against an occupant on the basis of whether the occupant requests, permits, or refuses entry to an apartment or dwelling unit. The Director of Building and Zoning, his authorized representatives or employees shall not discriminate against an owner who has met the requirements of subsection 7. 5. (b) but has been unable to obtain the permission of the tenant or occupant, based on the owner's inability to obtain that permission.
- (5) The City shall produce a report to a requesting party on the income and expenses of the

Chapter 82-A - Rental and Dwelling Inspection and Enforcement

inspection program for the preceding fiscal year. The report shall contain the fees assessed by the City, the cost incurred in performing inspections, and the number of units inspected. The report shall be provided to the requesting party within 90 days of the request. The City may produce the report electronically. If the City does not have readily available access to the information required for the report, the City may charge the requesting party a fee no greater than the actual reasonable cost of providing the information. If the City charges a fee under this section, the City shall include the costs of providing and compiling the information in the report.

10. Penalties for Violations: Except as otherwise provided by other sections of this Chapter, a violation of any section of Chapter 82 -A is a Municipal Civil Infraction subject to the provisions of Chapter 100 of the Code of the City of Troy. Each day that a violation continues is a separate Municipal Civil Infraction violation. Sanctions for each violation of Chapter 82-A shall include a fine of not more than \$500, costs, damages and injunctive orders as authorized by Chapter 100.

(03-01-06)

CITY OF TROY
AN ORDINANCE TO
AMEND CHAPTER 82-A
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 82-A, Rental and Dwelling Inspection and Enforcement, of the Code of the City of Troy.

Section 2. Amendment

Chapter 82-A, Rental and Dwelling Inspection and Enforcement, shall be amended to read as follows:

RENTAL AND DWELLING INSPECTION AND ENFORCEMENT

1. Purpose and Reference to State Act

The inspection procedures set forth in this Chapter are established in the public interest, to secure the health and safety of the occupants of dwellings and of the general public.

This Chapter is enacted pursuant to the Housing Law of Michigan, found at Michigan Compiled Laws § 125.401 et. seq and is to be construed in conjunction and interpreted to comply with the language of said law and any subsequent amendments.

2. Definitions

(1) For the purposes of this Chapter, certain terms, words and phrases shall, whenever used in this Chapter, have the meaning herewith defined as follows:

(2) Terms not herein defined shall have the meaning customarily assigned to them.

Apartments The dwelling units in a multiple family dwelling as defined herein.

Child: An individual under 18 years of age.

Dwelling unit: A residential structure, or portion thereof, permanently sited on a continuous frost free masonry foundation, containing all required plumbing, heating and electrical systems attached to the available public utilities, designed for the occupancy of one (1) family with cooking facilities.

Leasehold: A private dwelling or separately occupied apartment, suite, or

group of rooms in a 2-family or in a multiple dwelling if the private dwelling or separately occupied apartment, suite, or group of rooms is leased to the occupant under the terms of either an oral or written lease.

Multiple family dwelling: A building or portion thereof, designed for occupancy by three (3) or more families living in individual dwelling units.

Premises: A building which is enclosed by continuous exterior walls and is covered by a single roof, except that the roof does not have to be continuous and may be of several types or elevations and may be on different levels.

Rooming house: Any dwelling occupied in such a manner that certain rooms, in excess of those used by the members of the immediate family and occupied as a home or family unit, are leased or rented to persons outside of the family, without any attempt to provide therein or therewith, cooking or kitchen accommodations for individuals leasing or renting rooms.

3. Designation of Enforcement Body

The Building Department, through its Director of Building and Zoning, his authorized representatives and employees, shall enforce the provisions of this Chapter, and shall have jurisdiction to establish the registration, inspection, violation, and certification procedures to implement the said enforcement.

4. Joint Implementation

The Chapter herein may be enforced by any other governmental agency by joint agreement where joint enforcement is practicable.

(Rev. 04-17-00)

5. Registry of Owners and Premises

- (1) A registry of owners and premises shall be maintained by the Director of Building and Zoning or his authorized representatives and employees.
- (2) The owner(s) of a multiple family dwelling or rooming house which contains any apartment(s) or unit(s) which will be offered to rent, let, or to hire, for more than six months of a calendar year, shall register their names and places of residence or usual places of business and the location of the premises regulated by this Chapter with the Director of Building and Zoning or his authorized representatives or employees. The owners shall complete this registry within sixty days following the day on which any part of the premises is offered for occupancy.
- (3) If the premises are managed or operated by an agent, the agent's name and place of business shall be placed with the name of the owner in the registry. Any change in agency status shall be immediately reported to the Director of Building and Zoning or his authorized representatives or employees.
- (4) If there is a transfer of ownership or a transfer of management by an agent, the new owner(s) shall register their names and places of

residence or usual places of business and the location of the premises regulated by this Chapter with the Director of Building and Zoning or his authorized representatives or employees. This registration shall be completed within sixty days following the date of the transfer of ownership.

- (5) The owner(s) of a multiple family dwelling or rooming house shall pay an initial registration fee of \$50 per premises.

6. Certificate of Compliance; No Occupancy Unless Certificate Issued; Hazardous Conditions; Inspections.

- (1) In addition to registering each premises, owner(s) of a multiple family dwelling or rooming house shall apply for a certificate of compliance. Inspection and issuance of certificates shall be in accordance with the requirements of this Chapter and with procedures established by the Director of Building and Zoning or his authorized representative or employee.
- (2) An application for a certificate shall be made when the owners, or any of them, enroll in the registry of owners and premises. If the owner fails to register, any occupant of unregistered or uncertified premises may make application.-
- (3) Apartments or units in multiple family dwellings or rooming houses shall not be occupied unless a certificate of compliance has been issued by the Building Department. The Certificate of compliance shall be issued only upon an inspection of the premises by the Director of Building and Zoning or his authorized representatives or employees, except that the inspection required for the first issuance of a certificate of occupancy shall also serve as the initial inspection for a certificate of compliance. The required inspections shall be conducted as soon as possible, but in no event later than 15 days after written application for a certificate of compliance.
- (4) A violation of this Chapter shall not prevent the issuance of a certificate, but the Building Department shall not issue a certificate when the existing conditions constitute a hazard to the health or safety of those who may occupy the premises.

(Rev. 04-17-00)

- (5) A certificate of compliance shall be issued on condition that the premises remain in safe, healthful and fit condition for occupancy.
- (6) If an inspection reveals condition(s) that constitute a hazard to health and safety, the certificate of compliance shall be immediately suspended as to the affected areas. Those premises which have been or are occupied for dwelling or rooming purposes may be ordered vacated until re-inspection and proof of elimination of the condition constituting a hazard to health and safety. On re-inspection and proof of compliance, the order shall be rescinded and a certificate of compliance shall be re-issued.
- (7) The Director of Housing and Zoning or his authorized representatives or employees shall charge a \$20per apartment or dwelling unit fee for each

inspection required by this Chapter. An owner or property manager shall not be liable for an inspection fee if the inspection is not performed and the Director or Building and Zoning, his designee or employee is the direct cause of the failure to perform.

7. Inspection; Intervals; Basis; Inspectors

- (1) The Director of Building and Zoning or his authorized representatives or employees shall inspect, on a periodic basis, multiple family dwellings and rooming houses regulated by this Chapter. The period between inspections shall be no longer than two years, unless the most recent inspection of the premises revealed no violations of this Chapter, in which event the maximum period between inspections may be extended to three years.
- (2) An inspection shall be conducted in the manner best calculated to secure compliance with the Chapter and appropriate to the needs of the community. Inspections may be conducted for one or more of the following basis:
 - (a) An area basis, such that all the regulated premises in a predetermined geographical area will be inspected simultaneously, or within a short period of time.
 - (b) A complaint basis, such that complaints of violations will be inspected within a reasonable time.
 - (c) A recurrent violation basis, such that those premises which are found to have a high incidence of recurrent or uncorrected violations will be inspected more frequently.
 - (d) A compliance basis, such that a premises brought into compliance before the expiration of a certificate of compliance or any requested repair order may be issued a certificate of compliance for the maximum renewal certification period authorized by the City.
 - (e) A percentage basis, such that the City may establish a percentage of units in a multiple dwelling to be inspected in order to issue a certificate of compliance for the multiple dwellings.
- (3) An inspection shall be carried out by the Director of Building and Zoning or his authorized representatives or employees, which may include representatives of other agencies as permitted by law.
- (4) Except in the case of an emergency, the owner of the premises regulated by this Chapter shall request and obtain permission to enter before entering a premises regulated by this Chapter. In the case of an emergency, including but not limited to, fire flood, or other serious injury or death, the owner may enter at any time.
- (5) The Director of Building and Zoning or his authorized representatives or employees shall require the owner of the premises regulated by this

Chapter to do one or more of the following:

- a) The owner of a premises regulated by this Chapter shall provide the Director of Building and Zoning or his authorized representatives or employees and/or inspection team with access to the premises if the lease provides the owner a right of entry.

(Rev. 04-17-00)

- b) If the lease does not provide the owner with a right of entry, then the owner of a premises regulated by this Chapter shall make a good faith effort to obtain the tenant's permission for an inspection, and arrange for the inspection. The owner is further required to notify the enforcing agency when a tenant vacates a dwelling after an inspection has been requested. This notification shall be provided within ten days after the leasehold is vacated.
 - c) The owner of a premises regulated by this Chapter shall provide the Director of Building and Zoning or his authorized representatives or employees and/or inspection team with access to areas other than a dwelling or areas open to the public view or both.
 - d) The owner of a premises regulated by this Chapter shall provide access to the dwelling if a tenant of the premises has made a complaint to the City of Troy.
- (6) In the case of an emergency, which is defined as an occurrence or imminent threat of severe damage, injury, or loss of life or property resulting from a natural or man made cause, including but not limited to fire, flood, snow, ice, windstorm, utility failure, epidemic, air contamination, blight, drought, infestation, explosion or civil disorder, or upon presentment of a warrant, the inspector or team of inspectors shall have the right to enter at any time.
 - (7) If a complaint identifies a dwelling or rooming house regulated under this Chapter in which a child is residing, the dwelling or rooming house shall be inspected prior to inspection of any nonemergency complaint.
 - (8) If the apartment or dwelling unit regulated by this Chapter houses more than one tenant, then the requirements of this Chapter are satisfied when notification is provided to and permission is received from at least one tenant in a multiple tenant apartment or dwelling unit.

8. Inspection; Warrants for Non-Emergency Situation; No Warrant Required in Emergency

- (1) In a non-emergency situation, the Director of Building and Zoning or his authorized representatives or employees shall request and receive permission, either oral or written, from a tenant or the landlord as set out herein, before entering an apartment or dwelling unit regulated by this Chapter. If permission is not received, the Director of Building and Zoning or his authorized representative

shall obtain an administrative search warrant from a court of competent jurisdiction. The affidavit for the administrative search warrant and proposed warrant shall include the address of the premises or apartment or unit to be inspected, the nature of the inspection, as defined in this Chapter or other applicable acts, and the reasons for the inspection. It shall be appropriate and sufficient to set forth the basis for inspection (e.g. complaint, area or recurrent violation basis) established in this Chapter, in other applicable acts and/or ordinances or in rules or regulations. The affidavit for the administrative search warrant and proposed warrant shall also state that periodic inspections of rental dwelling(s) are mandated by both state and local law. Inspections and the execution of administrative search warrants shall be conducted at reasonable hours. Reasonable hours shall include the hours from 8:00 a.m. to 4:30 p.m. on Mondays through Fridays on days considered regular work days for the Director of Building and Zoning or his authorized representatives or employees, or on days and hours agreed to by appointment, either orally or in writing by a tenant, or landlord or the landlord's property manager. An inspection or execution of an administrative search warrant carried out on a date and time not specified in this Chapter is not per se unreasonable.

- (2) If the court finds that the proposed warrant is in proper form and in accord with this section, it shall be issued forthwith.
- (3) In the event of an emergency, as herein defined, no warrant shall be required.

9. Inspection; Policy; Records; Checklist of Recurring Violation; Non-Discrimination.

- (1) The inspection procedures set forth in this Chapter are established in the public interest, to secure the health and safety of the occupants of dwellings and of the general public.

(Rev.04-17-00)

- (2) The Director of Building and Zoning or his authorized representatives or employees shall keep a record of all inspection reports, code violation notices, and the results of enforcement actions for all premises regulated by this chapter. These records shall be made available to the general public for inspection and copying during business hours. Any or all parts of this file may be stored on an electronic medium.

- (3) The Director of Building and Zoning or his authorized representatives or employees shall make available to the general public a check list of commonly recurring violations for use in examining premises offered for occupancy.

(Rev. 04-17-00)

- (4) Neither the Director of Building and Zoning, his authorized representatives or employees nor the owner of any leasehold, may discriminate against an occupant on the basis of whether the occupant requests, permits, or refuses entry to an apartment or dwelling unit. The Director of Building and Zoning, his authorized representatives or employees shall not discriminate against an owner who has met the requirements of subsection 7. 5. (b) but has been unable to obtain the permission of the tenant or occupant, based on the owner's inability to obtain that permission.

- (5) The City shall produce a report to a requesting party on the income and expenses of the inspection program for the preceding fiscal year. The report shall contain the fees assessed by the City, the cost incurred in performing inspections, and the number of units inspected. The report shall be provided to the requesting party within 90 days of the request. The City may produce the report electronically. If the City does not have readily available access to the information required for the report, the City may charge the requesting party a fee no greater than the actual reasonable cost of providing the information. If the City charges a fee under this section, the City shall include the costs of providing and compiling the information in the report.

10. Penalties for Violations: Except as otherwise provided by other sections of this Chapter, a violation of any section of Chapter 82 -A is a Municipal Civil Infraction subject to the provisions of Chapter 100 of the Code of the City of Troy. Each day that a violation continues is a separate Municipal Civil Infraction violation. Sanctions for each violation of Chapter 82-A shall include a fine of not more than \$500, costs, damages and injunctive orders as authorized by Chapter 100.

(03-01-06)

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 on July 1, 2009.

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 _____ 2009.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, City Clerk



CITY COUNCIL ACTION REPORT

March 4, 2009

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Modification to Chapter 93 – Fire Prevention – Occupancy Permit Ordinance

Background:

- The purpose for business occupancy permits is to ensure potential new occupants in existing commercial and industrial occupancies an orderly and informative process by which to occupy without violating the requirements of the Fire Prevention Ordinance, Troy City Code Chapter 93, as addressed in a memo dated January 16, 2009.

Financial Considerations:

- Anticipate enforcement of the ordinance with existing Fire Prevention staff.
- A one-time permit fee of \$100.00 per occupancy permit would yield a source of revenue to help address the City's current economic situation and help offset personnel costs.

Legal Considerations:

- Revising Chapter 93 to adopt an occupancy permit ordinance coincides with other such ordinances enforced by the Fire Prevention Division.
- As previously indicated, a one-time business occupancy permit and fee will help alleviate potential hazards as a result of unregulated business occupancies; provide a customer-friendly relationship with new occupancies; and avoid costly after-the-fact remedies and 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:

- Enhance the health and safety of the community.
- Minimize the cost and increase the efficiency and effectiveness of City government.
- Effectively and professionally communicate internally and externally.

Options

- Recommend adoption of the proposed occupancy permit ordinance as part of 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 an amendment to Chapter 93, Fire Prevention, of the Code of the City of Troy.

Section 2. Amendment

Section 105, Permits shall be amended to incorporate the following:

105.1.2 Types of permits. There shall be three types of permits as follows:

1. Operational permit. An operational permit allows the applicant to conduct an operation or a business for which a permit is required by Section 105.6 for either:
 - 1.1. A prescribed period.
 - 1.2. Until renewed or revoked.
2. Construction permit. A construction permit allows the applicant to install or modify systems and equipment for which a permit is required by Section 105.7.
3. Occupancy permit. An occupancy permit allows the applicant to occupy existing premises for the purpose of conducting or operating a business for which a permit is required by Section 105.8.

105.8 Required occupancy permit. The fire code official is authorized to issue an occupancy permit for a business as set forth in Section 105.8.1 through 105.8.5.

105.8.1 Use group. An occupancy permit is required for Use Groups A, B, F, M and S where such use will occupy 1,500 square feet or greater in area, and Use Group H of any size.

Exception:

Multiple DBAs or LLCs in a single occupancy of less than 1,500 square feet in area.

105.8.2 Inventory statement. An inventory statement for the intended business shall be provided to the fire code official prior to the issuance of the occupancy permit revealing product or commodity to be stored, used, or produced, and any associated documentation as may be required by the code official.

105.8.2.1 Hazardous Materials Inventory Statement. Where required by the fire code official, each application for a permit shall include a Hazardous Materials Inventory Statement (HMIS) in accordance with Section 2701.5.2.

105.8.3 Permit application. An occupancy permit application shall be filed with the fire code official prior to occupancy. The fire code official shall review the application, inventory statement(s), and any associated documentation, and conduct any necessary inspections and meetings before an occupancy permit is issued.

105.8.4 Site and building preparation. As part of the occupancy permit, the intended occupancy shall meet the following requirements:

- 1) The building and any associated fire protection and life safety features shall comply with the requirements of this code.
- 2) Fire apparatus access roads and fire lanes shall be designated and posted in accordance with Section 503.
- 3) An address shall be posted in compliance with Troy City Code Chapter 2.
- 4) A building and/or tenant floor plan shall be provided to the fire code official in an approved format.
- 5) A key box, as required by the fire code official, shall be installed in accordance with Section 506.

105.8.5 Notification of changes. Changes in occupancy or use shall be made to, and approved by the fire code official before such changes occur.

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 _____, _____.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk

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 an amendment to Chapter 93, Fire Prevention, of the Code of the City of Troy.

Section 2. Amendment

Section 105, Permits shall be amended to incorporate the following:

105.1.2 Types of permits. There shall be ~~two~~ three types of permits as follows:

1. Operational permit. An operational permit allows the applicant to conduct an operation or a business for which a permit is required by Section 105.6 for either:
 - 1.1. A prescribed period.
 - 1.2. Until renewed or revoked.
2. Construction permit. A construction permit allows the applicant to install or modify systems and equipment for which a permit is required by Section 105.7.
3. Occupancy permit. An occupancy permit allows the applicant to occupy existing premises for the purpose of conducting or operating a business for which a permit is required by Section 105.8.

105.8 Required occupancy permit. The fire code official is authorized to issue an occupancy permit for a business as set forth in Section 105.8.1 through 105.8.5.

105.8.1 Use group. An occupancy permit is required for Use Groups A, B, F, M and S where such use will occupy 1,500 square feet or greater in area, and Use Group H of any size.

Exception:

Multiple DBAs or LLCs in a single occupancy of less than 1,500 square feet in area.

105.8.2 Inventory statement. An inventory statement for the intended business shall be provided to the fire code official prior to the issuance of the occupancy permit revealing product or commodity to be stored, used, or produced, and any associated documentation as may be required by the code official.

105.8.2.1 Hazardous Materials Inventory Statement. Where required by the fire code official, each application for a permit shall include a Hazardous Materials Inventory Statement (HMIS) in accordance with Section 2701.5.2.

105.8.3 Permit application. An occupancy permit application shall be filed with the fire code official prior to occupancy. The fire code official shall review the application, inventory statement(s), and any associated documentation, and conduct any necessary inspections and meetings before an occupancy permit is issued.

105.8.4 Site and building preparation. As part of the occupancy permit, the intended occupancy shall meet the following requirements:

- 1) The building and any associated fire protection and life safety features shall comply with the requirements of this code.
- 2) Fire apparatus access roads and fire lanes shall be designated and posted in accordance with Section 503.
- 3) An address shall be posted in compliance with Troy City Code Chapter 2.
- 4) A building and/or tenant floor plan shall be provided to the fire code official in an approved format.
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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

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Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk



CITY COUNCIL ACTION REPORT

DATE: March 17, 2009

TO: Phillip L. Nelson, City Manager

FROM: Brian Murphy, Assistant City Manager/ Economic Development Services
Mark Stimac, Director of Building and Zoning

SUBJECT: Revisions to Building Department Fees

Background:

- As part of the revenue enhancement program City Council directed staff to increase fees collected as part of the permitting process.
- We are proposing to raise the plan review fees from the current level of .0005 of the construction cost to .001 of the construction cost.
- We anticipate that this change will result in an additional \$50,000 in revenue annually.
- We propose these changes to go into effect beginning April 1, 2009.

Financial Considerations:

- Raising permit and inspection fees was part of the Council resolution on revenue enhancement.
- The increase in the fees will generate approximately \$50,000 in additional revenue annually.

Legal Considerations:

- City Council can set building permit fees in accordance with Public Act 230 of 1972.

Policy Considerations:

- Troy enhances the health and safety of the community (Outcome I)

Options:

- City Council can approve the changes to the Plan Review Fees
- City Council can disapprove the changes the Plan Review Fees
- City Council can approve modified changes the Plan Review Fees

**CITY OF TROY
BUILDING PERMIT FEES
For Applications Submitted after 4-01-2008**

VALUATION OF WORK

Under \$1,000 -----	\$35.00
\$1,000.00 to \$10,000.00 -----	\$35.00 Plus \$20.00 for each additional \$1,000 or part thereof over \$1,001
\$10,001.00 to \$1,000,000.00	\$215.00 Plus \$10.00 for each additional \$1,000 or part thereof over \$10,001
\$1,000,001.00 and Over	\$10,115.00 Plus \$7.00 for each additional \$1,000 or part thereof over \$1,000,001.00

PLAN REVIEW FEES ON CONSTRUCTION

Valued over \$5,000.00 -----	0005.001 of valuation \$30.00 Minimum at submittal
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<u>CERTIFICATE OF OCCUPANCY</u> -----	5%	of Building Permit Fee
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DEMOLITION PERMITS

Industrial and Commercial -----	\$100.00
Residential Dwellings -----	\$50.00
Sheds, Garages and Barns -----	\$30.00
Each additional accessory structure on the same site -----	\$10.00

STRUCTURAL CONSULTANT FEE

Does not apply to one and two-family Residence. Fee based on an hourly Rate billed by the City's Consultant.	Approximate Charge \$250.00 on \$50,000 structure
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GRADE AND DRAINAGE FEE

Residential -----	\$50.00
All other Developments and Site Plan Review	\$70.00 first acre - \$15.00 each additional acre