

AGENDA

Meeting of the

CITY COUNCIL OF THE CITY OF TROY

**AUGUST 31, 2009
CONVENING AT 7:30 P.M.**

**Submitted By
The City Manager**

NOTICE: Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk at (248) 524-3316 or via e-mail at clerk@troymi.gov at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

TO: The Honorable Mayor and City Council
Troy, Michigan

FROM: John Szerlag, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

This booklet provides a summary of the many reports, communications and recommendations that accompany your Agenda. Also included are suggested or requested resolutions and/or ordinances for your consideration and possible amendment and adoption.

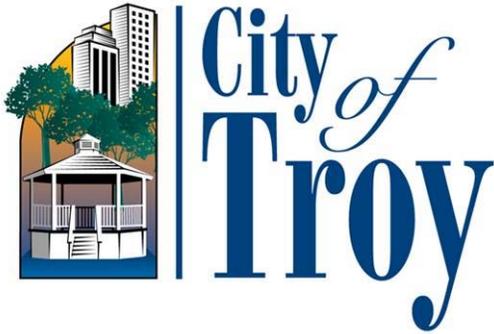
Supporting materials transmitted with this Agenda have been prepared by department directors and staff members. I am indebted to them for their efforts to provide insight and professional advice for your consideration.

As always, we are happy to provide such added information as your deliberations may require.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "John Szerlag".

John Szerlag, City Manager



CITY COUNCIL

AGENDA

August 31, 2009 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

CALL TO ORDER: 1

INVOCATION & PLEDGE OF ALLEGIANCE: Pastor Jack Mannschreck – Big Beaver
United Methodist Church 1

ROLL CALL: 1

CERTIFICATES OF RECOGNITION: 1

- A-1 Presentations: 1
- a) Proclamation in Recognition of Frank and Rose Marie Dascenza on the Occasion of their 50th Anniversary..... 1
 - b) Proclamation to Commemorate International Day of Peace – September 21, 2009 1
 - c) Troy Lifeguards Claimed First-Place Honors at the Annual Michigan Recreation and Park Association Lifeguard Competition 1

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B-1 No Carryover Items 1

PUBLIC HEARINGS: 1

C-1 No Public Hearings 1

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PUBLIC COMMENT: Address of “K” Items **11**

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CALL TO ORDER:

INVOCATION & PLEDGE OF ALLEGIANCE: Pastor Jack Mannschreck – Big Beaver United Methodist Church

ROLL CALL:

- (a) Mayor Louise E. Schilling
Robin Beltramini
Cristina Broomfield
David Eisenbacher
Wade Fleming
Mayor Pro Tem Martin Howrylak
Mary Kerwin

ABSENT:

- (b) Absent Council Members

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a) Proclamation in Recognition of Frank and Rose Marie Dascenza on the Occasion of their 50th Anniversary
- b) Proclamation to Commemorate International Day of Peace – September 21, 2009
- c) Troy Lifeguards Claimed First-Place Honors at the Annual Michigan Recreation and Park Association Lifeguard Competition

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 No Public Hearings

POSTPONED ITEMS:

D-1 No Postponed Items

PUBLIC COMMENT: Limited to Items Not on the Agenda

Public comment limited to items not on the Agenda in accordance with the Rules of Procedure of the City Council, Article 16 - Members of the Public and Visitors.

REGULAR BUSINESS:

Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by the Chair in accordance with the Rules of Procedure of the City Council, Article 16, during the Public Comment section under item 10“E” of the agenda. Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt or debate with members of the public during their comments. Once discussion is brought back to the Council table, persons from the audience will be permitted to speak only by invitation by Council, through the Chair. Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.

NOTE: Any item selected by the public for comment from the Regular Business Agenda shall be moved forward before other items on the regular business portion of the agenda have been heard. Public comment on Regular Agenda Items will be permitted under Agenda Item 10 “E”.

E-1 Appointments to Boards and Committees: None Scheduled

E-2 Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: Downtown Development Authority (b) City Council Nominations: Historic District Commission; Liquor Advisory Committee; Parks & Recreation Board; and Youth Council

The following Boards and Committees have expiring terms and/or vacancies. Bold black lines indicate the number of appointments required:

The nomination of applicants to the following listed Board and Committee vacancies will be moved forward to the next Regular City Council Meeting for consideration of appointment.

a) Mayoral Nominations
Suggested Resolution

Resolution #2009-08-

Moved by

Seconded by

RESOLVED, That the Mayor of the City of Troy hereby **FORWARDS** the following nominated person to serve on the Boards and Committees as indicated to the next Regular City Council Meeting for action:

Downtown Development Authority

Appointed by Mayor (13-Regular) - 4-Year Terms

Unexpired Term 09/30/2011

Yes:

No:

b) City Council Nominations

Suggested Resolution

Resolution #2009-08-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **FORWARDS** the following nominated person(s) to serve on the Boards and Committees as indicated to the next Regular City Council Meeting for action:

Historic District Commission

Appointed by Council Student – 1-Year Term

Term Expires 07/01/2010

Liquor Advisory Committee

Appointed by Council – Student 1-Year Term

Term Expires 07/01/2010

Parks & Recreation Board

Appointed by Council – Troy School District Rep.

Term Expires 07/31/2010*

***NOTE: Troy School District Recommendation rec'd on 08/25/09 – Gary Hauff**

Youth Council

Appointed by Council (13 Regular) - Student 1-Year Term

Term Expires 06/01/2010

Term Expires 06/01/2010

Yes:

No:

E-3 Cancellling Service Agreement with DOCVIEW, LLC and Allowing CLEMIS to Sell Police Department Traffic Crash Reports on their Secure WebsiteSuggested Resolution

Resolution #2009-08-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** cancelling the current Service Agreement with DOCVIEW, LLC and hereby **ALLOWS** CLEMIS to sell Police Department traffic crash reports on their secure website.

Yes:

No:

E-4 Interlocal Agreement for Building Inspection Services – City of Sterling HeightsSuggested Resolution

Resolution #2009-08-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** the Interlocal Service Agreement for the City of Troy to share inspection services with the City of Sterling Heights and hereby **AUTHORIZES** the Mayor and City Clerk to execute the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

E-5 Schedule a Joint Meeting with City Council and Planning Commission Regarding The Pavilions of Troy Planned United Development (PUD 9) – Northwest Corner of Big Beaver and CoolidgeSuggested Resolution

Resolution #2009-08-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **SCHEDULES** a joint meeting between the Troy City Council and the Troy Planning Commission for Monday, September 28, 2009 from 6:00 PM to 7:15 PM in the Emergency Operations Center of the Police Department, 500 W. Big Beaver, Troy, MI 48084 for the purpose of discussing The Pavilions of Troy Planned Unit Development (PUD 9).

Yes:

No:

E-6 City Charter AmendmentsSuggested Resolution

Resolution #2009-08-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** as to form the six ballot questions, as set forth in the attached document, for placement on the November 3, 2009 General Election Ballot, and hereby **DIRECTS** the City Clerk to forward this resolution, with attachments, to the Governor, Secretary of State, Attorney General, and Oakland County Clerk, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

CONSENT AGENDA:

The Consent Agenda includes items of a routine nature and will be approved with one motion. That motion will approve the recommended action for each item on the Consent Agenda. Any Council Member may ask a question regarding an item as well as speak in opposition to the recommended action by removing an item from the Consent Agenda and have it considered as a separate item. Any item so removed from the Consent Agenda shall be considered after other items on the consent portion of the agenda have been heard. Public comment on Consent Agenda Items will be permitted under Agenda Item 12 "F".

F-1a Approval of "F" Items NOT Removed for DiscussionSuggested Resolution

Resolution #2009-08-

Moved by

Seconded by

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item(s) _____, which **SHALL BE CONSIDERED** after Consent Agenda (F) items, as printed.

Yes:

No:

F-1b Address of "F" Items Removed for Discussion by City Council and/or the Public

F-2 Approval of City Council MinutesSuggested Resolution

Resolution #2009-08-

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of August 17, 2009 as submitted.

F-3 Proposed City of Troy Proclamations:

Suggested Resolution
Resolution #2009-08-

RESOLVED, That Troy City Council hereby **APPROVES** the following City of Troy Proclamations:

- a) Frank and Rose Marie Dascenza – 50th Anniversary
 - b) International Day of Peace – September 21, 2009
-

F-4 Standard Purchasing Resolutions – None Submitted

F-5 Request to Temporarily Waive Parking Restrictions – Smith Middle School

Suggested Resolution
Resolution #2009-08-

RESOLVED, That Troy City Council hereby **WAIVES** the no parking restrictions on the west side of Donaldson Street from Square Lake Road to Cotswold Street, on September 24, 2009, 6:30 PM – 9:30 PM; November 18 and 19, 2009, 12:30 PM – 3:30 PM and 5:30 PM – 8:30 PM; March 18, 2010, 12:30 PM – 3:30 PM and 5:30 PM – 8:30 PM; May 21, 2010, 7:00 PM – 9:00 PM; and June 18, 2010, 9:30 AM – 11:00 AM.

F-6 Request to Temporarily Waive Parking Restrictions – Congregation Shir Tikvah

Suggested Resolution
Resolution #2009-08-

RESOLVED, That Troy City Council hereby **WAIVES** the no parking restrictions on the east side of Northfield Parkway from the parking lot entrance to Congregation Shir Tikvah to the entrance to Boulan Park, on Friday, August 28, 2009, 6:30 PM – 10:30 PM; Friday, September 18, 2009, 7:00 PM – 11:00 PM; Saturday, September 19, 2009, 9:00 AM – 5:00 PM; Sunday, September 27, 2009, 7:00 PM – 11:00 PM; and Monday, September 28, 2009, 9:00 AM – 9:00 PM.

F-7 Request for Acceptance of a Water Main Easement – Troy BNK Investors, LLC – Section 28 – Sidwell #88-20-28-101-051 and -050

Suggested Resolution
Resolution #2009-08-

RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Easement for water main from Troy BNK Investors, LLC, owner of the property having Sidwell #88-20-28-101-051 and -050; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record the Permanent Easement with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-8 Private Agreement for Evaline Extension – Project No. 06.909.3

Suggested Resolution
Resolution #2009-08-

RESOLVED, That Troy City Council hereby **APPROVES** the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Murray Deagle, for the installation of sanitary sewer, paving, sidewalks and soil erosion on the site and in the adjacent right of way, and **AUTHORIZES** the Mayor and City Clerk to execute the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-9 Rescind/Re-Bid Contract – Asphalt Patching Material/Cold – Resolution #2009-03-116a

Suggested Resolution
Resolution #2009-08-

WHEREAS, On March 30, 2009, a one-year contract to provide Asphalt Patching Material – Cold was awarded to the lowest bidder meeting specifications, Ultimate Epoxy d/a C&D Holdings Limited of Lake Orion, MI (Resolution #2009-03-116a); and

WHEREAS, Ultimate Epoxy d/a C&D Holdings Limited has been disqualified after non-compliance with the specified insurance requirements;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **RESCINDS** with prejudice the contract to provide asphalt patching material - cold from Ultimate Epoxy d/a C&D Holdings Limited and hereby **AUTHORIZES** the re-bid in September 2009.

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings: None Submitted

G-2 Memorandums: None Submitted

COUNCIL REFERRALS: Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda

H-1 Proposed Amendment to City Council Rules of Procedure Rule 6 – Order of Business – Relocate Public Comment after City Council Business

Suggested Resolution

Resolution #2009-08-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **AMENDS** the Council Rules of Procedure with modification to the Rules as follows:

6. ORDER OF BUSINESS

At each regular meeting of the Council, the business to be considered shall be taken up for consideration and disposition in the following order:

1. **Call to Order**
2. **Invocation**
3. **Pledge of Allegiance**
4. **Roll Call**
5. A. **Certificates of Recognition**
6. B. **Carryover Items**
7. C. **Public Hearings**
8. D. **Postponed Items**
9. E. **Regular Business**
 - Council will move forward all of the “E” items on which members of the audience would like to address City Council, in accordance with the Rules of Procedure of the City Council, Article 16 - Members of the Public and Visitors.
10. E. **Regular Business**
 - Address Remaining F Items
11. F. **Consent Agenda**
 1. Approval of “F” Items NOT Removed for Discussion
 2. Address of “F” Items Removed for Discussion
 - Council will move forward all of the “F” items on which members of the audience would like to address City Council, in accordance with the Rules of Procedure of the City Council, Article 16 - Members of the Public and Visitors.

12. G. **Memorandums and Future Council Agenda Items**
13. H. **Council Referrals**
 - Items appearing under Council Referrals are items brought forward by the Mayor or Council Members before the City Manager's agenda deadline for consideration at the next regular meeting.
14. I. **Council Comments**
 - Items brought forward by Mayor and Council will be placed on the next Regular Meeting Agenda for Action. Items appearing under Council Comments are not intended for discussion or action at the meeting at which they first appear.
15. J. **Reports**
 - No Public Comment received on "J" Items at this time.
16. **Public Comment** – Limited to Items Not on the Agenda in accordance with the Rules of Procedure of the City Council, Article 16 - Members of the Public and Visitors.
17. K. **Study Items**
18. **Public Comment**
19. L. **Closed Session**
20. **Adjournment**

Yes:

No:

H-2 Proposed Resolution to Excuse Absent City Council Members – Referred by Council Member Eisenbacher

Suggested Resolution

Resolution #2009-08-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absences of the following Council Members at the listed Council Meetings due to being absent from the county or due to illness:

- Regular Meeting on Monday, August 3, 2009: Mayor Louise Schilling – Due to illness
- Regular and Special Meetings on Monday, July 20, 2009: Mayor Pro Tem Martin Howrylak – Out of County
- Regular Meeting on Monday, June 15, 2009: Council Member Wade Fleming and Mayor Pro Tem Martin Howrylak – Out of County
- Regular Meeting on Monday, June 1, 2009: Council Member Robin Beltramini – Out of County
- Regular Meeting on Monday, May 11, 2009: Council Member Robin Beltramini – Out of County
- Special Meeting on Monday, May 4, 2009: Mayor Pro Tem Martin Howrylak – Out of County
- Regular Meeting on Monday, April 6, 2009: Council Member Cristina Broomfield and Mayor Pro Tem Martin Howrylak – Out of County

- Regular Meeting on Monday, March 23, 2009: Mayor Pro Tem Martin Howrylak – Out of County
- Regular Meeting on Wednesday, February 18, 2009: Mayor Pro Tem Martin Howrylak – Out of County

Yes:

No:

COUNCIL COMMENTS:

I-1 No Council Comments Advanced

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Civil Service Commission (Act 78)/Final – March 30, 2009
- b) Retiree Health Care Benefits Plan & Trust/Final – April 8, 2009
- c) Historic District Commission/Final – June 11, 2009
- d) Employees' Retirement System Board of Trustees/Final – June 24, 2009
- e) Historic District Study Committee/Final – June 25, 2009
- f) Historic District Study Committee/Final – July 7, 2009
- g) Board of Zoning Appeals/Final – July 21, 2009
- h) Historic District Commission/Final – July 21, 2009
- i) Planning Commission/Draft – July 28, 2009
- j) Planning Commission/Final – July 28, 2009
- k) Planning Commission Special/Study/Draft – August 4, 2009
- l) Planning Commission Special/Study/Final – August 4, 2009
- m) Building Code Board of Appeals/Draft – August 5, 2009
- n) Civil Service Commission (Act 78)/Draft – August 25, 2009

J-2 Department Reports:

- a) Purchasing Department – Final Reporting BidNet On-Line Auction Services – June 2009
- b) Purchasing Department – Final Reporting BidNet On-Line Auction Services – July 2009
- c) Building Department – Permits Issued July 2009

J-3 Letters of Appreciation:

- a) Letter of Thanks to Mark Miller from Shirley and Bill Schmidt in Appreciation of the Efforts of the Planning Department and Planning Commission Members
- b) Letter of Thanks to Mark Miller and Brent Savidant from Boulan Park Middle School FLL Team (Robo Rockets) Regarding Transit Center Information

J-4 Proposed Proclamations/Resolutions from Other Organizations: None Submitted

STUDY ITEMS:

- K-1 Amendments to the Troy City Code: Update of Chapter 82 – Property Maintenance Code; Amendments to Chapter 48 – Litter; Chapter 82-B – Dangerous Buildings; Chapter 88 – Nuisance; and Deletion of Chapter 89 – Weed Control**

PUBLIC COMMENT: Address of “K” Items

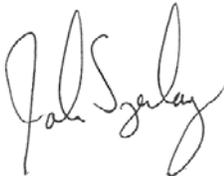
Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by the Chair in accordance with the Rules of Procedure of the City Council, Article 16, during the Public Comment section under item 18 of the agenda. Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt or debate with members of the public during their comments. Once discussion is brought back to the Council table, persons from the audience will be permitted to speak only by invitation by Council, through the Chair. City Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.

CLOSED SESSION:

L-1 No Closed Session Requested

ADJOURNMENT

Respectfully submitted,



John Szerlag, City Manager

SCHEDULED CITY COUNCIL MEETINGS:

Monday, September 14, 2009	Regular City Council
Monday, September 28, 2009	Regular City Council
Monday, October 5, 2009	Regular City Council
Monday, October 19, 2009	Regular City Council
Monday, November 9, 2009	Regular City Council
Monday, November 23, 2009	Regular City Council
Monday, December 7, 2009	Regular City Council
Monday, December 21, 2009	Regular City Council

**PROCLAMATION
IN RECOGNITION OF FRANK AND ROSE MARIE DASCENZA
ON THE OCCASION OF THEIR 50TH ANNIVERSARY**

WHEREAS, Frank and Rose Marie (Stango) Dascenza were united in marriage on **May 2, 1959** in Waterbury, Connecticut after meeting in grammar school are now celebrating their **50th Wedding Anniversary** surrounded by family and friends; and

WHEREAS, This marriage has been blessed with three sons: Francis, Michael and Stephen and one daughter Jennifer who received from their parents the kind of loving and happy life that develops good citizens and worthy adults; and

WHEREAS, In 1972, **Frank and Rose Marie** moved to Troy and purchased a home in the Long Lake Subdivision where they provided for their family a legacy of wit, wisdom, and love throughout the years; and

WHEREAS, Frank and Rose Marie's children all reside in Michigan along with **Frank and Rose Marie's** six grandsons and two granddaughters ranging in age from 3 – 17 years; and

WHEREAS, Frank worked for Textron for 29 years and has been with the City of Troy Parks and Recreation Department in the golf division for the past nine years and **Rose Marie** worked for the Troy School District. With their children grown, **Frank and Rose Marie** enjoy traveling to Myrtle Beach, North Carolina. **Frank** enjoys golfing and **Rose Marie** loves volunteering with Hospice as a caregiver; and

WHEREAS, Frank and Rose Marie have earned the respect of all with whom they have come into contact, and the love and affection of their children, grandchildren and a host of wonderful friends;

NOW, THEREFORE BE IT RESOLVED, That **Frank and Rose Marie** are worthy of this expression of our sincere congratulations on this happy occasion of their **50th wedding anniversary**; and

BE IT FURTHER RESOLVED, That the Troy City Council and all of Troy's residents extend best wishes to **Frank and Rose Marie** for many more years of good health and happiness together.

Presented this 31st day of August 2009

**PROCLAMATION
INTERNATIONAL DAY OF PEACE
SEPTEMBER 21, 2009**

WHEREAS, The issue of peace embraces the deepest hopes of all peoples and remains humanity's guiding inspiration; and

WHEREAS, In 1981 the United Nations proclaimed the **International Day of Peace** be devoted to commemorating and strengthening the ideals of peace both within and among all nations and peoples; and

WHEREAS, The United Nations expanded the observance of the **International Day of Peace in 2001** to include the call for a day of global ceasefire and non-violence, and invited all nations and people to honor a cessation of hostilities for the duration of the Day; and

WHEREAS, There is growing support within our City for the observance of the **International Day of Peace**, which affirms a vision of our world at peace, and fosters cooperation between individuals, organizations and nations; and

WHEREAS, Global crises impel all citizens to work toward converting humanity's noblest aspirations for world peace into a practical reality for future generations;

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Troy does hereby proclaim **September 21, 2009 as the International Day of Peace** in the City of Troy and urges all citizens to join us in recognizing this day to discover different faith traditions' teaching on peace or any other education and public awareness activities in order to help establish a global day of peace in our homes, our communities and between nations; and

BE IT FURTHER RESOLVED, That the City Council urges all government agencies, organizations, schools, places of worship and individuals in our City to commemorate the **International Day of Peace** including joining the Troy Interfaith Group at their Potluck Peace Picnic on September 27 at 3 pm at the Community Interfaith Labyrinth at Northminster Presbyterian Church, 3633 W. Big Beaver Road. There will be special programs for children and adults to engage in dialogue about peace and faith, with crafts, activities, and roundtable sessions, as well as the chance to walk the labyrinth.

Signed the 31st day of August 2009.



PRESS RELEASE

Contact: Cynthia Stewart
Community Affairs Director
500 West Big Beaver
Troy MI 48084
ph 248.524.1147
fax 248.524.3499

FOR RELEASE: August 13, 2009

City of Troy Lifeguards Sweep State Skills Competition

(TROY, MI) – Four lifeguards from Troy claimed first-place honors at the annual Michigan Recreation and Park Association Lifeguard Competition on Friday, August 7. The half day-long event, held at the Troy Family Aquatic Center, tests participant's skills in five categories to sharpen skills and determine bragging rights through challenging physical and mental tests.

"The MRPA Lifeguard Competition presents guards with intense physical and mental challenges," said MRPA Executive Director Dennis Schornack. "The event helps lifeguards keep their skills sharp, while having fun in a friendly, yet competitive atmosphere."

The lifeguards compete in teams of two at the MRPA competition, with participants divided between a women's and men's division. Teams compete in five events: CPR, spinal rescues, retrieval drills, tug of war and the monster event. The Monster event is an obstacle course designed differently each year to be both physically and mentally challenging for the guards.

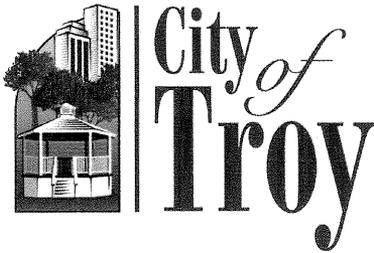
Teams from the Troy Family Aquatic Center took first-place honors in both the men and women's competitions. The team of Kyle Curry and Scott Johnson narrowly won the men's competition with a total of 86.5 points, while Nicki Rockentine and Lisa Inman dominated the women's competition with a final score of 89 points.

Erica McIsaac and Rebecca Gleit, also representing Troy, earned third place in the women's division with 78 points, while teammates Alex Houck and Alex Solak took third in the men's competition with a score of 80 points.

"The competition was really close this year, and the overall skill of the lifeguards was exceptional," said Jamie Freese from the City of Livonia who was the key event organizer. "The City of Troy were fantastic hosts, they definitely contributed to the overall success of the competition."

The competition was hosted by the Michigan Recreation and Parks Association Aquatics Committee. Sponsors included Advanced Pool Services, Hasty Awards, Water Safety Products, Aquatic Source, Dick's Sporting Goods, Footprints Sportswear, Northwest Pools and The Lifeguard Store. To learn more about the competition, contact Jamie Freese at jfreese@ci.livonia.mi.us

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CITY COUNCIL ACTION REPORT

August 13, 2009

TO: John Szerlag, City Manager

FROM: Gary G. Mayer, Chief of Police
 Michael P. Lyczkowski, Police Lieutenant *M.L.*
 David Livingston, Police Lieutenant *DL*
 Wendell Moore, Research & Technology Administrator *WM*

SUBJECT: Cancelling Service Agreement with DOCVIEW, LLC

Background:

The City currently has a service agreement with DOCVIEW, LLC, authorized by Resolution #2005-08-379 and effective August 11, 2005, to sell Police Department traffic crash reports on their secure website. The Police Department has the right to cancel the current service agreement upon written notice to DOCVIEW, LLC at least 30 days prior to cancellation.

The Courts and Law Enforcement Management Information System (CLEMIS) is a unit of the Oakland County Department of Information Technology. CLEMIS offers affordable and efficient state of the art computer technology to criminal justice and public safety agencies. It is also a technical link for member agencies that promotes communication and sharing of criminal justice information. The Troy Police Department has been a member agency since 1976. The Chief Executive Officers of member agencies elect an advisory committee to establish procedures and rules for the operation of CLEMIS.

CLEMIS offers numerous electronic information databases and records management systems to member agencies. A recent CLEMIS application is E Crash, an electronic traffic crash reporting system. On July 24, 2009, the CLEMIS Advisory Committee approved mandatory participation in the CLEMIS E Crash application for all member agencies.

As a necessary component of the E Crash application, CLEMIS intends to sell Police Department traffic crash reports to authorized insurance companies and individuals on their secure website. CLEMIS agrees to share revenue, in the amount of \$7.00 for each report sold on their website, with the Police Department. This revenue is consistent with the fee established for Police Department reports in Chapter 60, Fees and Bonds Required, of the Troy City Code. However, it is necessary for the Police Department to cancel the service agreement with DOCVIEW, LLC before allowing CLEMIS to sell Police Department traffic crash reports on their website.

Financial Considerations:

DOCVIEW, LLC currently charges \$15.00 for each traffic crash report. According to the service agreement, the Police Department receives \$5.00 for each Troy Police Department traffic crash report sold by DOCVIEW LLC on their secure website. However, DOCVIEW, LLC has been paying the City \$7.00 for each report sold to their customers. The \$7.00 fee is consistent with the fee established for Police Department reports in an amendment to Chapter 60, Fees and Bonds Required, approved by City Council on April 20, 2009 by Resolution #2009-04-132.

CLEMIS charges a fee for each traffic crash report as established by the participating member agency. The Police Department proposes that CLEMIS charge \$14.00 for each report, of which the City receives shared revenue in the amount of \$7.00. CLEMIS retains \$7.00 as a management, maintenance and support fee.

Legal Considerations:

The City is required to cancel the service agreement with DOCVIEW, LCC before allowing CLEMIS to sell Police Department traffic crash reports on their secure website.

Policy Considerations:

Allowing CLEMIS to sell Police Department traffic crash reports on their secure website complies with the Troy City Council’s goal to minimize the cost and increase the efficiency and effectiveness of City government (Goal II).

Options:

City Management and the Police Department recommend canceling the current service agreement with DOCVIEW, LLC and allowing CLEMIS to sell Police Department traffic crash reports on their secure website.

Reviewed as to form: *Susan M. Sarantis Acting on behalf of Lori B. Bluhm in her absence*
Lori Grigg Bluhm, City Attorney Date 8-13-09

Service Agreement

This Service Agreement is dated 8-11-2005.

BETWEEN:

DOCVIEW, LLC of 4940 Contec Drive, Lansing, Michigan 48910

- AND -

Troy Police Department, C/O Chief Charles T. Craft, 500 West Big Beaver, Troy, MI 48084
herein ("Police Department")

IN CONSIDERATION OF THE COVENANTS and agreements contained in this Service Agreement, the parties to this Agreement agree as follows:

Responsibilities and Compensation for each Party

1. The Police Department will accept a Maximum Compensation Rate of \$5.00 for each report downloaded by an Insurance Company. A \$5.00 compensation will also be provided to the Police Department for any report that is downloaded by a citizen or other entity (including Insurance Adjusters, Road Commissions, or other government agencies where fees are assessed, etc.) Compensation checks will be sent monthly or on a quarterly basis dated January 15th, April 15th, July 15th, and October 15th. This compensation will be provided to the Police Department from DOCVIEW, LLC via check or direct deposit. All participating Police agencies have free access to the reports that are scanned to the TRACView system.
2. With the exception of requests made through the Freedom of Information Act, the Police Department will direct all Insurance Companies and other entity requests (including Insurance Adjusters, Road Commissions, or other government agencies, etc.) for traffic crash reports to the TRACView system. The Police Department will continue to comply with the provisions of the Freedom of Information Act, and will continue to provide traffic crash reports to walk-in customers.
3. The Police Department understands that any legally documented Insurance Agency, Law Enforcement Agency or other entity deemed appropriate by the Police Department and DOCVIEW, LLC may access the traffic crash images.

Excuse for Delay or Failure to Perform

4. DOCVIEW, LLC will not be liable in any way for a delay, non-delivery or default due to labor disputes, transportation shortage, delays in receipt of material, priorities, fires, accidents and other causes beyond the control of the DOCVIEW, LLC or its partners and suppliers. However, in the event of such delay or failure to perform, the Police Department may reserve the right, in its discretion, to not comply with the requirement to direct requests to DOCVIEW.

Cancellation

5. DOCVIEW, LLC and the Police Department reserve the right to cancel this Agreement. DOCVIEW, LLC and the Police Department will provide notice of

cancellation to each other 30 days prior to the cancellation. If equipment is provided by DOCVIEW, LLC and cancellation occurs within the first year, all equipment must be returned. If the Police Department does not notify the DOCVIEW, LLC prior to the end of the first year, this agreement will be extended for succeeding one year periods unless either party notifies the other in writing at least 30 days prior to cancellation.

Notices

6. Any notice to be given or document to be delivered to either the DOCVIEW, LLC or Police Department pursuant to this Agreement will be sufficient if delivered personally or sent by prepaid registered mail to the address specified above.

Governed

7. This Agreement will be governed by and construed in accordance with the laws of the State of Michigan.

Arbitration

8. If any clause of the Agreement is held unconscionable or unenforceable by any court of competent jurisdiction, arbitration panel or other official finder of fact, the clause will be deleted from this Agreement and the balance of the Agreement will remain in full force and effect.

Scope

9. This Agreement constitutes the entire agreement between the parties and there are no further items or provisions, either oral or otherwise.

Risk of Loss

10. The Police Department will not be releasing original traffic crash reports to DOCVIEW, LLC. The Police Department agrees to hold DOCVIEW, LLC harmless for any loss of information from the TRACView system. The Police Department may at its expense, request backups of the data. DOCVIEW, LLC will send a DVD of the data upon receipt, in writing, of any such request from the Police Department.

IN WITNESS WHEREOF the parties have executed this Service Agreement on this date: 8-11-2005

DOCVIEW, LLC

Per: Dan Puuri

Louise E. Schilling
Witness

CITY of TROY

By Louise E. Schilling
Louise E. Schilling, Mayor

By Tonni L. Bartholomew
Tonni L. Bartholomew, City Clerk

IV. Crash Report Discussion

CLEMIS Chief Jamie Hess reported programming for the CLEMIS Citation is complete and the e-commerce programming for online payments should be finalized by the end of the month.

MSP recently contacted a number of agencies re: potential grant dollars to pursue crash reports and held a Vendor demonstration. CLEMIS Manager Sullivan said a string is attached to MSP grant dollars. The UD-10 must be submitted within 72 hours of the creation of the report. The State will provide those reports to the insurance companies and capture the service fee for the reports.

CLEMIS will begin writing a Crash Report application in-house the beginning of next month that will be integrated with the CLEMIS Citation application. Crash Reports will be available to the public for a small fee. This money will be used to offset CLEMIS operations and / or fees. Hess said we may be able to secure grant funds for citation printers, servers, database software, etc.

If Crash reports are submitted through the State, CLEMIS will not have UD-10 information to interface with other CLEMIS applications. After some discussion about CLEMIS requiring data from participants, Chief Jerry Narsh of Lake Orion made the following motion:

“I MOTION CLEMIS STAFF MOVE FORWARD WITH THE DEVELOPMENT OF THE E-CRASH APPLICATION AND PROVIDE NOTICE TO THE CLEMIS FOOTPRINT FOR MANDATORY PARTICIPATION IN THE E-CRASH PROGRAM.”

The motion was seconded by Chief Lloyd Collins of South Lyon PD and the motion carried.

Chief Molloy reported CLEMIS staff developed a robust Citation program that will save street officers time and bring in new revenue. Strategic Planning recommends allowing CLEMIS in-house experts move forward with development of a Crash application.

A motion was made by Randy Secontine of OC Prosecutor's office:

"I MOVE CLEMIS STAFF BE ALLOWED TO MOVE FORWARD WITH DEVELOPMENT OF THE CLEMIS CRASH APPLICATION."

Captain Anthony Wickersham of the Macomb County Sheriff's Office seconded and the motion passed.

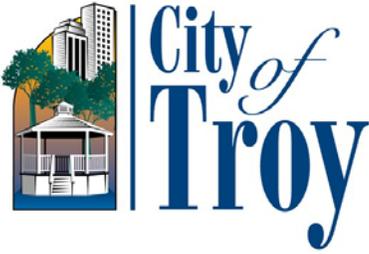
CLEMIS Manager Joe Sullivan explained that the CLEMIS Crash and Citation programs are integrated solutions. Looking for revenue sources, there are two possible options. The ticket convenience fee from the Citation program could offset internal costs to develop and support these solutions. And, some portion is envisioned to go into a CLEMIS fund with an agency name on it to capitalize the replacement costs of needed hardware.

Chief Molloy explained all CLEMIS members should be required to participate in the Crash application to offset CLEMIS operation costs.

Captain Mike Johnson of the Oakland County Sheriff's Office made the following motion:

"I MOVE PARTICIPATION IN THE CLEMIS CRASH APPLICATION BE MANDATORY FOR ALL CLEMIS MEMBERS."

Chief Ronald Cronin of West Bloomfield Twp PD seconded and the motion carried.



CITY COUNCIL ACTION REPORT

DATE: August 25, 2009

TO: John Szerlag, City Manager

FROM: Mark Miller, Acting Assistant City Manager Services
Mark Stimac, Director of Building and Zoning

SUBJECT: Interlocal Agreement to Provide Inspection Services – City of Sterling Heights

Background

- Attached is a copy of the proposed Interlocal Service Agreement between the City of Troy and the City of Sterling Heights, where the cities will share inspection services.
- This agreement is being presented to the Sterling Heights City Council on September 1, 2009, for their approval.

Financial Considerations

- No additional staffing is required. The agreement allows for the most effective use of inspection staff of both cities and allows for the coverage of heavy workloads, vacation time, and required training.
- The agreement could generate outside revenue and maximizes the use of our staffing.
- The agreement allows for the periodic review of workload and fees and allows adjustments in the agreement as needed.

Legal Considerations

- The City Attorney's office has reviewed the contract for form and legality.

Policy Considerations

- Minimize the cost and increase the efficiency and effectiveness of city government. (Goal II)
- Emphasize regionalism and incorporate creativity. (Goal VI)

Options

- City management recommends entering in to the Interlocal Service Agreement with the City of Sterling Heights for inspection services.

Approved as to Form and Legality:

Lori Grigg Bluhm, City Attorney

**INTERLOCAL SERVICE AGREEMENT FOR BUILDING
INSPECTION SERVICES**

This Interlocal Service Agreement dated, this ____ day of August 2009, is made by and between:

City of Sterling Heights
P.O. Box 8009
40555 Utica Road
Sterling Heights, Michigan 48313

-And-

City of Troy
500 W. Big Beaver Road
Troy, Michigan 48084

RECITALS

WHEREAS, the City of Troy, a Michigan Municipal Corporation, (hereinafter "TROY"), and the City of Sterling Heights, a Michigan Municipal Corporation, (hereinafter "STERLING HEIGHTS"), or TROY and STERLING HEIGHTS hereinafter together referred to as the "Parties" are authorized separately by law to provide for building, electrical, mechanical and plumbing inspections under P.A. 230, of the Public Acts of 1972, as amended, being sections 125.1501 to 125.1531 of the Michigan Compiled Laws; and

WHEREAS, the Michigan Constitution of 1963, Article 7, § 28, and the Urban Cooperation Act of 1967, Act No. 7 of the Public Acts of 1967, Ex. Sess., being MCL 124.501, et. seq. (the "Act"), permit a political subdivision to exercise jointly with any other political subdivision any power, privilege or authority which such political subdivisions share in common which each might exercise separately; and

WHEREAS, both TROY and STERLING HEIGHTS have traditionally employed individuals to do building, electrical, mechanical and plumbing inspections for their respective cities only; and

WHEREAS, due to the fact that building, electrical, mechanical and plumbing inspections require trained individuals who are registered with the Michigan Bureau of Construction Codes as inspectors and plan reviewers and are familiar with the State of Michigan Building Code requirements, it is difficult for public entities to locate trained and registered individuals who are able or willing to perform those specialized services timely on both a full-time and on a part-time basis; and

WHEREAS, both TROY and STERLING HEIGHTS have full time employees who are trained and registered building, electrical, mechanical and plumbing inspectors capable of doing inspections for either city through an interlocal agreement; and

WHEREAS, the Parties have mutually agreed that this Agreement be entered into to allow TROY or STERLING HEIGHTS to do building, electrical, mechanical and plumbing inspections for either city on a routine basis under the terms set forth below; and

WHEREAS, pursuant to resolution of its governing bodies, the Parties each have the authority to execute this Interlocal Service Agreement ("Agreement") to allow TROY and STERLING HEIGHTS to do building, electrical, mechanical and plumbing inspections for either city at a cost, under the terms set forth below.

AGREEMENT

Based upon the foregoing statements, the Parties agree to the following terms, conditions, representations, consideration and acknowledgements and mutually agree as follows:

1. TROY represents and STERLING HEIGHTS acknowledges that TROY has state registered building, electrical, mechanical and plumbing inspectors with the qualifications, experience and abilities to provide services in connection with the business of inspecting buildings for compliance with the State of Michigan's building codes and laws.
2. STERLING HEIGHTS represents and TROY acknowledges that STERLING HEIGHTS has state registered building, electrical, building, electrical, mechanical and plumbing inspectors with the qualifications, experience and abilities to provide services in connection with the business of inspecting buildings for compliance with the State of Michigan's building codes and laws.
3. Both TROY and STERLING HEIGHTS, through their respective Building Departments, agree to provide such inspection services to each other on the terms and conditions as set forth in this Agreement.
4. TROY and STERLING HEIGHTS hereby agree to engage each other to provide building, electrical, mechanical and plumbing inspection services during regular business hours. This inspection work is anticipated to include site inspections, paperwork, office time at the other Party's City Hall and travel time between cities. The inspectors' travel time shall be minimized as much as possible, and therefore may be from City Hall or from an inspection site, whichever is closer.
5. Each city understands and acknowledges that the other Party will first service its own inspection needs. However, TROY and STERLING HEIGHTS will make every reasonable effort to timely complete work for the other Party under the terms and conditions of this Agreement.
6. All code issues or interpretations, disputes, or any other issues arising from inspections performed in TROY shall be resolved solely by the TROY Building Official or his designee. All code issues or interpretations, disputes, or any other

issues arising from inspections performed in STERLING HEIGHTS shall be resolved solely by the STERLING HEIGHTS Building Official or his designee.

7. Should it become necessary for an inspector who performed services under this Agreement for the other Party to testify in court, the Party for which the inspector is employed, shall make the inspector available at the time and place established by the court.
8. Subject to an annual adjustment of rates as provided in Paragraph 12, STERLING HEIGHTS and TROY shall pay sixty (\$60.00) dollars per hour to the other Party for the above referenced building, electrical, mechanical and plumbing inspection services.
9. This Agreement can be terminated by either Party for any reason, with a minimum thirty (30) days written notice to the other Party.
10. The Parties shall supply to each other all printed and digital materials that are required for plan review, pre-inspection, inspection and post-inspection reports for each city.
11. The Parties represent to each other and agree that all inspections performed under the terms of this Agreement shall be performed in accordance with all appropriate and applicable state laws and regulations and industry standards.
12. Annually, the Parties shall each review its personnel costs for its inspectors and any costs directly related to the ability of each city to provide services under this Agreement. If a change in these costs requires an adjustment to the fee for the inspection services, then TROY and STERLING HEIGHTS shall notify each other in writing of the amount of the necessary change, and the reason(s) why the change is required. This notification shall be sent prior to May 1 of each year. The fee shall then be adjusted, effective as of July 1 of the next year, and each monthly invoice shall reflect the adjusted fee, subject to the approval of the Parties governing bodies.
13. This Agreement shall remain in effect until terminated by either Party. If, upon termination, any of TROY'S or STERLING HEIGHTS' inspectors have paperwork or forms belonging to the other Party, then each such document shall be delivered to the other Party within ten (10) days of the termination of the Agreement.
14. Each Party agrees to invoice the other Party on a monthly basis. Payment for all costs must be paid within thirty (30) days of the invoice date. Payments shall be mailed to: City of Troy Treasurer, 500 W. Big Beaver Road, Troy, MI 48084 or Michael Bartholomew, City of Sterling Heights Development Director/Assistant City Manager, P.O. Box 8009, 40555 Utica Road, Sterling Heights, Michigan 48313, as appropriate.

15. The Parties are not obligated under this Agreement to use each others services exclusively and are expressly allowed to seek other similar services on an as needed basis without violating this Agreement.
16. Upon receipt of notice of termination of the Agreement by either Party, both Parties shall have thirty (30) days to fully invoice the other Party for any outstanding balances that have not previously been invoiced. Each Party shall continue to be responsible for payment for the cost of services either invoiced prior to termination or performed by either Party before the termination of the Agreement.
17. The Parties agree that at all times and for all purposes under the terms of this Agreement, there is no employer-employee relationship between the Parties. No liability, right or benefit associated with any employer-employee relationship shall be implied by the terms of this Agreement or service performed under this Agreement.
18. Each Party agrees to be liable for disability and workers' compensation benefits, including derivative benefits, dependent benefits or other benefits related to disability and workers' compensation benefits, for its own employees and, if applicable, others working on it's behalf, even if the activities giving rise to those benefits occurred in the territorial limits of the other Party. Each Party's employees shall use only vehicles owned or leased by the Party to travel to and from inspections in the other Party's jurisdiction. Personal vehicles of employees shall not be used at any time under the terms of this Agreement. Each Party shall be liable for any damage to vehicles owned or leased, by the Party and for injuries to a Party's employees or agents arising out of the use of such a vehicle regardless of in whose jurisdiction the damage or injury occurred.
19. All of the privileges and immunities from liability, and exemptions from laws ordinances and rules, which apply to the activity of officers, agents, or employees of either Party shall apply to the same degree and extent to the performance of such functions and duties of such officers, agents or employees extraterritorially under the provisions of this interlocal agreement.
20. Each Party agrees to be liable for, defend, pay on behalf of, indemnify, and hold harmless the other Party, its elected and appointed officials, employees and others working for that Party from any third party claims, demands, suits, or loss of any nature, including, but not limited to, bodily injury or death and/or property damage, which arises out of or is in any way connected with the inspection services performed by an employee pursuant to this Agreement in the other Party's jurisdiction. This duty to indemnify, defend and hold harmless shall include all costs of litigation or defense of claims including attorney fees, costs and expert fees.
21. Each Party acknowledges that it is currently insured with proper coverage and limits. Each Party agrees to keep its current insurance, or insurance of a similar nature, in effect during all dates of inspection services for either TROY or STERLING HEIGHTS under this Agreement. Upon requested by either Party,

the other Party shall provide a Certificate of Insurance as evidence of its coverage.

22. Within ten (10) days from the execution of this Agreement, each Party shall provide a Certificate of Insurance, acceptable to the other Party, demonstrating that general liability coverage is available for any and all claims for personal injury or property damage which are or might be caused by services performed by TROY or STERLING HEIGHTS on behalf of the other Party. Each Party agrees to keep said insurance coverage in full force and effect for the term of this Agreement or any renewals thereof. Each Party shall submit to the other Party, prior to the expiration of any insurance coverage, the new Certificate(s) of Insurance acceptable to the other Party. Any Certificate(s) of Insurance shall name the other Party as an additional insured and contain the following cancellation notice:

“Should any of the above described policies be cancelled before the expiration date thereof, the issuing insurer will mail 30 days written notice to the certificate holder.”

Either Party may request a copy of said insurance certificate at any time during this Agreement. Failure to produce a certificate of insurance within twenty (20) days of a request by a Party shall allow the requesting Party to terminate the Agreement.

It shall be the responsibility of each Party to ensure that the other Party is provided with a new Certificate of Insurance acceptable to the other Party before a Certificate of Insurance on file with the other Party expires. A lapse in the insurance coverage required under the Agreement shall be considered a material breach of this Agreement and the Agreement shall become null and void automatically at any time such a lapse in coverage exists.

23. The Parties agree that they shall promptly deliver to the other Party written notice and copies of any claims, complaints, charges, or any other accusations or allegations of negligence or other wrongdoing, whether civil or criminal in nature that the other Party becomes aware of and which involves the personnel and/or services under this Agreement. Unless otherwise provided by law and/or the Michigan Court Rules, the Parties agree to cooperate with one another in any investigation conducted by the other Party of any acts or performances of any services under this Agreement.

24. The Parties agree that all indemnification and hold harmless promises, waivers of liability, representations, insurance coverage obligations, liabilities, payment obligations and/or any other related obligations provided for in this Agreement with regard to any acts, occurrences, events, transactions, or claims, either occurring or having their basis in any events or transaction that occurred before termination of this Agreement, shall survive the termination.

25. Any written notice required or permitted under the Agreement shall be

considered delivered to a Party as of the date that such notice is deposited, with sufficient postage, with the U.S. Postal Service. Unless specifically otherwise set out in the Agreement, all writing sent to TROY shall be sent to: City of Troy Director of Building and Zoning, 500 W. Big Beaver Road, Troy, MI 48084. All writing sent to STERLING HEIGHTS shall be sent to: Michael Bartholomew, City of Sterling Heights Development Director/Assistant City Manager, City of Sterling Heights, P.O. Box 8009, 40555 Utica Road, Sterling Heights, MI 48313.

26. This Agreement sets forth the entire Agreement between the Parties. The language of this Agreement shall be construed as a whole according to its fair meaning and not constructed strictly for or against any party. The Parties have taken all actions and secured all approvals necessary to authorize and complete this Agreement.
27. If a Court of competent jurisdiction finds any provision of this Agreement invalid or unenforceable, then that provision shall be deemed severed from the Agreement. The remainder of this Agreement shall remain in full force.
28. This Agreement is made and entered into in the State of Michigan and shall in all respects be interpreted, enforced and governed under the laws of the State of Michigan. Except as otherwise required by law or court rule, any action brought to enforce, interpret or decide any claim arising under this Agreement shall be brought in the 6th Judicial Circuit Court of the State of Michigan or the United States District Court for the Eastern District of Michigan, Southern Division as dictated by the applicable jurisdiction of the court. Except as otherwise required by law or court rule, venue is proper in the courts set forth above.
29. The Recitals shall be considered an integral part of this Agreement.
30. Except as expressly provided herein, this Agreement does not create, by implication or otherwise, any direct or indirect obligation, duty, promise, benefit, right of indemnification (i.e., contractual, legal, equitable, or by implication), right of subrogation as to any Party's rights in this Agreement, or any other right of any kind in favor of any individual or legal entity.
31. Each Party shall be responsible for obtaining and maintaining, throughout the term of this Agreement, all registrations, licenses, permits, certificates, and governmental authorizations for its employees and/or agents necessary to perform all of its obligations under this Agreement. Upon request, a Party shall furnish copies of any registrations, permits, licenses, certificates or governmental authorizations to the requesting Party.
32. No fact, failure or delay by a Party to pursue or enforce any rights or remedies under this Agreement shall constitute a waiver of those rights with regard to any existing or subsequent breach of this Agreement. No waiver of any term, condition, or provision of this Agreement, whether by conduct or otherwise, shall be deemed or construed as a continuing waiver of any term, condition, or provision of this Agreement. No waiver by either Party shall subsequently affect its right to require strict performance of this Agreement.

IN WITNESS WHEREOF, this Agreement is executed by the Parties on this ____ day
of _____ 2009.

WITNESSES:

CITY OF STERLING HEIGHTS,

By: _____
Richard J. Notte, Mayor

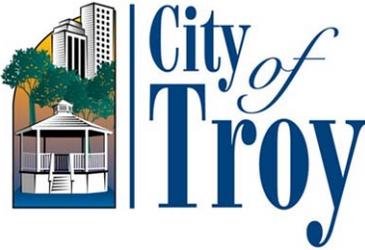
By: _____
Walter L. Blessed, City Clerk

WITNESSES:

CITY OF TROY,

By: _____
Louise E. Schilling, Mayor

By: _____
Tonni Bartholomew, City Clerk



CITY COUNCIL REPORT

DATE: August 27, 2009

TO: John Szerlag, City Manager

FROM: Mark F. Miller, Acting Assistant City Manager/Economic Development Services
R. Brent Savidant, Acting Planning Director

SUBJECT: Joint Meeting with City Council and Planning Commission – The Pavilions of Troy
Planned Unit Development (PUD 9) – Northwest corner of Big Beaver and Coolidge,
Section 19

City Council granted Concept Development Plan Approval for The Pavilions of Troy Planned Unit Development (PUD 9), a phased mixed-use project, on October 15, 2007. The applicant did not apply for Preliminary Development Plan Approval and subsequently put the property on the market for sale. Grand Sakwa Properties, LLC executed a purchase agreement for the property and anticipates a closing date in December, 2009. Grand Sakwa indicated that some modifications to the Concept Development Plan may be required based on market conditions and the state of the economy.

City Management requests that the City Council and Planning Commission participate in a Joint Meeting to discuss the potential amended Concept Development Plan for the property. Grand Sakwa seeks the opportunity for open dialogue with the two bodies responsible for reviewing and approving the project. They would like to discuss the following issues: (1) Ratio of residential/retail; (2) Phasing of project; and (3) Support for the project.

Representatives of Grand Sakwa are willing to meet at any date and time that the two boards are available. City Management and Grand Sakwa are ready and available to meet on Monday, September 28, 2009 from 6:00 PM to 7:15 PM.

Prepared by RBS/MFM

cc: Applicant
File /PUD 9
Planning Commission



CITY COUNCIL ACTION REPORT

TO: Members of Troy City Council

FROM: John Szerlag, City Manager
Lori Grigg Bluhm, City Attorney
Tonni L. Bartholomew, City Clerk

SUBJECT: City Charter Amendments

Background:

- City Council approved six charter amendment ballot questions, which were submitted to the Governor, Attorney General, Secretary of State, and Oakland County Clerk, prior to the filing deadline of August 25, 2009.
- Subsequently, the Attorney General's Office has reviewed the proposed charter amendment ballot questions, and has requested minor modification to the proposals. Modifications do not substantively change the approved ballot questions.
- The Attorney General's Office has required a format change to include the charter language, if approved by the voters. Therefore, since City Council's original motion approved the ballot language as to form, Council will need to take action on these non-substantive revisions.
- The Attorney General's Office has indicated that City Council can approve all six ballot questions as an attachment, therefore requiring only one motion to approve all six ballot questions for placement on the November 3, 2009 General Election.
- Due to the lateness of the communication from the Attorney General's Office, the proposed ballot questions, as revised by the Attorney General's Office, will be submitted in a separate delivery on Friday, August 28, 2009. This allowed for State approval prior to submitting the revisions in the agenda packet. It is anticipated that the State will not require further amendments to the proposed ballot questions.

Suggested Resolution:

RESOLVED, That the Troy City Council hereby **APPROVES** as to form the six ballot questions, as set forth in the attached document, for placement on the November 3, 2009 General Election Ballot, with a copy to be **ATTACHED** to the Original Minutes and **DIRECTS** the City Clerk to forward this Resolution, with attachments, to the Governor, Secretary of State, Attorney General, and Oakland County Clerk.

A Regular Meeting of the Troy City Council was held Monday, August 17, 2009, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

Jeff Totten, Chaplain for the Troy Police Department, gave the Invocation and the Pledge of Allegiance to the Flag was given.

ROLL CALL:

Mayor Louise E. Schilling
Robin Beltramini
Cristina Broomfield
David Eisenbacher
Wade Fleming
Mayor Pro Tem Martin Howrylak
Mary Kerwin

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a) On behalf of the City of Troy, Mayor Louise Schilling honored Army Staff Sergeant Mark Strickland with a *Welcome Home Proclamation*.
- b) On behalf of the City of Troy Employees' *Casual for a Cause* Program for the months of May and June, Community Affairs Director Cindy Stewart presented a check in the amount of \$1,019.00 to Valerie Michrina the Executive Director of *On My Own of Michigan*.
- c) On behalf of the City of Troy, Mayor Louise Schilling recognized Purchasing Director Susan Leirstein and the Purchasing Department as recipients of the *Achievement of Excellence in Procurement Award*.
- d) Mayor Louise Schilling presented the *2009 Membership Achievement Award for Troy Employee/Retiree Wellness Program* to Risk Manager Stephen Cooperrider and Community Affairs Director Cindy Stewart.
- e) Mayor Louise Schilling presented the *2009 Public Risk Management Association Chapter Service Award* to Risk Manager Stephen Cooperrider.

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 No Public Hearings

POSTPONED ITEMS:

D-1 No Postponed Items

PUBLIC COMMENT: Limited to Items Not on the Agenda

Marvin Reinhardt
Richard Peters
James Savage

REGULAR BUSINESS:

E-8 Charter Amendments

Public Comment was received from Cynthia Wilsher and Mary Ann Bernardi

Section 6.2(g) – Vacancies in Elective Office - PROPOSAL 09-03

Resolution #2009-08-237
Moved by Eisenbacher
Seconded by Fleming

RESOLVED, That the Troy City Council **APPROVES** as to form the following proposed Charter Amendment for the November 3, 2009 City General Election:

Charter Amendment Proposal 09-03

A PROPOSAL TO AMEND THE DATE AN ELECTED OFFICIAL MUST RESIGN FROM OFFICE WHEN DESIRING TO RUN FOR A CITY ELECTED OFFICE EXCEPT TO SUCCEED ONESELF.

Shall Section 6.2 (g) be amended to establish July 1st as the date by which a City elected official must submit a letter of resignation in order to run for a City elected office (except to succeed oneself) in place of the current requirement that such letter of resignation be filed no later than the deadline for filing his or her candidacy for election to that office with the City Clerk?

NOTE: PASSAGE OF THIS PROPOSAL IS NECESSARY FOR THE PASSAGE OF PROPOSALS 09-04, 09-05, 09-06, 09-07, AND 09-08. DEFEAT OF ANY ONE OR MORE OF PROPOSALS 09-03, 09-04, 09-05, 09-06, 09-07, AND 09-08 WILL RESULT IN DEFEAT OF PROPOSALS 09-04, 09-06, AND 09-07.

Yes:
No:

Yes: Broomfield, Eisenbacher, Fleming, Howrylak
No: Schilling, Beltramini, Kerwin

MOTION FAILED

The Meeting **RECESSED** at 9:07 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

Resolution #2009-08-238
Moved by Eisenbacher
Seconded by Fleming

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #6 Order of Business and **AUTHORIZES** City Council to move forward Agenda Item E-6 Preliminary Site Plan Application (SP 679-C) – Troy Museum and Historic Village Expansion, North Side of Wattles, West of Livernois (60 W. Wattles, 100 W. Wattles, 109 Lange) Section 16, C-F (Community Facilities) District before the completion of Agenda Item E-8 Charter Amendments.

Yes: All-7
No: None

MOTION CARRIED

Vote on Resolution to Table Item E-8 Charter Amendments Until After Discussion and Taking Action On Item E-6 Preliminary Site Plan Application (SP 679-C) – Troy Museum and Historic Village Expansion, North Side of Wattles, West of Livernois (60 W. Wattles, 100 W. Wattles, 109 Lange) Section 16, C-F (Community Facilities) District

Resolution #2009-08-239
Moved by Eisenbacher
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **TABLES** Agenda Item E-8 Charter Amendments until after discussion and taking action on Agenda Item E-6 Preliminary Site Plan Application (SP 679-C) – Troy Museum and Historic Village Expansion, North Side of Wattles, West of Livernois (60 W. Wattles, 100 W. Wattles, 109 Lange) Section 16, C-F (Community Facilities) District.

Yes: All-7
No: None

MOTION CARRIED

E-6 Preliminary Site Plan Application (SP 679-C) – Troy Museum and Historic Village Expansion, North Side of Wattles, West of Livernois (60 W. Wattles, 100 W. Wattles, 109 Lange) Section 16, C-F (Community Facilities) District

Resolution #2009-08-240

Moved by Kerwin

Seconded by Fleming

WHEREAS, The Planning Commission recommended Preliminary Site Plan Approval of the Troy Museum and Historic Village Expansion, at the July 28, 2009 Regular meeting;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** a reduction in the number of required parking spaces on the Troy Museum and Historic Village site to 120 when a total of 202 spaces are required based on the off-street parking space requirements for the facility, as per Article XL and this 82-space reduction is justified based on careful programming and the use of shuttle parking off-site for large events, as outlined in the Parking Needs Statement dated June 2, 2009; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **GRANTS** Preliminary Site Plan Approval, pursuant to Section 18.20.02 of the Zoning Ordinance, as requested for the proposed Troy Museum and Historic Village Expansion, located on the north side of Wattles, west of Livernois, in Section 16, within the C-F zoning district.

Yes: All-7

No: None

MOTION CARRIED

E-8 Charter Amendments (continued)

Section 6.2.1 – Irrevocable Letter of Resignation - PROPOSAL 09-04

Moved by Eisenbacher

Seconded by Broomfield

RESOLVED, That the Troy City Council **APPROVES** as to form the following proposed Charter Amendment for the November 3, 2009 City General Election:

Charter Amendment Proposal 09-04

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – TO ADD NEW PROVISIONS 6.2.1 (A), (B) AND (C) TO ALLOW ELECTED OFFICIALS TO RESIGN FROM CITY OFFICE BY AN IRREVOCABLE LETTER OF RESIGNATION AND ESTABLISH TIME FRAMES FOR PLACEMENT OF THE RESULTING VACANCY ON THE NEXT AVAILABLE ELECTION.

Shall Section 6.2 be amended to add new provisions under 6.2.1 (a), (b) and (c), which allow elected officials to resign by irrevocable letter of resignation effective no later than the date the successor takes office, which will commence the first Monday after the election or as stated in the irrevocable letter of resignation?

NOTE: PASSAGE OF THIS PROPOSAL IS NECESSARY FOR THE PASSAGE OF PROPOSALS 09-05, 09-06, AND 09-07. DEFEAT OF ANY ONE OR MORE OF PROPOSALS 09-03, 09-04, 09-05, 09-06, 09-07, AND 09-08 WILL RESULT IN DEFEAT OF PROPOSALS 09-04, 09-06, AND 09-07.

Yes:

No:

Vote on Resolution to Amend Section 6.2.1 (c) of the Troy City Charter Amendment Proposal Language

Resolution #2009-08-241

Moved by Beltramini

Seconded by Eisenbacher

RESOLVED, That the Troy City Council hereby **AMENDS** Section 6.2.1 (c) of the Troy City Charter Amendment Proposal Language to **INSERT** the word “August” before the word “Primary”.

Yes: Fleming, Howrylak, Beltramini, Broomfield, Eisenbacher

No: Kerwin, Schilling

MOTION CARRIED

Section 6.2.1 – Irrevocable Letter of Resignation - PROPOSAL 09-04 as Amended

Resolution #2009-08-242

Moved by Eisenbacher

Seconded by Broomfield

RESOLVED, That the Troy City Council **APPROVES** as to form the following proposed Charter Amendment for the November 3, 2009 City General Election:

Charter Amendment Proposal 09-04

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – TO ADD NEW PROVISIONS 6.2.1 (a), (b) AND (c) TO ALLOW ELECTED OFFICIALS TO RESIGN FROM CITY OFFICE BY AN IRREVOCABLE LETTER OF RESIGNATION AND ESTABLISH TIME FRAMES FOR PLACEMENT OF THE RESULTING VACANCY ON THE NEXT AVAILABLE ELECTION.

Shall Section 6.2 be amended to add new provisions under 6.2.1 (a), (b) and (c), which allow elected officials to resign by irrevocable letter of resignation effective no later than the date the successor takes office, which will commence the first Monday after the election or as stated in the irrevocable letter of resignation?

NOTE: PASSAGE OF THIS PROPOSAL IS NECESSARY FOR THE PASSAGE OF PROPOSALS 09-05, 09-06, AND 09-07. DEFEAT OF ANY ONE OR MORE OF PROPOSALS 09-03, 09-04, 09-05, 09-06, 09-07, AND 09-08 WILL RESULT IN DEFEAT OF PROPOSALS 09-04, 09-06, AND 09-07.

Yes:

No:

Yes: Howrylak, Beltramini, Broomfield, Eisenbacher, Fleming

No: Kerwin, Schilling

MOTION CARRIED

Section 6.7 – Filling Vacancies in Elective Office - PROPOSAL 09-05

Resolution #2009-08-243

Moved by Eisenbacher

Seconded by Broomfield

RESOLVED, That the Troy City Council **APPROVES** as to form the following proposed Charter Amendment for the November 3, 2009 City General Election:

Charter Amendment Proposal 09-05

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.7 – TO RESTRUCTURE THE APPOINTMENT PROCESS OF A VACANCY IN ELECTED OFFICE WITH CITY COUNCIL APPOINTING A REPLACEMENT MEMBER UNTIL A SUCCESSOR IS ELECTED. THE SUCCESSOR WILL BE ELECTED AT THE NEXT REGULAR OR AUGUST PRIMARY ELECTION.

Shall Section 6.7 be amended to direct City Council to fill vacancies in elective office, pursuant to Section 6.2, until a successor is elected at the next Regular or August Primary Election?

NOTE: PASSAGE OF THIS PROPOSAL IS NECESSARY FOR THE PASSAGE OF PROPOSALS 09-04, 09-06, AND 09-07. DEFEAT OF ANY ONE OR MORE OF PROPOSALS 09-03, 09-04, 09-05, 09-06, 09-07, AND 09-08 WILL RESULT IN DEFEAT OF PROPOSALS 09-04, 09-06, AND 09-07.

Yes:

No:

Yes: Beltramini, Broomfield, Eisenbacher, Fleming, Howrylak
No: Kerwin, Schilling

MOTION CARRIED

Section 6.7.1 – Filling Vacancies in Elective Office Created by an Irrevocable Letter of Resignation by Regular Election - PROPOSAL 09-06

Moved by Eisenbacher
Seconded by Fleming

RESOLVED, That the Troy City Council **APPROVES** as to form the following proposed Charter Amendment for the November 3, 2009 City General Election:

Charter Amendment Proposal 09-06

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.7 – TO ADD A PROVISION FOR ELECTING A SUCCESSOR TO FILL A MID-TERM VACANCY OF A CITY ELECTED OFFICIAL AT A REGULAR ELECTION.

Shall Section 6.7 be amended to add new provisions designated as 6.7.1 to allow for the election of candidates to fill any mid-term vacancy created prior to July 1st and after April 1st in even-years and prior to July 1st in odd-years for the remainder of a City elected office term at the next Regular Election?

NOTE: PASSAGE OF THIS PROPOSAL IS NECESSARY FOR THE PASSAGE OF PROPOSALS 09-04, 09-05, AND 09-07. DEFEAT OF ANY ONE OR MORE OF PROPOSALS 09-03, 09-04, 09-05, 09-06, 09-07, AND 09-08 WILL RESULT IN DEFEAT OF PROPOSALS 09-04, 09-06, AND 09-07.

Yes:
No:

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

Resolution #2009-08-244
Moved by Beltramini
Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #6 Order of Business and **TABLES** the remaining Resolutions of Agenda Item *E-8 Charter Amendments* until after discussion and taking action on remaining Agenda Items.

Yes: All-7
No: None

MOTION CARRIED

Discussion of Item J-7 Communication from Parks and Recreation Director Carol Anderson Regarding Path Bhaban Request for Waiver of Non-Profit Group Meeting Room Policy at Community Center at the request of Public present.

Public Comment received from Members of Path Bhaban and Kelly Jones - Chairperson of the Ethnic Issues Advisory Committee

Mayor Schilling departed at 10:48 PM.

Mayor Schilling returned at 10:50 PM.

E-1 Appointments to Boards and Committees: (a) Mayoral Appointments: None Scheduled; (b) City Council Appointments: Advisory Committee for Persons with Disabilities

a) Mayoral Appointments – None Scheduled

b) City Council Appointments

Resolution #2009-08-245

Moved by Howrylak

Seconded by Broomfield

RESOLVED, That Troy City Council hereby **APPOINTS** the following person to serve on the Boards and Committees as indicated:

Advisory Committee for Persons with Disabilities

Appointed by Council (7-Regular) - 3-Year Terms; Student – 1-Year Term

Raagini Suresh - Student

Term Expires 07/01/2010

Yes: All-7

No: None

MOTION CARRIED

E-2 Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: None (b) City Council Nominations: None

E-3 Designation of Voting Delegates at the Annual Meeting of the Michigan Municipal League 2009 Annual Conference

Resolution #2009-08-246

Moved by Schilling

Seconded by Broomfield

RESOLVED, That Troy City Council hereby **DESIGNATES** Council Member Robin Beltramini as the Principal Official Representative (Official Voting Delegate) and hereby **DESIGNATES** Council Member Mary Kerwin as the Alternate Official Representative (Official Alternate Voting Delegate) to cast the vote of the City of Troy at the Annual Meeting of the Michigan Municipal League to be held September 22 through September 25, 2009 in Kalamazoo, Michigan.

Yes: All-7

No: None

MOTION CARRIED

E-4 Resolution to Revoke an Industrial Facilities Exemption Certificate (IFEC) and Vacate an Industrial Development District (IDD) Previously Granted and Established – Grid4 Communications, 2107 Crooks Road

Resolution #2009-08-247

Moved by Beltramini

Seconded by Kerwin

WHEREAS, After due notice and proper hearing, the Troy City Council, on October 23, 2006, established an Industrial Development District (IDD), and granted an Industrial Facilities Exemption Certificate (IFEC), Certificate # 06.683, for property known as 2107 Crooks, Troy MI, 48084-5534, Parcel # 88-20-29-426-046, in the name of Grid4 Communications;

WHEREAS, Per the Letter of Agreement, between Grid4 Communications and the City of Troy, and per Public Act 198 of 1974, Grid4 Communications was allowed until December 31, 2008 to purchase all of the personal property to be abated, as reported on their application for exemption; and

WHEREAS, Grid4 Communications has not purchased any of the personal property that was to be abated, contrary to the terms of the Letter of Agreement between Grid4 Communications and the City of Troy, and in violation of Public Act 198 of 1974;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **REVOKES** the Industrial Facilities Exemption Certificate (IFEC), certificate # 06-683, and hereby **VACATES** the Industrial Development District (IDD), previously granted to Grid4 Communications, for property at 2107 Crooks, Troy, MI., 48084-5534, Parcel # 88-20-29-426-046, effective December 31, 2009; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to forward, by certified mail, a copy of this Resolution to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI. 48909-7971, and to Grid4 Communications at 2107 Crooks, Troy, MI. 48084-5534.

Yes: All-7

No: None

MOTION CARRIED

**E-5 Revisions to Policy for Naming Public Places Specific to Parks and Recreation
Park Naming – Section 36 Park**

Resolution #2009-08-248

Moved by Kerwin

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **ADOPTS** the revised Policy for Naming Public Spaces Specific to Parks and Recreation as presented; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** staff to initiate the process for naming the park in Section 36 (Milverton).

Yes: All-7

No: None

MOTION CARRIED

E-7 Bid Waiver – Sole Source Purchase – TSI PortaCount

Resolution #2009-08-249

Moved by Eisenbacher

Seconded by Beltramini

WHEREAS, Argus-Hazco is the sole known authorized representative for TSI Health & Safety products in the State of Michigan;

WHEREAS, In accordance with the OSHA Respiratory Protection Standard on Quantitative Fit Testing Protocols and the NFPA 1500 2007 Standard, respiratory protection equipment (RPE) must be tested annually before qualified members are permitted to use RPE in a hazardous atmosphere; and

WHEREAS, The Troy Fire Department has been testing all of its members and their RPE since 1998, when the OSHA standard went into effect utilizing TSI PortaCount Pro Respirator Fit Tester;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and hereby **AUTHORIZES** the purchase of the TSI PortaCount 8038 system from Argus-Hazco of Chesterfield, MI, for \$11,725.00 less a \$1,000.00 trade-in allowance for obsolete equipment at an estimated net total cost of \$10,725.00.

Yes: All-7

No: None

MOTION CARRIED

CONSENT AGENDA:

F-1a Approval of "F" Items NOT Removed for Discussion

Resolution #2009-08-250-F-1a
Moved by Eisenbacher
Seconded by Beltramini

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item(s) F-4a which **SHALL BE CONSIDERED** after Consent Agenda (F) items, as printed.

Yes: All-7
No: None

MOTION CARRIED

F-2 Approval of City Council Minutes

Resolution #2009-08-250-F-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of August 3, 2009 as corrected.

F-3 City of Troy Proclamation:

Resolution #2009-08-250-F-3

RESOLVED, That Troy City Council hereby **APPROVES** the following City of Troy Proclamation:

- a) Welcome Home – Army Staff Sergeant Mark Strickland

F-4 Standard Purchasing Resolutions

- b) **Standard Purchasing Resolution 4: MITN Purchasing Cooperative – City of Southfield – SCBA Cylinder Bottles**

Resolution #2009-08-250-F-4b

RESOLVED, That Troy City Council hereby **APPROVES**, as laid on the table, a contract to purchase ninety-eight (98) SCBA cylinder bottles from Southeast Equipment Company, Inc. of Troy, MI, through a MITN Cooperative Award hosted by the City of Southfield for an estimated total cost of \$45,000.00, at unit prices contained in the bid tabulation opened June 29, 2009, a copy of which shall be **ATTACHED** to the original minutes of this meeting.

c) **Standard Purchasing Resolution 1: Award to Low Bidders – Concrete Pavement Repair**

Resolution #2009-08-250-F-4c

RESOLVED, That Troy City Council hereby **AWARDS** contracts to complete the concrete pavement repair program for 2009/10 with an option to renew for two (2) additional one-year periods to the four lowest total bidders: Hard Rock Concrete, Inc. of Westland, for proposal A, Local Roads; Dominic Gaglio Construction, Inc. of Southgate, for proposal B, Industrial Roads; Major Cement Company of Detroit, for proposal C, Major Roads; and Dilisio Contracting, Inc. of Clinton Township for proposal D, Tri-Party County Roads at unit prices contained in the bid tabulation opened July 29, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting based on scope of work and ability to add additional locations up to, but not exceeding amounts budgeted; and

BE IT FURTHER RESOLVED, That the awards are **CONTINGENT** upon submission of properly executed bid and contract documents, including bonds, insurance certificates and all other specified requirements.

d) **Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Community Center Treadmills**

Resolution #2009-08-250-F-4d

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish and install eight (8) new commercial treadmills at the Community Center and to purchase the City's eight (8) Precor trade-ins to the overall lowest bidder meeting specifications, Fitness Things, Inc. of Plymouth, MI, at an estimated net total cost of \$30,400.00, at prices contained in the bid tabulation opened July 9, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon the submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.

F-5 Nancy Huntley, Legal Guardian of Carolyn Huntley v. City of Troy

Resolution #2009-08-250-F-5

RESOLVED, That Troy City Council hereby **AUTHORIZES** and **DIRECTS** the City Attorney to represent the City of Troy in any and all claims and damages in the matter of *Nancy Huntley, Legal Guardian of Carolyn Huntley, a Protected Person v. City of Troy*; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney to pay necessary costs and expenses and to retain any necessary expert witnesses to adequately represent the City.

F-6 Revised Appointment of SOCRRA Representative and Alternate Member

Resolution #2009-08-250-F-6

WHEREAS, On June 15, 2009 Troy City Council appointed Brian P. Murphy as the SOCRRA representative and Timothy L. Richnak as the alternate representative for the term beginning July 1, 2009 and expiring on June 30, 2010; and

WHEREAS, Brian P. Murphy is leaving the City of Troy and it is therefore necessary to appoint a replacement SOCRRA representative and alternate representative;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **DESIGNATES** Timothy L. Richnak as the SOCRRA representative and Mark F. Miller as the alternate SOCRRA representative for the term expiring on June 30, 2010.

F-1b Address of "F" Items Removed for Discussion by City Council and/or the Public

F-4 Standard Purchasing Resolutions**a) Standard Purchasing Resolution 1: Award to Low Bidders – Snow Removal Services – Home Chore Program**

Resolution #2009-08-251

Moved by Beltramini

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **AWARDS** contracts to provide seasonal requirements of snow removal services for the Home Chore Program with an option to renew for one (1) additional year to the low total bidders MVP Environmental, LLC of Troy, as primary contractor and Brantley Development, LLC of Westland, as secondary contractor, at unit prices contained in the bid tabulation opened July 21, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with a contract expiration of May 1, 2010; and

BE IT FURTHER RESOLVED, That the awards are **CONTINGENT** upon submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.

Yes: All-7

No: None

MOTION CARRIED**MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

G-1 Announcement of Public Hearings: None Submitted

G-2 Memorandums: None Submitted

COUNCIL REFERRALS: Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda

H-1 No Council Referrals Advanced

COUNCIL COMMENTS:

I-1 No Council Comments Advanced

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Advisory Committee for Persons with Disabilities/Draft – May 6, 2009
- b) Advisory Committee for Persons with Disabilities/Final – May 6, 2009
- c) Planning Commission Special/Study/Final – June 23, 2009
- d) Building Code Board of Appeals/Final – July 1, 2009
- e) Board of Zoning Appeals/Draft – July 21, 2009
- f) Troy Daze Advisory Committee/Draft – July 28, 2009

Noted and Filed

J-2 Department Reports:

- a) Police Department – 2009 Mid-Year Calls for Police Service Report
- b) Purchasing Department-Final Reporting-BidNet On-Line Auction Services-May 2009
- c) City Attorney's Office – 2009 Second Quarter Litigation Report
- d) Parks and Recreation – Golf Course Monthly Operations Summary

Noted and Filed

J-3 Letters of Appreciation:

- a) Letter of Thanks to Fire Station #3 Captain Chris Roberts from Greg and Kathy Sherman Regarding Fire Department Attendance at Block Party
- b) Telephone Message to Chief Mayer from Marilyn Bailey Regarding the Assistance Received from Officer Bednard
- c) Letter of Appreciation to Chief Mayer from Officer James Burns, US Army, Regarding Assistance of Lt. Livingston, Sgt. Schaufler, Officer Redmond and Officer Minton during a Conference

Noted and Filed

J-4 Proposed Proclamations/Resolutions from Other Organizations:

- a) Oakland County Board of Commissioners Resolution #09116 – Requiring Oakland County Contractors and Vendors to Register and Participate in the Federal E-Verify Program

Noted and Filed

J-5 Communication from the State of Michigan Public Service Commission Regarding Notice of Hearing for the Natural Gas Customers of Consumers Energy Company – Case No. U-15454-R

Noted and Filed

J-6 Communication from Parks and Recreation Director Carol Anderson and Nature Center Manager Stacy Yankee Regarding National Honey Bee Awareness Day Donation to Lloyd A. Stage Nature Center

Noted and Filed

J-7 Communication from Parks and Recreation Director Carol Anderson Regarding Path Bhaban Request for Waiver of Non-Profit Group Meeting Room Policy at Community Center

Noted and Filed

J-8 Communication from City Manager John Szerlag Regarding Organizational Restructuring

Noted and Filed

J-9 Report from Gabriel Roeder Smith & Company – City of Troy Incentive Plan for Volunteer Firefighters – 29th Annual Actuarial Valuation – December 31, 2008

Noted and Filed

E-8 Charter Amendments (continued)

Section 6.7.1 – Filling Vacancies in Elective Office Created by an Irrevocable Letter of Resignation by Regular Election - PROPOSAL 09-06

Resolution #2009-08-252
Moved by Eisenbacher
Seconded by Fleming

RESOLVED, That the Troy City Council **APPROVES** as to form the following proposed Charter Amendment for the November 3, 2009 City General Election:

Charter Amendment Proposal 09-06

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.7 – TO ADD A PROVISION FOR ELECTING A SUCCESSOR TO FILL A MID-TERM VACANCY OF A CITY ELECTED OFFICIAL AT A REGULAR ELECTION.

Shall Section 6.7 be amended to add new provisions designated as 6.7.1 to allow for the election of candidates to fill any mid-term vacancy created prior to July 1st and after April 1st in even-years and prior to July 1st in odd-years for the remainder of a City elected office term at the next Regular Election?

NOTE: PASSAGE OF THIS PROPOSAL IS NECESSARY FOR THE PASSAGE OF PROPOSALS 09-04, 09-05, AND 09-07. DEFEAT OF ANY ONE OR MORE OF PROPOSALS 09-03, 09-04, 09-05, 09-06, 09-07, AND 09-08 WILL RESULT IN DEFEAT OF PROPOSALS 09-04, 09-06, AND 09-07.

Yes:
No:

Yes: Broomfield, Eisenbacher, Fleming, Howrylak
No: Beltramini, Kerwin, Schilling

MOTION FAILED

Section 6.7.2 – Filling Vacancies in Elective Office Created by an Irrevocable Letter of Resignation by Primary Election - PROPOSAL 09-07

Resolution #2009-08-253
Moved by Eisenbacher
Seconded by Broomfield

RESOLVED, That the Troy City Council **APPROVES** as to form the following proposed Charter Amendment for the November 3, 2009 City General Election:

Charter Amendment Proposal 09-07

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.7 – TO ADD A PROVISION FOR ELECTING A SUCCESSOR TO FILL A MID-TERM VACANCY OF A CITY ELECTED OFFICIAL AT AN AUGUST PRIMARY ELECTION.

Shall Section 6.7 be amended to add new provisions designated as 6.7.2 to allow for the election of candidates to fill any mid-term vacancy created prior to April 1st in even-years for the remainder of a City elected office term at the next August Primary Election?

NOTE: PASSAGE OF THIS PROPOSAL IS NECESSARY FOR THE PASSAGE OF PROPOSALS 09-04 AND 09-05. DEFEAT OF ANY ONE OR MORE OF PROPOSALS 09-04, 09-05, 09-07, AND 09-08 WILL RESULT IN DEFEAT OF PROPOSALS 09-04 AND 09-07.

Yes:
No:

Yes: Broomfield, Eisenbacher, Fleming, Howrylak
No: Kerwin, Schilling, Beltramini

MOTION FAILED

Section 7.0 – Nominations - PROPOSAL 09-08

Resolution #2009-08-254
Moved by Eisenbacher
Seconded by Fleming

RESOLVED, That the Troy City Council **APPROVES** as to form the following proposed Charter Amendment for the November 3, 2009 City General Election:

Charter Amendment Proposal 09-08

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 7.9 – NOMINATIONS - TO PERMIT THE ELECTION OF CANDIDATES FOR CITY OFFICES AT ANY AVAILABLE ELECTION.

Shall Section 7.9 be amended to remove the references to specific elections to provide for the nomination of any candidate for City elected office to be placed on Regular, August Primary or Special Election Ballots?

NOTE: PASSAGE OF THIS PROPOSAL IS NECESSARY FOR THE PASSAGE OF PROPOSALS 09-04 AND 09-05. DEFEAT OF ANY ONE OR MORE OF PROPOSALS 09-03, 09-04, 09-05 AND 09-08 WILL RESULT IN DEFEAT OF PROPOSAL 09-04.

Yes:
No:

Yes: Eisenbacher, Fleming, Howrylak, Beltramini, Broomfield

No: Kerwin, Schilling

MOTION CARRIED

Vote on Postponed Resolution from August 3, 2009 Regular City Council Meeting

Charter Section 6.2 (g) Recommendation

(a) Section 6.2 (g) – Vacancies in Elective Office

Resolution #2009-08-255

Moved by Beltramini

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **APPROVES** as to form the following proposed Charter Amendment for the November 3, 2009 City General Election:

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2(g) – VACANCIES IN ELECTIVE OFFICE TO ALLOW FOR CONTINUED SERVICE FOR SITTING COUNCIL MEMBERS SEEKING ANOTHER ELECTED CITY OFFICE UNTIL THE SEATING OF THE NEW COUNCIL.

Shall Section 6.2(g) be amended by deleting the requirement for a City Council member seeking to be a candidate for any other City elective office resign from the Council prior to the filing deadline for the municipal election and submitting in its place a requirement that a City Council member shall file with the City Clerk, prior to July 1st an irrevocable letter of resignation to allow for the future vacancy created to be placed on the next Regular Election Ballot?

YES ___ NO ___

Yes: All-7

No: None

MOTION CARRIED

Vote on Resolution Regarding Charter Amendment Order

Resolution #2009-08-256

Moved by Eisenbacher

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **DIRECTS** the City Attorney to work with the Attorney General with the tie-bar language so it matches the number of Proposals that will be submitted to the voters.

Yes: All-7

No: None

MOTION CARRIED

STUDY ITEMS:

K-1 Amendments to the Troy City Code: Update of Chapter 82 – Property Maintenance Code; Amendments to Chapter 48 – Litter; Chapter 82-B – Dangerous Buildings; Chapter 88 – Nuisance; and Deletion of Chapter 89 – Weed Control (To Be Added To A Future Agenda)

PUBLIC COMMENT: Address of “K” Items

CLOSED SESSION:

L-1 Closed Session

Resolution #2009-08-257

Moved by Beltramini

Seconded by Howrylak

RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e), Pending Litigation – *Steeg v City of Troy, et al* and *Mary Ann Hennig v. City of Troy et al.*

Yes: All-7

No: None

MOTION CARRIED

The meeting **RECESSED** at 11:43 PM.

The meeting **RECONVENED** at 11:50 PM.

The meeting **ADJOURNED** at 12:03 AM.

Louise E. Schilling, Mayor

Barbara A. Pallotta, CMC
Deputy City Clerk

**PROCLAMATION
IN RECOGNITION OF FRANK AND ROSE MARIE DASCENZA
ON THE OCCASION OF THEIR 50TH ANNIVERSARY**

WHEREAS, Frank and Rose Marie (Stango) Dascenza were united in marriage on **May 2, 1959** in Waterbury, Connecticut after meeting in grammar school are now celebrating their **50th Wedding Anniversary** surrounded by family and friends; and

WHEREAS, This marriage has been blessed with three sons: Francis, Michael and Stephen and one daughter Jennifer who received from their parents the kind of loving and happy life that develops good citizens and worthy adults; and

WHEREAS, In 1972, **Frank and Rose Marie** moved to Troy and purchased a home in the Long Lake Subdivision where they provided for their family a legacy of wit, wisdom, and love throughout the years; and

WHEREAS, Frank and Rose Marie's children all reside in Michigan along with **Frank and Rose Marie's** six grandsons and two granddaughters ranging in age from 3 – 17 years; and

WHEREAS, Frank worked for Textron for 29 years and has been with the City of Troy Parks and Recreation Department in the golf division for the past nine years and **Rose Marie** worked for the Troy School District. With their children grown, **Frank and Rose Marie** enjoy traveling to Myrtle Beach, North Carolina. **Frank** enjoys golfing and **Rose Marie** loves volunteering with Hospice as a caregiver; and

WHEREAS, Frank and Rose Marie have earned the respect of all with whom they have come into contact, and the love and affection of their children, grandchildren and a host of wonderful friends;

NOW, THEREFORE BE IT RESOLVED, That **Frank and Rose Marie** are worthy of this expression of our sincere congratulations on this happy occasion of their **50th wedding anniversary**; and

BE IT FURTHER RESOLVED, That the Troy City Council and all of Troy's residents extend best wishes to **Frank and Rose Marie** for many more years of good health and happiness together.

Presented this 31st day of August 2009

**PROCLAMATION
INTERNATIONAL DAY OF PEACE
SEPTEMBER 21, 2009**

WHEREAS, The issue of peace embraces the deepest hopes of all peoples and remains humanity's guiding inspiration; and

WHEREAS, In 1981 the United Nations proclaimed the **International Day of Peace** be devoted to commemorating and strengthening the ideals of peace both within and among all nations and peoples; and

WHEREAS, The United Nations expanded the observance of the **International Day of Peace in 2001** to include the call for a day of global ceasefire and non-violence, and invited all nations and people to honor a cessation of hostilities for the duration of the Day; and

WHEREAS, There is growing support within our City for the observance of the **International Day of Peace**, which affirms a vision of our world at peace, and fosters cooperation between individuals, organizations and nations; and

WHEREAS, Global crises impel all citizens to work toward converting humanity's noblest aspirations for world peace into a practical reality for future generations;

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Troy does hereby proclaim **September 21, 2009 as the International Day of Peace** in the City of Troy and urges all citizens to join us in recognizing this day to discover different faith traditions' teaching on peace or any other education and public awareness activities in order to help establish a global day of peace in our homes, our communities and between nations; and

BE IT FURTHER RESOLVED, That the City Council urges all government agencies, organizations, schools, places of worship and individuals in our City to commemorate the **International Day of Peace** including joining the Troy Interfaith Group at their Potluck Peace Picnic on September 27 at 3 pm at the Community Interfaith Labyrinth at Northminster Presbyterian Church, 3633 W. Big Beaver Road. There will be special programs for children and adults to engage in dialogue about peace and faith, with crafts, activities, and roundtable sessions, as well as the chance to walk the labyrinth.

Signed the 31st day of August 2009.



CITY COUNCIL ACTION REPORT

August 19, 2009

TO: John Szerlag, City Manager

FROM: Gary G. Mayer, Chief of Police
William Nelson, Fire Chief

SUBJECT: Request to Temporarily Waive Parking Restrictions

Background:

Smith Middle School is requesting that the parking restrictions on Donaldson Street from Square Lake Road to Cotswald Street be waived, so that they may host school activities on the following dates:

- September 24, 2009, 6:30 pm - 9:30 pm (Open House)
- November 18 & 19, 2009, 12:30 pm - 3:30 pm, 5:30 pm - 8:30 pm (Parent Teacher Conferences)
- March 18, 2010, 12:30 pm - 3:30 pm, 5:30 pm - 8:30 pm (Parent Teacher Conferences)
- May 21, 2010, 7:00 pm - 9 pm (Family Fun Day)
- June 18, 2010, 9:30 am-11:00 am (8th Grade Promotion)

Both sides of Donaldson are posted no parking areas and parking at Smith Middle School is limited.

The waiving of the restrictions would allow attendees to park on Donaldson but would not significantly impact emergency vehicle traffic.

Smith Middle School makes such requests and is granted a variance regularly; no problems have ever been reported.

Legal Considerations:

City Ordinance prohibits parking on Donaldson; therefore, City Council action is required to grant a variance.

Policy Considerations:

Troy enhances the livability and safety of the community.



CITY COUNCIL ACTION REPORT

August 19, 2009

TO: John Szerlag, City Manager

FROM: Gary G. Mayer, Chief of Police
William Nelson, Fire Chief

SUBJECT: Request to Temporarily Waive Parking Restrictions

Background:

The Congregation Shir Tikvah is requesting that the parking restrictions on the East side of Northfield Parkway from the entrance of Boulan Park to the entrance of the synagogue be waived on the following dates and times:

- Friday, August 28, 2009, 6:30 pm – 10:30 pm
- Friday, September 18, 2009, 7:00 pm – 11:00 pm
- Saturday, September 19, 2009, 9:00 am – 5:00 pm
- Sunday, September 27, 2009, 7:00 pm – 11:00 pm
- Monday, September 28, 2009, 9:00 am – 9:00 pm

Congregation Shir Tikvah is conducting events related to the observance of the High Holidays on these dates and times; although they have arranged for additional parking at Stonehaven Church on Wattles Road, they fear they will not have sufficient parking space for all attendees.

The waiving of the restrictions would allow attendees to park on the dirt shoulder of Northfield Parkway.

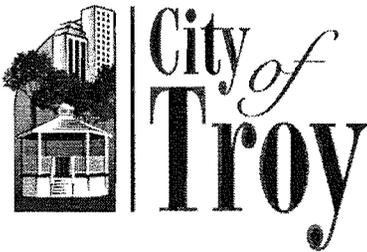
Congregation Shir Tikvah makes such requests and is granted a variance regularly; no problems have ever been reported.

Legal Considerations:

City Ordinance prohibits parking on Northfield Parkway; therefore, City Council action is required to grant a variance.

Policy Considerations:

Troy enhances the livability and safety of the community.



CITY COUNCIL ACTION REPORT

August 18, 2009

TO: John Szerlag, Acting City Manager

FROM: Mark F. Miller, Acting Assistant City Manager/Economic Development Services
Steven J. Vandette, City Engineer
Larysa Figol, Sr. Right-of-Way Representative

SUBJECT: Request for Acceptance of a Water Main Easement – Troy BNK Investors, LLC
Sidwell #20-28-101-051 & 050

Background:

- As part of the anticipated Huntington Bank branch to be built at the southeast corner of Big Beaver and Troy Center roads in Section 28, the Real Estate Department received a permanent easement for water main from Troy BNK Investors, L.L.C., owner of the property having Sidwell #20-28-101-051 & 050.

Financial Considerations:

- The consideration amount on this document is \$1.00.

Legal Considerations:

- The format and content of this document is consistent with permanent easements previously granted to and accepted by the City.

Policy Considerations:

- Troy has enhanced the health and safety of the community
- Troy adds value to properties through maintenance or upgrades of infrastructure and quality of life venues
- Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world.

PERMANENT EASEMENT

Sidwell # 88-20-28-101-051 & 050
Project #
Resolution #

Troy BNK Investors, L.L.C., a Delaware limited liability company, Grantor, whose principal office is c/o Cardinal Capital Partners, Inc., 8411 Preston Road, 8th floor, Dallas, TX 75225 for and in consideration of the sum of: One Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, 48084 grants to the Grantee the right to construct, operate, maintain, repair and/or replace water main, said easement for land situated in the City of Troy, Oakland County, Michigan, described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 13th day of AUGUST A.D. 2009.

Troy BNK Investors, L.L.C., a Delaware limited liability company

By: Jess L. Frost (L.S.)
JESS L. FROST
Its: MANAGER

STATE OF _____)
COUNTY OF _____)

The foregoing instrument as acknowledged before me this _____ day of _____, 2009, by _____ of Troy BNK Investors, L.L.C., A Delaware limited liability company, on behalf of said company.

See attached loose certificate.

Notary Public, _____ County, _____

My Commission Expires _____
Acting in _____ County, _____

Prepared by:
Larysa Figol, City of Troy
500 West Big Beaver
Troy, Michigan 48084

Return to:
City Clerk, City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of Orange

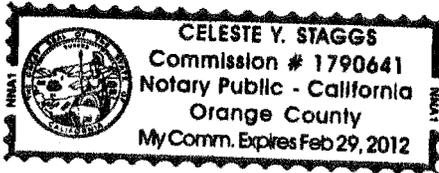
On Aug. 13, 2009 before me, Celeste Y. Staggs, Notary Public
(Here insert name and title of the officer)

personally appeared Jess L. Frost

who proved to me on the basis of satisfactory evidence to be the person whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity , and that by his/her/their signature on the instrument the person , or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.
Celeste Y. Staggs
 Signature of Notary Public



(Notary Seal)

ADDITIONAL OPTIONAL INFORMATION

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he/she/they~~, is/are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

DESCRIPTION OF THE ATTACHED DOCUMENT

Permanent Easement

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages _____ Document Date _____

(Additional information)

CAPACITY CLAIMED BY THE SIGNER

Individual (s)

Corporate Officer

(Title)

Partner(s)

Attorney-in-Fact

Trustee(s)

Other _____

EXHIBIT "A"

WATER MAIN EASEMENT

A 20 foot wide easement being over and across a parcel of land being a part of the Northwest Quarter of Section 28, Township 2 North, Range 11 East, City of Troy, Oakland County, Michigan, and being more particularly described as follows:

Commencing at the Northwest corner of said Section 28; thence South 02 degrees 25 minutes 41 seconds East 60.00 feet along the westerly line of said Section 28; thence North 87 degrees 28 minutes 29 seconds East 710.00 feet along a line parallel to the northerly line of said Section 28; thence South 02 degrees 31 minutes 05 seconds East 452.00 feet partly along the easterly line of the adjacent property to the West; thence North 87 degrees 28 minutes 55 seconds East 115.00 feet; thence South 02 degrees 31 minutes 05 seconds East 115.00 feet; thence North 87 degrees 28 minutes 55 seconds East 15.00 feet to the Point of Beginning of this easement;

Thence North 02 degrees 31 minutes 05 seconds West 107.25 feet;

Thence North 44 degrees 55 minutes 56 seconds West 61.00 feet;

Thence North 02 degrees 29 minutes 20 seconds West 184.84 feet;

Thence North 40 degrees 39 minutes 03 seconds East 36.40 feet;

Thence North 87 degrees 38 minutes 32 seconds East 93.79 feet;

Thence North 02 degrees 21 minutes 28 seconds West 20.00 feet;

Thence North 87 degrees 38 minutes 32 seconds East 43.31 feet;

Thence South 02 degrees 21 minutes 28 seconds East 20.00 feet;

Thence North 87 degrees 38 minutes 32 seconds East 177.06 feet to a point on Troy Center Drive;

Thence South 02 degrees 31 minutes 05 seconds East 20.00 feet along said Troy Center Drive;

Thence South 87 degrees 38 minutes 32 seconds West 305.52 feet;

Thence South 40 degrees 39 minutes 03 seconds West 19.80 feet;

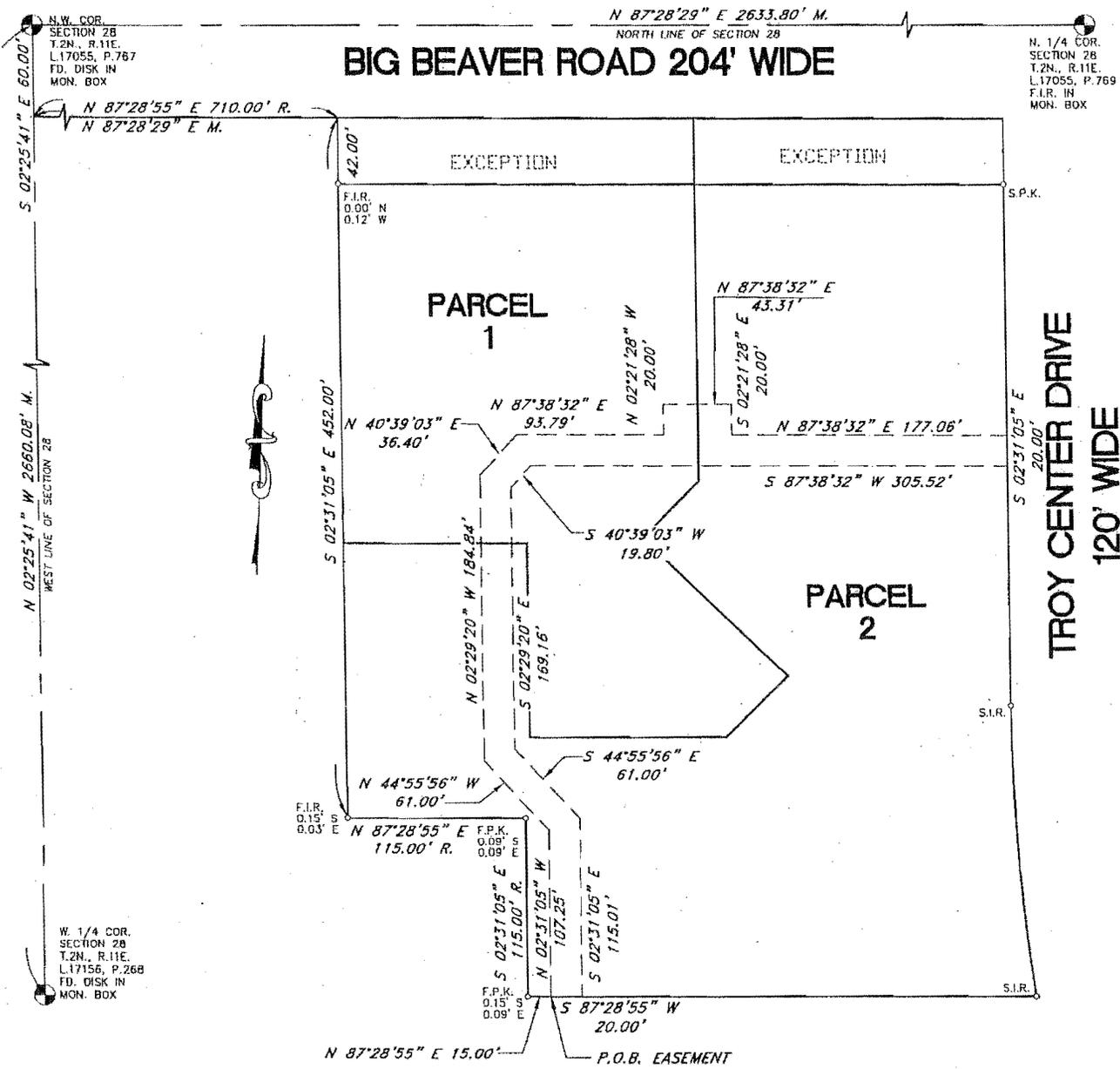
Thence South 02 degrees 29 minutes 20 seconds East 169.16 feet;

Thence South 44 degrees 55 minutes 56 seconds East 61.00 feet;

Thence South 02 degrees 31 minutes 05 seconds East 115.01 feet;

Thence South 87 degrees 28 minutes 55 seconds West 20.00 feet to the Point of Beginning of this easement.

WATER MAIN EASEMENT





CITY COUNCIL ACTION REPORT

August 24, 2009

TO: John Szerlag, City Manager

FROM: Mark Miller, Acting Asst. City Manager/Economic Development Services
Steven J. Vandette, City Engineer *SV*

SUBJECT: Private Agreement for Evaline Extension
Project No. 06.909.3

Recommendation:

- The Engineering Department has reviewed the plans for this project and recommends approval. The plans include sanitary sewer, paving, sidewalks and soil erosion.

Financial Considerations:

- The owner has provided the necessary escrow deposit and paid the cash fees in accordance with the attached Private Agreement.

Legal Considerations:

- There are no legal considerations associated with this item.

Policy Considerations:

- Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world.

cc: Tonni Bartholomew, City Clerk (Original Agreement)
James Nash, Financial Services Director

Prepared by: G. Scott Finlay, PE

City Of Troy

Contract for Installation of Municipal Improvements (Private Agreement)

Project No.: 06.909.3

Project Location: SW 1/4 Section 15

Resolution No: _____

Date of Council Approval: _____

This Contract, made and entered into this ___ day of _____, 20__ by and between the City of Troy, a Michigan Municipal Corporation of the County of Oakland, Michigan, hereinafter referred to as "City" and Murray Deagle whose address is 328 Evaline, Troy, MI 48085 and whose telephone number is 248-770-5009 hereinafter referred to as "Owners", provides as follows:

FIRST: That the City agrees to permit the installation of Sanitary Sewer, Paving, Sidewalks and Soil Erosion in accordance with plans prepared by Nowak & Fraus whose address is 46777 Woodward Ave., Pontiac, MI 48342 and whose telephone number is 248-332-7931 and approved prior to construction by the City in accordance with City of Troy specifications.

SECOND: That the Owners agree to provide the following securities to the City prior to the start of construction, in accordance with the Detailed Summary of Required Deposits & Fees (attached hereto and incorporated herein):

Refundable escrow deposit equal to the estimated construction cost of \$ 27,490.00. This amount will be deposited with the City in the form of (check one):

Cash	<input checked="" type="checkbox"/>
Certificate of Deposit & 10% Cash	<input type="checkbox"/>
Irrevocable Bank Letter of Credit & 10% Cash	<input type="checkbox"/>
Check	<input type="checkbox"/>
Performance Bond & 10% Cash	<input type="checkbox"/>

Refundable cash deposit in the amount of \$ 6,026.00. This amount will be deposited with the City in the form of (check one):

Cash	<input checked="" type="checkbox"/>	Check	<input type="checkbox"/>
------	-------------------------------------	-------	--------------------------

Non-refundable cash fees in the amount of \$ 3,126.00. This amount will be paid to the City in the form of (check one):

Cash	<input checked="" type="checkbox"/>	Check	<input type="checkbox"/>
------	-------------------------------------	-------	--------------------------

Said refundable escrow deposits shall be disbursed to the Owners after approval by the City. The City reserves the right to retain a minimum of ten (10) percent for each escrowed item until the entire site/development has received final inspection and final approval by all City departments. Refundable cash deposits shall be held until final approval has been issued. Disbursements shall be made by the City within a reasonable time, after request for refund of deposits is made by the Owners.

City Of Troy

Contract for Installation of Municipal Improvements (Private Agreement)

THIRD: The owners shall contract for construction of said improvement with a qualified contractor. Owners, or their agents, and contractor(s) agree to arrange for a pre-construction meeting with the City Engineer prior to start of work. All municipal improvements must be completely staked in the field under the direct supervision of a registered civil engineer or registered land surveyor, in accordance with the approved plans. Revisions to approved plans required by unexpected or unknown conflicts in the field shall be made as directed by the City.

FOURTH: Owners agree that if, for any reason, the total cost of completion of such improvements shall exceed the sums detailed in Paragraph SECOND hereof, that Owners will immediately, upon notification by the City, remit such additional amounts in accordance with Paragraph SECOND hereof. In the event the total cost of completion shall be less than the sums as detailed in Paragraph SECOND hereof, City will refund to the Owners the excess funds remaining after disbursement of funds.

FIFTH: Owners agree to indemnify and save harmless City, their agents and employees, from and against all loss or expense (including costs and attorneys' fees) by reason of liability imposed by law upon the City, its agents and employees for damages because of bodily injury, including death, at any time resulting therefrom sustained by any person or persons or on account of damage to property, including work, provided such injury to persons or damage to property is due or claimed to be due to negligence of the Owner, his contractor, or subcontractors, employees or agents, Owner further agrees to obtain and convey to the City all necessary easements and/or right-of-way for such public utilities as required by the City Engineer.

City Of Troy

Contract for Installation of Municipal Improvements
(Private Agreement)

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this 21 day of AUGUST, 2009.

OWNERS

CITY OF TROY

By: Murray Deagle

By:

MURRAY DEAGLE

Please Print or Type

Louise E. Schilling, Mayor

[Signature]

Please Print or Type

Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 21st day of August, A.D. 2009, before me personally appeared Murray David Deagle known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.

Cheryl A. Stewart

NOTARY PUBLIC, Oakland County, Michigan

My commission expires: May 3, 2012

CHERYL A. STEWART
Notary Public, Oakland County, MI
My Commission Expires May 3, 2012
Acting in Oakland County

Detailed Summary of Required Deposits & Fees
Evaline Extension
2 Units - Section 15

ESCROW DEPOSITS or PERFORMANCE BOND:

Sanitary Sewers	\$9,765
Pavement - CONCRETE	\$10,212
Grading	\$1,000
Sidewalks - OFF SITE	\$513
Deposit for the Repair of Damage to Existing Public Streets Used for Access	\$6,000
TOTAL ESCROW DEPOSITS (REFUNDABLE):	\$27,490

CASH FEES (NON-REFUNDABLE):

Street Name and Traffic Signs (SUB 4)	\$87
Soil Erosion and Sedimentation Control Permits (SUB 10)	\$400
Testing Services (SUB 11)	\$412
Engineering Review and Inspection (PA 1)	\$2,227
(PA 3) TOTAL CASH FEES (NON-REFUNDABLE):	\$3,126

CASH DEPOSITS (REFUNDABLE):

Deposit for Maintenance & Cleaning of Ex. Public Streets Used for Access	\$2,000
Punchlist & Restoration Deposit	\$3,526
Deposit for Repair, Replacement or Maintenance of SESC	\$500
(PA 3) TOTAL CASH DEPOSITS (REFUNDABLE):	\$6,026

Engineer: Nowak & Fraus
Developer: Murray Deagle



CITY COUNCIL ACTION REPORT

August 18, 2009

TO: John Szerlag, City Manager

FROM: Mark Miller, Acting Assistant City Manager/Economic Development Services
Susan A. Leirstein, Purchasing Director
Timothy L. Richnak, Public Works Director

SUBJECT: Rescind / Re-Bid Contract – Asphalt Patching Material – Cold
Resolution #2009-03-116a

Background

- On March 30, 2009, Troy City Council awarded a one-year contract to provide Asphalt Patching Material – Cold to the lowest bidder meeting specifications, Ultimate Epoxy d/a C&D Holdings Limited of Lake Orion, MI. (CC Res #2009-03-116a)
- QPR/UPM material is used in the general patching and maintenance of major and local roads and drains.
- The award was contingent upon contractor's submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.
- On May 29, 2009, after two months of trying to obtain the specified insurance, the City's Risk Manager disqualified Ultimate Epoxy for not providing acceptable insurance certificates, in accordance with specifications.
- The bid documents state – After approval by Troy City Council, the City of Troy will provide verbal / electronic notification to submit within five (5) days an insurance certificate in accordance with specifications. If not received, the company will be considered in default of contract and will be barred from doing business with the City of Troy for a minimum of three (3) years for failing to meet insurance requirements.
- The City of Troy has comparable insurance requirements with other communities.
- Staff recommends the contract be re-bid as no other vendor met specifications.

Financial Considerations

- Petroleum prices have increased since March 2009, but have not reached levels seen in September 2008.

Legal Considerations

- Ultimate Epoxy Company LLC will receive a written notification of default and remedies for reinstatement as a potential vendor after three (3) years.

Recommendation

- City management recommends Troy City Council rescind with prejudice the contract approved on March 30, 2009, to Ultimate Epoxy d/a C&D Holdings Limited of Lake Orion, MI, for asphalt patching material - cold (Resolution #2009-03-116a). Staff also recommends re-bidding the contract in September 2009, which coincides with the timing of when the material will be purchased and used.

Susan A Leirstein

From: Stephen L Cooperrider
Sent: Friday, May 29, 2009 12:10 PM
To: Susan A Leirstein; Julie Hamilton
Subject: FW: Follow up

I did not receive a call or e-mail from Bill Kelley or his agent Mike Maldegen regarding the insurance coverage. They were made aware last week that Friday was the drop dead date for the insurance. I also sent them a reminder yesterday. I recommend that you disqualify Ultimate Epoxy for not providing the insurance as specified.

From: Stephen L Cooperrider
Sent: Thursday, May 28, 2009 1:19 PM
To: 'Bill Kelley'; mjmaldegen@comerica.com
Cc: Susan A Leirstein; Julie Hamilton
Subject: RE: Follow up

So there is no miscommunication on this. I still do not have the proper insurance documents from either of you. Tomorrow at noon is your deadline.

From: Bill Kelley [mailto:bill@ultimateepoxy.com]
Sent: Thursday, May 21, 2009 2:32 PM
To: mjmaldegen@comerica.com
Cc: Stephen L Cooperrider
Subject: Follow up

Mr. Maldegen,

Just due to the number of items we all have on our plates, I thought it would be best to re-cap the items required for the City of Troy per our discussion(s):

1. Mr. Cooperrider needs a letter from your office stating that your office as our agent "will provide 30 days notice of cancellation of our insurance policies", using the language included in my original submission to Carrie Belcher of your organization.
2. Mr. Cooperrider needs to have a telephone call from your office by 11:00 am. Friday May 22, 2009 to discuss the requirements of aggregate limits as indicated on our Acord Certificate. I have already passed along to Mr. Cooperrider that I have authorized you to shop the policy with other underwriters if the carrier we currently have will not comply with the request, and that your office is / will be working to that endeavor.

I appreciate everybody's patience, time and efforts on bringing this matter to satisfactory resolution, and look forward to being able to call the issue successfully concluded by the end of next week.

Regards,

Bill Kelley



b. **Vote on Resolution to Amend Reconsidered Resolution #2009-03-105-F-4d Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Tax Bill Printing Services**

Resolution #2009-03-115-F-9b

RESOLVED, That Troy City Council hereby **AMENDS** Resolution #2009-03-105-F-4d, *Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Tax Bill Printing Services* by INSERTING “*plus the actual cost for first class postage and overruns not to exceed 5%,”* AFTER “meeting”.

c. **Vote on Resolution for Reconsidered Resolution #2009-03-105-F-4d Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Tax Bill Printing Services as Amended**

Resolution #2009-01-105-F-4d

Moved by Beltramini

Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide printing services for the 2009 Summer and Winter Tax Bills with options to renew for two (2) additional one-year tax periods to the lowest acceptable bidder, DivDat, of Ferndale, MI, at prices contained in the bid tabulation opened February 25, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, plus the actual cost for first class postage and overruns not to exceed 5%, with a contract expiration of December 31, 2009.

F-1b Address of “F” Items Removed for Discussion by City Council and/or the Public

F-4 Standard Purchasing Resolutions

a) **Standard Purchasing Resolution 2: Bid Award – Low Bidder Meeting Specifications – Asphalt Patching Material - Cold**

Resolution #2009-03-116a

Moved by Beltramini

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide one-year requirements of Asphalt Patching Material - Cold to the lowest bidder meeting specifications, Ultimate Epoxy d/a C&D Holdings Limited of Lake Orion, MI, at unit prices contained in the bid tabulation opened March 3, 2009, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, to commence May 1, 2009 and expire February 28, 2010; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of properly executed bid and proposal documents, including insurance certificates and all other specified requirements.

Yes: All-7



CITY COUNCIL ACTION REPORT

March 18, 2009

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Susan A. Leirstein, Purchasing Director
Timothy L. Richnak, Public Works Director

SUBJECT: Standard Purchasing Resolution 2: Bid Award –Low Bidder Meeting Specifications – Asphalt Patching Material – Cold

Background

- On March 3, 2009, bid proposals were electronically received and opened to furnish one-year requirements of Asphalt Patching Material - Cold.
- 40 Vendors were notified of the bid opportunity via the MITN system with two (2) bid responses received.
- Ajax Materials Corporation, the apparent low bidder; was disqualified because they would only hold pricing for six (6) months from the date of award, not one-year as specified.

Financial Consideration

- Funds are available through the Public Works operating budgets for Streets and Water Divisions.

Legal Considerations

- ITB-COT 09-10, to furnish one-year requirements of Asphalt Patching Material – Cold – was competitively bid as required by City Charter and Code.
- The award is contingent upon contractor's submission of proper insurance certificates, and all other specified requirements.

Policy Considerations

- QPR/UPM material is used in the general patching and maintenance of major and local roads and drains. (Outcome Statement II)
- All bidders were given the opportunity to respond with their level of interest in supplying asphalt patching material to the City of Troy. (Goal II).

Options

- City management recommends awarding a contract to provide one-year requirements of asphalt patching material – cold to the lowest bidder meeting specifications, Ultimate Epoxy d/a C&D Holdings Limited of Lake Orion, MI, at pricing contained in the bid tabulation opened March 3, 2009.

Opening Date -- 03-03-09
 Date Prepared -- 03/18/09

CITY OF TROY
 BID TABULATION
 ASPHALT PATCHING MATERIAL - Cold

VENDOR NAME:

sl

**

ITEM #	EST QTY (TONS)	DESCRIPTION	Price/Ton			
				Ultimate Epoxy		
				D/A C & D Holdings Limited		
				(w/terms)		
				\$ 102.32		
				\$ 103.35		
1	400	QPR/UPM or Approved Alternate				
		BRAND:		Big Asphalt		
		ESTIMATED TOTAL COST		\$ 40,926.60		
				\$ 41,340.00		
		INSURANCE:	Can Meet	XX		
			Cannot Meet			
		PAYMENT TERMS:		1% - 10/30 Days Net		
		WARRANTY:		Blank		
		DELIVERY:		Within 48 Hrs		
		MINIMUM ORDER:		50 Tons \$2,000 required		
		EXCEPTIONS:		Prices held until 2/28/2010		
				Offering product that		
				is currently in use at		
				two other entities - Madison Hgts and Ann Arbor		

DMS:
 Ajax Materials Corporation (\$37,780.00) Reason: Pricing firm for (6) months from date of award - bid documents specified one-year

ATTEST:
Tom Rosewarne
Diane Fisher
Deanna Theobald
Linda Bockstanz

PROPOSAL: One-Year Requirements of Asphalt Patching Material - Cold

** DENOTES LOW BIDDER MEETING SPECIFICATIONS

 Susan Leirstein CPPB
 Purchasing Director



CITY COUNCIL ACTION ITEM

Date August 25, 2009

TO: Mayor and City Council

FROM: John Szerlag, City Manager
Tonni L. Bartholomew, City Clerk

SUBJECT: Amendment to City Council Rules of Procedure Rule 6 Order of Business –
Public Comment

Background:

- Mayor Schilling and City Council member Fleming requested that the location of Public Comment on the Agenda be relocated to follow City Council business on the Regular Meeting Agenda.
- City Administration has provided amended Council's Rules of Procedure (Rules) reflecting the request to relocate Public Comment under Order of Business.

PROPOSED MOTION TO AMEND COUNCIL RULES OF PROCEDURE TO RELOCATE PUBLIC COMMENT TO HEAR AFTER CITY COUNCIL BUSINESS ON THE AGENDA:

Suggested Resolution

Resolution #2009-08-

Moved by

Seconded by

RESOLVED, That City Council **AMENDS** the Council Rules of Procedure with modification to the Rules as follows:

6. ORDER OF BUSINESS

At each regular meeting of the Council, the business to be considered shall be taken up for consideration and disposition in the following order:

1. **Call to Order**
2. **Invocation**
3. **Pledge of Allegiance**
4. **Roll Call**
5. **A. Certificates of Recognition**
6. **B. Carryover Items**
7. **C. Public Hearings**
8. **D. Postponed Items**
9. **E. Regular Business**
 - Council will move forward all of the “E” items on which members of the audience would like to address City Council, in accordance with the Rules of Procedure of the City Council, Article 16 - Members of the Public and Visitors.
10. **E. Regular Business**
 - Address Remaining F Items
11. **F. Consent Agenda**
 1. Approval of “F” Items NOT Removed for Discussion
 2. Address of “F” Items Removed for Discussion
 - Council will move forward all of the “F” items on which members of the audience would like to address City Council, in accordance with the Rules of Procedure of the City Council, Article 16 - Members of the Public and Visitors.
12. **G. Memorandums and Future Council Agenda Items**
13. **H. Council Referrals**
 - Items appearing under Council Referrals are items brought forward by the Mayor or Council Members before the City Manager’s agenda deadline for consideration at the next regular meeting.
14. **I. Council Comments**
 - Items brought forward by Mayor and Council will be placed on the next Regular Meeting Agenda for Action. Items appearing under Council Comments are not intended for discussion or action at the meeting at which they first appear.
15. **J. Reports**
 - No Public Comment received on “J” Items at this time.

16. **Public Comment** – Limited to Items Not on the Agenda in accordance with the Rules of Procedure of the City Council, Article 16 - Members of the Public and Visitors.
17. **K. Study Items**
18. **Public Comment**
19. **L. Closed Session**
20. **Adjournment**

Yes:

No:

E. AMENDMENTS/ADDITIONS TO AGENDA:

1. By Charter, special meetings are limited to what is expressly indicated in the Call of the Meeting (Motion of Council or written notice, per Charter).
2. If all members of City Council approve of agenda amendments or additions in writing prior to the desired action, then Council can entertain such desired action only when all members present at the meeting consent to allow the amendment/addition to the agenda.

4. REGULAR MEETINGS

Regular meetings shall be held in the Council Chambers at 7:30 P.M. Meeting dates will be established, by resolution, prior to the end of the preceding calendar year.

5. AGENDA

- (a) **Regular Meeting Agenda:** A printed agenda for each regularly scheduled meeting shall be produced at least forty-eight (48) hours in advance of the meeting. Every item of business to come before the Council shall be filed with the City Clerk by noon on the Wednesday preceding the Monday on which the Council meets. It shall be the duty of the City Clerk to have delivered, as soon as practical, to each member of the Council a complete agenda of the items to be considered at the following meeting. Each item on the agenda shall have sufficient explanation to indicate its intent. All questions introduced that do not appear on the agenda will be referred to a later meeting, except by suspension of these rules. A packet, excluding all confidential items, will be posted on the City's Website at least 48 hours prior to Council meetings.
- (b) **Closed Session Agenda:** Where a Closed Session is requested of a pending case, the specific name(s) is to be included pursuant to MCL 15.268 (e), even though the specific name(s) is not technically required under the Open Meetings Act. Where a Closed Session is requested of any collective bargaining unit, the specific name(s) is to be included pursuant to MCL 15.268 (c), even though not technically required under the Open Meetings Act.

6. ORDER OF BUSINESS

At each regular meeting of the Council, the business to be considered shall be taken up for consideration and disposition in the following order:

1. **Call to Order**
2. **Invocation**
3. **Pledge of Allegiance**
4. **Roll Call**
5. A. **Certificates of Recognition**
6. B. **Carryover Items**
7. C. **Public Hearings**
8. D. **Postponed Items**
- ~~9. **Public Comment** — Limited to Items Not on the Agenda in accordance with the Rules of Procedure of the City Council, Article 16 — Members of the Public and Visitors.~~
- 10.9. E. **Regular Business**
 - Council will move forward all of the "E" items on which members of the audience

would like to address City Council, in accordance with the Rules of Procedure of the City Council, Article 16 - Members of the Public and Visitors.

~~11.10.~~ E. **Regular Business**

- Address Remaining F Items

~~12.11.~~ F. **Consent Agenda**

1. Approval of "F" Items NOT Removed for Discussion
 2. Address of "F" Items Removed for Discussion
- Council will move forward all of the "F" items on which members of the audience would like to address City Council, in accordance with the Rules of Procedure of the City Council, Article 16 - Members of the Public and Visitors.

~~13.12.~~ G. **Memorandums and Future Council Agenda Items**

~~14.13.~~ H. **Council Referrals**

- Items appearing under Council Referrals are items brought forward by the Mayor or Council Members before the City Manager's agenda deadline for consideration at the next regular meeting.

~~15.14.~~ I. **Council Comments**

- Items brought forward by Mayor and Council will be placed on the next Regular Meeting Agenda for Action. Items appearing under Council Comments are not intended for discussion or action at the meeting at which they first appear.

~~16.15.~~ J. **Reports**

- No Public Comment received on "J" Items at this time.

16. **Public Comment – Limited to Items Not on the Agenda in accordance with the Rules of Procedure of the City Council, Article 16 - Members of the Public and Visitors.**

17. **K. Study Items**

18. **Public Comment**

19. **L. Closed Session**

20. **Adjournment**

7. REGULAR BUSINESS

- Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by the Chair in accordance with the Rules of Procedure of the City Council, Article 16, during the Public Comment section under item 10 "E" of the agenda. Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt or debate with members of the public during their comments. Once discussion is brought back to the Council table, persons from the audience will be permitted to speak only by invitation by Council, through the Chair.

8. CABLE CASTING OF CITY COUNCIL MEETINGS

All City Council Meetings will be broadcast on WTRY, with the exception of Closed meetings of City Council.

9. MINUTES

- a. Minutes: The minutes will be distributed to the Council prior to their approval. The minutes will be placed on the Consent Agenda for approval.
- b. Closed Session Minutes: Where a Closed Session is requested for discussion of a

Tonni L Bartholomew

From: John Szerlag
Sent: Wednesday, August 26, 2009 5:18 PM
To: 'Eisenbacher, David'; Lori G Bluhm
Cc: Tonni L Bartholomew; Mary F Redden
Subject: RE: Agenda item from David Eisenbacher

Tonni:

Please include as a Council referral item from David, and craft the necessary resolution.

Thanks,

John

From: Eisenbacher, David [mailto:david.eisenbacher@alfmeier.com]
Sent: Wednesday, August 26, 2009 1:03 PM
To: John Szerlag; Lori G Bluhm
Cc: Tonni L Bartholomew
Subject: Agenda item from David Eisenbacher

Hello John,

Please include this resolution in the next agenda (or properly modified to have the correct wording and format):

Resolution to excuse absent City Council Members:

RESOLVED, That Troy City Council hereby **EXCUSES** the absences of the following Council Members at the listed Council Meetings due to being absent from the county or ill.

Regular Meeting on Monday August 3, 2009: Mayor Louise Schilling – Due to illness

Regular and Special Meetings on Monday July 20, 2009: Mayor Pro Tem Martin Howrylak – Out of County

Regular Meeting on Monday, June 15, 2009: Council Member Wade Fleming and Mayor Pro Tem Martin Howrylak – Out of County

Regular Meeting on Monday June 1, 2009: Council Member Robin Beltramini – Out of County

Regular Meeting on Monday, May 11, 2009: Council Member Robin Beltramini – Out of County

Special Meeting on Monday, May 4, 2009: Mayor Pro Tem Martin Howrylak – Out of County

Regular Meeting on Monday, April 6, 2009: Council Member Cristina Broomfield and Mayor Pro Tem Martin Howrylak – Out of County

Regular Meeting on Monday, March 23, 2009: Mayor Pro Tem Martin Howrylak – Out of County

Regular Meeting on Wednesday, February 18, 2009: Mayor Pro Tem Martin Howrylak – Out of County

Additional information from the city clerk listing all of the past absences may be appropriate backup material.

Thanks for your help in advance.

David

David Eisenbacher
Sales Manager Fuel Management Business Unit North America
Alfmeier Corporation
****New Address****: 340 East Big Beaver Road Suite 135
Troy, MI 48083
Direct Phone: 248-526-1655
Cell: 248-224-3749
Fax: 248-526-1651
www.alfmeier.com

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**TROY CITY COUNCIL
ATTENDANCE**

Council Member	07.11.12	07.11.19	07.12.03	07.12.17	08.01.07	08.01.28	08.02.04	08.02.13	08.02.18	08.02.20	08.03.03	08.03.17	08.04.07	08.04.21	08.04.28	08.05.05	08.05.12	08.05.19	08.06.02	08.06.16	08.07.01	08.07.07	08.07.07	08.07.21	08.08.11	08.08.25	08.09.08	08.09.18	08.09.22
Schilling	P	P	P	P	P	P	P	P	P	A	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Beltramini	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Broomfield	P	P	P	P	P	P	P	A	P	A	P	P	P	P	P	P	P	P	P	A	P	P	P	P	P	P	P	P	P
Eisenbacher	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Fleming	P	A	P	P	A	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Howrylak	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	P	P	P	P	P	P	P
Kerwin	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Council Member	08.10.06	08.10.20	08.11.10	08.11.11	08.11.24	08.12.01	08.12.15	09.01.05	09.01.26	09.02.02	09.02.16	09.02.18	09.03.02	09.03.23	09.03.30	09.04.06	09.04.16	09.04.20	09.04.27	09.05.04	09.05.11	09.05.18	09.06.01	09.06.15	09.07.06	09.07.07	09.07.08	09.07.09	09.07.20
Schilling	P	P	A	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Beltramini	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	P	A	P	P	P	P	P	P
Broomfield	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	P	P	P	P	P	P	P	P	P	P	P	P	P
Eisenbacher	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Fleming	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	P	P	P	P	P
Howrylak	P	P	P	A	P	P	P	A	P	P	P	A	P	A	P	A	P	P	P	A	P	P	P	A	P	P	P	P	P
Kerwin	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Council Member	09.07.20	09.07.20	09.08.03	09.08.17	09.08.31	09.09.14	09.09.28	09.10.05	09.10.19	09.11.09	09.11.23	09.12.07	09.12.21																
Schilling	P	P	A	P																									
Beltramini	P	P	P	P																									
Broomfield	P	P	P	P																									
Eisenbacher	P	P	P	P																									
Fleming	P	P	P	P																									
Howrylak	A	A	P	P																									
Kerwin	P	P	P	P																									

P = Present
A = Absent

A Meeting of the Civil Service Commission (Act 78) was held Monday, March 30, 2009, at Troy City Hall, 500 W. Big Beaver Road in the Lower Level Conference Room. Chair McGinnis called the meeting to order at 7:39 AM.

A. ROLL CALL:

PRESENT: Chairman/President Donald E. McGinnis, Jr.
Commissioner David Cannon
Commissioner Patrick Daugherty (Absent)

ALSO PRESENT: Lori Grigg Bluhm, City Attorney
Peggy Sears, Human Resources Director
Gary Mayer, Deputy Police Chief
Keith Frye, Police Captain
Colleen Mott, Police Captain
Gerard Scherlinck, Police Captain
Barbara A. Pallotta, Deputy City Clerk

B. APPROVAL OF MINUTES:

1. Approval of Minutes of Wednesday, February 25, 2009

Resolution #CSC-2009-03-007
Moved by Cannon
Seconded by McGinnis

RESOLVED, That the Troy Civil Service Commission (Act 78) hereby **APPROVES** the Minutes of the Wednesday, February 25, 2009 meeting as presented.

Yes: Cannon, McGinnis
No: None
Absent: Daugherty

MOTION CARRIED

C. PETITIONS AND COMMUNICATIONS: None

D. REPORTS: None

E. OLD BUSINESS: None

F. NEW BUSINESS:

1. Eligible List for Police Chief

Resolution #CSC-2009-03-008
Moved by McGinnis

Seconded by Cannon

WHEREAS, Gary Mayer has satisfied the statutory and local criteria to be eligible for promotion to the City of Troy Police Chief;

WHEREAS, Gary Mayer is the sole applicant for the position of City of Troy Police Chief, which was posted on February 26, 2009 and remained open until March 12, 2009;

WHEREAS, Gary Mayer has satisfactorily completed the examination process and has exceeded the overall and individual minimum acceptable levels of performance for the required competitive examination process; and

WHEREAS, Gary Mayer is a qualified and fit candidate who is eligible to be promoted to Troy Police Chief.

NOW THEREFORE BE IT RESOLVED, The Troy Civil Service Commission hereby **CERTIFIES** Gary Mayer as eligible for the position of City of Troy Police Chief.

Yes: Cannon, McGinnis

No: None

Absent: Daugherty

MOTION CARRIED

2. Sunshine Laws Update

City Attorney Lori Grigg Bluhm provided Commissioners with an overview of the current *Sunshine Laws*.

PUBLIC COMMENT: None

G. ADJOURNMENT:

The Civil Service Commission (Act 78) meeting **ADJOURNED** at 7:56 AM.

Donald E. McGinnis, Jr., Chairman

Barbara A. Pallotta, Deputy City Clerk

A meeting of the Retiree Health Care Benefits Plan & Trust Board of Trustees was held on Wednesday, April 8, 2009, at Troy City Hall, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting was called to order at 2:05 p.m.

Trustees Present: Mark Calice
David Eisenbacher
Thomas J. Gordon, II
John M. Lamerato
Steven Pallotta
Thomas Rosewarne

Trustees Absent: William R. Need (Ex-Officio)
A. John Szerlag

Minutes

Resolution # RH – 2009 – 4- 07

Moved by Lamerato

Seconded by Howrylak

RESOLVED, That the Minutes of the January 14, 2009 meeting be approved.

Yeas: All - 6

Absent: Szerlag

Investments

Resolution # RH – 2009 – 4- 08

Moved by Lamerato

Seconded by Pallotta

RESOLVED, That the board purchase \$1,000,000 of the W & R Municipal Bond Fund.

Yeas: All - 6

Absent: Szerlag

The next meeting is July 8, 2009 at 1:00 p.m. at Troy City Hall, Conference Room C, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting adjourned at 2:20 p.m.

Mark Calice, Chairman

John M. Lamerato, Secretary

JML/bt\Retirement Board\Retiree Health Care Benefits Plan & Trust\2009\4-08-09 Minutes_Final

TROY HISTORIC DISTRICT COMMISSION MINUTES – FINAL**June 11, 2009**

A regular meeting of the Troy Historic District Commission was held Thurs., June 11, 2009 at the Troy Museum. Barbara Chambers called the meeting to order at 7:04 p.m.

ROLL CALL	PRESENT	Barbara Chambers Anne Partlan Kent Voigt Paul Lin Loraine Campbell, Museum Manager
	ABSENT	Muriel Rounds Sabah Jihad

Resolution #HDC-2009-06-001**Moved by Lin****Seconded by Chambers****RESOLVED, That the minutes of the April 21, 2009 meeting be approved.**

Yes: 4— Chambers, Partlan, Voigt, and Lin

No: 0

MOTION CARRIED**NEW BUSINESS****A. Request to demolish the resource at 6059 Livernois**

Loraine Campbell reported the following:

1. On March 27, 2009 Mr. Wilber White, owner of the resource at 6059 Livernois filed a building permit application to demolish the resource at 6059 Livernois
2. Mr. White stated that when the house was unoccupied, a pipe burst, which flooded the basement. Before the water could be removed the house became heavily infested with mold. He has limited resources and cannot make repairs.
3. The City recommended that Mr. White have the house inspected by a proper mold inspector and that that report be submitted to the Historic District Commission. The HDC must provide a notice to proceed to demolish.
4. Mr. White provided a letter from B-Aware Home Inspection, LLC and their report from Pro-Lab/SSPTM Inc. (both attached) that verify that “the home is highly contaminated with Alternaria, Cladosporium, Epicoccum, Penicillium/Aspergillus and Yeast. The house is uninhabitable and should not be entered without proper clothing and breathing masks. ... the home cannot be remediated.”

5. Research by the Historic District Study Committee and the museum fail to show any historic significance of the 20th century house other than its location in the Troy Corners Area.

Resolution #HDC-2009-06-002

Moved by Lin

Seconded by Voigt

RESOLVED, That the Historic District Commission issue a notice to proceed with the demolition of the house at 6059 Livernois because it poses a public health and safety hazard (Chapter 13 Sec. 5.D.1 Sec 8.3) as reported in the May 26, 2009 letter from by B-Aware Home Inspection, LLC and their report from Pro-Lab/SSPTM inc. of May 15, 2009 (both attached).

Yes: 4— Chambers, Partlan, Voigt, and Lin

No: 0

MOTION CARRIED

B. Museum Site Plan

Loraine reported that the preliminary site plan has been presented to the Planning Committee Study Session. The architects are reviewing Mr. Lin's suggestions for the 1927 Township Hall for inclusion in the plan.

The regular Troy Historic District Commission meeting was adjourned at 8:47 p.m. The next regular meeting will be held Tues, September 16, 2009 at 7:00 p.m. at the Troy Museum.

Barbara Chambers
Acting Chairperson

Loraine Campbell
Recording Secretary

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, June 24, 2009, at Troy City Hall, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting was called to order at 12:15 p.m.

Trustees Present:

- Mark Calice
- David Eisenbacher
- Thomas J. Gordon, II (Departed at 1:50pm)
- John M. Lamerato
- William R. Need (Ex-Officio)
- Steve Pallotta
- Thomas Rosewarne
- A. John Szerlag

Minutes

Resolution # ER – 2009-6-24

Moved by Lamerato
Seconded by Pallotta

RESOLVED, That the Minutes of the May 13, 2009 meeting be approved.

Yeas: All – 7

Retirement Requests

Resolution # ER – 2009-6-25

Moved by Lamerato
Seconded by Szerlag

RESOLVED, That the retirement request of Robert L. Robertson be approved.

Name	Robert L. Robertson
Pension Program	DC
Retirement Date	6/02/09
Department	Public Works
Service Time	42 years, 6 months

Yeas: All – 7

Other Business – Rules of Procedures Manual

Resolution # ER – 2009-6-26

Moved by Pallotta
Seconded by Gordon

RESOLVED, That the Rules of Procedure Manual be approved as submitted.

Yeas: All – 7

Other Business – Cancellation of July Meeting Date

Resolution # ER – 2009-6-27

Moved by Lamerato
Seconded by Szerlag

RESOLVED, That the board has canceled its July 8, 2009 meeting.

Yeas: All – 7

Investments

Resolution # ER – 2009-6-28

Moved by Pallotta
Seconded by Gordon

RESOLVED, That the board buy the following investments:

Buy: 10,000 shares of Darling International
5,000 shares of Potash
5,000 shares of CSX
60 shares of Berkshire Hathaway

Yeas: All – 7

Other Business – Retiree Connection Newsletter

The board reviewed the draft of the June, 2009 Retiree Connection Newsletter and after some minor changes will have it delivered to all retirees and posted on the city's website. Special thanks to Bill Need and Beth Tashnick.

Public Comment

No public Comment.

The next meeting is August 12, 2009 at 12 p.m. at Troy City Hall, Conference Room C, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting adjourned at 1:24 p.m.

Mark Calice, Chairman

John M. Lamerato, Secretary

JML/bt\Retirement Board\2008\6.24.09 – Minutes_Final

TROY HISTORIC DISTRICT STUDY COMMITTEE – FINAL**JUNE 25, 2009**

This rescheduled meeting of the Troy Historic District Study Committee was held Thursday, June 25, 2009 at the Troy Museum & Historic Village. The meeting was called to order at 7:36 P.M.

ROLL CALL

PRESENT: Bob Miller
Charlene Harris-Freeman
Leslie Witt
Paul Lin

STAFF: Loraine Campbell

ABSENT: Kevin Lindsey
Linda Rivetto

GUEST: Helen A. Davis
5875 Livernois
Troy MI 48098

Deborah Campbell
194 Draper
Pontiac MI, 48341

Resolution #HDSC-2009-06-001**Moved by Lin****Seconded by Harris-Freeman****RESOLVED, That the minutes of May 11, 2009 be approved as amended**

Yes: 4—, Miller, Harris-Freeman, Witt and Lin

No: 0

MOTION CARRIED**OLD BUSINESS****A. Request to Delist 4800 Beach**

The committee began review of the documentation noting that the original out buildings were removed long ago and the house has been modified significantly. Mr. Lin questioned if there was historic significance related to the site, not just the structures. Further discussion was postponed until the full committee was in attendance.

PUBLIC HEARING

A. 5875 Livernois

The Public hearing was opened at 8:04 PM. The owner of the resource, Helen Davis was present.

Resolution #HDSC-2009-06-002

Moved by Lin

Seconded by Witt

RESOLVED, That the final report to recommend delisting the historic resource at 5875 Livernois be approved, and that the report be forwarded to the Planning Commission and Historic District Commission for their recommendations to City Council.

Yes: 4— Miller, Harris-Freeman, Witt and Lin

No: 0

MOTION CARRIED

The Public Hearing was closed a 8:19 PM

The Troy Historic Study Committee Meeting was adjourned at 8:20 PM. The next meeting will be held Tuesday August 4, 2009 at 7:30 PM at the Troy Museum & Historic Village.

Bob Miller
Acting Chairman

Loraine Campbell
Recording Secretary

TROY HISTORIC DISTRICT STUDY COMMITTEE MINUTES – FINAL JULY 7, 2009

A Regular Meeting of the Troy Historic District Study Committee was not held Tuesday, July 7, 2009 at the Troy Museum.

The next regular meeting will be held, Tuesday, August 4, 2009 at 7:30 p.m. at the Troy Museum.

Bob Miller
Acting Chairman

Loraine Campbell
Recording Secretary

The Chairman, Glenn Clark, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M. on Tuesday, July 21, 2009 in Council Chambers of the Troy City Hall.

PRESENT: Michael Bartnik
Glenn Clark
Kenneth Courtney
Ed Kempen
Matthew Kovacs
Dave Lambert
Lon Ullmann

ALSO PRESENT: Mitch Grusnick, Plan Analyst
Allan Motzny, Assistant City Attorney
Pam Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF JUNE 16, 2009

Motion by Bartnik
Supported by Lambert

MOVED, to approve the minutes of the meeting of June 16, 2009 as written

Yeas: All - 7

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 – APPROVAL OF ITEM #3 AND ITEM #4

Motion by Courtney
Supported by Kempen

RESOLVED, that Items #3 and #4 are hereby approved in accordance with the suggested resolutions printed in the Agenda Explanation.

Yeas: All - 7

ITEM #3 – RENEWAL REQUESTED. MR. & MRS. RICHARD VARKLE, 54 E. SQUARE LAKE, for relief of the requirement to provide hard surface parking and an access drive.

MOVED, to grant Richard & Melanie Varkle, 54 E. Square Lake, a three-year (3) renewal of relief of the requirement to provide hard surface parking and an access drive.

- Conditions remain the same.
- We have no objections or complaints on file.

ITEM #4 – RENEWAL REQUESTED. KENSINGTON COMMUNITY CHURCH, 1825 E. SQUARE LAKE, for relief of the 4'-6" high masonry screening wall required along the north and west side of off-street parking.

MOVED, to grant Kensington Community Church, 1825 E. Square Lake, a three-year (3) renewal of relief of the 4'-6" high masonry screening wall required along the north and west side of off-street parking.

- Conditions remain the same.
- There are no complaints or objections on file.

ITEM #5 – APPROVAL REQUESTED. STEVE KALMAR, 411 LEETONIA, for approval under Section 43.74.01 to store a GMC semi tractor outside on residential property.

Mr. Grusnick explained that the petitioner is requesting approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property. This GMC semi tractor does not meet the exceptions found in Section 40.66.00 of Chapter 39 of the Troy Zoning Ordinance.

The petitioner was not present.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are two (2) written approvals on file. There are two (2) written objections on file.

Motion by Kovacs
Supported by Courtney

MOVED, this item to the end of the Agenda, Item #8, to allow the petitioner the opportunity to be present.

Yeas: All – 7

MOTION TO MOVE THIS ITEM TO ITEM #8 CARRIED

ITEM #6 – APPROVAL REQUESTED. ANDREW PUMA, 951 E. SQUARE LAKE, for approval under Section 43.74.01 to store an enclosed utility trailer outside on residential property.

Mr. Grusnick explained that the petitioner is requesting approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property. This enclosed utility trailer does not meet the exceptions found in Section 40.66.00 of Chapter 39 of the Troy Zoning Ordinance.

ITEM #6 – con't.

The petitioner was not present.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are two (2) written approvals on file. There are no written objections on file.

Motion by Kovacs
Supported by Courtney

MOVED, this item to the end of the Agenda, Item #9, to allow the petitioner the opportunity to be present.

Yeas: All – 7

MOTION TO MOVE THIS ITEM TO ITEM #9 CARRIED

ITEM #7 – VARIANCE REQUESTED. MR. & MRS. JOSEPH D'ANGELO, 3100 WENDOVER, for relief of the Ordinance to construct an addition to their home. This home is a legal non-conforming structure in that it does not meet the current front yard setback requirements and the proposed addition will result in a 25'-1 ¾" front setback to the garage and a 22'-7" setback to the covered porch, where Section 30.10.02 requires a 40' front yard setback. Section 40.50.04 prohibits expansions on non-conforming structures in a way that increases the non-conformity.

Mr. Grusnick explained that the petitioner is requesting relief of the Ordinance to construct an addition to their existing home. This house is a legal non-conforming structure. It has an existing 24'-7 ¾" front yard setback where Section 30.10.02 requires a 40' minimum front yard setback. The site plan submitted indicates a proposed 25'-1 ¾" front setback to the garage and second floor addition and 22'-7" to the expanded covered porch. Section 40.50.04 prohibits expansions on non-conforming structures in a way that increases the non-conformity.

Mr. Courtney asked if the only part of this construction that will increase the non-conformity is the front porch and the fact that there is more building area. Mr. Grusnick said that was correct.

Mr. Bartnik asked if the other homes in the area were built before the 40' setback requirement and Mr. Grusnick said the subdivision was developed prior to the current zoning yard regulations and that several other properties have been before this Board for setback variances.

Mr. Joe Roman, the Architect for this project was present. Mr. Roman stated that the owners are trying to expand their home to meet the needs of a growing family. They are

ITEM #7 – con't.

proposing to add a second story addition over the garage, this is a continuation of their existing second story. In order to balance the look of the home they are proposing to bump out the front of the garage to create more storage space. In the rear yard they are proposing to add a larger family room, dining room and kitchen area. There is a large tree in the middle of the yard and they are trying to preserve it. A wood deck will be put in this area, but will not affect this tree. The existing porch is covered all the way across the front of the house and the height of the porch from the slab to the ceiling is very low. This is a legal non-conforming structure and the 40' setback comes through the middle of the house. Also, due to the fact it is on a cul-de-sac the lot has an irregular shape and does not have a lot of frontage.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are two (2) written approvals on file. There are no written objections on file.

Motion by Kovacs

Supported by Courtney

MOVED, to grant Mr. & Mrs. Joseph D 'Angelo, 3100 Wendover, relief of the Ordinance to construct an addition to their home, which will result in a 25'-1 ¾" front setback to the garage and a 22'-7" setback to the covered porch, where Section 30.10.02 requires a 40' front yard setback.

- Variance is not detrimental to surrounding property.
- The shape of the lot is unique and creates a hardship.
- Variance is not contrary to public interest.
- Literal enforcement of the Zoning Ordinance precludes full enjoyment of the permitted use and makes conforming unnecessarily burdensome.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

ITEM #8 – (ITEM #5) – APPROVAL REQUESTED. STEVE KALMAR, 411

LEETONIA, for approval under Section 43.74.01 to store a GMC semi tractor outside on residential property.

Mr. Grusnick explained that the petitioner is requesting approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property. This GMC semi tractor does not meet the exceptions found in Section 40.66.00 of Chapter 39 of the Troy Zoning Ordinance.

ITEM #8 – con't.

Mr. Kalmar was present and stated that he felt he should be approved for the temporary storage of this vehicle. Mr. Kalmar said that he feels he meets both B and C of the criteria needed. The garage door cannot accommodate this truck as the clearance required is 10' for that vehicle. Because of the location on the property it does not cause an adverse effect to surrounding property. Mr. Kalmar had submitted pictures indicating the location of this vehicle at the rear of the property. The vehicle is not visible except from the west when approaching his home. Mr. Kalmar said that it is not his intention to keep the vehicle on his property, it is not a permanent parking place, and that this is only temporary while he was waiting for parts to repair it and to remove it to a farm in Midland County where it belongs.

Mr. Courtney asked how long Mr. Kalmar thought it would take to fix the truck.

Mr. Kalmar said that he works full time and is also a volunteer fireman and he would like a few months and thought it should be done by the end of September.

Mr. Clark asked if there was a minimum time frame regarding this approval.

Mr. Motzny explained that the time frame is at the discretion of the Board.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are two (2) written objections on file. There are two (2) written approvals on file.

Mr. Lambert asked if Mr. Kalmar drives the vehicle back and forth to work.

Mr. Kalmar said that he has only driven it once to the DPW to get it weighed.

Mr. Kovacs asked what the vehicle was used for and Mr. Kalmar stated that the designation from the Michigan Secretary of State is that it can only be operated as a log farm vehicle. Mr. Kalmar went on to say that it is used to haul farm machinery, grain, etc.

Mr. Bartnik asked how long this vehicle has been in this location and Mr. Kalmar said that it has been about 1 ½ years.

Mr. Bartnik asked if it has been sitting all that time.

Mr. Kalmar said that it runs, however, it needs to have parts replaced to make the vehicle safer such as the tires and other parts in the engine.

Mr. Bartnik asked why Mr. Kalmar didn't take it up to Midland before.

ITEM #8 – con't.

Mr. Kalmar said that he got home with the truck around 2 AM from Illinois. During that drive he noted there were deficiencies in the way it ran and felt that they should be fixed before moving it another long distance. The truck was built in 1979 and parts are hard to get. Mr. Kalmar said that he got the parts from New Paris, Indiana from a salvage vehicle.

Mr. Bartnik said that the vehicle either could have been driven to Midland or Mr. Kalmar could have had it towed.

Mr. Kalmar said that he doesn't know the cost involved in towing the vehicle that distance. Mr. Kalmar said that it was never his intention to leave the vehicle here that long.

Mr. Bartnik asked how loud the vehicle was and Mr. Kalmar stated that he did not think it was any louder than a new tractor. Mr. Bartnik asked what the decibel reading was and Mr. Kalmar said that he had never taken a decibel reading and had no idea. Mr. Bartnik asked Mr. Kalmar why he needed an extension when the vehicle has been in this location for one and one-half years. Mr. Kalmar said that he only acquired the parts he needed last week.

Mr. Kovacs said that he thinks it is a much fairer assessment for Mr. Kalmar to say that he just ran out of time.

Mr. Courtney stated that sometimes it takes a long time to get parts for a vehicle this old. Mr. Courtney also stated that he could understand why Mr. Kalmar would rather drive the vehicle than have it towed.

Mr. Ullmann said that he owned a 1979 tractor and it would be very difficult to find thirty-year old parts.

Motion by Ullmann
Supported by Courtney

MOVED, to grant Mr. Steve Kalmar, 411 Leetonia, approval under Section 43.74.01 to store a GMC semi tractor outside on residential property for a period of two (2) months.

- If the vehicle is not moved by that time, it is up to the petitioner to have the vehicle towed off of the property.

Motion by Kovacs
Supported by Kempen

ITEM #8 – con't.

MOVED, to amend the motion to change the approval period to three (3) months.

Mr. Bartnik stated that he has not seen any evidence presented by the petitioner that would support this approval. This vehicle has a negative effect to this residential property. Mr. Bartnik said that this vehicle has to be moved. The street is narrow without sidewalks and with street parking, and Mr. Bartnik said that he does not feel Mr. Kalmar meets any of the criteria under Section C and that we do not even need to get to the criteria under A or B.

Vote on the motion to amend.

Yeas: 5 – Ullmann, Clark, Courtney, Kempen, Lambert
Nays: 2 – Bartnik, Kovacs

MOTION TO AMEND CARRIED

Vote on amended motion.

MOVED, to grant Mr. Steve Kalmar, 411 Leetonia, approval under Section 43.74.01 to store a GMC semi tractor outside on residential property for a period of three (3) months.

- If the vehicle is not moved by that time, it is up to the petitioner to have the vehicle towed off of the property.

Yeas: 6 – Clark, Courtney, Kempen, Kovacs, Lambert, Ullmann
Nays: 1 – Bartnik

MOTION TO GRANT APPROVAL CARRIED

ITEM #9 – (ITEM #6) – APPROVAL REQUESTED. ANDREW PUMA, 951 E. SQUARE LAKE, for approval under Section 43.74.01 to store an enclosed utility trailer outside on residential property.

Mr. Grusnick explained that the petitioner is requesting approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property. This enclosed utility trailer does not meet the exceptions found in Section 40.66.00 of Chapter 39 of the Troy Zoning Ordinance.

Andrew Puma and Judy Woodhouse were present. Ms. Woodhouse said that she also resides at this home and stated that they had spoken to the neighbors and they had no objection to this trailer. The trailer is parked next to the masonry screening wall and the commercial sign on the trailer does not show. Mr. Puma no longer has this landscaping business. Mr. Puma only uses the trailer a couple of days a week to do landscaping for

ITEM #9 – con't.

his family. Since it is no longer being used for a commercial vehicle, they would like to remove the sign and keep it in this location. They cannot put it in the back yard because it gets stuck and it will not fit into the garage. Mr. Puma said that he sold his business to a friend of his.

Mr. Grusnick stated that property could accommodate a utility trailer but it cannot be parked in the front yard.

Ms. Woodhouse asked if it could be parked in this location if the sign was off and Mr. Grusnick said that it cannot extend past the front of the house.

Ms. Woodhouse said that normally it is parked farther back. Mr. Grusnick said that the vehicle has been parked in different locations and that sometimes it is in the driveway and sometimes on the grass. Ms. Woodhouse confirmed that it has to be parked behind the front of the garage.

Mr. Clark asked about the truck that is parked on this property. Mr. Puma said that he has a Ford pickup truck.

Mr. Courtney said that the pickup truck is parked legally.

Motion by Courtney
Supported by Kovacs

MOVED, to postpone the request of Andrew Puma, 951 E. Square Lake, for approval under section 43.74.01 to store an enclosed utility trailer outside on residential property until the meeting of August 18, 2009.

- To allow the petitioner to remove the signage from the side of the trailer.
- To allow the petitioner the opportunity to determine if this trailer can be parked behind the front of the house.

Mr. Kempen asked if the petitioner could add landscaping in front of the trailer to increase screening of the trailer from the street.

Mr. Puma said that he was not sure about adding more landscaping as he backs the trailer up next to the arborvitae.

Mr. Kempen said that he thought parking it near the screen wall was a good location, but he would like to see some screening added.

Mr. Lambert asked if the Board would be the body to grant a variance for the use of this vehicle as a utility trailer or if this was something that would be addressed by City Staff.

ITEM #9 – con't.

Mr. Grusnick said that the petitioner could meet with City Staff to discuss this option.

Vote on the motion to postpone this request.

Yeas: All – 7

MOTION TO POSTPONE THIS REQUEST UNTIL THE MEETING OF AUGUST 18,
2009 CARRIED

The Board of Zoning Appeals meeting adjourned at 8:14 P.M.

Glenn Clark, Chairman

Pamela Pasternak, Recording Secretary

TROY HISTORIC DISTRICT COMMISSION MINUTES – FINAL

July 21, 2009

A Regular Meeting of the Troy Historic District Commission was not held Tuesday, July 21, 2009 at the Troy Museum because there was no quorum.

The next regular meeting will be held Tuesday, August 18, 2009 at 7:00 p.m. at the Troy Museum.

Barbara Chambers
Chairman

Loraine Campbell
Recording Secretary

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on July 28, 2009, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds
 Michael W. Hutson
 Mark Maxwell
 Philip Sanzica
 Robert Schultz
 Thomas Strat (arrived 7:37 p.m.)
 John J. Tagle
 Lon M. Ullmann

Absent:

Mark J. Vleck

Also Present:

Mark F. Miller, Planning Director
 Christopher Forsyth, Assistant City Attorney
 Kathy Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2009-07-062

Moved by: Tagle
 Seconded by: Sanzica

RESOLVED, To approve the Agenda as prepared.

Yes: Edmunds, Hutson, Maxwell, Sanzica, Schultz, Tagle, Ullmann
 Absent: Strat (arrived 7:37 p.m.), Vleck

MOTION CARRIED

3. MINUTES – June 23, 2009 Special/Study Minutes

Resolution # PC-2009-07-063

Moved by: Edmunds
 Seconded by: Tagle

RESOLVED, To approve the minutes of the June 23, 2009 Special/Study meeting as prepared.

Yes: Edmunds, Hutson, Maxwell, Sanzica, Schultz, Tagle, Ullmann
 Absent: Strat (arrived 7:37 p.m.), Vleck

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

SPECIAL USE REQUESTS

5. PUBLIC HEARING – SPECIAL USE REQUEST (File Number SU 372) – Maple Commerce Center, North side of Maple, East of Crooks, between Northwood and Barrett (940 and 950 W. Maple), Section 28, M-1 (Light Industrial) District

Mr. Miller presented a summary of the Planning Department report on the proposed Special Use and Preliminary Site Plan application. He reported it is the recommendation of City Management to approve the Special Use Approval application and Preliminary Site Plan with the condition that the floor plan shall not indicate office as a principal use in the building.

[Mr. Strat arrived 7:37 p.m.]

Chair Schultz confirmed the Special Use Approval would relate to only the martial arts school (Tenant #1). He noted the designation of greenbelt trees on the preliminary site plan should be located on the subject property.

Daniel Biber, project architect, Daniel Biber Associates, 10135 Lincoln, Huntington Woods, was present to represent the petitioner/owner. Mr. Biber indicated the site plan would be revised to properly situate the greenbelt trees.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2009-07-064

Moved by: Hutson
Seconded by: Maxwell

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval for Tenant #1, pursuant to Section 28.30.09 of the Zoning Ordinance, as requested for the proposed Maple Commerce Center indoor commercial recreation use, located on the north side of Maple, east of Crooks, in Section 28, within the M-1 zoning district, be granted, subject to the following conditions:

1. The floor plan shall not indicate office as a principal use.
2. That the site plan shall be amended to relocate greenbelt trees within the subject property.

Yes: All present (8)
Absent: Vleck

MOTION CARRIED

6. PUBLIC HEARING – SPECIAL USE REQUEST (File Number SU 373) – Planet Fitness Oakland Plaza, North side of 14 Mile and east side of John R (288 John R), Section 36, B-2 (Community Business) District

Mr. Miller presented a summary of the Planning Department report on the proposed Special Use and Preliminary Site Plan application. He reported it is the recommendation of City Management to approve the Special Use Approval application and Preliminary Site Plan as submitted.

Chair Schultz confirmed the Special Use Approval would relate to only Planet Fitness (Tenant Space 19).

Daniel Biber, project architect, Daniel Biber Associates, 10135 Lincoln, Huntington Woods, was present to represent the petitioner. Mr. Biber addressed the information presented to the Planning Commission relating to parking calculations and average member usage times per hour/per day. He indicated the petitioner is confident that 120 parking spaces are adequate. Mr. Biber said an estimated total membership of 4,000 to 5,000 members is expected.

Mr. Maxwell questioned the accuracy of the numbers provided for member usage and parking calculations in relation to the projected total membership. Mr. Maxwell said the numbers appear to be on the light side.

After a brief discussion, it was noted total membership count does not necessarily reflect accurately the number of actual users.

Mr. Biber said the landlord and tenant analyzed the site extensively to assure it met their respective needs.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Miller addressed the City procedure utilized to grant Lifetime Fitness a parking variance. He noted City staff has become more educated on parking standards and now work with a petitioner to demonstrate in a scientific manner appropriate parking needs.

Mr. Miller stated the proposed parking reduction is for the overall Oakland Plaza site based on the proposed tenant use. Should circumstances, conditions or retail use change in the future, the parking reduction would no longer be valid and parking would be re-calculated.

Mr. Forsyth concurred with the statement.

Resolution # PC-2009-07-065

Moved by: Tagle
Seconded by: Strat

RESOLVED, The Planning Commission hereby approves a reduction in the number of required parking spaces for Tenant Space 19 on the Oakland Plaza site to 933 when a total of 1,073 spaces are required based on the off-street parking space requirements for all uses on the property, as per Article XL. This 140-space reduction is justified through shared parking on the Oakland Plaza site plus use characteristics of Planet Fitness, as outlined in the Parking Calculations report prepared by Daniel Biber Associates and augmented by additional information. The parking reduction request meets the standards of Article 40.20.12.

BE IT FINALLY RESOLVED, That Special Use Approval and Preliminary Site Plan Approval for Tenant Space 19, pursuant to Section 21.30.03 of the Zoning Ordinance, as requested for the proposed Planet Fitness indoor commercial recreation use, located in Oakland Plaza on the north side of 14 Mile and east side of John R, in Section 36, within the B-2 zoning district, be granted.

Yes: Edmunds, Hutson, Sanzica, Schultz, Strat, Tagle, Ullmann
No: Maxwell
Absent: Vleck

MOTION CARRIED

Mr. Maxwell said his concern is the figures and documentation submitted on member usage and parking calculations appear to be light, and could cause parking problems especially during the winter months. Mr. Maxwell said he has no objection to Planet Fitness and wished the tenant well.

SITE PLAN APPROVALS

7. **PRELIMINARY SITE PLAN APPLICATION (File Number SP 679-C)** – Troy Museum and Historic Village Expansion, North side of Wattles, West of Livernois (60 W. Wattles, 100 W. Wattles, 109 Lange), Section 16, C-F (Community Facilities) District

Mr. Miller presented a summary of the Planning Department report on the proposed Troy Museum and Historic Village Expansion preliminary site plan application. He explained that the City Council is the authoritative body for site plan approval of

sites located in the C-F (Community Facilities) district. He addressed the proposed parking reduction and noted that the City Council would be the authoritative body for approval. Mr. Miller reported the Planning Department recommends approval of the preliminary site plan as submitted, with a condition to provide an 8-foot sidewalk along the north side of Wattles and west side of Livernois.

Eugene Hopkins of HopkinsBurns Design, 4709 N. Delhi Road, Ann Arbor, and Ryan Poduin of JJR, LLC, 110 Miller Avenue, Ann Arbor, were present.

Chair Schultz opened the floor for public comment.

There was no one present who wished to speak.

Chair Schultz closed the floor for public comment.

Mr. Strat commended the good planning and architectural design efforts on the project.

Resolution # PC-2009-07-066

Moved by: Sanzica

Seconded by: Hutson

RESOLVED, That the Planning Commission hereby recommends to the City Council that a reduction in the number of required parking spaces on the Troy Museum and Historic Village site to 120 when a total of 202 spaces are required based on the off-street parking space requirements for the facility, as per Article XL. This 82-space reduction is justified based on careful programming and the use of shuttle parking off-site for large events, as outlined in the Parking Needs Statement dated June 2, 2009. The parking reduction request meets the standards of Article 40.20.12.

BE IT FINALLY RESOLVED, That the Planning Commission hereby recommends to City Council that Preliminary Site Plan Approval, pursuant to Section 18.20.02 of the Zoning Ordinance, as requested for the proposed Troy Museum and Historic Village Expansion, located on the north side of Wattles, west of Livernois, in Section 16, within the C-F zoning district, be granted, subject to the following condition:

1. The applicant provide an 8-foot wide sidewalk on the north side of Wattles and west side of Livernois, as per Section 39.70.03.

Yes: All present (8)

Absent: Vleck

MOTION CARRIED

8. PRELIMINARY SITE PLAN APPROVAL (File Number SP 952) – Proposed St. Mark Coptic Church Sunday School Classes, West side of Livernois, South of Wattles (3603 Livernois), Section 21, Zoned R-1B (One Family Residential) District

Mr. Miller presented a summary of the Planning Department report on the proposed Preliminary Site Plan application, and reported it is the recommendation of City Management to postpone the item until such time that the applicant submits a complete application to the Planning Department.

The petitioner, Fr. Maximus Habib, 3603 Livernois Road, was present. Fr. Habib briefly summarized the intent of the church to provide modules for Sunday school classes.

Chair Schultz provided a brief explanation of the Zoning Ordinance requirements and Preliminary Site Plan application process.

Resolution # PC-2009-07-067

Moved by: Edmunds
Seconded by: Tagle

WHEREAS, A report was prepared by Carlisle/Wortman Associates, Inc. indicating that the application for Preliminary Site Plan Approval is not complete at this time.

RESOLVED, That the Planning Commission hereby postpones this item until such time that a complete application is received and reviewed by the Planning Department.

Yes: All present (8)
Absent: Vleck

MOTION CARRIED

CONDITIONAL REZONING REQUEST

9. CONDITIONAL REZONING REQUEST (File Number CR 004) – Proposed Wattles Office Complex (formerly Z 732), South side of Wattles Road, East side of Rochester Road, Section 23, From R-1C (One Family Residential) District to O-1 (Office Building) District

Mr. Miller introduced the item as a study item only and noted no action would be taken this evening. Mr. Miller addressed the report prepared by Carlisle/Wortman Associates and the intent of Neighborhood Node G of the City's newly adopted Master Plan.

Simone Mauro of Genna Mauro & Associates (GMA), 48657 Hayes, Shelby Township, was present to represent the petitioner. Mr. Mauro expressed appreciation for the report prepared by Carlisle/Wortman Associates (CWA). He

asked for suggestions and indicated willingness to work with the City and CWA on a final product.

Discussion followed.

Messrs. Strat and Edmunds voiced concern with development of a two-story building.

Direction given to the petitioner:

- Follow intent of CWA report.
- Develop a destination of interest.
- Bring activity to exterior of building.
- Create vitality and interaction between office and neighborhood.

OTHER BUSINESS

10. **PUBLIC COMMENTS** – Items on Current Agenda

There was no one present who wished to speak.

11. **PLANNING COMMISSION COMMENTS**

Mr. Sanzica commended the site plan for the Troy Museum and Historic Village.

A brief discussion followed on the proposed Birmingham/Troy Transit Center.

The Regular Meeting of the Planning Commission adjourned at 8:56 p.m.

Respectfully submitted,

Robert M. Schultz, Chair

Kathy L. Czarnecki, Recording Secretary

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on July 28, 2009, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds
 Michael W. Hutson
 Mark Maxwell
 Philip Sanzica
 Robert Schultz
 Thomas Strat (arrived 7:37 p.m.)
 John J. Tagle
 Lon M. Ullmann

Absent:

Mark J. Vleck

Also Present:

Mark F. Miller, Planning Director
 Christopher Forsyth, Assistant City Attorney
 Kathy Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2009-07-062

Moved by: Tagle
 Seconded by: Sanzica

RESOLVED, To approve the Agenda as prepared.

Yes: Edmunds, Hutson, Maxwell, Sanzica, Schultz, Tagle, Ullmann
 Absent: Strat (arrived 7:37 p.m.), Vleck

MOTION CARRIED

3. MINUTES – June 23, 2009 Special/Study Minutes

Resolution # PC-2009-07-063

Moved by: Edmunds
 Seconded by: Tagle

RESOLVED, To approve the minutes of the June 23, 2009 Special/Study meeting as prepared.

Yes: Edmunds, Hutson, Maxwell, Sanzica, Schultz, Tagle, Ullmann
 Absent: Strat (arrived 7:37 p.m.), Vleck

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

SPECIAL USE REQUESTS

5. PUBLIC HEARING – SPECIAL USE REQUEST (File Number SU 372) – Maple Commerce Center, North side of Maple, East of Crooks, between Northwood and Barrett (940 and 950 W. Maple), Section 28, M-1 (Light Industrial) District

Mr. Miller presented a summary of the Planning Department report on the proposed Special Use and Preliminary Site Plan application. He reported it is the recommendation of City Management to approve the Special Use Approval application and Preliminary Site Plan with the condition that the floor plan shall not indicate office as a principal use in the building.

[Mr. Strat arrived 7:37 p.m.]

Chair Schultz confirmed the Special Use Approval would relate to only the martial arts school (Tenant #1). He noted the designation of greenbelt trees on the preliminary site plan should be located on the subject property.

Daniel Biber, project architect, Daniel Biber Associates, 10135 Lincoln, Huntington Woods, was present to represent the petitioner/owner. Mr. Biber indicated the site plan would be revised to properly situate the greenbelt trees.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2009-07-064

Moved by: Hutson
Seconded by: Maxwell

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval for Tenant #1, pursuant to Section 28.30.09 of the Zoning Ordinance, as requested for the proposed Maple Commerce Center indoor commercial recreation use, located on the north side of Maple, east of Crooks, in Section 28, within the M-1 zoning district, be granted, subject to the following conditions:

1. The floor plan shall not indicate office as a principal use.
2. That the site plan shall be amended to relocate greenbelt trees within the subject property.

Yes: All present (8)
Absent: Vleck

MOTION CARRIED

6. PUBLIC HEARING – SPECIAL USE REQUEST (File Number SU 373) – Planet Fitness Oakland Plaza, North side of 14 Mile and east side of John R (288 John R), Section 36, B-2 (Community Business) District

Mr. Miller presented a summary of the Planning Department report on the proposed Special Use and Preliminary Site Plan application. He reported it is the recommendation of City Management to approve the Special Use Approval application and Preliminary Site Plan as submitted.

Chair Schultz confirmed the Special Use Approval would relate to only Planet Fitness (Tenant Space 19).

Daniel Biber, project architect, Daniel Biber Associates, 10135 Lincoln, Huntington Woods, was present to represent the petitioner. Mr. Biber addressed the information presented to the Planning Commission relating to parking calculations and average member usage times per hour/per day. He indicated the petitioner is confident that 120 parking spaces are adequate. Mr. Biber said an estimated total membership of 4,000 to 5,000 members is expected.

Mr. Maxwell questioned the accuracy of the numbers provided for member usage and parking calculations in relation to the projected total membership. Mr. Maxwell said the numbers appear to be on the light side.

After a brief discussion, it was noted total membership count does not necessarily reflect accurately the number of actual users.

Mr. Biber said the landlord and tenant analyzed the site extensively to assure it met their respective needs.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Miller addressed the City procedure utilized to grant Lifetime Fitness a parking variance. He noted City staff has become more educated on parking standards and now work with a petitioner to demonstrate in a scientific manner appropriate parking needs.

Mr. Miller stated the proposed parking reduction is for the overall Oakland Plaza site based on the proposed tenant use. Should circumstances, conditions or retail use change in the future, the parking reduction would no longer be valid and parking would be re-calculated.

Mr. Forsyth concurred with the statement.

Resolution # PC-2009-07-065

Moved by: Tagle
Seconded by: Strat

RESOLVED, The Planning Commission hereby approves a reduction in the number of required parking spaces for Tenant Space 19 on the Oakland Plaza site to 933 when a total of 1,073 spaces are required based on the off-street parking space requirements for all uses on the property, as per Article XL. This 140-space reduction is justified through shared parking on the Oakland Plaza site plus use characteristics of Planet Fitness, as outlined in the Parking Calculations report prepared by Daniel Biber Associates and augmented by additional information. The parking reduction request meets the standards of Article 40.20.12.

BE IT FINALLY RESOLVED, That Special Use Approval and Preliminary Site Plan Approval for Tenant Space 19, pursuant to Section 21.30.03 of the Zoning Ordinance, as requested for the proposed Planet Fitness indoor commercial recreation use, located in Oakland Plaza on the north side of 14 Mile and east side of John R, in Section 36, within the B-2 zoning district, be granted.

Yes: Edmunds, Hutson, Sanzica, Schultz, Strat, Tagle, Ullmann
No: Maxwell
Absent: Vleck

MOTION CARRIED

Mr. Maxwell said his concern is the figures and documentation submitted on member usage and parking calculations appear to be light, and could cause parking problems especially during the winter months. Mr. Maxwell said he has no objection to Planet Fitness and wished the tenant well.

SITE PLAN APPROVALS

7. **PRELIMINARY SITE PLAN APPLICATION (File Number SP 679-C)** – Troy Museum and Historic Village Expansion, North side of Wattles, West of Livernois (60 W. Wattles, 100 W. Wattles, 109 Lange), Section 16, C-F (Community Facilities) District

Mr. Miller presented a summary of the Planning Department report on the proposed Troy Museum and Historic Village Expansion preliminary site plan application. He explained that the City Council is the authoritative body for site plan approval of

sites located in the C-F (Community Facilities) district. He addressed the proposed parking reduction and noted that the City Council would be the authoritative body for approval. Mr. Miller reported the Planning Department recommends approval of the preliminary site plan as submitted, with a condition to provide an 8-foot sidewalk along the north side of Wattles and west side of Livernois.

Eugene Hopkins of HopkinsBurns Design, 4709 N. Delhi Road, Ann Arbor, and Ryan Poduin of JJR, LLC, 110 Miller Avenue, Ann Arbor, were present.

Chair Schultz opened the floor for public comment.

There was no one present who wished to speak.

Chair Schultz closed the floor for public comment.

Mr. Strat commended the good planning and architectural design efforts on the project.

Resolution # PC-2009-07-066

Moved by: Sanzica
Seconded by: Hutson

RESOLVED, That the Planning Commission hereby recommends to the City Council that a reduction in the number of required parking spaces on the Troy Museum and Historic Village site to 120 when a total of 202 spaces are required based on the off-street parking space requirements for the facility, as per Article XL. This 82-space reduction is justified based on careful programming and the use of shuttle parking off-site for large events, as outlined in the Parking Needs Statement dated June 2, 2009. The parking reduction request meets the standards of Article 40.20.12.

BE IT FINALLY RESOLVED, That the Planning Commission hereby recommends to City Council that Preliminary Site Plan Approval, pursuant to Section 18.20.02 of the Zoning Ordinance, as requested for the proposed Troy Museum and Historic Village Expansion, located on the north side of Wattles, west of Livernois, in Section 16, within the C-F zoning district, be granted, subject to the following condition:

1. The applicant provide an 8-foot wide sidewalk on the north side of Wattles and west side of Livernois, as per Section 39.70.03.

Yes: All present (8)
Absent: Vleck

MOTION CARRIED

- 8. PRELIMINARY SITE PLAN APPROVAL (File Number SP 952) – Proposed St. Mark Coptic Church Sunday School Classes, West side of Livernois, South of Wattles (3603 Livernois), Section 21, Zoned R-1B (One Family Residential) District

Mr. Miller presented a summary of the Planning Department report on the proposed Preliminary Site Plan application, and reported it is the recommendation of City Management to postpone the item until such time that the applicant submits a complete application to the Planning Department.

The petitioner, Fr. Maximus Habib, 3603 Livernois Road, was present. Fr. Habib briefly summarized the intent of the church to provide modules for Sunday school classes.

Chair Schultz provided a brief explanation of the Zoning Ordinance requirements and Preliminary Site Plan application process.

Resolution # PC-2009-07-067

Moved by: Edmunds
 Seconded by: Tagle

WHEREAS, A report was prepared by Carlisle/Wortman Associates, Inc. indicating that the application for Preliminary Site Plan Approval is not complete at this time.

RESOLVED, That the Planning Commission hereby postpones this item until such time that a complete application is received and reviewed by the Planning Department.

Yes: All present (8)
 Absent: Vleck

MOTION CARRIED

CONDITIONAL REZONING REQUEST

- 9. CONDITIONAL REZONING REQUEST (File Number CR 004) – Proposed Wattles Office Complex (formerly Z 732), South side of Wattles Road, East side of Rochester Road, Section 23, From R-1C (One Family Residential) District to O-1 (Office Building) District

Mr. Miller introduced the item as a study item only and noted no action would be taken this evening. Mr. Miller addressed the report prepared by Carlisle/Wortman Associates and the intent of Neighborhood Node G of the City’s newly adopted Master Plan.

Simone Mauro of Genna Mauro & Associates (GMA), 48657 Hayes, Shelby Township, was present to represent the petitioner. Mr. Mauro expressed appreciation for the report prepared by Carlisle/Wortman Associates (CWA). He

asked for suggestions and indicated willingness to work with the City and CWA on a final product.

Discussion followed.

Messrs. Strat and Edmunds voiced concern with development of a two-story building.

Direction given to the petitioner:

- Follow intent of CWA report.
- Develop a destination of interest.
- Bring activity to exterior of building.
- Create vitality and interaction between office and neighborhood.

OTHER BUSINESS

10. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

11. PLANNING COMMISSION COMMENTS

Mr. Sanzica commended the site plan for the Troy Museum and Historic Village.

A brief discussion followed on the proposed Birmingham/Troy Transit Center.

The Regular Meeting of the Planning Commission adjourned at 8:56 p.m.

Respectfully submitted,



Robert M. Schultz, Chair



Kathy L. Czarnecki, Recording Secretary

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on August 4, 2009 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds
Michael W. Hutson
Mark Maxwell
Philip Sanzica
Robert M. Schultz
Thomas Strat
John J. Tagle
Mark J. Vleck (arrived 7:38 p.m.)

Absent:

Lon M. Ullmann

Also Present:

Mark F. Miller, Planning Director
Christopher Forsyth, Assistant City Attorney
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2009-08-068

Moved by: Sanzica
Seconded by: Maxwell

RESOLVED, To approve the Agenda as prepared.

Yes: Edmunds, Hutson, Maxwell, Sanzica, Schultz, Strat, Tagle
Absent: Ullmann, Vleck (arrived 7:38 p.m.)

MOTION CARRIED

3. PUBLIC COMMENT – For Items Not on the Agenda

There was no one present who wished to speak.

4. BOARD OF ZONING APPEALS (BZA) REPORT

There was no report available.

5. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Miller reported on the following items:

- July meeting cancelled; next scheduled meeting is August 19.
- Rochester and Big Beaver Road improvements.
- Big Beaver and I-75 Interchange improvements.
- Troy "Traffic Jam" at Columbia Center.
- "Jazz on the Corridor" at Columbia Center.

6. PLANNING AND ZONING REPORT

Mr. Miller reported on the following items:

- Troy Museum and Historic Village Expansion Site Plan Application - Scheduled for August 17, 2009 City Council agenda.
- Planning Commission August Regular meeting agenda.

STUDY ITEMS

7. ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 240) – Amendment to Article 43, Board of Zoning Appeals Provisions

Mr. Miller reviewed the draft text amendment and announced a Public Hearing is scheduled on August 25, 2009.

[Mr. Vleck arrived at 7:38 p.m.]

After discussion, it was determined to draft text that would give the Planning Commission authority to forward a Resolution to the Board of Zoning Appeals (BZA) on its findings.

8. ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 239) – Amendment to Article 28, Used Car Sales in M-1

Messrs. Hutson and Strat were recused from discussion on the item.

[Messrs. Hutson and Strat exited meeting.]

Mr. Miller reviewed the draft text amendment. He stated City Management has concerns that the proposed Zoning Ordinance Text Amendment would have a negative impact on the M-1 zoning district.

Mr. Miller addressed the following:

- Existing Zoning Ordinance regulations for car sales in the M-1 district.
- Troy “Auto Mall” experienced no negative affects.
- Used car showrooms permitted by right in B-2 and B-3 districts.
- Draft Zoning Ordinance Text Amendment based on text for B-2 zoning district.

Discussion/comments on proposed Section 28.30.14, A through F:

- Display of vehicles; interior, exterior, rear and/or front.
- Display of vehicles limited by number.
- Types of vehicles; new and/or used, exclude mobile homes, trailers, recreational vehicles.
- Lot size restrictions.
- M-1 properties that would qualify.
- Relation of proposed text to intent of the Master Plan.
- Requirement of fire suppression for interior storage.

[Messrs. Hutson and Strat returned to meeting.]

9. CHARTER TOWNSHIP OF SHELBY – DRAFT 2009 MASTER PLAN UPDATE – Review and Comment

Resolution # PC-2009-08-069

Moved by: Edmunds
 Seconded by: Maxwell

RESOLVED, To postpone item to the next regularly scheduled meeting.

Yes: All present (8)
 Absent: Ullmann

MOTION CARRIED

10. ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 236) – Zoning Ordinance Rewrite Update

Mr. Miller reviewed the progress made on the Zoning Ordinance Rewrite and announced that working drafts would be ready for the September 1, 2009 Special/Study meeting. Mr. Miller also addressed the status of the interviews.

OTHER BUSINESS

11. PUBLIC COMMENT – Items on Current Agenda

There was no one present who wished to speak.

12. PLANNING COMMISSION COMMENT

Mr. Miller addressed the Planning Commission meeting schedule for September.

Mr. Miller addressed the status of the following Planned Unit Development projects:

- PUD 9, The Pavilions.
- PUD 7, Village at Big Beaver.
- PUD 6, Oasis at Centennial Park.
- PUD 5, Caswell Town Center.

Mr. Miller addressed the Michigan Association of Planning (MAP) annual conference. The conference will be in Mt. Pleasant, Michigan, from September 30 through October 3, 2009.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 8:30 p.m.

Respectfully submitted,

Robert M. Schultz, Chair

Kathy L. Czarnecki, Recording Secretary

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The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on August 4, 2009 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds
 Michael W. Hutson
 Mark Maxwell
 Philip Sanzica
 Robert M. Schultz
 Thomas Strat
 John J. Tagle
 Mark J. Vleck (arrived 7:38 p.m.)

Absent:

Lon M. Ullmann

Also Present:

Mark F. Miller, Planning Director
 Christopher Forsyth, Assistant City Attorney
 Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2009-08-068

Moved by: Sanzica
 Seconded by: Maxwell

RESOLVED, To approve the Agenda as prepared.

Yes: Edmunds, Hutson, Maxwell, Sanzica, Schultz, Strat, Tagle
 Absent: Ullmann, Vleck (arrived 7:38 p.m.)

MOTION CARRIED

3. PUBLIC COMMENT – For Items Not on the Agenda

There was no one present who wished to speak.

4. BOARD OF ZONING APPEALS (BZA) REPORT

There was no report available.

5. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Miller reported on the following items:

- July meeting cancelled; next scheduled meeting is August 19.
- Rochester and Big Beaver Road improvements.
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Messrs. Hutson and Strat were recused from discussion on the item.

[Messrs. Hutson and Strat exited meeting.]

Mr. Miller reviewed the draft text amendment. He stated City Management has concerns that the proposed Zoning Ordinance Text Amendment would have a negative impact on the M-1 zoning district.

Mr. Miller addressed the following:

- Existing Zoning Ordinance regulations for car sales in the M-1 district.
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- Lot size restrictions.
- M-1 properties that would qualify.
- Relation of proposed text to intent of the Master Plan.
- Requirement of fire suppression for interior storage.

[Messrs. Hutson and Strat returned to meeting.]

9. CHARTER TOWNSHIP OF SHELBY – DRAFT 2009 MASTER PLAN UPDATE – Review and Comment

Resolution # PC-2009-08-069

Moved by: Edmunds
 Seconded by: Maxwell

RESOLVED, To postpone item to the next regularly scheduled meeting.

Yes: All present (8)
 Absent: Ullmann

MOTION CARRIED

10. ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 236) – Zoning Ordinance Rewrite Update

Mr. Miller reviewed the progress made on the Zoning Ordinance Rewrite and announced that working drafts would be ready for the September 1, 2009 Special/Study meeting. Mr. Miller also addressed the status of the interviews.

OTHER BUSINESS

11. PUBLIC COMMENT – Items on Current Agenda

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12. PLANNING COMMISSION COMMENT

Mr. Miller addressed the Planning Commission meeting schedule for September.

Mr. Miller addressed the status of the following Planned Unit Development projects:

- PUD 9, The Pavilions.
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- PUD 6, Oasis at Centennial Park.
- PUD 5, Caswell Town Center.

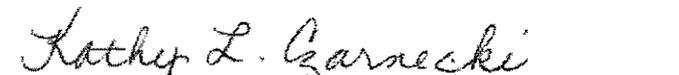
Mr. Miller addressed the Michigan Association of Planning (MAP) annual conference. The conference will be in Mt. Pleasant, Michigan, from September 30 through October 3, 2009.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 8:30 p.m.

Respectfully submitted,


Robert M. Schultz, Chair


Kathy L. Gzarnecki, Recording Secretary

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The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:32 A.M. on Wednesday, August 5, 2009 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
Bill Nelson
Tim Richnak
Mark Stimac
Frank Zuazo

ALSO PRESENT: Paul Evans, Housing & Zoning Inspector Supervisor
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF JULY 1, 2009

Motion by Richnak
Supported by Stimac

MOVED, to approve the minutes of the meeting of July 1, 2009 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 – VARIANCE REQUEST. MR. & MRS. KENNETH BUDRY, 884 HIDDEN RIDGE,
for relief of Chapter 83 to install a 5' high privacy fence.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to install a privacy fence. Because of the location of this lot and the orientation of the adjacent homes, this lot is classified as a double front corner lot. As such, it has front yard requirements along Hidden Ridge Drive both on the north and east side of the property. Because of the common rear yard relationship with the property to the west, Chapter 83 limits fences in the yard to the north of this house to a non-obscuring fence not more than 48" in height. The site plan submitted indicates a 5' high obscuring fence at the front property line along the north property line adjacent to Hidden Ridge.

This item first appeared before this Board at the meeting of July 1, 2009 and was postponed to allow the petitioner the opportunity to investigate landscape alternatives and also for the petitioner to consider moving the fence back off the property line.

Mrs. Olivia Olsztyn-Budry was present.

Mr. Stimac questioned the revised plan submitted and asked why Ms. Budry wanted to extend the chain link fence along the north property line and install a 6' high fence along the east and west sides of the property.

Ms. Budry stated that she did not feel the Board would approve a privacy fence along the north property line without moving the fence back.

ITEM #2 – con't.

Mr. Stimac asked if this request had gone from a 5' high privacy fence to a 6' high privacy fence.

Ms. Budry stated that her neighbors had indicated they would not want to see a 6' high fence and that is the reason she modified her application and asked for a 5' high fence. Ms. Budry said that since she was not going to install the fence along the property line, she would rather have a 6' high fence on the east and west sides of the property.

Mr. Stimac explained that the Public Hearing notices published indicated a 5' high fence and without advertising another Public Hearing requesting a 6' high fence, this Board would not be able to grant this variance request.

Ms. Budry said that she did not want to come back to the Board and would be fine with the 5' high fence. Eventually they want to fence in the entire back yard and she is planning to add landscaping, although she is not quite sure of what kind of landscaping at this time. The fence on the west side of the property would not be visible.

Mr. Stimac asked what the benefit would be to have a 5' high fence along the east side of the property.

Ms. Budry stated that they want to add privacy from the front side of the yard. Ms. Budry further stated that they want to add a "car gate" to that side of the yard. They are hoping to achieve privacy and the fence on the east side of the property would be setback 30'.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are two (2) written approvals on file. There is one (1) written objection on file.

Mr. Richnak asked how long a permit was viable once it was issued.

Mr. Stimac said that the permit is good for one-year, and also stated that a variance granted by this Board only has a one-year time frame.

Motion by Richnak
Supported by Nelson

MOVED, to grant Mr. & Mrs. Kenneth Budry, 884 Hidden Ridge, relief of Chapter 83 to install a 5' high privacy fence.

- 5' high privacy fence setback 30' on the east side of the property.
- 5' high privacy fence along the west property line.
- Approval of the higher fence is due to the fact that there is landscaping, at least that high, on the adjacent property.

Yeas: 4 – Nelson, Richnak, Stimac, Dziurman

ITEM #2 – con't.

Abstain: 1 – Zuazo

MOTION TO GRANT VARIANCE CARRIED

ITEM #3 – VARIANCE REQUEST. JEFF JOHNSON, HARMON SIGN COMPANY, 3688 ROCHESTER, for relief of Chapter 85 to erect a 198 square foot sign located 5' from the property line where Chapter 85.02.05 (c) (4) requires ground signs over 100 square feet in size to be setback more than 30' from the front property line.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to erect a 198 square foot ground sign. Chapter 85.02.05 (c) (4) requires ground signs over 100 square feet in size to be setback more than 30' from the front property line. The site plan submitted indicates the sign is proposed to be located 5' from the front property line.

Mr. Stimac further stated that Item #3 and Item #4 were very similar in nature and asked that the Board take testimony on both items at the same time.

Mr. Stimac said that the City is in the process of a project to widen Rochester Road by acquiring portions of existing parcels. The existing signs which were originally constructed in compliance with the Ordinance or with variances are now being relocated, and due to the acquisitions made by the City require new variances.

Mr. Jeff Johnson of Harmon Sign Company was present and stated that after the City's acquisition of right of way and easements the signs will not be visible because of existing trees and buildings.

Mr. Richnak asked if the signs would be located behind the buildings if setback 30' from the front property line.

Mr. Johnson said that the signs would be behind the buildings.

Mr. Stimac said that the existing signs are in conformance with the original Ordinance, or have received variances. Signs will move back from the current location because of the widening of Rochester Road.

Mr. Stimac also said that in addition to the road acquisition the City is also acquiring an easement.

Mr. Richnak asked if the existing signs would be moved back, or if new signs would be constructed.

Mr. Johnson said that certain portions of the signs will be changed, but in essence the new signs will look like the existing sign.

The Chairman opened the Public Hearing.

ITEM #3 & ITEM #4 – con't.

Ms. Cathy Fucinari, 3754 Edenderry, was present. Ms. Fucinari stated that she lives behind the car wash at 3785 Rochester and said that the owners of the car wash cut several of her trees causing them to die. Ms. Fucinari said that without the trees, she is very concerned about the visibility of the sign from her home.

Mr. Bob Waldron, the owner of the car wash was present and stated that they only removed the branches that were hanging over the wall separating the two properties.

Ms. Fucinari stated that these branches should not have been removed until she was contacted. These trees acted as a screen and Ms. Fucinari feels that someone from the car wash should have contacted them so the work could have been professionally done and the trees would not have been damaged. Ms. Fucinari also expressed concern that the sign would be closer to her home.

Mr. Stimac informed Ms. Fucinari that the reason the petitioner was asking for a variance was to not have to move the sign farther back, but to keep it closer to Rochester Road. If this request is denied the petitioner will have to move the sign closer to the rear property line.

Ms. Fucinari said that she believes in order for someone to have a variance granted, they should have a “good neighbor” policy.

Mr. Stimac stated that variances are granted on a property that addresses applications of the Ordinance which cause a hardship for that property.

No one else wished to be heard and the Public Hearing was closed.

There is one (1) written approval on file. There are no written objections on file.

Motion by Richnak
Supported by Nelson

ITEM #3

MOVED, to grant Jeff Johnson, Harmon Sign Company, 3688 Rochester, relief of Chapter 85 to erect a 198 square foot sign located 5' from the property line where chapter 85.02.05 (c) (4) requires ground signs over 100 square feet in size to be setback more than 30' from the front property line.

- Acquisition of property by the City of Troy to widen Rochester Road causes the existing sign to be relocated creating a hardship.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 5

ITEM #3 – con’t.

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 – VARIANCE REQUEST. JEFF JOHNSON, HARMON SIGN COMPANY, 3785 ROCHESTER, for relief of Chapter 85 to erect a 198 square foot ground sign located 13’ from the front property line where Chapter 85.02.05 (c) (4) requires ground signs over 100 square feet in size to be setback more than 30’ from the front property line.

Petitioner is requesting relief of Chapter 85 to erect a 198 square foot ground sign. Chapter 85.02.05 (c) (4) requires ground signs over 100 square feet in size to be setback more than 30’ from the front property line. The site plan submitted indicates the sign is proposed to be 13’ from the front property line.

Motion by Richnak
Supported by Nelson

MOVED, to grant Jeff Johnson, Harmon Sign Company, 3785 Rochester, relief of Chapter 85 to erect a 198 square foot ground sign located 13’ from the front property line where Chapter 85.02.05 (c) (4) requires ground signs over 100 square feet in size to be setback more than 30’ from the front property line.

- Acquisition of property by the City of Troy to widen Rochester Road causes the existing signs to be relocated causing a hardship.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #5 – VARIANCE REQUEST. JEFFREY DRAKSLER, 6947 NORTHPOINT, for relief of Chapter 85 to install a 6’ high fence.

The Building Department has received a written request from Mr. Draksler asking that this request be withdrawn.

Motion by Richnak
Supported by Zuazo

MOVED, to note and file the withdrawal of this item by Jeffrey Draksler, 6947 Northpoint.

Yeas: All – 5

MOTION TO NOTE AND FILE WITHDRAWAL CARRIED

ITEM #6 – VARIANCE REQUEST. METRO DETROIT SIGNS, 2800 LIVERNOIS, for relief of the Ordinance to erect a 166 square foot wall and a 122 square foot wall sign on an existing office building.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to erect two (2) wall signs, one that is 166 square feet and the other that is 122 square feet on the existing office building. Chapter 85.02.05 (c) (3) of the Sign Ordinance allows one wall sign up to 200 square feet per building.

Mr. Paul Deters of Metro Detroit Signs was present. Mr. Deters explained that this building is the Troy Office Center and the Humana sign will face I-75. There is almost 300' of setback between the building and I-75. Mr. Deters said that he has been working closely with the landlord and they feel that Humana is a major tenant. This sign will enable people to know where to enter the building for Humana.

Mr. Deters also stated that this is a glass building and they have tried to set up both signs to match the horizontal lines on the building. The other sign is for Martinrea and this permit has been obtained. The landlord is very excited to get these two (2) tenants and both signs will be facing I-75.

Mr. Richnak asked if this was lighted sign.

Mr. Deters said that only the letters would be backlit. Due to the nature of the glass on this building, the only lettering that shows up well is white.

Mr. Stimac asked if the Humana sign would be on the south elevation of the building and Mr. Deters said that was correct. A discussion began about the size of the sign and Mr. Richnak asked if the sign would be in the proposed location because of an existing 4' border.

Mr. Deters stated that they want to line up the signs to match the vertical lines between each window pane. The proposed letter height of approximately 47 ¼" can be seen from I-75, which is technically 300' away.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Mr. Dziurman asked if there were other signs on the building.

Mr. Deters said that the sign for Martinrea was ordered last week.

Mr. Stimac said that permit was issued as it was for a single sign under 200 square feet. Mr. Stimac also asked what portion of the building each of these companies occupies.

Mr. Deters said that he did not know the percentage of space being occupied but the landlord considers them major tenants. Humana occupies one building and Martinrea occupies the other.

ITEM #6 – con't.

Mr. Stimac asked if the landlord would allow other tenants in this building to obtain signage.

Mr. Deters said that he felt it would be up to this Board although he does not feel there is any benefit to adding signs to any other elevation.

Mr. Richnak asked how much of these two (2) buildings Humana occupies.

Mr. Deters said that he was not sure but Osprey considers them a major tenant and a flagship tenant.

Mr. Dziurman suggested that Mr. Deters inform the landlord that this Board will not be very happy to have other tenants come forward requesting variances for additional signs.

Mr. Richnak stated that if Humana is a 10% client and another tenant comes along that is a 90% tenant, the Humana sign would have to be removed before another sign could be added. Mr. Richnak indicated that he does not want any more signage on this building.

Mr. Stimac said that any request for signage on this building would have to come before this Board.

Mr. Deters stated that he would be happy to relay that message to Osprey and would suggest that they tell any future tenants that signage is not part of a lease package.

Mr. Zuazo asked if there was any way for the Building Department to indicate that there are limitations on this building regarding signage. Mr. Stimac said that without future action of the Board a 20 square foot sign for a first floor tenant would be all that would be permitted.

Mr. Richnak stated that he would like it made clear to the landlord that no other signage would be allowed.

Mr. Deters said that he would relay that message to Osprey.

Motion by Richnak
Supported by Nelson

MOVED, to grant Metro Detroit Signs, 2800 Livernois, relief of the Ordinance to erect a second wall sign that is 166 square feet where Chapter 85.02.05 (c) (3) of the Sign Ordinance allows one wall sign up to 200 square feet per building.

- Other than a 20 square foot tenant sign, all other signage will require a variance.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #7 – VARIANCE REQUEST. METRO DETROIT SIGNS, 1755-1759 MAPLELAWN, for relief of Chapter 85 to erect a 128 square foot ground sign with a proposed setback of 20’ from the front property line.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to erect a 128 square foot ground sign with a proposed setback of 20’ from the front property line. Table 85.02.05 requires signs exceeding 100 square feet in area to be setback 30’ from the front property line. Mr. Stimac also stated that the existing ground sign has a fixed panel and the petitioner is proposing to replace that fixed panel to an electronic changeable message board.

Mr. Deters of Metro Detroit Signs was present and stated that if this sign were straight off of the column it would meet the requirements of the Ordinance, but would not be an attractive sign. Mr. Deters said that they would like to keep the same of look for this sign. The reason for the change is that Suburban is doing a lot of work on that building and they are trying to spruce up the appearance to bring in more business. Another competitor will be moving in across the street from them. Basically they are asking for some latitude regarding the configuration of the sign.

Mr. Richnak stated that the “flag” portion of the sign is 3’ x 8’ and the petitioner is proposing to put a cabinet that is 4’-8” tall and 88” wide so the sign will be taller but the “flag” portion will be smaller.

Mr. Deters indicated that it would be 7 to 8 square feet larger.

Mr. Dziurman asked if the sign was on both sides of the column.

Mr. Deters said that it was on both sides of the post and that is the reason it exceeds the 24” depth.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Mr. Stimac asked if the actual sign surface was approximately 71 square feet and Mr. Deters confirmed that was correct. Mr. Stimac also stated that the unusual shape of the sign proposes a hardship in the way that the sign ordinance measures the sign.

Mr. Richnak stated that the sign is coming in narrow and even though it will be a little higher, the “flag” portion of the sign will cover up more of the pillar. Mr. Richnak said that the square footage would be about the same and he did not see a big change.

Motion by Richnak
Supported by Nelson

MOVED, to grant Metro Detroit signs, 1755-1759 Maplelawn, relief of chapter 85 to erect a 128 square foot ground sign with a setback of 20’ from the front property line where 30’ is required.

ITEM #7 – con't.

- Unusual shape of sign proposes a hardship.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

The Building Board Code of Appeals meeting adjourned at 9:24 A.M.

Ted Dziurman, Chairman

Pam Pasternak, Recording Secretary

A Meeting of the Civil Service Commission (Act 78) was held Tuesday, August 25, 2009, at Troy City Hall, 500 W. Big Beaver Road in the Lower Level Conference Room. Chairman/President McGinnis called the meeting to order at 7:31 AM.

A. ROLL CALL:

PRESENT: Chairman/President Donald E. McGinnis, Jr.
Commissioner David Cannon
Commissioner Patrick Daugherty (Absent/Resigned)

ALSO PRESENT: Lori Grigg Bluhm, City Attorney
Peggy Sears, Human Resources Director (Arrived 7:40 AM)
Gary Mayer, Police Chief
Colleen Mott, Police Captain
Barbara A. Pallotta, Deputy City Clerk

B. APPROVAL OF MINUTES:

1. Approval of Minutes of Monday, March 30, 2009

Resolution #CSC-2009-08-009
Moved by Cannon
Seconded by McGinnis

RESOLVED, That the Troy Civil Service Commission (Act 78) hereby **APPROVES** the Minutes of the Monday, March 30, 2009 meeting as presented.

Yes: Cannon, McGinnis
No: None

MOTION CARRIED

C. PETITIONS AND COMMUNICATIONS: None

D. REPORTS: None

E. OLD BUSINESS: None

F. NEW BUSINESS:

1. Vote on Resolution to Accept Resignation Received from Member Patrick Daugherty

Chairman/President McGinnis stated that Member Daugherty served the Commission well and is grateful for his experience. Commissioner Cannon concurred.

Resolution #CSC-2009-08-010
Moved by Cannon
Seconded by McGinnis

RESOLVED, That the Troy Civil Service Commission (Act 78) hereby **ACCEPTS** the resignation of Member Patrick Daugherty as submitted on June 7, 2009.

Yes: Cannon, McGinnis
No: None

MOTION CARRIED

2. Interview Applicants for Appointment to the Civil Service Commission

The Commission was provided with the applications of two candidates, Andrew R. Percy and Jaime Sinutko. Both candidates were interviewed and provided with an opportunity to provide any additional information that could be considered in evaluating the candidates. Ms. Sinutko provided an updated resume to the Commission.

Chairman/President McGinnis and Member Cannon discussed the different roles of the three commissioners and the need to be completely neutral. After further discussion, Chairman/President McGinnis indicated that Ms. Sinutko is an excellent candidate and very qualified. Chairman/President McGinnis stated that while he believes Ms. Sinutko could be fair, they must be concerned with the appearance of impropriety in that others might not perceive her serving on the Commission as fair, particularly in cases where Ms. Sinutko’s vote would be the deciding factor.

Member Cannon agreed with the comments made by Chairman/President McGinnis.

Appointment of Civil Service Commission (Act 78) Member

Resolution #CSC-2009-08-011
Moved by McGinnis
Seconded by Cannon

RESOLVED, That the Troy Civil Service Commission (Act 78) hereby **APPOINTS Andrew R. Percy** to complete the unexpired term of the Civil Service Commission (Act 78) member ending on April 30, 2014.

Yes: Cannon, McGinnis
No: None

MOTION CARRIED

The Oath of Office was administered to Andrew R. Percy by Deputy City Clerk Pallotta.

PUBLIC COMMENT: None

G. ADJOURNMENT:

Resolution #CSC-2009-08-012

Moved by Percy

Seconded by Cannon

RESOLVED, That the Troy Civil Service Commission (Act 78) hereby **ADJOURNS** the Tuesday, August 25, 2009 meeting at 7:51 AM.

Yes: Cannon, McGinnis, Percy

No: None

MOTION CARRIED

The Civil Service Commission (Act 78) meeting **ADJOURNED** at 7:51 AM.

Donald E. McGinnis, Jr., Chairman

Barbara A. Pallotta, Deputy City Clerk



CITY COUNCIL REPORT

August 17, 2009

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
Susan A. Leirstein, Purchasing Director

SUBJECT: Final Reporting – BidNet On-Line Auction Services –
June 2009

Background

- Resolution #2004-02-075 established the auction fee of 5% and provided approval to use BidCorp with the provision that other on-line auction service options would be considered. BidNet moved forward and implemented the on-line surplus auction service for the MITN System (Michigan Inter-governmental Trade Network), which can be accessed through the City of Troy home web page. MITN is the Purchasing department's official e-procurement website used for posting bids, tabulations, quotations, and award information. It was a Purchasing goal that one e-procurement website would be operational for all functions.

Financial Considerations

- In compliance with Resolution #2004-02-075, final reporting is being presented for thirty-one (31) Dell computers, one (1) lot of soap dispensers, one (1) NEC Monitor, one (1) hydraulic jack, one (1) Kodak camera, one (1) Canon camera, one (1) lot of home office supplies, one (1) HP printer, one (1) lot of women's sandals, miscellaneous power and hand tools, one (1) lot of costume jewelry, two (2) baseball hats, two (2) purses, one (1) Brother All-in-One, fifteen (15) Lots of men's, women's and children new clothing, one (1) lot of perfumes, one (1) lot of socks and tennis shoes, one (1) lot of socks, a purse, and bed sheets, one (1) lot of Michigan items, and one (1) Robot Roomba vacuum cleaner, which were auctioned on-line through BidNet, the City's e-procurement website on during June 2009 and closed on June 30, 2009.

August 17, 2009

To: John Szerlag, City Manager

Re: Final Reporting – BidNet On-Line Auction Services – June 2009

Financial Considerations - continued

Final sale amounts and fees are listed below:

DESCRIPTION	PROCEEDS	SUB-TOTAL	NET INCOME
Computers, misc tools, clothing, purses, cameras, printer, etc:	2,797.82		
SUB-TOTAL:		\$2,797.82	
	FEES:		
5% (Computers, misc tools, clothing, purses, cameras, printer, etc) Fee:	(139.97)		
SUB-TOTAL:		(\$139.97)	
Sales Tax + 6% (Computers, misc tools, clothing, purses, cameras, printer, etc):	167.89		
SUB-TOTAL:		\$167.89	
			\$2,825.74

Legal Considerations

- Farmington Hills, Michigan was the lead agency for the bid process for an on-line auction website. Resolution #2004-02-075.

Policy Considerations

- Sale of surplus property is a statutory requirement of the Purchasing Department. (Chapter 7, Sec 8), no perceived Policy consideration is associated with this item.

Options

- To report final results of June 2009 auctions to the City management.
- No action required



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Report for the City of Troy, MI

Detailed Report for Seller: ALL

Reported on 6/30/2009

From: 6/1/2009 To: 6/30/2009

Item ID	Date	Sale Amount	Tax Collected	Charge	Type of Fee	Auction Description	Seller
5380	6/22/2009	40.00	2.40	2.00	Sale	Dell Computer B368	Bockstanz
5339	6/22/2009	40.00	2.40	2.00	Sale	Dell Computer B309	Bockstanz
5340	6/22/2009	40.00	2.40	2.00	Sale	Dell Computer B328	Bockstanz
5346	6/22/2009	30.00	1.80	1.50	Sale	Dell Computer B334	Bockstanz
5348	6/22/2009	40.00	2.40	2.00	Sale	Dell Computer B336	Bockstanz
5349	6/22/2009	40.00	2.40	2.00	Sale	Dell Computer B337	Bockstanz
5357	6/22/2009	30.00	1.80	1.50	Sale	Dell Computer B345	Bockstanz
5359	6/22/2009	50.74	3.04	2.54	Sale	Dell Computer B347	Bockstanz
5367	6/22/2009	40.00	2.40	2.00	Sale	Dell Computer B355	Bockstanz
5368	6/22/2009	40.00	2.40	2.00	Sale	Dell Computer B356	Bockstanz
5375	6/22/2009	40.00	2.40	2.00	Sale	Dell Computer B363	Bockstanz
5345	6/22/2009	40.00	2.40	2.00	Sale	Dell Computer B333	Bockstanz
5354	6/22/2009	40.00	2.40	2.00	Sale	Dell Computer B342	Bockstanz
5378	6/22/2009	40.00	2.40	2.00	Sale	Dell Computer B366	Bockstanz
5385	6/22/2009	46.00	2.76	2.30	Sale	Dell Computer B372	Bockstanz
5387	6/22/2009	60.00	3.60	3.00	Sale	Dell Computer B374	Bockstanz
5388	6/22/2009	41.00	2.46	2.05	Sale	Dell Computer B375	Bockstanz
5391	6/22/2009	40.00	2.40	2.00	Sale	Dell Computer B278	Bockstanz
5353	6/22/2009	30.00	1.80	1.50	Sale	Dell Computer B341	Bockstanz
5362	6/22/2009	40.00	2.40	2.00	Sale	Dell Computer B350	Bockstanz
5344	6/22/2009	40.00	2.40	2.00	Sale	Dell Computer B332	Bockstanz
5360	6/22/2009	30.00	1.80	1.50	Sale	Dell Computer B348	Bockstanz
5366	6/22/2009	35.00	2.10	1.75	Sale	Generic Built Computer B354	Bockstanz
5376	6/22/2009	40.00	2.40	2.00	Sale	Dell Computer B364	Bockstanz
5381	6/22/2009	40.00	2.40	2.00	Sale	Dell Computer B369	Bockstanz
5383	6/22/2009	46.00	2.76	2.30	Sale	Dell Computer B370	Bockstanz
5389	6/22/2009	43.00	2.58	2.15	Sale	Dell Computer B376	Bockstanz
5377	6/22/2009	40.00	2.40	2.00	Sale	Dell Computer B365	Bockstanz
5390	6/22/2009	40.00	2.40	2.00	Sale	Dell Computer B377	Bockstanz
5355	6/22/2009	42.00	2.52	2.10	Sale	Dell Computer B343	Bockstanz
5373	6/22/2009	57.00	3.42	2.85	Sale	Dell Computer B361	Bockstanz
3765	6/24/2009	7.76	0.47	0.39	Sale	Surface Mounted Soap Dispensers - One Lot	Bockstanz
5393	6/24/2009	51.00	3.06	2.55	Sale	NEC Monitor	Bockstanz
5396	6/24/2009	2.00	0.12	0.10	Sale	Lexmark Cartridge	Bockstanz
4994	6/24/2009	19.50	1.17	0.98	Sale	Hydraulic Jack	Bockstanz
5001	6/24/2009	54.00	3.24	2.70	Sale	Kodak Digital Camera	Bockstanz
5017	6/24/2009	53.00	3.18	2.65	Sale	Perfume	Bockstanz
5003	6/24/2009	67.00	4.02	3.35	Sale	Canon Digital Camera	Bockstanz
4731	6/24/2009	15.49	0.93	0.77	Sale	Brother all in one Machine	Bockstanz
5395	6/24/2009	16.75	1.01	0.84	Sale	HP Deskjet Printer	Bockstanz
5404	6/30/2009	20.51	1.23	1.03	Sale	Lot 2 - Socks and Tennis Shoe	Bockstanz

5406	6/30/2009	41.76	2.51	2.09	Sale	Lot 4 Womens Shirts	Bockstanz
5407	6/30/2009	36.95	2.22	1.85	Sale	Lot 5 Women Pants and Shirts	Bockstanz
5409	6/30/2009	51.01	3.06	2.55	Sale	Lot 7 Mens T Shirts and Shorts	Bockstanz
5411	6/30/2009	14.50	0.87	0.73	Sale	Lot 9 Baseball Hats	Bockstanz
5412	6/30/2009	22.50	1.35	1.13	Sale	Lot 10 Women Shirts and Sweatshirts	Bockstanz
5418	6/30/2009	13.45	0.81	0.67	Sale	Lot 14 Girls Undergarments	Bockstanz
5420	6/30/2009	16.00	0.96	0.80	Sale	Lot 16 Women Undergarments	Bockstanz
5421	6/30/2009	10.50	0.63	0.53	Sale	Lot 17 Purses	Bockstanz
5424	6/30/2009	26.50	1.59	1.33	Sale	Lot 20 Women Shirts	Bockstanz
5427	6/30/2009	2.25	0.14	0.11	Sale	Home Office Supplies	Bockstanz
5429	6/30/2009	22.00	1.32	1.10	Sale	Drill	Bockstanz
5431	6/30/2009	14.51	0.87	0.73	Sale	Cutters and Hammer	Bockstanz
5435	6/30/2009	107.50	6.45	5.38	Sale	Laser Level	Bockstanz
5436	6/30/2009	10.50	0.63	0.53	Sale	Miscellaneous Tools	Bockstanz
5419	6/30/2009	25.55	1.53	1.28	Sale	Lot 15 Women Undergarments and PJs	Bockstanz
5425	6/30/2009	25.50	1.53	1.28	Sale	Lot 24 - Michigan Items	Bockstanz
5426	6/30/2009	13.02	0.78	0.65	Sale	Lot 23 Costume Jewelry	Bockstanz
5428	6/30/2009	152.50	9.15	7.63	Sale	Robot Roomba Vacuum Cleaner	Bockstanz
5432	6/30/2009	10.50	0.63	0.53	Sale	Tin or Wire Cutters	Bockstanz
5417	6/30/2009	28.50	1.71	1.43	Sale	Lot 13 Women Jeans	Bockstanz
5422	6/30/2009	31.60	1.90	1.58	Sale	Lot 18 Women Clothing items	Bockstanz
5430	6/30/2009	20.01	1.20	1.00	Sale	Bolt Cutters	Bockstanz
5433	6/30/2009	8.50	0.51	0.43	Sale	Lug Wrench	Bockstanz
5434	6/30/2009	76.00	4.56	3.80	Sale	All Purpose Saw	Bockstanz
5414	6/30/2009	30.50	1.83	1.53	Sale	Lot 22 Children Shirts	Bockstanz
5410	6/30/2009	63.95	3.84	3.20	Sale	Lot 8 Men Shirts and Pants	Bockstanz
5405	6/30/2009	66.00	3.96	3.30	Sale	Lot 3 - Socks - Purse - and Sheets	Bockstanz
5415	6/30/2009	33.00	1.98	1.65	Sale	Lot 21 Womens Shoes Sandals	Bockstanz
5416	6/30/2009	83.00	4.98	4.15	Sale	Lot 12 Men Suit and Accessories	Bockstanz
5403	6/30/2009	96.00	5.76	4.80	Sale	Lot 1 - Jeans and Tennis Shoes	Bockstanz
5413	6/30/2009	76.01	4.56	3.80	Sale	Lot 11 Girls and Women Shorts	Bockstanz

Total Sales Amount	Total Tax Collected	Total Amount Charged	Total Payments	Total Balance Due for the selected date range	Total Balance Due
\$2,797.82	\$167.89	\$139.97	\$0.00	\$139.97	\$139.97



CITY COUNCIL REPORT

August 17, 2009

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
Susan A. Leirstein, Purchasing Director

SUBJECT: Final Reporting – BidNet On-Line Auction Services –
July 2009

Background

- Resolution #2004-02-075 established the auction fee of 5% and provided approval to use BidCorp with the provision that other on-line auction service options would be considered. BidNet moved forward and implemented the on-line surplus auction service for the MITN System (Michigan Inter-governmental Trade Network), which can be accessed through the City of Troy home web page. MITN is the Purchasing department's official e-procurement website used for posting bids, tabulations, quotations, and award information. It was a Purchasing goal that one e-procurement website would be operational for all functions.

Financial Considerations

- In compliance with Resolution #2004-02-075, final reporting is being presented for one (1) Gucci purse, seven (7) men's watches, three (3) women's watches, two (2) pairs of hoop earrings, six (6) lots of necklaces – some with earring sets or bracelets, one (1) lot of silver jewelry, one (1) Dolce Gabbana glasses, one (1) lot bracelets and earrings, one (1) box of cables, one (1) charm bracelet, one (1) Gucci sunglasses, one (1) lot pole mounted CPU platforms, one (1) scale, one (1) ironrite ironer, one (1) compact auto switch, one (1) HP JetDirect printer, two (2) 2 port KVM switches, one (1) Stack-on safe, one (1) lot tattoo supplies, one (1) Canon digital camera, one (1) Toshiba TV/VCR, one (1) Fellows shredder, one (1) Playstation 3, one (1) RT table cart, and twenty-two (22) Dell computers with keyboards were auctioned on-line through BidNet, the City's e-procurement website during the month of July 2009.

August 17, 2009

To: John Szerlag, City Manager

Re: Final Reporting – BidNet On-Line Auction Services – July 2009

Financial Considerations - continued

Final sale amounts and fees are listed below:

SUMMARY	PROCEEDS	SUB-TOTAL	NET INCOME
BidNet Auction (Watches, Computers, Jewelry, etc)	\$2,299.89		
SUB-TOTAL:		\$2,299.89	
	FEES:		
5% - Watches, Computers, Jewelry, camera, etc & etc.	(\$114.95)		
SUB-TOTAL:		(\$114.95)	
Sales Tax +6% (Watches, Computers, Jewelry, etc):	\$138.08		
SUB-TOTAL:		\$138.08	
			\$ 2,323.02

Legal Considerations

- Farmington Hills, Michigan was the lead agency for the bid process for an on-line auction website. Resolution #2004-02-075.

Policy Considerations

- Sale of surplus property is a statutory requirement of the Purchasing department. (Chapter 7, Sec 8), no perceived Policy consideration is associated with this item.

Options

- To report final results of July 2009 auctions to the City management.
- No action required



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Report for the City of Troy, MI

Detailed Report for Seller: ALL

Reported on 7/31/2009

From: 7/1/2009 To: 7/31/2009

Item ID	Date	Sale Amount	Tax Collected	Charge	Type of Fee	Auction Description	Seller
5408	7/1/2009	81.99	4.92	3.95	Sale	Lot 6 Gucci Purse	Bockstanz
5464	7/9/2009	20.25	1.22	1.01	Sale	Men's Watch	Bockstanz
5468	7/9/2009	20.50	1.23	1.03	Sale	Men's Silver Watch	Bockstanz
5476	7/9/2009	24.50	1.47	1.23	Sale	Hoop Earrings	Bockstanz
5480	7/9/2009	8.02	0.48	0.40	Sale	Heart Necklaces	Bockstanz
5482	7/9/2009	27.00	1.62	1.35	Sale	Silver Jewelry	Bockstanz
5483	7/9/2009	1.25	0.08	0.06	Sale	Beaded Necklaces	Bockstanz
5488	7/9/2009	30.50	1.83	1.53	Sale	Dolce Gabbana Glasses	Bockstanz
5466	7/9/2009	10.01	0.60	0.50	Sale	Men's Watch	Bockstanz
5473	7/9/2009	31.00	1.86	1.55	Sale	Men's Watch	Bockstanz
5477	7/9/2009	81.20	4.87	4.06	Sale	Bracelet and earrings	Bockstanz
5501	7/9/2009	2.00	0.12	0.10	Sale	Box of Cables	Bockstanz
5469	7/9/2009	14.50	0.87	0.73	Sale	Men's Silver Watch	Bockstanz
5470	7/9/2009	49.00	2.94	2.45	Sale	Women's Watch	Bockstanz
5472	7/9/2009	41.00	2.46	2.05	Sale	Women's Watch	Bockstanz
5474	7/9/2009	3.25	0.20	0.16	Sale	Necklace and earring set	Bockstanz
5475	7/9/2009	1.00	0.06	0.05	Sale	Necklace and earring set	Bockstanz
5481	7/9/2009	6.50	0.39	0.33	Sale	Hoop Earrings	Bockstanz
5485	7/9/2009	47.00	2.82	2.35	Sale	Charm Bracelet	Bockstanz
5489	7/9/2009	56.00	3.36	2.80	Sale	Gucci Sunglasses	Bockstanz
5484	7/9/2009	101.00	6.06	5.05	Sale	Gold Necklace	Bockstanz
5486	7/9/2009	66.68	4.00	3.33	Sale	Necklaces Charm Bracelet Earrings	Bockstanz
5465	7/9/2009	20.50	1.23	1.03	Sale	Men's Watch	Bockstanz
5467	7/9/2009	20.75	1.25	1.04	Sale	Men's Watch	Bockstanz
5471	7/9/2009	39.10	2.35	1.96	Sale	Women's Watch	Bockstanz
5394	7/27/2009	15.00	0.90	0.75	Sale	Pole Mount CPU Platforms	Bockstanz
4747	7/27/2009	5.00	0.30	0.25	Sale	Scale	Bockstanz
4742	7/27/2009	15.50	0.93	0.78	Sale	Ironrite Ironer	Bockstanz
5494	7/27/2009	2.00	0.12	0.10	Sale	Compact Auto Switch	Bockstanz
5500	7/27/2009	8.00	0.48	0.40	Sale	HP JetDirect	Bockstanz
5496	7/27/2009	2.00	0.12	0.10	Sale	2 Port KVM Switch	Bockstanz
5495	7/27/2009	2.00	0.12	0.10	Sale	2 Port KVM Switch	Bockstanz
5341	7/29/2009	35.00	2.10	1.75	Sale	Dell Computer B329	Bockstanz
5350	7/29/2009	38.50	2.31	1.93	Sale	Dell Computer B338	Bockstanz
5358	7/29/2009	36.00	2.16	1.80	Sale	Dell Computer B346	Bockstanz
5361	7/29/2009	35.00	2.10	1.75	Sale	Dell Computer B349	Bockstanz
5370	7/29/2009	35.00	2.10	1.75	Sale	Dell Computer B358	Bockstanz
5392	7/29/2009	37.00	2.22	1.85	Sale	Dell Computer B379	Bockstanz
5343	7/29/2009	41.00	2.46	2.05	Sale	Dell Computer B331	Bockstanz
5384	7/29/2009	41.00	2.46	2.05	Sale	Dell Computer B371	Bockstanz
5379	7/29/2009	41.00	2.46	2.05	Sale	Dell Computer B367	Bockstanz

5597	7/29/2009	46.00	2.76	2.30	Sale	Dell Computer B381	Bockstanz
5369	7/29/2009	46.99	2.82	2.35	Sale	Dell Computer B357	Bockstanz
5596	7/29/2009	39.00	2.34	1.95	Sale	Dell Computer B380	Bockstanz
5342	7/29/2009	41.00	2.46	2.05	Sale	Dell Computer B330	Bockstanz
5371	7/29/2009	36.00	2.16	1.80	Sale	Dell Computer B359	Bockstanz
5374	7/29/2009	36.00	2.16	1.80	Sale	Dell Computer B362	Bockstanz
5372	7/29/2009	45.99	2.76	2.30	Sale	Dell Computer B360	Bockstanz
5356	7/29/2009	45.99	2.76	2.30	Sale	Dell Computer B344	Bockstanz
5351	7/29/2009	45.99	2.76	2.30	Sale	Dell Computer B339	Bockstanz
5386	7/29/2009	46.99	2.82	2.35	Sale	Dell Computer B373	Bockstanz
5352	7/29/2009	45.99	2.76	2.30	Sale	Dell Computer B340	Bockstanz
5363	7/29/2009	46.99	2.82	2.35	Sale	Dell Computer B351	Bockstanz
5364	7/29/2009	41.00	2.46	2.05	Sale	Dell Computer B352	Bockstanz
5600	7/30/2009	88.00	5.28	4.40	Sale	Stack-on Safe	Bockstanz
5603	7/30/2009	49.95	3.00	2.50	Sale	Tatto Supplies	Bockstanz
5604	7/30/2009	78.00	4.68	3.90	Sale	Canon Digital Camera	Bockstanz
5627	7/30/2009	20.50	1.23	1.03	Sale	Toshiba TV/VCR	Bockstanz
5598	7/30/2009	25.50	1.53	1.28	Sale	Fellows Shredder	Bockstanz
5602	7/30/2009	260.01	15.60	13.00	Sale	Playstation 3	Bockstanz
5625	7/30/2009	21.50	1.29	1.08	Sale	RT Cart - Flat	Bockstanz

Total Sales Amount	Total Tax Collected	Total Amount Charged	Total Payments	Total Balance Due for the selected date range	Total Balance Due
\$2,299.89	\$138.08	\$114.95	\$0.00	\$114.95	\$114.95

DATE: August 3, 2009

TO: John Szerlag, City Manager
 FROM: Mark Stimac, Director of Building & Zoning
 SUBJECT: Permits issued July 2009

	NO.	VALUATION	PERMIT FEE
<u>INDUSTRIAL</u>			
Tenant Completion	5	\$34,454.00	\$815.00
Add/Alter	8	\$170,000.00	\$2,520.00
Sub Total	13	\$204,454.00	\$3,335.00
<u>COMMERCIAL</u>			
Tenant Completion	1	\$400,000.00	\$4,115.00
Add/Alter	13	\$2,969,588.00	\$28,755.00
Sub Total	14	\$3,369,588.00	\$32,870.00
<u>RESIDENTIAL</u>			
New	1	\$163,675.00	\$1,755.00
Add/Alter	29	\$325,352.00	\$5,390.00
Garage/Acc. Structure	7	\$44,862.00	\$1,005.00
Pool/Spa/Hot Tub	2	\$5,500.00	\$150.00
Repair	4	\$33,975.00	\$650.00
Fire Repair	1	\$5,810.00	\$135.00
Wreck	4	\$0.00	\$60.00
Fnd./Slab/Footing	1	\$2,500.00	\$75.00
Sub Total	49	\$581,674.00	\$9,220.00
<u>TOWN HOUSE/CONDO</u>			
Add/Alter	2	\$2,600.00	\$110.00
Sub Total	2	\$2,600.00	\$110.00
<u>MISCELLANEOUS</u>			
Signs	19	\$0.00	\$1,748.00
Fences	9	\$0.00	\$135.00
Sub Total	28	\$0.00	\$1,883.00
TOTAL	106	\$4,158,316.00	\$47,418.00

PERMITS ISSUED DURING THE MONTH OF JULY 2009

	NO.	PERMIT FEE
Mul. Dwel. Insp.	104	\$2,080.00
Cert. of Occupancy	20	\$1,804.75
Plan Review	52	\$4,224.00
Microfilm	18	\$169.00
Building Permits	106	\$47,418.00
Electrical Permits	167	\$17,913.00
Heating Permits	105	\$4,490.00
Air Cond. Permits	70	\$2,815.00
Refrigeration Permits	2	\$260.00
Plumbing Permits	69	\$5,214.00
Storm Sewer Permits	13	\$503.00
Sanitary Sewer Permits	6	\$178.00
Sewer Taps	7	\$3,230.00
TOTAL	739	\$90,298.75

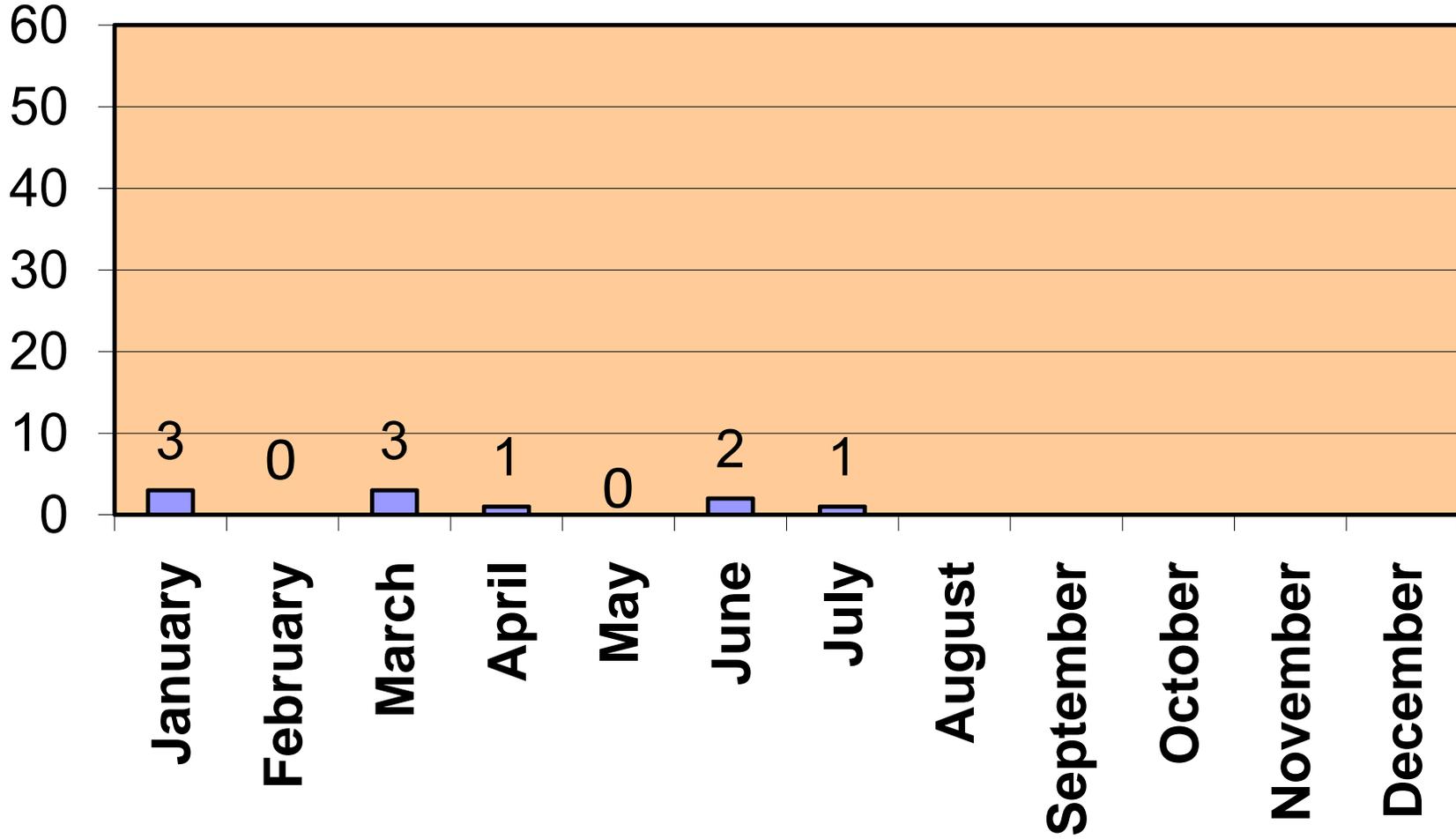
LICENSES & REGISTRATIONS ISSUED DURING THE MONTH OF JULY 2009

	NO.	LICENSE FEE
Mech. Contr.-Reg.	26	\$130.00
Elec. Contr.-Reg.	34	\$510.00
Master Plmb.-Reg.	27	\$135.00
Sign Inst. - Reg.	4	\$40.00
E. Sign Contr-Reg.	3	\$45.00
Fence Inst.-Reg.	2	\$20.00
Bldg. Contr.-Reg.	25	\$250.00
F.Alarm Contr.-Reg.	1	\$15.00
TOTAL	122	\$1,145.00

BUILDING PERMITS ISSUED

	<u>BUILDING PERMITS 2008</u>	<u>PERMIT VALUATION 2008</u>	<u>BUILDING PERMITS 2009</u>	<u>PERMIT VALUATION 2009</u>
JANUARY	71	\$4,678,432.00	66	\$5,215,813.00
FEBRUARY	81	\$5,464,681.00	39	\$2,463,134.00
MARCH	107	\$3,480,525.00	76	\$3,344,007.00
APRIL	141	\$10,518,298.00	95	\$3,005,226.00
MAY	161	\$4,357,036.00	122	\$1,679,112.00
JUNE	161	\$8,178,329.00	148	\$2,708,849.00
JULY	160	\$10,497,107.00	106	\$4,158,316.00
AUGUST	122	\$15,981,779.00	0	\$0.00
SEPTEMBER	134	\$13,136,548.00	0	\$0.00
OCTOBER	114	\$3,760,152.00	0	\$0.00
NOVEMBER	109	\$35,574,774.00	0	\$0.00
DECEMBER	66	\$1,762,444.00	0	\$0.00
TOTAL	1427	\$117,390,105.00	652	\$22,574,457.00

SINGLE FAMILY DWELLING PERMITS 2009



BRIEF BREAKDOWN OF NON-RESIDENTIAL BUILDING PERMITS
ISSUED DURING THE MONTH OF JULY 2009

Type of Construction	Builder or Company	Address of Job	Valuation
Commercial, Add/Alter	INTEGRATED ACOUSTICAL INC	50 W BIG BEAVER 610	101,760
Commercial, Add/Alter	INTEGRATED ACOUSTICAL INC	50 W BIG BEAVER 500	534,240
Commercial, Add/Alter	DAILEY COMPANY	735 JOHN R	1,800,000
Commercial, Add/Alter	HUNTINGTON CONSTRUCTION	901 TOWER 400	313,088
Total Commercial, Add/Alter			2,749,088
Commercial, Tenant Completion	DZI CONSTRUCTION SERVICES INC	730 E BIG BEAVER	400,000
Total Commercial, Tenant Completion			400,000
Records 6			Total Valuation: 3,149,088

From: [Mark F Miller](#)
To: [Mary F Redden](#)
Subject: FW: thank you
Date: Friday, August 14, 2009 11:57:44 AM

From: William Schmidt [mailto:Wschmidt7688@wideopenwest.com]
Sent: Friday, August 14, 2009 9:01 AM
To: Mark F Miller
Subject: thank you

Mr. Miller,

My husband and I met Mr. Stimac at a restaurant last night. I was thrilled to meet him. It allowed me to express my gratitude to him for his hard work in Troy. That made me realize that I should also acknowledge you and all the work you do and the time you spend with the Planning Commission and other committees.

This is just a short note of thank you. You and the members of your department certainly deserve recognition for all that you do to represent Troy's citizens. For instance, I know one of these days we will see a difference in the numbers and types of vehicles parked in residential areas. My husband and I are also excited about the upcoming changes to the train station in Birmingham. Please express our gratitude to the members of your department and to the Planning Commission members.

Have a wonderful weekend.

Sincerely,
Shirley and Bill Schmidt
5757 Ruby

From: [Mark F. Miller](#)
To: [Mary F. Redden](#)
Subject: FW: Troy-Birmingham Transit project
Date: Tuesday, August 25, 2009 10:15:50 PM

From: Rahamath Shaik [mailto:rahamath.shaik@gmail.com]
Sent: Tuesday, August 25, 2009 7:29 PM
To: Mark F Miller; Brent Savidant
Cc: shaikr@hotmail.com
Subject: Re: Troy-Birmingham Transit project

Mr. Miller and Mr. Savidant,

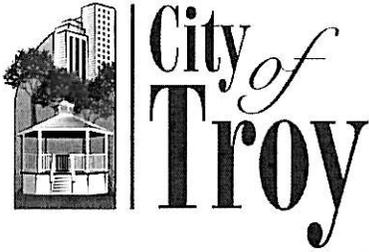
On behalf of our FLL team (Robo Rockets) from Boulan Park Middle School, we thank you for your time and the information you have provided. They are interested and excited to learn more about this transit project. Just to give an example of their interest, couple of team members went to Train station right after our meeting.

You had mentioned about your meeting/presentation tomorrow at Birmingham on this subject, most of them are interested in attending it. Some of them have prior committments, others are planning to attend. Please confirm if the following address is correct, do you know if it's in conference room?

Address:
DPS building
851 South Eton
Birmingham

Thank you once again and we look forward to meeting.

Regards,
Rahamath Shaik



CITY COUNCIL REPORT

TO: John Szerlag, City Manager 

FROM: Brian Murphy, Assistant City Manager/Economic Development Services 

DATE: August 3, 2009

RE: STUDY SESSION – PROPERTY MAINTENANCE CODE

Following the July 6th City Council meeting, City Management met with Councilmember Cristina Broomfield to discuss the issues brought up regarding the Property Maintenance Code.

Ms. Broomfield suggested adding another point of redress in to the Property Maintenance Code, whereby the City Manager may hear complaints. It was also suggested that the City Manager provide a regular (perhaps quarterly) update to the City Council on the number and nature of property maintenance cases that come before the City Manager. City staff is reviewing options on how to implement the suggestion, and will likely have more information at the Study Session.

There was also concern that the Property Maintenance Code requires dead bolts on residential rental properties only. Ms. Broomfield's contention is that the question of dead bolts should apply equally to all residential units. Either the City requires them in all residential units, or doesn't require their use in any residential unit. City staff understands Ms. Broomfield's argument of equal application, and is amenable to the outcome of Council's direction on this matter.



CITY COUNCIL REPORT

DATE: June 30, 2009

TO: John Szerlag, Acting City Manager

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

SUBJECT: Update of Chapter 82 of the Troy City Code
Property Maintenance Code

Background:

- The current provisions of the Troy Property Maintenance Code adopts, by reference, the 1993 Edition of the BOCA Property Maintenance Code.
- This document is no longer in print and is not available to the public.
- In August of 2008 the 2006 editions of the Michigan Building Codes went into effect.
- We have prepared for adoption an updated Property Maintenance Code that is based upon the 2006 edition of the ICC Property Maintenance Code.
- We are also proposing changes to the base document to address and consolidate other provisions of the Troy Ordinances.
- Because the length of the document is not too large, we are proposing to include the entire text of the ordinance rather than adopting by reference and just printing the amendments to the base document. We believe that this will result in an Ordinance that is easier to read, more coordinated, and more user friendly.
- Some of the highlights of the proposed changes include:
 - Updating to the latest versions of the referenced code documents.
 - Better coordination with Troy Municipal Civil Infractions Ordinance.
 - Including Dangerous Building provisions allowing for the deletion of Chapter 82A.
 - Including Weed provisions allowing for the deletion of Chapter 89.
 - Requiring for weed maintenance for right of way adjacent to County and City right of way.
 - Including Litter provisions allowing for the deletion of portions of Chapter 48.
 - Include provisions for Junk Vehicles allowing deletion of portions of Chapter 88.
 - Including new language regarding providing containers for personal property for evictions (crafted after similar provisions of City of Detroit Ordinance Language).
 - Better language for requiring exterior painting and addressing graffiti.
- If this new code is adopted, then accompanying changes to other ordinances should be adopted at the same time.
- We have included a copy of the existing text of Chapter 82 showing the text that will be deleted.

- We have included a copy of the current complete text of the 1993 BOCA Property maintenance Code that is the basis for the current Troy Property Maintenance Code for your reference.
- We have included a series of questions and answers that were raised at the June 15, 2009, City Council Meeting.
- We have also included some changes as a result of the comments raised at, and subsequent to, that meeting. These include:
 - Added documentation requirements to Section 102.8 on matters not covered by the code.
 - Changed the right of entry language in Section 104.4 to be identical to the language in the Michigan Building Code that is required to be enforced by State statute.
 - Modified the language for Modifications in Section 105.1.
 - Extended the time for compliance with an appeal order by Council for repairs to 60 days and eliminated the word “weather” from the provision for conditions for additional time.
 - Added a definition for “deadbolt” in the definitions section.
 - Identified the option for wireless interconnection of smoke detectors.
 - Added an exception for tree branches as rubbish in preservation and restoration areas.
 - Corrected formatting errors that were in the original document.

Financial Considerations:

- There are no financial considerations.

Legal Considerations:

- City Council has the authority to adopt a Property Maintenance Code under the City Charter and the Home Rule Cities Act.

Policy Considerations:

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

Options:

- City Council can adopt the new Property Maintenance Code
- City Council can retain the existing Property Maintenance Code.
- City Council can revise the provisions and adopt those provisions as the new Property Maintenance Code.

Approved as to Form and Legality:

Lori Grigg Bluhm, City Attorney

CITY OF TROY
AN ORDINANCE TO
AMEND CHAPTER 82 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, Property Maintenance Code, of the Code of the City of Troy.

Section 2. Amendment

Chapter 82, Property Maintenance Code, shall be amended to read as follows:

CHAPTER 1 ADMINISTRATION

101 GENERAL.

101.1 Title. These regulations shall be known as the *Property Maintenance Code* of the City of Troy, hereinafter referred to as “this code.”

101.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure and promote public health, safety and welfare in so far as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is held to be unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this code.

SECTION 102 APPLICABILITY

102.1 General. The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

102.2 Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy shall be done in accordance with the procedures and provisions of the *Michigan Building Code, International Fuel Gas Code, Michigan Mechanical Code, Michigan Plumbing Code, and the Michigan Electrical Code*. Nothing in this code shall be construed to cancel, modify or set aside any zoning provisions of *Chapter 39, Zoning Ordinance, of the Troy Code of Ordinances*.

102.4 Existing remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe or unsanitary.

102.5 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

102.6 Historic buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the code official to be safe and the perpetuation of such historical buildings is in the public interest.

102.7 Referenced codes, ordinances, and standards. The codes, ordinances, and standards referenced in this code shall be those that are listed in Chapter 8 of this Ordinance and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.8 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare shall be determined by the code official if not specifically covered by this code. The details of any such determination shall be recorded and entered in the department files.

SECTION 103 BUILDING DEPARTMENT

103.1 General. The Building Department is hereby designated as the City of Troy enforcement division of this code and shall be known as the Department and the Director of Building and Zoning shall be known as the code official.

103.2 Deputies. In accordance with the prescribed procedures of the City of Troy, the City Manager shall have the authority to appoint or remove the code official, other related technical officers, inspectors and other employees.

103.4 Liability. The code official and fire official, while acting for the City of Troy, shall not thereby be rendered liable personally, and is relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties. Any suit instituted against any code official or fire official because of an act performed by that official in the lawful discharge of duties and under the provisions of this code shall be defended by the City Attorney or his/her designee until the final termination of the proceedings. The code official or fire official shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code. Any official of the department, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties, excluding acts which constitute gross negligence and/or intentional acts on the part of individual.

103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be set forth in *Chapter 60, Fees and Bonds Required, of the City of Troy Ordinances*, or by resolution of the Troy City Council.

SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 General. The code official shall enforce the provisions of this code.

104.2 Rule-making authority. The code official shall have authority as necessary and in the interest of public health, safety and general welfare to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

104.3 Inspections. The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise.

104.3.1 Multiple Family Dwellings. Structures with three or more dwelling units

are subject to periodic inspections to insure compliance with this code as set forth in *Chapter 82A, Rental and Dwelling Inspections and Enforcement, of the City of Troy Code of Ordinances.*

104.4 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

104.5 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this code.

104.7 Department records. The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained for as long as the building or structure to which such records relate remains in existence, unless otherwise provided under law.

SECTION 105 APPROVAL

105.1 Modifications. Existing buildings or structures will not be subject to adhere to all or some of the Property Maintenance code requirements when the code officer determines that unique circumstances makes the strict enforcement of this code impractical, provided that such modification does not lessen health, life and fire safety requirements. The details of any such modifications shall be recorded and entered in the department files.

105.2 Alternative materials, methods and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, as long as any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

105.3 Required testing. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not

conform to the requirements of this code, or when necessary to substantiate requests for alternative materials or methods, the code official shall have the authority to require tests in order to verify compliance. Any such required test shall be paid for by the person charged with demonstrating compliance, and shall not be charged to the City of Troy.

105.3.1 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures which shall be performed by an approved agency.

105.3.2 Test reports. Reports of tests shall be retained by the code official for the period required for retention of public records.

105.4 Material and equipment reuse. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved. This section is not intended to limit the use of recycled materials.

SECTION 106 VIOLATIONS AND PENALTIES

106.1 Unlawful acts and prosecution of violations. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code. A violation of this ordinance shall be prosecuted as a municipal civil infraction, pursuant to *Chapter 100, Municipal Civil Infractions, of the City of Troy Code of Ordinances*.

106.2 Separate offense and violation penalties. Any person who violates a provision of this code, or fails to comply with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after a notice of violation has been issued can be deemed a separate offense. Penalties shall be assessed as provided in *Chapter 100, Municipal Civil Infractions, of the City of Troy Code of Ordinances*.

106.3 Abatement of violation The issuance of a Municipal Ordinance Violation Notice or a Municipal Ordinance citation or the imposition of penalties pursuant to *Chapter 100, Municipal Civil Infractions, of the City of Troy Code of Ordinances* shall not preclude the Troy City Attorney or his/her designee from instituting appropriate action to restrain, correct or abate a violation or to prevent illegal occupancy of a building, structure or premises or to stop an illegal act, conduct, business or utilization of the building, structure or premises; or to take any other legal action or remedy as provided by law.

SECTION 107 NOTICES AND CITATIONS

107.1 Notice or Citation to person responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe

that a violation has occurred, a Municipal Civil Infraction Notice or a Municipal Civil Infraction Citation may be given to the person responsible for the violation in the manner prescribed in *Chapter 100, Municipal Civil Infractions, of the City of Troy Code of Ordinances*.

107.2 Form and Method of Service. A Municipal Civil Infraction Notice or Municipal Civil Infraction Citation shall be in a form as prescribed in *Chapter 100, Municipal Civil Infractions, of the City of Troy Code of Ordinances* and shall be served in a method prescribed in Chapter 100.

107.3 Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a notice of violation or an order from the court requiring compliance, to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another person until the code violations have been corrected or there is compliance with an applicable court order. In the alternative, an owner can furnish the grantee, transferee, mortgagee or lessee with a true copy of any notice of violation issued by the code official or his/ her designee or a copy of any order of the court requiring compliance. The owner shall then furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such notice of violation or order requiring compliance where such grantee, transferee, mortgagee or lessee fully accepts the responsibility, without condition, for making the corrections or repairs required by such notice of violation, or court order requiring compliance.

SECTION 108 DANGEROUS BUILDINGS, UNSAFE STRUCTURES, UNSAFE EQUIPMENT AND DEMOLITION

108.1 General. The procedures set forth in this Section are established to secure the health and safety of the occupants of dwellings and structures and the general public. The code official shall enforce the provisions of this Section, and shall have jurisdiction to establish the inspection and violation procedures to implement enforcement. This Section does not preclude enforcement by any other governmental agency with jurisdiction over dangerous buildings, unsafe structures or unsafe equipment. This Section may be enforced by joint agreement between the City of Troy and any other governmental agency, if practical.

108.1a Unlawful to maintain dangerous building, unsafe structure or unsafe equipment. It is unlawful for any owner to keep or maintain any building, structure or equipment or part thereof in a dangerous or unsafe manner, as set forth in Section 108.1.1 or 108.1.2.

108.1b Owners subject to ordinance. All owners shall be subject to the provisions of this ordinance and shall be parties to all proceedings, actions, or prosecutions for dangerous buildings, unsafe structures and/or unsafe equipment.

108.1.1 Dangerous or Unsafe Building or structure. A dangerous or unsafe

building or structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure. It does not provide minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is possible. A dangerous building or unsafe structure is a building or structure which has one or more of the following defects or satisfies one or more of the following conditions:

- a. A door, aisle, passageway, stairway or other means of exit is not in compliance with the approved *Troy Fire Code*.
- b. A portion of the building or structure is damaged by fire, wind, flood, or other cause in such a manner that the structural strength or stability of the building is appreciably less than it was before such catastrophe and does not meet the minimum requirements of the City of Troy Ordinances.
- c. A portion of the building or structure has settled to such an extent that walls or other structural portions have materially less resistance to winds than is required for new construction under the City of Troy Ordinances.
- d. The building or structure or part of the building or structure is likely to partially or completely collapse, or become detached, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for support or for other reason.
- e. The building, structure, or part of the building or structure is manifestly unsafe for the purpose for which it is intended to be used
- f. The building or structure is vacant, dilapidated and open at any door or window leaving the interior of the building exposed to the elements or accessible to entrance by trespassers; or otherwise becomes an attractive nuisance to children who might play in the building or structure to their danger; or becomes a harbor for vagrants, criminals or immoral persons or enables persons to use the building or structure in the commission of a nuisance or an unlawful or immoral act.
- g. A residence or the adjoining grounds of a building or structure which is used or intended to be used for dwelling purposes is unsanitary or unfit for human habitation, due to dilapidation, decay, damage, or faulty construction or arrangement or otherwise is in a condition that the code official determines is likely to cause sickness or disease or is likely to injure the health, continued safety or general welfare of people living in or near the residence.
- h. An owner has been previously notified of existing code violation(s), according to the provisions of the Troy Code of Ordinances and after said

notice has left the structure unattended or unoccupied, whether boarded up or in an open condition, for a period exceeding thirty (30) days.

i. A building or structure is unfit for human occupancy such that the building or structure is unsafe, unlawful or because of the degree to which the structure is in disrepair or lacks maintenance, it is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

j. A building or structure found in whole or in part to be occupied by more persons than permitted under this code, or a building or structure that was erected, altered or occupied contrary to law.

108.1.1.1 Notice of dangerous and unsafe building, structure or condition.

When the whole or part of any building or structure is found to be a dangerous or unsafe building or structure, the code official shall issue a notice declaring that the building or structure is a dangerous or unsafe building or structure. The notice shall itemize the current code violation(s) and dangerous condition(s) and specify a time to complete all necessary repairs or demolish of the building or structure.

108.1.1.2 Service of Notice. The notice shall be served on the owner of record or the registered agent in the following manner:

1. Delivered personally; and
2. Sent by certified or first-class mail addressed to the owner's or resident agent's last known address.

If the owner cannot be found, the notice may alternatively be served by posting it prominently and securely on the property and publishing it once a week for three (3) consecutive weeks in a newspaper authorized to provide service by publication. Service of notice under this provision shall supersede *Chapter 100, Municipal Civil Infractions, of the City of Troy Code of Ordinances*.

108.1.1.3 Contents of Notice. The notice shall state that the owner or his/her authorized representative has the right to appeal the determination of the code official that the building or structure is dangerous or unsafe to the Troy City Council. The notice shall further state that any appeal under this Section shall be filed in writing to the code official within ten (10) days of service of the notice.

108.1.1.4 Waiver of Hearing. If a written appeal of the dangerous or unsafe building or structure determination is not received by the code official within ten (10) days of the date of service of the notice, then a public hearing will not be necessary. The matter shall be referred to the City Council for resolution.

108.1.1.5 Public Hearing. If the code official receives a written appeal of the

dangerous or unsafe building or structure determination within the allocated ten (10) day period, then a public hearing will be scheduled before the City Council as soon as administratively possible. At the public hearing, the City Council shall take the testimony from the code official and/or his/her authorized representatives and employees; testimony from the owner of the property and any other interested party to determine whether the building or structure constitutes a dangerous or unsafe building or structure, as defined by this section.

108.1.1.6 City Council action. If the City Council determines that the building or structure is a dangerous or unsafe building or structure, and that the building or structure should be demolished or made habitable, Council shall order either demolition within twenty-one (21) days or require that all necessary repairs be completed within sixty (60) days after the hearing and/or resolution, unless the City Council determines that the conditions justify a longer time period to complete the necessary repairs.

108.1.1.7 Failure to demolish or repair. If the ordered demolition or repairs are not completed within the allocated time period, as set forth in the resolution, City Council can then authorize any and all necessary action to enforce their order. This includes, but is not limited to, causing the building or structure or any part of the building or structure to be razed and removed either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be charged against the real property upon which the building or structure is located and shall be a lien upon such real property. Such lien shall be enforced against the real property as a special assessment.

108.1.1.8 Recovery of City's cost. The owner or party in interest according to the last local tax assessment records, shall be notified of the cost of the necessary repairs or demolition by first class mail at the address shown on the local tax assessment records. If the owner or party in interest fails to pay the same within thirty (30) days after mailing by the Assessor of the notice of the amount due, the Assessor shall add the same to the next tax roll of the City of Troy, and the same shall be collected in the same manner and in all respects as provided by law for the collection of taxes by the City of Troy. The City Council shall also have the option of initiating a lawsuit to recover the City's full cost of necessary repairs or demolition. If the City receives a favorable judgment, then the City shall have all rights and remedies under law to collect the amount of the judgment from the property owner(s) and/or parties in interest.

108.1.8.2 Salvage materials. When any building or structure has been ordered demolished and removed, the City of Troy shall have the right, but not the obligation, to sell the salvage and valuable materials at the highest price obtainable either through the City or through a contractor hired by the City. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted to the property owner with a report of such sale or transaction, including the items of expense and the amounts deducted. If there is no surplus, the report shall so state.

108.1.1.10 Appeal to Circuit Court. An owner aggrieved by any dangerous building final decision or order of the City Council may appeal the decision or order to the Circuit Court within twenty (20) days from the date of the decision.

108.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

108.2 Closing of vacant buildings and structures. If a building or structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real property upon which the structure is located and shall be a lien upon such real property and may be collected by any other legal resource.

108.3 Posting Notice. Whenever the code official has declared a building, structure or equipment dangerous or unsafe under the provisions of this section, notice shall be posted in a conspicuous place in or about the building or structure affected by such notice or placed on the unsafe equipment.

108.4 Placarding. The code official shall post on the premises or on defective equipment a placard bearing the words "Dangerous Building" or "Unsafe Building" or "Dangerous Structure" or "Unsafe Structure" or "Dangerous Equipment" or "Unsafe Equipment" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

108.4.1 Placard removal. The code official shall remove the placard whenever the defect or defects upon which the determination of dangerous or unsafe building, structure or equipment and placarding action were based have been eliminated. Any person who defaces or removes a placard without the approval of the code official shall be subject to the penalties provided by this code.

108.5 Prohibited occupancy. Any occupied building or structure determined to be dangerous or unsafe and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premise or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premise or operate placarded equipment shall be liable for the penalties provided by this code.

SECTION 109 EMERGENCY MEASURES

109.1 Imminent danger. When, in the opinion of the code official or fire official, there is imminent danger of failure or collapse of a building or structure which

endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any building or structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official or fire official or designee are hereby authorized and empowered to order and require the occupants to vacate the premises immediately. At each entrance to such a building or structure, the code official or his/her designee shall post a notice declaring the building or structure unsafe and prohibiting occupancy. It shall be unlawful for any person to enter such building or structure except for the purpose of securing the building or structure, making the required repairs, removing the hazardous condition or of demolishing the building or structure.

109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever the code official determines that there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done to render such structure temporarily safe, whether or not the legal procedure herein described has been instituted. This necessary work could be to board up openings of the building or structure, or could be any other action that the code official deems necessary to address such emergency.

109.2a Abating a nuisance. The code official or fire official shall have the power to abate any public nuisance from any dangerous building or structure if immediate action is required to avoid a distinct hazard to life or property. Since this action is for public safety, the action can be taken without preliminary notice as is otherwise required in the City of Troy Code of Ordinances.

109.3 Closing streets. When necessary for public safety, the code official shall temporarily close buildings and structures. The code official can also close or order the closure of sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

109.4 Emergency repairs. For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

109.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall initially be assumed by the City of Troy. The other costs of abating a public nuisance shall be charged against the owner(s) or occupant(s) of the premise. The owner(s) or occupant(s) shall be sent an invoice for the cost of abatement by the City of Troy Building Department. If payment is not made within thirty (30) days, the amount shall be collected in the same manner as set forth in Section 108.1.1.8.

109.6 Hearing. Owners or occupants must comply with orders for emergency measures. However, the owner or occupant can request relief from the order by filing a written petition with the Building Code Board of Appeals within twenty (20) days of the decision of the code official and in compliance with Section 111, as

set forth below.

SECTION 110 Reserved

SECTION 111 APPEAL TO BUILDING CODE BOARD OF APPEALS

111.1 Application for appeal. Except for individuals filing an appeal under Section 108.1.1.5 – Public Hearing (Dangerous or Unsafe Buildings, Structures or Conditions), any person directly affected by a decision of the code official or a notice of violation issued under this code shall have the right to appeal to the Building Code Board of Appeals, provided that a written application for appeal is filed within twenty (20) days after the day the decision or notice of violation was served. An application for appeal shall be based on a claim that the true intent of this code been incorrectly interpreted; the provisions of this code do not fully apply; or the requirements of this code have been adequately satisfied.

111.2 Membership of Building Code Board of Appeals. The authority, membership, procedures, and compensation of the Building Code Board of Appeals is set out in Section 116 of *Chapter 79, General Building Regulations, of the City of Troy Code of Ordinances*.

111.3 Commission or Court Review. Any interested person, whether or not a previous party of an appeal under this section, shall have the right to appeal the decision of the Building Code Board of Appeals. Appeals can be filed with the Michigan Construction Code Commission pursuant to MCL 125.1516, or with an appropriate court. Appeals shall be filed in the manner and time required by law.

111.4 Stays of enforcement. For all but emergency cases, appeals of notices and orders of the code official shall stay the enforcement of the notice and order until the appeal is heard and a final decision rendered by the Building Code Board of Appeals, the Michigan Construction Code Commission or an appropriate court of law.

CHAPTER 2 DEFINITIONS

SECTION 201 GENERAL

201.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings as set forth in this chapter.

201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural includes the singular.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *Michigan Building Code, Troy Fire Code, Troy Zoning Ordinance, Michigan Plumbing Code, Michigan Mechanical Code* or the *Michigan Electrical Code*, such terms shall have the meanings ascribed to them as stated in those codes.

201.4 Terms not defined. Where terms are not defined through the methods

authorized by this section, such terms shall have ordinarily accepted meanings taken in light of the context.

201.5 Parts. Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “rooming house,” “rooming unit” “housekeeping unit” or “story” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

SECTION 202 GENERAL DEFINITIONS

APPROVED. Approved by the code official.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

CITY COUNCIL. The Troy City Council.

CODE OFFICIAL. The code official charged with the administration and enforcement of this code is the City of Troy Director of Building and Zoning or his/her designee.

COMMON PROPERTY. Property commonly owned by a number of individuals in a condominium development (including site condominium), subdivision or other form of development with common areas, such as cul-de-sacs, traffic medians, boulevard, islands, parks, playgrounds, detention and retention areas, open space or other common areas.

DEADBOLT. A locking mechanism consisting of a bolt that when moved into the locked position cannot be retracted by end pressure on the bolt.

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.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on, or above a said lot or lots.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water source; by poison, spraying, fumigating, trapping or by any other approved pest elimination methods.

FIRE OFFICIAL. The fire official charged with the administration and

enforcement of this code is the City of Troy Fire Chief or his/her designee.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain a toilet, lavatory and bathtub or shower within such a unit.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of rats, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets. Inoperable vehicles include, but are not limited to those that are unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

LABELED. Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

LET FOR OCCUPANCY OR LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any owner, occupant, tenant, lessee, landlord, agent or person

who has charge, care, control or responsibility over a structure, premises or any private property which is let or offered for occupancy.

OWNER. Any person, partnership, association, agent, operator, firm or corporation and/or their legal successors and assigns having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control or responsibility over the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PREMISE. A lot, plot or parcel of land, easement or public way, including any structures thereon, also including such portions of any street dedicated for public use that would be attached to the owner's property upon vacation of the public rights to the street that are not otherwise paved or improved. Premise includes easements or rights-of-way owned by the City or the Road Commission of Oakland County.

PRESERVATION OR RESTORATION AREA. All or a portion of a premise managed to preserve or restore native Michigan grasses, native trees, shrubs, wildflowers, and aquatic plants, including but not limited to: indian grass (*Sorghastrum nutans*), prairie cordgrass (*Spartina pectinata*), prairie dropseed (*Sporobolus heterolepis*), rice cut grass (*Leersia oryzoides*), panic grass (*Panicum implicatum*), switch grass (*Panicum virgatum*), riverbank wild-rye (*Elymus riparius*), purple love grass or tumble grass (*Eragrostis spectabilis*), fowl manna grass (*Glyceria striata*), bottlebrush grass (*Hystrix patula*), big bluestem (*Andropogon gerardii*), long-awned wood grass (*Brachyelytrum erectum*) and blue-joint grass (*Calamagrostis canadensis*); an oldfield succession of native and non-native plants; or a combination of these.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

ROOMING HOUSE. A building arranged or occupied for residential lodging for compensation with or without meals and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage. The term includes burnt wood, burnt coal, burnt coke and other combustible materials; paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust,

residue and other similar materials.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are part of a dwelling unit are not sleeping units.

STORY. That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is not a floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50) percent by cubic content, is below the height level of the adjoining ground.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

TURF GRASS. Grass commonly used in regularly-cut lawns or play areas, including but not limited to: bluegrass, fescue, and ryegrass blends.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WEEDS. Noxious weeds as defined under Michigan law (MCL 247.62) including, but not limited to:

Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (charlock, black mustard and Indian mustard, species of *Brassica* or *Sinapis*), wild carrots (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), ragweed (*Ambrosia elatior* 1.); and poison ivy (*Rhus toxicodendron*), and poison sumac (*Toxicodendron vernix*).

Any other varieties, species or plant growth designated by the City as poisonous, injurious and/or regarded as a common nuisance in the opinion of the City of Troy Public Works Director or his/her designee.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same lot with a structure.

CHAPTER 3 GENERAL REQUIREMENTS

SECTION 301 GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

301.2 Responsibility. The owner of a premise shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided in this code. A person shall not occupy as owner-occupant or permit another person to occupy a premise that is not in a sanitary and safe condition and which does not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premise which they occupy and control.

301.3 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302 EXTERIOR PROPERTY AREAS

302.1 Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that is occupied or controlled by that occupant in a clean and sanitary condition.

302.2 Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon, including but not limited to garden pools and swimming pools.

Exception: Approved retention areas and reservoirs.

302.3 Sidewalks and driveways. The occupant or property owner is responsible to keep all sidewalks, walkways, stairs, driveways, parking spaces and similar areas in a proper state of repair, and maintained free from hazardous conditions.

302.4 Turf Grass, Weeds and Plant Growth.

302.4.1 Weeds and Grass. The presence of turf grass and/or weeds exceeding ten (10) inches in height on any premises in the City is hereby declared to be a nuisance. The owner, occupant or any person having control or management of any premises is required to cut turf grass and weeds on the premises to a height that is ten (10) inches or less.

Exceptions:

- 1) Preservation or Restoration Areas are allowed to exceed ten (10) inches in height if those areas do not contain any turf grass and/or weeds.
- 2) Areas declared to be wetland or preservation areas by the Michigan Department of Natural Resources or the Michigan Department of Environmental Quality are allowed to exceed ten (10) inches in height.
- 3) Cultivated flowers and gardens or fields devoted to growing any small grain crop such as wheat, corn, oats, barley or rye.

302.4.2 Duty of Owner to abate. It shall be the duty of the owner, occupant or any person having control or management of any premises within the City upon which weeds are found growing or standing, to cut and destroy or cause to be cut and destroyed all such weeds in such a manner as to prevent such weeds from perpetuating themselves or going to seed.

302.4.3 Failure to abate. Upon failure of the owner, occupant or any person having control or management of any premises to cut turf grass and/or weeds and to take action to prevent such weeds from perpetuating themselves; the owner, occupant or any person having control or management of the premises shall be subject to prosecution as set forth in *Chapter 100, Municipal Civil Infractions, of the City of Troy Code of Ordinances*. Additionally the City may enter onto said premises as many times as necessary between May 1st to November 1st to cut turf grass and/or weeds, treat weeds or otherwise abate the nuisance.

302.4.4 Published Notice. It shall be the duty of the Public Works Director or his/her designee to give general notice to every owner, occupant, or person having control or management of any premises of the cutting and weed prevention requirements of this section. Such duty shall be satisfied if publication is made of the cutting and weed prevention requirements in the newspaper of record in the City during the month of March notifying the owners, occupants or persons having control or management of any premises that failure to cut turf grass or weeds or failure to prevent the perpetuation of weeds as required under this section during the period of May 1 to November 1 of each year, may result in the issuance of a Municipal Civil Infraction Notice or Citation under *Chapter 100, Municipal Civil Infractions, of the City of Troy Code of Ordinances* and/or the entry on the premises by the City to cut said turf grass and/or weeds or to prevent the perpetuation of weeds. The general notice shall also inform owners, occupants and persons having control or management of any premises that if the City is required to enter onto the premises to cut turf grass and/or weeds or to take an action to prevent the perpetuation of weeds, the property owner designated on the City assessment or tax rolls shall be assessed the cost, payable to the City, for each required abatement. The City may enter onto said premises as many times as necessary between May 1st to November 1st to cut turf grass and/or weeds or treat weeds and charge the cost to the property owner

for each such cutting or treatment. The City has the discretion to send via first class mail a ten (10) day notice to the last property owner of record and/or to attach a notice to the premises stating that the City intends to cut said turf grass and/or weeds or treat weeds, and if the turf grass and/or weeds are not cut or the weeds are not treated within ten (10) days from the date of the notice, the City may proceed to cut the turf grasses and/or weeds or treat the weeds. Failure to send such a warning notice does not in any way prevent the City from entering on the premises to cut turf grass and/or weeds or to treat weeds, as long as a general notice has been published, as set out herein.

302.4.5 Recovery of Cost by City. The Department of Public Works Director or his/her designee is hereby authorized and directed to keep accurate accounts of all reasonable expenses incurred by the City to abate a nuisance. The Public Works Director and/or his designee, is hereby authorized to include in its cost of recovery the following: wages, overtime wages, fringe benefits, cost of equipment, supplies, materials, and a ten (10) percent administration charge to cover the expense of administering the abatement work that is performed. The Public Works Director or his/her designee shall prepare an invoice of total charges for each premise and forward those invoices to the City Treasurer. Within ten (10) days after receipt of an invoice, the City Treasurer shall forward to the owner on the last local assessment or tax roll an invoice of the total charges assessed against each premises. Thirty (30) days from the date each statement was mailed, payment shall be made. If the invoice is not paid within thirty (30) days, the total amount charged shall become an assessment against the land and a lien against the property.

302.4.6 Common Property. If property is held as common property, such as, but not limited to: common areas of a condominium development (including a site condominium), subdivision, cul-de-sac, traffic medians, boulevards, islands, parks, playgrounds, detention and retention areas, open space or any other common area or other form of development for which the City is unable to determine the occupant or person having control or management over a common area with assessment or tax records, the City may enter onto the common property to abate any nuisance of a type set out in this Chapter. The costs incurred by the City for the nuisance abatement shall be pro-rated among each individual property owner in the condominium development, subdivision or other individual owner in a development with common property. The City Treasurer shall send a statement to each owner for their specific pro-rated portion. If the invoice is not timely paid, the total amount charged shall become an assessment against that particular property for that pro-rated share.

302.5 Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not

discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

302.7 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. No person shall permit the accumulation of one or more inoperable vehicles outside of a completely enclosed building for a period of more than fourteen (14) days. Inoperable vehicles are those that are not in operating condition and eligible for use in accordance with the requirements of the Michigan Vehicle Code, being MCL 257.1 through 257.925. These minimum conditions include, but are not limited to: an engine that runs, four wheels and four pneumatic tires capable of holding air, working battery, and current license plates. This prohibition applies to owners, tenants, managers of private property, last registered owners of motor vehicles or transferees on a bill of sale covering a vehicle.

Exception: Any person enumerated in this section who, under special conditions of hardship, or for valid reasons such as the preservation of a historic or classic vehicle, may request an extension of the fourteen (14) day limitation above described by filing a timely request with Director of Building and Zoning. The Director of Building and Zoning may, after review of all of the circumstances, grant a reasonable extension of time for compliance.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. Owners of property bear the responsibility to remove or obliterate markings, carvings or graffiti from their property.

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas capable of holding water more than 24 inches in depth shall be completely surrounded by a fence or barrier at least 48 inches in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

SECTION 304 EXTERIOR STRUCTURE

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

304.3 Premise identification. Buildings shall have approved address numbers as required by *Chapter 2 of the City of Troy Code of Ordinances*.

304.4 Structural members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.8 Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang extensions. All overhang extensions including, but not limited

to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens. During the period from April 1 to November 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch, and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means are employed, such as air curtains or insect repellent fans.

304.15 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

304.18 Building security. Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

304.18.1 Doors. Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than 1 inch. Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

304.18.2 Windows. Operable windows located in whole or in part within 6 feet above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

304.18.3 Basement hatchways. Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

SECTION 305 INTERIOR STRUCTURE

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

305.2 Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

305.5 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in

good condition.

305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION 306 HANDRAILS AND GUARDRAILS

306.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches above the floor or grade below shall have guards. Handrails shall not be less than 30 inches high or more than 42 inches high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code.

SECTION 307 RUBBISH AND GARBAGE

307.1 Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure shall be free from any accumulation of rubbish or garbage.

Exception: Fallen trees and branches from trees on the premise in a preservation or restoration area.

307.2 Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

307.2.1 Rubbish storage facilities. The owner of every occupied premise shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

307.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

307.3 Disposal of garbage. Every occupant of a building shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

307.3.1 Garbage facilities. The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; or an approved, leak-proof, covered, outside garbage container.

307.3.2 Containers. The operator of every establishment producing garbage

shall provide, and at all times cause to be utilized, approved leak-proof containers with close-fitting covers for the storage of garbage until it is removed from the premise for disposal.

307.4 Rubbish removal after eviction notice for landlord/tenant or foreclosure. If a tenant or occupant has personal property on the premises at the time of an eviction or involuntary removal the owner or operator shall place a large movable container or receptacle on the private property which holds at least 6 cubic yards and can be mechanically emptied for disposal purposes of the tenant or occupant's personal property, such as but not limited to: household furniture, appliances, clothing, rugs, window treatments, books and paper products and personal goods. At no time shall any part of the container be placed on any public area adjacent to the private property.

307.4.1 Type of container. Upon eviction or involuntary the tenant's or occupant's personal property shall be placed and disposed of only in the large movable container as referenced above. The container shall be of the type which will allow access from its side as opposed to access solely through the top of the container.

307.4.2 Removal of container. The movable container and its contents shall be removed from the real property within forty-eight (48) hours of placement.

307.4.3 Blight violation. In the event that a moveable container is not used for disposal of the tenant's or occupant's personal property and that property is improperly placed elsewhere on the property, or the container is not properly removed, then the owner, operator or other person in violation of this Section is subject to immediate issuance of a Municipal Civil Infraction Notice or a Municipal Civil Infraction Citation pursuant to *Chapter 100, Municipal Civil Infractions, of the City of Troy Code of Ordinances*.

307.4.4 Cost Recovery. In addition to any other penalties set out in the Troy Code of Ordinances, if the City of Troy incurs any costs to remove solid waste from property resulting from an eviction or foreclosure proceeding, the owner and the operator shall be billed by invoice sent by first class mail for the cost of the removal, including but not limited to: the cost of labor for removal of the solid waste and the cost of the use or rental of the container. If the owner or operator fails to pay the same within thirty (30) days after the invoice is mailed, the City shall add the amount to the next tax roll of the City of Troy, and it shall be collected in the same manner as provided by law for the collection of taxes by the City of Troy. The City Council shall also have the option of initiating a lawsuit to recover the City's full cost of necessary expenses. If the City receives a favorable judgment, then the judgment may be assessed against all of the assets of the owner of the property, both real and personal, not just the real property where the removal of solid waste occurred.

SECTION 308 EXTERMINATION

308.1 Infestation. All structures shall be kept free from rodent or pest infestation.

All structures in which rodents or pests are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

308.2 Responsibility. The owner, occupant, or any person having control of any structure or premises shall be responsible for extermination.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

CHAPTER 4 LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION 401 GENERAL

401.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

401.2 Responsibility. The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

401.3 Alternative devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the *Michigan Building Code* shall be permitted.

SECTION 402 LIGHT

402.1 Habitable spaces. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet. The exterior glazing area shall be based on the total floor area being served.

402.2 Common halls and stairways. Every common hall and stairway in residential occupancies, other than in one and two family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet. In other than residential occupancies, means of egress, including exterior means of egress stairways, shall be illuminated at all times the building space served by the means of egress

is occupied with a minimum of 1 foot-candle at floors, landings and treads.

402.3 Other spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

SECTION 403 VENTILATION

403.1 Habitable spaces. Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

403.2 Bathrooms and toilet rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be re-circulated.

403.3 Cooking facilities. Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit.

Exceptions:

1. Where specifically approved in writing by the code official.
2. Devices such as coffee pots, hot plates, toaster ovens and microwave ovens shall not be considered cooking appliances.

403.4 Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be re-circulated to any space.

403.5 Clothes dryer exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

SECTION 404 OCCUPANCY LIMITATIONS

404.1 Privacy. Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 Minimum room widths. A habitable room, other than a kitchen, shall not be less than 7 feet in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet between counter fronts and appliances or counter fronts and walls.

404.3 Minimum ceiling heights. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet.

Exceptions:

1. In one and two family dwellings, beams or girders spaced not less than 4 feet on center and projecting not more than 6 inches below the required ceiling height.
2. Basement rooms in one and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches with not less than 6 feet 4 inches of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet or more shall be included.

404.4 Bedroom and living room requirements. Every bedroom and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Room area. Every living room shall contain at least 120 square feet and every bedroom shall contain at least 70 square feet.

404.4.2 Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

404.4.3 Water closet accessibility. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

404.4.4 Prohibited occupancy. Kitchens and non-habitable spaces shall not be used for sleeping purposes.

404.4.5 Other requirements. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating

facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

404.5 Overcrowding. The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the code official, endanger the life, health, safety or welfare of the occupants.

404.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet. A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet. These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front. Light and ventilation conforming to this code shall be provided.
3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
4. The maximum number of occupants shall be three.

404.7 Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

CHAPTER 5 PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 501 GENERAL

501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

SECTION 502 REQUIRED FACILITIES

502.1 Dwelling units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used

as a substitute for the required lavatory.

502.2 Rooming houses. At least one water closet, lavatory and bathtub or shower shall be supplied for every four rooming units.

502.3 Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

502.4 Employees' facilities. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

502.4.1 Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or clean cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

SECTION 503 TOILET ROOMS

503.1 Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. In multiple dwellings, a door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms.

503.2 Location. Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

503.3 Location of employee toilet facilities. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet. Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet from the employees' regular working area to the facilities.

503.4 Floor surface. In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

SECTION 504 PLUMBING SYSTEMS AND FIXTURES

504.1 General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed.

All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

504.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

504.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back siphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION 505 WATER SYSTEM

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the *Michigan Plumbing Code*.

505.2 Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in vacuum breaker or an approved permanently attached hose connection vacuum breaker.

505.3 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F. A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

SECTION 506 SANITARY DRAINAGE SYSTEM

506.1 General. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

SECTION 507 STORM DRAINAGE

507.1 General. Drainage of roofs and paved areas, yards and courts, sub soil collection systems, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

CHAPTER 6 MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601 GENERAL

601.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

SECTION 602 HEATING FACILITIES

602.1 Facilities required. Heating facilities shall be provided in structures as required by this section.

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the *Michigan Plumbing Code*. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September 1 to June 1 to maintain a temperature of not less than 68°F in all habitable rooms, bathrooms, and toilet rooms.

Exception:

When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *Michigan Plumbing Code*.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from September 1 to June 1 to maintain a temperature of not less than 65°F during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special

temperature conditions.

2. Areas in which persons are primarily engaged in vigorous physical activities.

602.5 Room temperature measurement. The required room temperatures shall be measured 3 feet above the floor near the center of the room and 2 feet inward from the center of each exterior wall.

SECTION 603 MECHANICAL EQUIPMENT

603.1 Mechanical appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

603.2 Removal of combustion products. All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

603.3 Clearances. All required clearances to combustible materials shall be maintained.

603.4 Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

603.5 Combustion air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

603.6 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping there from, shall not be installed unless labeled for such purpose and the installation is specifically approved.

603.7 Portable cooking equipment Unless otherwise approved, portable cooking equipment shall not be used on the interior of a structure in any area other than an area designated as a cooking room.

SECTION 604 ELECTRICAL FACILITIES

604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the *Michigan Electrical Code*. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION 605 ELECTRICAL EQUIPMENT

605.1 Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

605.2 Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

605.3 Luminaires. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire.

SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certification of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, or the certificate shall be available for public inspection in the office of the building operator. The inspection and tests shall be performed at not less than the periodical intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

606.2 Elevators. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

SECTION 607 DUCT SYSTEMS

607.1 General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

CHAPTER 7 FIRE SAFETY REQUIREMENTS

SECTION 701 GENERAL

701.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises,

including fire safety facilities and equipment to be provided.

701.2 Responsibility. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

SECTION 702 MEANS OF EGRESS

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the *Fire Prevention Code of the City of Troy, Chapter 93 of the Troy Code of Ordinances*, hereafter referred to as the *Troy Fire Code*.

702.2 Aisles. The required width of aisles in accordance with the *Troy Fire Code* shall be unobstructed.

702.3 Locked doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *Michigan Building Code*.

702.4 Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following: required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

SECTION 703 FIRE-RESISTANCE RATINGS

703.1 Fire-resistance-rated assemblies. The required fire resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

703.2 Opening protectives. Required opening protectives shall be maintained in an operative condition. All fire and smoke stop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

SECTION 704 FIRE PROTECTION SYSTEMS

704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the *Troy Fire Code*.

704.2 Smoke alarms. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level. Single or multiple-station smoke alarms shall be installed in other groups in accordance with the *Troy Fire Code*.

704.3 Power source. In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exception: Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

704.4 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Such interconnection shall be permitted to be through wired or approved wireless methods. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings which are not undergoing alterations, repairs, or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.

CHAPTER 8 REFERENCED STANDARDS

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.7.

American Society of Mechanical Engineers Three Park Avenue New York, NY 10016-5990		
ASME		
Standard reference number	Title	Referenced in code section number
A17.1—2000	Safety Code for Elevators and Escalators with A17.1a 2002 Addenda	606.1
ASTM International 100 Barr Harbor Drive West Conshohocken, PA 19428-2959		
ASTM		
Standard reference number	Title	Referenced in code section number
F1346—91 (2003)	Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs	303.2
Michigan Department of Energy Labor and Economic Growth Bureau of Construction Codes 2501 Woodlake Circle Okemos, MI 48864		
DELEG		
Standard reference number	Title	Referenced in code section number
MEC—06	Michigan Electrical Code	102.3, 201.3, 604.2
MBC—06	Michigan Building Code	102.3, 201.3, 401.3, 702.3
IMC—06	Michigan Mechanical Code	102.3, 201.3
IPC—06	Michigan Plumbing Code	102.3, 201.3, 505.1, 602.2, 602.3

City of Troy City of Troy 500 W. Big Beaver Troy, MI 48084		
Standard reference number	Title	Referenced in code section number
Charter	Charter of the City of Troy	104.3
Chapter 2	Address Numbering and Street Naming	304.3
Chapter 39	Troy Zoning Ordinance	102.3, 201.3
Chapter 60	Fees and Bonds Required	103.5
Chapter 79	General Building Regulations	111.2
Chapter 82A	Rental and Dwelling Inspection and Enforcement	104.3.1
Chapter 88	Nuisances	302.8
Chapter 93	Troy Fire Prevention Code	108.1, 201.3, 702.1, 702.2, 704.1, 704.2
Chapter 100	Municipal Civil Infractions	106.1, 106.2, 106.3, 107.1, 107.2, 108.1.1.2, 302.4.3, 302.4.4, 307.4.3

ICC International Code Council 5203 Leesburg Pike, Suite 600 Falls Church, VA 22041		
Standard reference number	Title	Referenced in code section number
IFGC-06	International Fuel Gas Code	102.3

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 August 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

Changes to the proposed language of the Troy Property Maintenance Code from the language presented at the June 15, 2009, City Council meeting.

102.8 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare shall be determined by the code official if not specifically covered by this code. The details of any such determination shall be recorded and entered in the department files.

104.4 Right of entry. ~~The code official and his or her designated representatives are authorized to enter the structure or premises at reasonable times to inspect, subject to constitutional and legal restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.~~ Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

105.1 Modifications. ~~Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, provided the code official shall first find Existing buildings or structures will not be subject to adhere to all or some of the Property Maintenance code requirements when the code officer determines that unique circumstances makes the strict enforcement of this code impractical and the modification is in compliance with the intent and purpose of this code and , provided that such modification does not lessen health, life and fire safety requirements. The details of any such modifications shall be recorded and entered in the department files.~~

108.1.1.6 City Council action. If the City Council determines that the building or structure is a dangerous or unsafe building or structure, and that the building or structure should be demolished or made habitable, Council shall order either demolition within twenty-one (21) days or require that all necessary repairs be completed within sixty (60) days by a specified time, which shall not exceed 21 days after the hearing and/or resolution, unless the City Council determines that the ~~weather~~ conditions justify a longer time period to complete the necessary repairs.

DEADBOLT. A locking mechanism consisting of a bolt that when moved into the locked position cannot be retracted by end pressure on the bolt.

307.1 Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure shall be free from any accumulation of rubbish or garbage.

Exception: Fallen trees and branches from trees on the premise in a preservation or restoration area.

704.4 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Such interconnection shall be permitted to be through wired or approved wireless methods. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Questions and Answers on the Property Maintenance Code From the June 15, 2009 City Council Meeting

Section #	Question	Answer
106.2	Clarification regarding code enforcement officer's discretion	The ordinance does identify each day that a violation exists to be a separate offence. However it has not been our practice to write multiple violations for the same offence because practice has shown that it does not result in any benefit when appearing in court. We do wish to retain the language however, so that in those rare cases where a "time sensitive" incentive is necessary, we can use the daily violations to motivate an owner to act more quickly.
106.1	Confirm spacing format	The comma (shown in red) in the fourth line is intended to be in the new text.
107.3	Confirm spacing format	The space between "violation" and "issued" in the seventh line is intended to be in the new text.
108.1.1.6	CC to have more discretion than 21 days; specifically for hardship cases (45 day option for appeal) (strike "the weather")	The 21 day time frame for an order for demolition comes from the Michigan Housing Law MCL 125.451. A 60 day time limit is permitted for an order to repair.
202	<u>Dwelling Unit</u> . Are mobile homes a part of this definition?	Yes, a properly installed mobile home would meet the definition of a dwelling unit.
202	<u>Weeds</u> . Include pictures for better understanding by the public	The preference of staff is to not put pictures within the enforceable provisions of the code. A picture guide for weeds will be developed or linked as part of a commentary on the Property Maintenance Code.
301.3	Define "clean, safe, sanitary"	Clean, safe, and sanitary are "as provided herein". The text of Sections 302 through 308 would be used to define those terms. This section is necessary to make sure that vacant structures are not held to a lesser standard just because they are unoccupied.
304.14	Applied to food preparation areas only or every open area?	The requirement for screens applies to all windows that "are required for ventilation". If fresh air ventilation is provided by the mechanical system, or if the windows are in excess of those required to meet the ventilation opening requirement, then screens would not be required. If no screens are available then the windows will not be used and the lack of fresh air may affect the health of occupants.
404.4.1 & .2	Impact on older homes built before the first building code was adopted	These are not unreasonable minimum standards and would not create violations on a vast majority of the existing housing stock in the city. Those rare instances could be looked at on a case by case basis under Sections 102.6, 105.1, 105.2, or 111.

Questions and Answers on the Property Maintenance Code From the June 15, 2009 City Council Meeting

Section #	Question	Answer
	Provision to provide a grandfather clause for older homes that don't meet ordinance requirements	The Property Maintenance Code is in many cases the ONLY code that regulates older structures. If they are exempted from the provisions of the Property Maintenance Code then there would be no regulation and no enforcement on these structures.
105.1	Does this section provide for code enforcement officers to find that improvements would be impractical?	The opening sentence states "Whenever there are practical difficulties involved in carrying out the provisions of this code". This would require a "finding" of impracticality by the building official to accept alternative materials and methods. The details of the findings and the acceptance of the alternatives must be documented in the records.
102.6	Modify to also allow buildings built before building code was adopted	The Property Maintenance Code is in many cases the ONLY code that regulates older structures. If they are exempted from the provisions of the Property Maintenance Code then there would be no regulation and no enforcement on these structures. While there has been stated a public desire to retain historic structures (Chapter 13 of the Troy City Code) there has not been a public desire to retain ALL old structures.
	Add an additional section specifically for buildings built before building code was adopted	(see above)
404.4.3	How is each story defined for split-level homes in terms of water closet accessibility?	The definition of "story" is found in Section 202. In terms of a tri-level, bathrooms located on the highest level would be considered on an "adjacent story" to bedrooms located on the lowest level and visa-versa.
404.5	How is number of persons calculated?	The determination of "overcrowding" is more subjective and less formula driven in the new text. We do still have formula based standards found within the Housing Law of Michigan (MCL 125.483) that are available for guidance. However, we would also look for additional signs that the structure is overcrowded. Some of these signs could include; lack of clear egress aisles, use of "alternative" plumbing fixtures; overloading of structural systems; or illegal conversion of rooms or spaces for sleeping quarters.
404.6	Use 404.6 numeric format for 404.5 instead of relying on the code enforcement officer's discretion	The use of a numeric formula was one of the main sticking points that caused the failure of the adoption of the 2000 Property Maintenance Code in 2002. We believe that the new methodology provides a better way to address conditions while still giving us the ability to use formulas to determine maximum occupancy rates if we choose to do so.

Questions and Answers on the Property Maintenance Code From the June 15, 2009 City Council Meeting

Section #	Question	Answer
404.5	Literal enforcement may force large families to move; there is no provision that provides for a hardship situation	Under Section 105.1 an owner could obtain approval of a modification if they could show that there was a practical difficulty and that the resultant conditions met the intent and purpose and that an equivalent level of health and safety were maintained. They could also appeal the decision under the provisions of Section 111.
704.2	Define "Groups R-2, R-3, and R-4"	These are the Use Group Classifications from the Building Code. These are not Zoning Districts. R-2 Uses are apartments. R-3 Uses are Single Family Residences. R-4 Uses are small congregate care facilities.
104.4	Modify legal terminology by inserting more common language	The current text of the Michigan Building Code regarding Right of Entry states: <i>"Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry"</i> . This text must be used without amendment by State statute. If any change is proposed we may want to adopt identical text in the Property Maintenance Code.
304.18.1	Clarify which doors require a deadbolt lock; define deadbolt lock	This is new language that was added to the Property Maintenance Code in 2002. A copy of the code change document for code change PM13-02 is attached for your reference. The requirements for a deadbolt lock (one that can only be engaged when the door is in the closed position) is only required on dwellings, or portions of dwellings, that are rented or leased.
305.3	Strike "peeling, chipping, flaking"	Many of the structures that are regulated by this code are ones that were constructed before 1979 when lead based paint was in prevalent use. Health hazards to small children from the ingestion of lead paint chips is a significant health concern.

Questions and Answers on the Property Maintenance Code From the June 15, 2009 City Council Meeting

Section #	Question	Answer
	Copy of 1939 & 1966 Building Codes	A copy of the text of the 1993 BOCA National Property Maintenance Code is provided for your reference. This text needs to be combined with the amendments contained within the current text of Chapter 82 to form the current text of the Troy Property Maintenance Code.
	Outline appeal process	<p>The appeals process of the provisions of the Property Maintenance Code Are as follows:</p> <ol style="list-style-type: none"> 1. Request a modification to the code official under Section 105.1 2. Propose alternative materials and methods to the code official under Section 105.2 3. Appeal a decision of the code official to the Building Code Board of Appeals (BCBA) under Section 111.1 4. Appeal the BCBA decision to the State Construction Code Commission under Section 111.3 5. Appeal the decision of the BCBA or the Construction Code Commission to the Circuit Court under Section 111.3 <p>(These steps do not all have to be taken in sequential order.)</p>

Existing Text of Chapter 82 that is proposed to be deleted

1. ~~Adoption of Code by Reference.~~ Pursuant to the provisions of Section 3 (K) of Act 279 of 1909, State of Michigan as amended, the B.O.C.A. National Property Maintenance Code/1993 and published by the Building Officials and Code Administrators International, Inc., is hereby adopted by reference by the City of Troy as in this Chapter modified for the purpose of establishing minimum standards governing the condition and maintenance of all structures and dwellings; establishing minimum standards governing supplied utilities and facilities and other physical things and conditions essential to insure that structures are safe, sanitary and fit for occupation and use; establishing minimum standards governing the condition of dwellings offered for rent; fixing certain responsibilities and duties of owners and occupants of structures, and the condemnation of dwellings unfit for human habitation and the demolition of such dwellings and structures; and fixing penalties for violation.

~~(Rev. 01-29-96)~~

2. ~~Code on File.~~ Complete printed copies of the B.O.C.A. National Property Maintenance Code/1993, herein adopted, are available for public use and inspection at the office of the City Clerk.

~~(Rev. 1-29-96)~~

3. ~~Change in Code.~~ The following Sections and Subsections the B.O.C.A. National Property Maintenance Code/1993 are hereby amended or deleted and additional sections or subsections are added as indicated. Subsequent section numbers used in this Chapter shall refer to like numbered sections of the B.O.C.A. National Property Maintenance Code/1993.

~~(Rev. 01-29-96)~~

4. ~~Penalties for Violations:~~ Except as otherwise provided by other sections of this Chapter, a violation of any section of Chapter 82 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 shall include a fine of not more than \$500, costs, damages and injunctive orders as authorized by Chapter 100.

~~(03-01-06)~~

PM 100.1 ~~Title:~~ These regulations shall be known as the Property Maintenance Code of the City of Troy hereinafter referred to as the Property Maintenance Code or "this code".

~~(Rev. 07-13-92)~~

PM 105.1 ~~General:~~ It shall be the duty and responsibility of the Building Department, through its Building Official, his authorized representative and employees, hereinafter referred to as the code official, to enforce the provisions of this code as herein provided.

~~(Rev. 01-29-96)~~

PM 105.7 Thru PM 105.10 ~~Sections deleted.~~

~~(01-29-96)~~

PM 106.2 ~~Section deleted.~~

~~_____ (Rev. 01-29-96)~~

~~PM 107.4 Section deleted.~~

~~_____ (01-29-96)~~

~~PM 110.1.1 Emergency: The Fire Chief or Building Official shall have the power to abate any public nuisance from any dangerous structure or building if the public safety shall require immediate action due to a distinct hazard to life or property, without preliminary notice as otherwise required by this section. Thereafter the cost of abating such public nuisance shall be charged against the owner or occupant of the premises and payment hereof shall be enforced as a special assessment as provided in section PM 110.4.~~

~~_____ (Rev. 7-13-92)~~

~~PM 110.2 Order: The order shall specify a time in which the owner shall comply therewith and specify repairs, if any, and shall include notice of the rights and limitations as provided in Section PM 110.2.1. It shall be served on the owner of record or his agent where an agent is in charge of the building and upon the holder of any encumbrance of record in the manner provided for service of a summons by a court of record. If the owner or a holder of an encumbrance of record cannot be found, the order may be served by posting it on the main entrance of the building and by publishing it once each week for three (3) successive weeks in a newspaper authorized to provide service by publication.~~

~~_____ (Rev. 01-29-96)~~

~~PM 110.2.1 Right of Appeal: The owner of a building or structure may appeal any such order to the City Council. The appeal shall be filed within ten (10) days of the date the order is served and a hearing shall be scheduled within fifteen (15) days of the date the appeal is filed.~~

~~_____ (Rev. 01-29-96)~~

~~PM 110.2.2 Restraining Actions: Anyone aggrieved by a decision of the City Council shall within twenty (20) days after notification of such decision apply to a court of record for an order restraining the code official from razing and removing such structure or parts thereof. The court shall determine whether the order of the code official is reasonable, and if found reasonable, the court shall dissolve the restraining order, and if found not reasonable, the court shall continue the restraining order or modify it as the circumstances may require.~~

~~_____ (Rev. 01-29-96)~~

~~PM 110.3 Failure to Comply: Whenever the owner of a property fails to comply with a demolition order within the time prescribed, the code official shall cause the structure or part thereof to be razed and removed whether through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.~~

~~_____ (Rev. 01-29-96)~~

~~PM 110.5 Unreasonable Repairs: Wherever the code official determines that the cost of such repairs would exceed one hundred (100) percent of the current value of such structure, such repairs shall be presumed unreasonable and it shall be presumed for the purpose of this section that such structure is a public nuisance which may be ordered razed without option~~

on the part of the owner to repair.

~~(Rev. 01-29-96)~~

~~PM 111 Section deleted.~~

~~(Rev. 07-13-92)~~

~~PM 202.0 Applied Meaning of Words and Terms: The following words and terms are amended to read:~~

~~(Dwellings)~~

~~Boarding House, Lodging House, Tourist Home: a building arranged or used for lodging with or without meals, for compensation, by more than two (2) and not more than twenty (20) individuals.~~

~~One Family Dwelling: a building designed exclusively for occupancy by one (1) family.~~

~~Two Family Dwelling: a building designed exclusively for occupancy by two (2) families, independent of each other such as a duplex dwelling unit.~~

~~Family: One or two persons or parents, with their direct lineal descendants and adopted children (and including the domestic employees thereof) together with not more than two persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit.~~

~~Rooming House: any residence building, or any part thereof, containing one or more rooming units, in which space is let by the owner or operator to more than two (2) persons, who are not members of the family.~~

~~(Rev. 01-29-96)~~

~~PM 301.2 Maintenance Responsibility: Owners of structures and land that remain vacant for a period of more than 60 days shall register with the City of Troy, Building Department the name, address and telephone number of a responsible person. This person shall be responsible for the maintenance of the structure and land in compliance with the provisions of this code. Failure to comply with a request for repair or maintenance of structures and land within a prescribed time shall be cause for the Building Official to arrange for the repair and maintenance thereof through a public agency or private contract. The cost of such repair or maintenance shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.~~

~~(Rev. 01-29-96)~~

~~PM 306.3.1 Garbage Storage Facilities: Every dwelling unit shall be supplied with an approved garbage disposal facility, which shall be any adequate mechanical garbage disposal unit (mechanical in-sink grinder). In existing dwelling units, an approved outside garbage container or containers, as required in Section PM-306.3.2 shall be sufficient to meet the needs of the occupants.~~

~~(Rev. 01-29-96)~~

~~PM 306.3.2 Containers: The operator of every establishment producing garbage, vegetable wastes, or other putrescible materials shall provide and at all times cause to be used, leakproof~~

~~approved containers, provided with close fitting covers for the storage of such materials until removed from the premises for disposal, or have garbage disposal unit, as required in Section PM-306.3.1.~~

~~(Rev. 01-29-96)~~

~~PM-602.2 Residential buildings: Every owner of any structure who rents, leases, or lets one or more dwelling units or guest rooms on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period of September 1 to June 1 to maintain a room temperature of not less than 70 degrees F. (21 degrees C.), in all habitable spaces, bathrooms, and toilet rooms during the hours between 6:30 a.m. and 10:30 p.m. of each day and maintain a temperature of not less than 65 degrees F. (18 degrees C.) during other hours. The temperature shall be measured at a point 3 feet (914mm) above the floor and 3 feet (914mm) from exterior walls.~~

~~Exception: When the exterior temperature falls below 0 degrees F. (-18 degrees C.) and the heating system is operating at its full capacity, a minimum room temperature of 65 degrees F. (18 degrees C.) shall be maintained at all times.~~

~~(Rev. 01-29-96)~~

~~PM-603.2 Cooking and Heating Equipment: All cooking and heating equipment, components, and accessories in every heating, cooking, and water heating device shall be maintained free from leaks and obstructions and kept functioning properly so as to be free from fire, health, and accident hazards. All installations and repairs shall be made in accordance with the provisions of the building code, or other laws or ordinances applicable thereto. Portable cooking equipment employing flame is prohibited in any area other than an area designated as a cooking room.~~

~~(Rev. 01-29-96)~~

~~PM-702.3 Number of exits: Every story used for human occupancy shall be provided not less than two independent exits. Every story used for human occupancy totally below grade greater than 2,000 square feet (186m²) shall be provided not less than two independent exits.~~

~~EXCEPTIONS: A single exit is acceptable when:~~

- ~~1. The Building is provided an automatic fire suppression system and an automatic fire alarm system with smoke detectors located in all corridors, lobbies and common area, or;~~
- ~~2. The building is provided an automatic fire alarm system and the exit is a smokeproof enclosure or pressurized stairway, or;~~
- ~~3. An existing fire escape or slidescape conforming to the building code is provided in addition to the single exit, or;~~
- ~~4. Buildings permitted to have one exit as described in the B.O.C.A. Building Code.~~

~~(Rev. 01-29-96)~~

~~PM-702.10 Information signs: A sign shall be provided at each floor landing in all interior stairways more than three stories above grade, designating the floor level above the floor of discharge. All elevator lobby call stations on all floor levels in buildings shall be marked with approved signs reading as follows: Use Stairways in Case of Fire—Do Not Use Elevators.~~

~~————— (Rev. 01-29-96)~~

~~PM 705.3 Fire standpipes: All buildings having floors used for human occupancy located more than 40 feet (12192mm) above the grade shall be provided with standpipes according to the building code, except that an automatic water supply, hose, and cabinets are not required. The standpipes shall have an approved fire department connection with hose connections at each floor level.~~

~~————— (Rev. 01-29-96)~~

~~PM 705.5.4 Smoke and heat detection: Each recirculating air or exhaust system which serves more than one floor in buildings which exceed 40 feet (12192mm) in height shall be equipped with approved smoke and heat detection devices in accordance with the mechanical code. The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shutdown is not required when the system is part of an approved smoke removal or control system.~~

~~————— (Rev. 07-13-92)~~

~~PM 705.8 Use Group R-1 Structures: All buildings of Use Group R-1 as defined by the B.O.C.A. National Building Code shall be equipped with an approved quick response automatic fire suppression system. This requirement applied to all Use Group R-1 buildings that received an occupancy certificate before July 1, 1987.~~

~~————— (Rev. 01-29-96)~~

~~PM 705.9 Alarm and Communications Systems: All buildings of Use Group R-1; as defined by the B.O.C.A. National Building Code which have floors for human occupancy located more than 40 feet above the lowest level of fire department access shall be equipped with an approved alarm and communications system consisting of a voice alarm system, a public address system, and a fire department communications system. This requirement applies to all Use Group R-1 buildings that received an occupancy certificate before July 1, 1987.~~

~~————— (Rev. 01-29-96)~~

~~PM 706.1 Required: All buildings having three or more separate floor levels served by elevators shall have at least one elevator equipped with emergency controls and all elevators shall be equipped with car recall activated by a smoke detector in each lobby in accordance with the building code.~~

~~————— (Rev. 07-13-92)~~

~~SECTION PM-708.1. COMPLIANCE DATE~~

~~PM 708.1 Effective Date: All structures described in Section PM-705.8 and PM-705.9 shall comply with their provisions by having the retrofitting under contract within one year and completed within two years of the date that this amendment takes effect.~~

~~————— (Rev. 01-29-96)~~

CHAPTER 1

ADMINISTRATION

SECTION PM-101.0 GENERAL

PM-101.1 Title: These regulations shall be known as the Property Maintenance Code of [NAME OF JURISDICTION] hereinafter referred to as “this code”.

PM-101.2 Scope: This code is to protect the public health, safety and welfare in all existing structures, residential and nonresidential, and on all existing *premises* by establishing minimum requirements and standards for *premises*, structures, equipment, and facilities, for light, *ventilation*, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; fixing the responsibility of *owners, operators and occupants*; regulating the *occupancy* of existing structures and *premises*, and providing for administration, enforcement and penalties.

PM-101.3 Intent: This code shall be construed to secure its expressed intent, which is to insure public health, safety and welfare insofar as they are affected by the continued *occupancy* and maintenance of structures and *premises*. Existing structures and *premises* that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

PM-101.4 Referenced standards: The standards referenced in this code and listed in Chapter 8 shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced standards, the provisions of this code shall apply.

PM-101.5 Existing remedies: The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

PM-101.6 Workmanship: All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a *workmanlike* manner.

PM-101.7 Application of other codes: Any repairs, additions or alterations to a structure, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the building, plumbing and mechanical codes and NFPA 70 listed in Chapter 8.

SECTION PM-102.0 VALIDITY

PM-102.1 Validity: If any section, subsection, paragraph, sentence, clause or phrase of this code shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this code which shall continue in full force and effect, and to this end the provisions of this code are hereby declared to be severable.

PM-102.2 Saving clause: This code shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

SECTION PM-103.0 MAINTENANCE

PM-103.1 Required: All equipment, systems, devices and safeguards required by this code or a previous statute or code for the structure or *premises* when erected or altered shall be maintained in good working order. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures.

SECTION PM-104.0 APPROVAL

PM-104.1 Approved materials and equipment: All materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.

PM-104.2 Modifications: Where there are practical difficulties involved in carrying out structural or mechanical provisions of this code, the code official shall have the right to vary or modify such provisions upon application of the *owner* or the *owner's* representative, provided that the spirit and intent of the law is observed and that the public health, safety and welfare is assured.

PM-104.2.1 Records: The application for modification and the final decision of the code official shall be in writing and shall be officially recorded in the permanent records of the department.

PM-104.3 Material and equipment reuse: Materials, equipment and devices shall not be reused unless such elements have been reconditioned, tested and placed in good and proper working condition and approved.

PM-104.4 Alternative materials and equipment: The provisions of this code are not intended to prevent the installation of any material or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved when the code official finds that the proposed design is satisfactory and complies with the

intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fireresistance, durability and safety.

PM-104.5 Research and investigations: Sufficient technical data shall be submitted to substantiate the proposed installation of any material or assembly. If it is determined that the evidence submitted is satisfactory proof of performance for the proposed installation, the code official shall approve such alternative subject to the requirements of this code. The cost of all tests, reports and investigations required under these provisions shall be paid by the attendant.

SECTION PM-105.0 DUTIES AND POWERS OF CODE OFFICIAL

PM-105.1 General: The code official shall enforce all of the provisions of this code.

PM-105.2 Notices and orders: The code official shall issue all necessary notices or orders to ensure compliance with the code.

PM-105.3 Right of entry: The code official is authorized to enter the structure or *premises* at reasonable times to inspect. Prior to entering into a space not otherwise open to the general public, the code official shall make a reasonable effort to locate the *owner* or other *person* having charge or control of the structure or *premises*, present proper identification and request entry. If requested entry is refused or not obtained, the code official shall pursue recourse as provided by law.

PM-105.4 Access by owner or operator: Every *occupant* of a structure or *premises* shall give the *owner* or *operator* thereof, or agent or employee, access to any part of such structure or its *premises* at reasonable times for the purpose of making such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this code.

PM-105.5 Identification: The code official shall carry proper identification when inspecting structures or *premises* in the performance of duties under this code.

PM-105.6 Coordination of enforcement: Inspection of *premises*, the issuance of notices and orders and enforcement thereof shall be the responsibility of the code official so charged by the jurisdiction. Whenever inspections are necessary by any other department, the code official shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. A department shall not, however, delay the issuance of any emergency orders.

PM-105.7 Rule-making authority: The code official shall have power as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provisions of this code to secure the

intent thereof and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code or of violating accepted engineering practice involving public safety.

PM-105.8 Organization: The code official shall appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this code and as authorized by the appointing authority. The code official is authorized to designate an employee as deputy who shall exercise all the powers of the code official during the temporary absence or disability of the code official.

PM-105.9 Restriction of employees: An official or employee connected with the enforcement of this code, except one whose only connection is that of a member of the board of appeals established under the provisions of Section PM-111.0, shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of *construction documents* thereof, unless that *person* is the *owner* of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the department.

PM-105.10 Relief from personal responsibility: The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of building inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

PM-105.11 Official records: An official record shall be kept of all business and activities of the department specified in the provisions of this code, and all such records shall be open to public inspection at all appropriate times and according to reasonable rules to maintain the integrity and security of such record.

SECTION PM-106.0 VIOLATIONS

PM-106.1 Unlawful acts: It shall be unlawful for any *person*, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, occupy, *let* to another or occupy or permit another *person* to occupy any structure or equipment regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code, or to fail to obey a lawful order of the code official, or to remove or deface a placard or notice posted under the provisions of this code.

PM-106.2 Penalty: Any *person* who shall violate a provision of this code shall, upon conviction thereof, be subject to a fine of not less than [AMOUNT] nor more than [AMOUNT] or imprisonment for a term not to exceed [NUMBER] days, or both, at the discretion of the court. Each day that a violation continues after due notice has been serviced shall be deemed a separate offense.

PM-106.3 Prosecution: In case of any unlawful acts the code official shall institute an appropriate action or proceeding at law to exact the penalty provided in Section PM-106.2. Also, the code official shall ask the jurisdiction's legal representative to proceed at law or in equity against the *person* responsible for the violation for the purpose of ordering that *person*:

1. To restrain, correct or remove the violation or refrain from any further execution of work;
2. To restrain or correct the erection, installation, maintenance, repair or alteration of such structure;
3. To require the removal of work in violation; or
4. To prevent the *occupancy* of the structure that is not in compliance with the provisions of this code.

SECTION PM-107.0 NOTICES AND ORDERS

PM-107.1 Notice to owner or to person or persons responsible: Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be give to the *owner* or the *person* or *persons* responsible therefore in the manner prescribed in Sections PM-107.2 and PM-107.3. Notices for condemnation procedures shall also comply with Section PM-108.3

PM-107.2 Form: Such notice prescribed in Section PM-107.1 shall:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the reason or reasons why the notice is being issued; and

4. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the *dwelling unit* or structure into compliance with the provisions of this code.

PM-107.3 Method of service: Such notice shall be deemed to be properly served if a copy thereof is (a) delivered to the *owner* personally; or (b) sent by certified or registered mail addressed to the *owner* at the last known address with return receipt requested. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the *owner's* agent or upon the *person* responsible for the structure shall constitute service of notice upon the *owner*.

PM-107.4 Penalties: Penalties for noncompliance with orders and notices shall be as set forth in Section PM-106.2.

PM-107.5 Transfer of ownership: It shall be unlawful for the *owner* of any *dwelling unit* or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

SECTION PM-108.01 UNSAFE STRUCTURES AND EQUIPMENT

PM-108.1 General: When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human *occupancy*, or is found unlawful, such structure shall be *condemned* pursuant to the provisions of this code.

PM-108.1.1 Unsafe structure: An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the structure by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is likely.

PM-108.1.2 Unsafe equipment: Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the *premises* or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or *occupants* of the *premises* or structure.

PM-108.1.3 Structure unfit for human occupancy: A structure is unfit for human *occupancy* whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the *occupants* of the structure or to the public.

PM-108.1.4 Unlawful structure: An unlawful structure is one found in whole or in part to be occupied by more *persons* than permitted under this code, or was erected, altered or occupied contrary to law.

PM-108.2 Closing of vacant structures: If the structure is vacant and unfit for human habitation and *occupancy*, and is not in danger of structural collapse, the code official is authorized to post a placard of *condemnation* on the *premises* and order the structure closed up so as not be an attractive nuisance. Upon failure of the *owner* to close up the *premises* within the time specified in the order, the code official shall cause the *premises* to be closed through any available public agency or by contract or arrangement by private *persons* and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

PM-108.3 Notice: Whenever the code official has *condemned* a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the *owner* or the *person* or *persons* responsible for the structure or equipment in accordance with Section PM-107.3. The notice shall be in the form prescribed in Section PM-107.2.

PM-108.4 Placarding: Upon failure of the *owner* or *person* responsible to comply with the notice provisions within the time given, the code official shall post on the *premises* or on defective equipment, a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

PM-108.5 Prohibited occupancy: Any *person* who shall occupy a placarded *premises* or shall operate placarded equipment, and any *owner* or any *person* responsible for the *premises* who shall *let* anyone occupy a placarded *premises* or operate placarded equipment shall be liable for the penalties provided by this code.

PM-108.6 Removal of placard: The code official shall remove the *condemnation* placard whenever the defect or defects upon which the *condemnation* and placarding action were based have been eliminated. Any *person* who defaces or removes a *condemnation* placard without the approval of the code official shall be subject to the penalties provided by this code.

SECTION PM-109.0 EMERGENCY MEASURES

PM-109.1 Imminent danger: When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building *occupants* or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the *occupants* to vacate the *premises* forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure is Unsafe and its Occupancy has been Prohibited by the Code Official." It shall be unlawful for any *person* to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same.

PM-109.2 Temporary safeguards: Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding-up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

PM-109.3 Closing streets: When necessary for the public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

PM-109.4 Emergency repairs: For the purpose of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

PM-109.5 Costs of emergency repairs: Costs incurred in the performance of emergency work shall be paid from the treasury of the jurisdiction on approval of the code official. The legal counsel of the jurisdiction shall institute appropriate action against the *owner* of the *premises* where the unsafe structure is or was located for the recovery of such costs.

PM-109.6 Hearing: Any *person* ordered to take emergency measures shall comply with such order forthwith. Any affected *person* shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION PM-110.0 DEMOLITION

PM-110.01 General: The code official shall order the *owner* of any *premises* upon which is located any structure, which in the code official's judgement is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or *occupancy*, and such that it is unreasonable to repair the structure, to raze and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to raze and remove at the *owner's* option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to raze and remove such structure.

PM-110.2 Order: All notices and orders shall comply with Section PM-107.0.

PM-110.3 Failure to comply: If the *owner* of a *premises* fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be razed and removed, either through an available public agency or by contract or arrangement with private *persons*, and the cost of such razing and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

PM-110.4 Salvage materials: When any structure has been ordered razed and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such razing and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the *person* who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

SECTION PM-111.0 MEANS OF APPEAL

PM-111.1 Application for appeal: Any *person* affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

PM-111.2 Membership of the board: The board of appeals shall consist of five members appointed by the chief appointing authority as follows: one for five years, one for four years, one for three years, one for two years, and one for one year. Thereafter, each new member shall service for five years or until a successor has been appointed.

PM-111.2.1 Qualifications: The board of appeals, shall consist of five individuals, one from each of the following professions or disciplines:

1. *Registered design professional* that is a registered architect; or a builder or superintendent of building construction with at least ten-years experience, five of which shall have been in responsible charge of work.
2. *Registered design professional* with structural engineering or architectural experience.
3. *Registered design professional* with mechanical or *plumbing* engineering experience; or a mechanical or *plumbing* contractor with at least ten-years experience, five of which shall have been in responsible charge of work.
4. *Registered design professional* with electrical engineering experience; or an electrical contractor with at least ten-years experience, five of which shall have been in responsible charge of work.
5. *Registered design professional* with fire protection engineering experience; or a fire protection contractor with at least ten-years experience, five of which shall have been in responsible charge of work.

PM-111.2.2 Alternate members: The chief appointing authority shall appoint two alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the same qualifications required for board membership, and shall be appointed for five years or until a successor has been appointed.

PM-111.2.3 Chairman: The board shall annually select one of its members to serve as chairman.

PM-111.2.4 Disqualification of member: A member shall not hear an appeal in which that member has any personal, professional or financial interest.

PM-111.2.5 Secretary: The chief administrative officer shall designate a qualified clerk to service as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

PM-111.2.6 Compensation of members: Compensation of members shall be determined by law.

PM-111.3 Notice of meeting: The board shall meet upon notice from the chairman, within ten days of the filing of an appeal, or at stated periodic meetings.

PM-111.4 Open hearing: All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official, and any *person* whose interests are affected shall be given an opportunity to be heard.

PM-111.4.1 Procedure: The board shall adopt and make available to the public through the secretary, procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence but shall mandate that only relevant information be received.

PM-111.5 Postponed hearing: When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

PM-111.6 Board decision: The board shall modify or reverse the decision of the code official by a concurring vote of three members.

PM-111.6.1 Resolution: The decision of the board shall be by resolution. Certified copies shall be furnished to appellant and to the code official.

PM-111.6.2 Administration: The code official shall take immediate action in accordance with the decision of the board.

PM-111.7 Court review: Any *person*, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

CHAPTER 2

DEFINITIONS

SECTION PM-201.0 GENERAL

PM-201.1 Scope: Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

PM-201.2 Interchangeability: Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

PM-201.3 Terms defined in other codes: Where terms are not defined in this code and are defined in the building, plumbing or mechanical codes listed in Chapter 8, such terms shall have the meanings ascribed to them as in those codes.

PM-201.4 Terms not defined: Where terms are not defined, through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

PM-201.5 Parts: Whenever the words “*dwelling unit*,” “*dwelling*,” “*premises*,” “*building*,” “*rooming house*,” “*rooming unit*,” “*story*” or “*structure*” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

SECTION PM-202.0 GENERAL DEFINITIONS

Approved: Approved by the code official.

Basement: See Section PM-302.0.

Bathroom: See Section PM-502.0.

Building: Any structure occupied or intended for supporting or sheltering any *occupancy*.

Building code: The building code officially adopted by the legislative body of this jurisdiction, or other such codes officially designated by the legislative body of the jurisdiction for the regulation of construction, alteration, addition, repair, removal, demolition, location, *occupancy* and maintenance of buildings and structures.

Code official: The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

Condemn: To adjudge unfit for *occupancy*.

Construction documents: All the written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of the project necessary for obtaining a building permit. The construction drawings shall be drawn to an appropriate scale.

Dwellings: (See Section PM-201.5)

Dormitory: A space in a building where group sleeping accommodations are provided in one room, or in a series of closely associate rooms, for *persons* not members of the same *family* group.

Dwelling unit: A single unit providing complete, independent living facilities for one or more *persons*, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Hotel: Any building containing six or more guestrooms, intended or designed to be occupied, for sleeping purposes by guests.

One-family dwelling: A building containing one *dwelling unit* with not more than five lodgers or boarders.

Rooming house: A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a *one-family dwelling* or a *two-family dwelling*.

Rooming unit: Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

Two-family dwelling: A building containing two *dwelling units* with not more than five lodgers or boarders per *family*.

Exterior property: See Section PM-302.0.

Extermination: See Section PM-302.0.

Family: An individual or married couple and the children thereof with not more than two other *persons* related directly to the individual or married couple by blood or marriage; or a group of not more than five unrelated *persons*, living together as a single housekeeping unit in a *dwelling unit*.

Garbage: See Section PM-302.0.

Habitable space: See Section PM-402.0.

Infestation: See Section PM-302.0.

Let for occupancy or let: See Section PM-302.0.

Occupancy: The purpose for which a building or portion thereof is utilized or occupied.

Occupant: See Section PM-302.0.

Openable area: See Section PM-402.0.

Operator: See Section PM-302.0.

Owner: See Section PM-302.0.

Person: See Section PM-302.0.

Plumbing: See Section PM-502.0.

Plumbing fixture: See Section PM-502.0.

Premises: See Section PM-302.0.

Public nuisance: See Section PM-302.0.

Registered design professional: An architect or engineer, registered or licenses to practice professional architecture or engineering, as defined by the statutory requirements of the professional registration laws of the state in which the project is to be constructed.

Rubbish: See Section PM-302.0.

Structure: That which is built or constructed or a portion thereof.

Toilet room: See Section PM-502.0.

Ventilation: See Section PM-402.0.

Workmanlike: Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged, and without marring adjacent work.

Yard: See Section PM-302.0.

CHAPTER 3

GENERAL REQUIREMENTS

SECTION PM-301.0 GENERAL

PM-301.1 Scope: The provisions of this chapter shall govern the minimum conditions and the responsibilities of *persons* for maintenance of structures, equipment and *exterior property*.

PM-301.2 Responsibility: The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided in Sections PM-306.0 and PM-307.0. A *person* shall not occupy as *owner-occupant* or permit another *person* to occupy *premises* which do not comply with the requirements of this chapter.

PM-301.3 Vacant structures and land: All vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION PM-302.0 DEFINITIONS

PM-301.1 General: The following words and terms shall, for the purposes of this chapter and as stated elsewhere in this code, have the meanings show herein.

Basement: That portion of a structure which is partly or completely below grade.

Exterior property: The open space on the *premises* and on adjoining property under the control of *owners* or *operators* of such *premises*.

Extermination: The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

Garbage: The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Infestation: The presence, within or contiguous to, a structure or *premises* of insects, rats, vermin or other pests.

Let for occupancy or let: To permit possession or *occupancy* of a dwelling, *dwelling unit*, *rooming unit*, building or structure by a *person* who is or is not the legal *owner* of record thereof, pursuant to a written or unwritten lease, agreement

or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

Occupant: Any *person* living or sleeping in a building; or having possession of a space within a building.

Operator: Any *person* who has charge, care or control of a structure or *premises* which is *let* or offered for *occupancy*.

Owner: Any *person*, agent, *operator*, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such *person*, and the executor or administrator of the estate of such *person* if ordered to take possession of real property by a court.

Person: An individual, corporation, partnership or any other group acting as a unit.

Premises: A lot, plot or parcel of land including any structures thereon.

Public nuisance: Includes the following:

1. The physical condition or *occupancy* of any *premises* regarded as a public nuisance at common law; or
2. Any physical condition or *occupancy* of any *premises* or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, *basements*, excavations and unsafe fences or structures; or
3. Any *premises* that has unsanitary sewerage or *plumbing* facilities; or
4. Any *premises* designated as unsafe for human habitation; or
5. Any *premises* that is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecure so as to endanger life, limb or property; or
6. Any *premises* from which the *plumbing*, heating or facilities required by this code have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided; or
7. Any *premises* that is unsanitary, or that is littered with *rubbish* or *garbage*, or that has an uncontrolled growth of weeds; or
8. Any structure that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent so as not to provide shelter; in danger of collapse or failure; and dangerous to anyone on or near the *premises*.

Rubbish: Combustible and noncombustible waste materials, except *garbage*; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber,

leather, tree branches, *yard* trimmings, tin cans, metals mineral matter, glass, crockery and dust and other similar materials.

Yard: An open space on the same lot with a structure.

SECTION PM-303.0 EXTERIOR PROPERTY AREAS

PM-303.1 Sanitation: All *exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* which such *occupant* occupies or controls in a clean and sanitary condition.

PM-303.2 Grading and drainage: All *premises* shall be graded and maintained to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Water retention areas and reservoirs approved by the code official.

PM-303.3 Sidewalks and driveways: All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. Stairs shall comply with the requirements of Section PM-304.10 and PM-702.9.

PM-303.4 Weeds: All *premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of 10 inches (254mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

PM-303.5 Rat harborage: All structures and *exterior property* shall be kept free from rat *infestation*. Where rats are found, they shall be promptly *exterminated* by approved processes which will not be injurious to human health. After *extermination*, proper precautions shall be taken to prevent *reinfestation*.

PM-303.6 Exhaust vents: Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

PM-303.7 Accessory structures: All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

PM-303.8 Motor vehicles: Except as provided for in other regulations, not more than one currently unregistered or uninspected motor vehicle shall be parked, kept or stored on any *premises*, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

SECTION PM-304.0 EXTERIOR STRUCTURE

PM-304.1 General: The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

PM-304.2 Street numbers: Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way. All numbers shall be in Arabic numerals at least 3 inches (76 mm) and ½ inch (13 mm) stroke.

PM-304.3 Structural members: All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

PM-304.4 Foundation walls: All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rats.

PM-304.5 Exterior walls: All exterior walls shall be free from holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

PM-304.6 Roofs and drainage: The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof water shall not be discharged in a manner that creates a *public nuisance*.

PM-304.7 Decorative features: All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with property anchorage and in a safe condition.

PM-304.8 Overhang extensions: All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

PM-304.9 Chimneys and towers: All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and

against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

PM-304.10 Handrails and guards: Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

PM-304.11 Window and door frames: Every window, door and frame shall be kept in sound condition, good repair and weather tight.

PM-304.11.1 Glazing: All glazing materials shall be maintained free from cracks and holes.

PM-304.11.2 Openable windows: Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

PM-304.12 Insect screens: During the period from [DATE] to [DATE], every door, window and outside opening utilized or required for *ventilation* purposes serving any structure containing *habitable* rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch and every swinging door shall have a self-closing device in good working condition.

Exception: Screen doors shall not be required for out-swinging doors or other types of openings which make screening impractical, provided other approved means, such as air curtains or insect repellent fans are employed.

PM-304.13 Doors: All exterior doors and hardware shall be maintained in good condition. Locks at all entrances to *dwelling units*, *rooming units* and guestrooms shall tightly secure the door.

PM-304.14 Basement hatchways: Every *basement* hatchway shall be maintained to prevent the entrance of rats, rain and surface drainage water.

PM-304.15 Guards for basement windows: Every *basement* window that is openable shall be supplied with ratproof shields, storm windows or other approved protection against the entry of rats.

SECTION PM-305.0 INTERIOR STRUCTURE

PM-305.1 General: The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Every *occupant* shall keep that part of the structure which such *occupant* occupies or controls in a clean and sanitary condition. Every *owner* of a structure containing a *rooming*

house, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

PM-305.2 Structural members: The supporting structural members of every structure shall be maintained structurally sound, and be capable of supporting the imposed loads.

PM-305.3 Interior surfaces: All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

PM-305.4 Lead-based paint: Interior and exterior painted surfaces of dwellings and child and day care facilities, including fences and outbuildings, which contain in excess of 0.06 percent lead by weight shall be removed or covered in an approved manner. Any surface to be covered shall first be marked with warnings as to the lead content of such surface.

PM-305.5 Stairs and railings: All interior stairs and railings shall be maintained in sound condition and good repair.

PM-305.5 Handrails and guards: Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

SECTION PM-306.0 RUBBISH AND GARBAGE

PM-306.1 Accumulation of rubbish or garbage: All *exterior property* and *premises*, and the interior of every structure shall be free from any accumulation of *rubbish* or *garbage*.

PM-306.2 Disposal of rubbish: Every *occupant* of a structure shall dispose of all *rubbish* in a clean and sanitary manner by placing such *rubbish* in approved containers.

PM-306.2.1 Rubbish storage facilities: The *owner* of every occupied *premises* shall supply approved covered containers for *rubbish*, and the *owner* of the *premises* shall be responsible for the removal of *rubbish*.

PM-306.3 Disposal of garbage: Every *occupant* of a structure shall dispose of *garbage* in a clean and sanitary manner by placing such *garbage* in an approved *garbage* disposal facility or approved *garbage* containers.

PM-306.3.1 Garbage facilities: The *owner* of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each *dwelling unit*, an approved incinerator unit in the structure available to the *occupants* in each *dwelling unit*, or an approved leakproof, covered, outside *garbage* container.

PM-306.3.2 Containers: The *operator* of every establishment producing *garbage* shall provide, and at all times cause to be utilized, leakproof approved containers provided with close-fitting covers for the storage of such materials until removed from the *premises* for disposal.

SECTION PM-307.0 EXTERMINATION

PM-307.1 Infestation: All structures shall be kept free from insect and rat *infestation*. All structures in which insects or rats are found shall be promptly *exterminated* by approved processes that will not be injurious to human health. After *extermination*, proper precautions shall be taken to prevent *reinfestation*.

PM-307.2 Owner: The *owner* of any structure shall be responsible for *extermination* within the structure prior to renting or leasing the structure.

PM-307.3 Single occupancy: The *occupant* of a structure containing a single *dwelling unit* or of a single nonresidential structure shall be responsible for *extermination* on the *premises*.

PM-307.4 Multiple occupancy: The *owner* of a structure containing two or more *dwelling units*, a multiple *occupancy*, a *rooming house* or a nonresidential structure shall be responsible for *extermination* in the public or shared areas of the structure and *exterior property*. If *infestation* is caused by failure of an *occupant* to prevent such *infestation* in the area occupied, the *occupants* shall be responsible for *extermination*.

PM-307.5 Occupant: The *occupant* of any structure shall be responsible for the continued ratproof condition of the structure, and if the *occupant* fails to maintain the ratproof condition, the cost of *extermination* shall be the responsibility of the *occupant*.

CHAPTER 4

LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION PM-401.0 GENERAL

PM-401.1 Scope: The provisions of this chapter shall govern the minimum conditions and standards for light, *ventilation* and space for the *occupancy* of a structure.

PM-401.2 Responsibility: The *owner* of the structure shall provide and maintain light, *ventilation* and space conditions in compliance with these requirements. A *person* shall not occupy as *owner-occupant*, or permit another *person* to occupy any *premises* that do not comply with the requirements of this chapter.

PM-401.3 Alternative devices: In lieu of the means for natural light and *ventilation* herein prescribed, artificial light or mechanical *ventilation* complying with the *building code* listed in Chapter 8 shall be permitted.

SECTION PM-402.0 DEFINITIONS

PM-402.1 General: The following words and terms shall, for the purposes of this chapter and as stated elsewhere in this code, have the meanings shown herein.

Habitable space: Space in a structure for living, sleeping, eating or cooking. *Bathrooms*, toilet compartments, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

Openable area: That part of a window or door which is available for unobstructed *ventilation* and which opens directly to the outdoors.

Ventilation: The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

SECTION PM-403.0 LIGHT

PM-403.1 Habitable spaces: Every *habitable space* shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every *habitable space* shall be 8 percent of the floor area of such room, except in kitchens where artificial light is provided in accordance with the provisions of the *building code* listed in Chapter 8. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

PM-403.2 Common halls and stairways: Every common hall and stairway, other than in *one-* and *two-family dwellings*, shall be lighted at all times with at least a 60-watt standard incandescent light bulb or equivalent for each 200 square feet (19 m²) of floor area, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). Every exterior stairway shall be illuminated with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

PM-403.3 Other spaces: All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe *occupancy* of the space and utilization of the appliances, equipment and fixtures.

SECTION PM-404.0 VENTILATION

PM-404.1 Habitable spaces: Every *habitable space* shall have at least one openable window. The total *openable area* of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section PM-403.1.

PM-404.2 Bathrooms and toilet rooms: Every *bathroom* and *toilet room* shall comply with the *ventilation* requirements for *habitable spaces* as required by Section PM-404.1, except that a window shall not be required in spaces equipped with a mechanical *ventilation* system that complies with the following:

1. Air exhausted by a mechanical *ventilation* system from a *bathroom* within a *dwelling unit* shall be exhausted to the exterior and shall not be recirculated to any space, including the space from which such air is withdrawn.
2. Air exhausted by a mechanical *ventilation* system from all other *bathrooms* or *toilet rooms* shall be exhausted to the exterior without recirculation to any space, or not more than 85 percent of the exhaust air shall be recirculated where the system is provided with effective absorption and filtering equipment.

PM-404.3 Cooking facilities: Unless approved through the certificate of *occupancy*, cooking shall not be permitted in any *rooming unit* or *dormitory* unit, and a cooking facility or appliance shall not be permitted to be present in a *rooming unit* or *dormitory* unit.

Exception: Where specifically approved in writing by the code official.

PM-0404.4 Process ventilation: Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust *ventilation* system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

PM-404.5 Clothes dryer exhaust: Clothes dryer venting systems shall be independent of all other systems and shall be vented in accordance with the manufacturer’s instructions.

SECTION PM-405.0 OCCUPANCY LIMITATIONS

PM-405.1 Privacy: *Dwelling units, hotel units, rooming units and dormitory units* shall be arranged to provide privacy and be separate from other adjoining spaces.

PM-405.2 Access from sleeping rooms: Sleeping rooms shall not constitute the only means of access to other sleeping rooms or *habitable spaces*.

Exception: *Dwelling units* that contain fewer than two bedrooms.

PM-405.3 Area for sleeping purposes: Every room occupied for sleeping purposes by one *occupant* shall contain at least 70 square feet (7 m²) of floor area, and every room occupied for sleeping purposes by more than one *person* shall contain at least 50 square feet (5 m²) of floor area for each *occupant* thereof.

PM-405.4 Water closet accessibility: Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom.

PM-405.5 Overcrowding: *Dwelling units* shall not be occupied by more *occupants* than permitted by the minimum *occupancy* area requirements of Table PM-405.5.

**Table PM-405.5
MINIMUM OCCUPANCY AREA REQUIREMENTS**

Minimum occupancy area in square feet^b

Space	1 – 2 occupants	3-5 occupants	6 or more
Living room ^a	No requirements	120	150
Dining room ^a	No requirements	80	100
Kitchen	50	50	60
Bedrooms	Shall comply with Section PM-405.3		

Note a. See Section PM-405.6 for combined living room/dining room spaces.

Note b. 1 square foot = 0.093 m²

PM-405.6 Combined spaces: Combined living room and dining room spaces shall comply with the requirements of Table PM-405.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

PM-405.7 Prohibited occupancy: Kitchens, nonhabitable spaces and interior public areas shall not be occupied for sleeping purposes.

PM-405.8 Minimum ceiling heights: *Habitable spaces*, other than kitchens, shall have a clear ceiling height of not less than 7 feet 4 inches (2235 mm). Hallways, corridors, laundry areas, *bathrooms*, *toilet rooms* and kitchens shall have a clear ceiling height of not less than 7 feet (2134 mm).

Exceptions

1. Beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height, provided that the minimum clear height is not less than 6 feet 8 inches (2033 mm).
2. Dropped or furred ceilings over not more than one-half of the minimum floor area required by this code, provided that no part of such dropped or furred ceiling is less than 7 feet (2134 mm) in height.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.
4. *Basement* rooms in *one-* and *two-family dwellings* occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.

PM-405.9 Minimum room widths: A *habitable* room, other than a kitchen, shall not be less than 7 feet (2133 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

PM-405.10 Food preparation: All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

CHAPTER 5

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION PM-501.0 GENERAL

PM-501.1 Scope: The provisions of this chapter shall govern the minimum *plumbing* facilities and *plumbing fixtures* to be provided.

PM-501.2 Responsibility: The *owner* of the structure shall provide and maintain such *plumbing* facilities and *plumbing fixtures* in compliance with these requirements. A *person* shall not occupy as *owner-occupant* or permit another *person* to occupy any structure or *premises* which does not comply with the requirements of this chapter.

SECTION PM-502.0 DEFINITIONS

PM-502.1 General: The following words and terms shall, for the purposes of this chapter and as stated elsewhere in this code, have the meanings shown herein.

Bathroom: A room containing *plumbing fixtures* including a bathtub or shower.

Plumbing: The practice, materials and fixtures utilized in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances within the scope of the plumbing code listed in Chapter 8.

Plumbing fixture: A receptacle or device which is either permanently or temporarily connected to the water distribution system of the *premises*, and demands a supply of water therefrom; or discharges waste water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the *premises*; or which requires both a water supply connection and a discharge to the drainage system of the *premises*.

Toilet room: A room containing a water closet or urinal but not a bathtub or shower.

SECTION PM-503.0 REQUIRED FACILITIES

PM-503.1 Dwelling units: Every *dwelling unit* shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located.

PM-503.2 Rooming houses: At least one water closet, lavatory and bathtub or shower shall be supplied for each four *rooming units*.

PM-503.3 Hotels: Where private water closets, lavatories, and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten *occupants*.

PM-503.4 Employee's facilities: A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

PM-503.4.1 Drinking facilities: Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler, or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in *toilet room* or *bathrooms*.

SECTION PM-504.0 TOILET ROOMS

PM-504.1 Privacy: *Toilet rooms* and *bathrooms* shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior.

PM-504.2 Location: *Toilet rooms* and *bathrooms* serving *hotel* units, *rooming units* or *dormitory* units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

PM-504.3 Location of employee toilet facilities: Toilet facilities shall have access from within the employees' regular working area. The required toilet facilities shall be located not more than one story above or below the employee's regular working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or public customer facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, and which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

SECTION PM-505.0 PLUMBING FIXTURES

PM-505.1 General: All *plumbing fixtures* shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such *plumbing fixtures* are designed. All *plumbing fixtures* shall be maintained in a safe, sanitary and functional condition.

PM-505.2 Fixture clearances: *Plumbing fixtures* shall have adequate clearances for usage and cleaning.

SECTION PM-506.0 WATER SYSTEM

PM-506.1 General: Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other *plumbing fixture* shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water.

PM-506.2 Contamination: The water supply shall be maintained free from contamination, and all water inlets for *plumbing fixtures* shall be located above the flood level rim of the fixture. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

PM-506.3 Supply: The water supply system shall be installed and maintained to provide a supply of water to *plumbing fixtures*, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

PM-506.4 Water heating facilities: Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110 degrees F. (43 degrees C.). A gas-burning water heater shall not be located in any *bathroom, toilet room, bedroom* or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

SECTION PM-507.0 SANITARY DRAINAGE SYSTEM

PM-507.1 General: All *plumbing fixtures* shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

PM-507.2 Maintenance: Every *plumbing stack, vent, waste and sewer line* shall function properly and be kept free from obstructions, leaks and defects.

SECTION PM-508.0 STORM DRAINAGE

PM-508.1 General: Drainage of roofs and paved areas, *yards and courts*, and other open areas on the *premises* shall not be discharged in a manner that creates a *public nuisance*.

CHAPTER 6

MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION PM-601.0 GENERAL

PM-601.1 Scope: The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

PM-601.2 Responsibility: The *owner* of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A *person* shall not occupy as *owner-occupant* or permit another *person* to occupy any *premises* which does not comply with the requirements of this chapter.

SECTION PM-602.0 HEATING FACILITIES

PM-602.1 Facilities required: Heating facilities shall be provided in structures as required by this section.

PM-602.2 Residential buildings: Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of 65 degrees F. (18 degrees C.) in all *habitable* rooms, *bathrooms* and *toilet rooms* based on the outside design temperature required for the locality by the mechanical code listed in Chapter 8.

PM-602.2.1 Heat supply: Every *owner* and *operator* of any building who rents, leases or *lets* one or more *dwelling unit*, *rooming unit*, *dormitory* or guestroom on terms, either express or implied, to furnish heat to the *occupants* thereof shall supply sufficient heat during the period from [DATE] to [DATE] to maintain the room temperatures specified in Section PM-602.2 during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 60 degrees F. (16 degrees C.) during other hours.

PM-602.2.2 Room temperature exception: When the outdoor temperature is below the outdoor design temperature required for the locality by the mechanical code listed in Chapter 8, the *owner* or *operator* shall not be required to maintain the minimum room temperatures, provided that the heating system is operating at full capacity, with supply valves and dampers in a full open position.

PM-602.3 Nonresidential structures: Every enclosed occupied work space shall be supplied with sufficient heat during the period from [DATE] to [DATE] to maintain a temperature of not less than 65 degrees F. (18 degrees C.) during all working hours.

Exceptions

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which *persons* are primarily engaged in vigorous physical activities.

PM-602.4 Room temperature measurement: The required room temperatures shall be measured at a point 3 feet (914 mm) above the floor and 3 feet (914 mm) from the exterior walls.

SECTION PM-603.0 MECHANICAL EQUIPMENT

PM-603.1 Mechanical equipment: All mechanical equipment, fireplaces and solid fuel-burning appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

PM-603.2 Cooking and heating equipment: All cooking and heating equipment, components and accessories in every heating, cooking and water-heating device shall be maintained free from leaks and obstructions.

PM-603.3 Flue: All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

PM-603.4 Clearances: All required clearances to combustible materials shall be maintained.

PM-603.5 Safety controls: All safety controls for fuel-burning equipment shall be maintained in effective operation.

PM-603.6 Combustion air: A supply of air for complete combustion of the fuel and for *ventilation* of the space shall be provided for the fuel-burning equipment.

PM-603.7 Energy conservation devices: Devices purporting to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

SECTION PM-604.0 ELECTRICAL FACILITIES

PM-604.1 Facilities required: Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section PM-605.0.

PM-604.2 Service: The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70 listed in Chapter 8. Every dwelling shall be served by a main service that is not less than 60 amperes, three wires.

PM-604.3 Electrical system hazards: Where it is found that the electrical system in a structure constitutes a hazard to the *occupants* or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION PM-605.0 ELECTRICAL EQUIPMENT

PM-605.1 Installation: All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

PM-605.2 Receptacles: Every *habitable space* in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded type receptacle. Every *bathroom* shall contain at least one receptacle.

PM-605.3 Lighting fixtures: Every public hall, interior stairway, water closet compartment, *bathroom*, laundry room and furnace room shall contain at least one electric lighting fixture.

SECTION PM-606.0 ELEVATORS, ESCALATORS AND DUMBWAITERS

PM-606.1 General: Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards.

PM-606.2 Elevators: In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

CHAPTER 7

FIRE SAFETY REQUIREMENTS

SECTION PM-701.0 GENERAL

PM-701.1 Scope: The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior *premises*, including fire safety facilities and equipment to be provided.

PM-701.2 Responsibility: The *owner* of the *premises* shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A *person* shall not occupy as *owner-occupant* or permit another *person* to occupy any *premises* that do not comply with the requirements of this chapter.

SECTION PM-702.0 MEANS OF EGRESS

PM-702.1 General: A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to a public way.

PM-702.2 Exit capacity: The capacity of the exits serving a floor shall be sufficient for the occupant load thereof as determined by the *building code* listed in Chapter 8.

PM-702.3 Number of exits: In nonresidential buildings, every occupied story more than six stories above grade shall be provided with not less than two independent exits. In residential buildings, every story exceeding two stories above grade shall be provided with not less than two independent exits. In stories where more than one exit is required, all *occupants* shall have access to at least two exits. Every occupied story which is both totally below grade and greater than 2,000 square feet shall be provided with not less than two independent exits.

Exception: A single exit is acceptable under any one of the following conditions:

1. Where the building is equipped throughout with an automatic sprinkler system and an automatic fire detection system with smoke detectors located in all corridors, lobbies and common areas.
2. Where the building is equipped throughout with an automatic fire detection system and the exit is an approved smokeproof enclosure or pressurized stairway.
3. Where an existing fire escape conforming to the *building code* listed in Chapter 8 is provided in addition to the single exit.
4. Where permitted by the *building code* listed in Chapter 8.

PM-702.4 Arrangement: Exits from *dwelling units*, *rooming units*, guestrooms and *dormitory* units shall not lead through other such units, or through *toilet rooms* or *bathrooms*.

PM-702.5 Exit signs: All means of egress shall be indicated with approved “Exit” signs where required by the *building code* listed in Chapter 8. All “Exit” signs shall be maintained visible and all illuminated “Exit” signs shall be illuminated at all times that the building is occupied.

PM-702.6 Corridor enclosure: All corridors serving an occupant load greater than 30 and the openings therein shall provide an effective barrier to resist the movement of smoke. All transoms, louvers, doors and other openings shall be closed or shall be self-closing.

Exceptions

1. Corridors in *occupancies* in other than Use Group H which are equipped throughout with an automatic sprinkler system.
2. Patient room doors in corridors in *occupancies* in Use Group I-2 where smoke barriers are provided in accordance with the fire prevention code listed in Chapter 8, are not required to be self-closing.
3. Corridors in *occupancies* in Use Group E where each room that is occupied for instruction or assembly purposes has at least one-half of the required means of egress doors opening directly to the exterior of the building at ground level.
4. Corridors that are in compliance with the *building code* listed in Chapter 8.

PM-702.7 Dead-end travel distance: All corridors that serve more than one exit shall provide direct connection to such exits. The length of a dead-end corridor shall not exceed 35 feet (10668 mm) where the building is not equipped throughout with an automatic sprinkler system. The dead-end travel distance limitation shall be increased to 70 feet (21336 mm) where the building is equipped throughout with an automatic sprinkler system.

PM-702.8 Aisles: Arrangements of chairs or tables and chairs shall provide for ready access by aisle accessways and aisles to each egress door. The minimum clear width of each aisle in *occupancies* in Use Groups A, E and I-2 shall be maintained in accordance with the requirements of the *building code* listed in Chapter 8. In all other *occupancies*, aisles shall have a minimum required clear width of 44 inches (1118 mm) where serving an occupant load greater than 50, and 36 inches (914 mm) where serving an occupant load of 50 or less. The clear width of aisles shall not be obstructed by chairs, tables or other objects.

PM-702.9 Stairways, handrails and guards: Every exterior and interior flight of stairs having more than four risers, and every open portion of a stair, landing or balcony which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) nor more than 42 inches (1067 mm) high, measured vertically above the nosing of the tread or above the finished floor

of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing or balcony.

PM-702.10 Information signs: A sign shall be provided at each floor landing in all interior stairways more than three stories above grade, designating the floor level above the floor of discharge. All elevator lobby call stations on all floor levels shall be marked with approved signs in accordance with the requirements for new buildings in the *building code* listed in Chapter 8.

Exception: The emergency sign shall not be required for elevators that are part of an accessible means of egress complying with the *building code* listed in Chapter 8.

PM-702.11 Locked doors: All means of egress doors shall be readily *openable* from the side from which egress is to be made without the need for keys, special knowledge or effort, except as provided for in Section PM-702.11.1.

PM-702.11.1 Locks permitted: Locks or fasteners shall not be installed on egress doors except in accordance with the following conditions:

1. In mental, penal or other institutions where the security of inmates is necessary, in which case properly trained supervisory personnel shall be continuously on duty and approved provisions are made to remove *occupants* safely in case of fire or other emergency.
2. In problem security areas, special-purpose door alarms or locking devices shall be approved prior to installation. Manually operated edge or surface-molded flush bolts are prohibited.
3. Where the door hardware conforms to that permitted by the *building code* listed in Chapter 8.

PM-702.12 Emergency escape: Every sleeping room located in a *basement* in an *occupancy* in Use Group I-1 or R shall have at least one openable window or exterior door approved for emergency egress or rescue; or shall have access to not less than two approved independent exits.

Exception: Buildings equipped throughout with an automatic fire suppression system.

SECTION PM-703.0 ACCUMULATIONS AND STORAGE

PM-703.1 Accumulations: *Rubbish, garbage* or other materials shall not be stored or allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.

PM-703.2 Hazardous material: Combustible, flammable, explosive or other hazardous materials, such as paints, volatile oils and cleaning fluids, or combustible *rubbish*, such as wastepaper, boxes and rags, shall not be accumulated or stored unless such storage

complies with the applicable requirements of the *building code* and the *fire prevention code* listed in Chapter 8.

SECTION PM-704.0 FIRERESISTANCE RATINGS

PM-704.1 General: The fireresistance rating of floors, walls, ceilings, and other elements and components shall be maintained.

PM-704.2 Maintenance: All required fire doors and smoke barriers shall be maintained in good working order, including all hardware necessary for the proper operation thereof. Fire doors shall not be held open by door stops, wedges and other unapproved hold-open devices.

SECTION PM-705.0 FIRE PROTECTION SYSTEMS

PM-705.1 General: All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be properly maintained.

PM-705.2 Fire suppression system: Fire suppression systems shall be in proper operating condition at all times.

PM-705.2.1 Valves: Control valves shall be in the fully open position.

PM-705.2.2 Sprinklers: Sprinklers shall be clean and free of corrosion, paint and damage. Stock shall be at least 18 inches (457 mm) below sprinkler deflectors.

PM-705.2.3 Piping: Piping shall be properly supported and shall not support any other loads.

PM-705.3 Standpipe systems: Standpipe systems shall be in proper operating condition at all times.

PM-705.3.1 Valves: Water supply control valves shall be in the fully open position.

PM-705.3.2 Hose connections: Hose connections shall be identified and have ready access thereto.

PM-705.3.3 Hose: Where provided, the hose shall be properly packed, dry and free from deterioration.

PM-705.4 Fire extinguishers: All portable fire extinguishers shall be visible, provided with ready access thereto, and maintained in an efficient and safe operating condition. Extinguishers shall be of an approved type.

PM-705.5 Smoke detectors: A minimum of one approved single-station or multiple-station smoke detector shall be installed in each guestroom, suite or sleeping area in *occupancies* in Use Groups R-1 and I-1, and in *dwelling units* in the immediate vicinity of the bedrooms in *occupancies* in Use Groups R-2 and R-3. In all residential *occupancies*, smoke detectors shall be required on every story of the *dwelling unit*, including *basements*. In *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke detector installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

PM-705.5.1 Installation: All detectors shall be installed in accordance with the *building code* listed in Chapter 8. When actuated, the smoke detectors shall provide an alarm suitable to warn the *occupants* within the individual room or *dwelling unit*.

PM-705.5.2 Power source: The power source for smoke detectors shall be either an AC primary power source or a monitored battery primary power source.

PM-705.5.3 Tampering: Anyone tampering or interfering with the effectiveness of a smoke detector shall be in violation of this code.

PM-705.6 Fire protective signaling systems: Fire protective signaling systems shall be in proper operating condition at all times.

PM-705.6.1 Control panel: The “power on” indicator shall be lit. Alarm or trouble indicators shall not be illuminated.

PM-705.6.2 Manual fire alarm boxes: All manual fire alarm boxes shall be operational and unobstructed.

PM-705.6.3 Automatic fire detectors: All automatic fire detectors shall be operational and free from any obstructions that prevent proper operation, including smoke entry.

PM-705.7 Records: A complete written record of all tests and inspections of fire protection systems shall be maintained on the *premises* by the *owner* or *occupant* in charge of said *premises*.

SECTION PM-706.0 ELEVATOR RECALL

PM-706.1 Required: All elevators having a travel distance of 25 feet (7620 mm) or more above or below the primary level of elevator access for emergency fire-fighting or rescue personnel shall conform to the requirements of Rule 211.3 of ASME A17.1 listed in Chapter 8.

SECTION PM-707.0 MECHANICAL EQUIPMENT CONTROL

PM-707.1 Smoke and heat detection: Approved smoke or heat detectors shall be installed in return air ducts or plenums in each recirculating air system with a capacity of more than 2,000 cfm and serving more than one floor in buildings that exceed six stories in height in accordance with the mechanical code listed in Chapter 8. Actuation of the detector shall stop the fan(s) automatically and shall be of the manual-reset type. Automatic fan shutdown is not required where the system is part of an approved smoke control system.



CITY COUNCIL ACTION REPORT

DATE: June 10, 2009

TO: John Szerlag, Acting City Manager

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

SUBJECT: Amendments to Chapter 48 of the Troy City Code
Litter Ordinance

Background:

- With the adoption of the new Property Maintenance Code certain provisions of the existing Litter Ordinance will no longer be necessary.
- Section 6.107 will be covered by Section 302.1 of the Property Maintenance Code.
- Other current text of the Litter Ordinance will still be necessary to address issues of litter placed upon public property or streets.
- We have attached the current text of the Litter Ordinance showing the language that is proposed to be deleted.
- This action should only be taken after the adoption of the new Property Maintenance Code.

Financial Considerations:

- There are no financial considerations.

Legal Considerations:

- City Council has the authority to amend the Litter Ordinance under the City Charter and the Home Rule Cities Act.

Policy Considerations:

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

Options:

- Once the new Property Maintenance Code is adopted the existing text of portions of the Litter Ordinance can be deleted.
- Council can retain the existing text of the Litter Ordinance.

The text of Chapter 48, Litter, Shall be amended as follows:

~~6.107 Owner to Maintain Premises Free of Litter Enforcement.~~

~~The Public Works Director is hereby charged with the enforcement of this Chapter. The owner or person in control of any private premises shall at all times maintain the premises free of litter; Provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.~~

~~6.108 Enforcement – Notice to Abate.~~

~~The City Superintendent of Public Works is hereby charged with the enforcement of this Chapter. No person being the owner or person in charge of or occupant of any private premises shall accumulate or permit the accumulation of any litter on the private premises owned, controlled or occupied by him in a manner prohibited by the provisions of this Chapter. When any litter shall be accumulated or permitted to accumulate on any private premises in a manner prohibited by this Chapter, the enforcing officer shall notify the owner, person in control or occupant of such private premises to remove the litter and clear said private premises within a time limited in the notice, such time not to be less than two (2) days nor more than ten (10) days from the time said notice is served. Such notice shall be served as provided in section 1.11 of this Code.~~

~~If the owner, person in charge or occupant of any premises notified to abate a nuisance consisting of the accumulation of litter on any private premises shall fail to abate the same within the time limited in said notice therefor, the enforcing officer is hereby authorized to enter upon such private premises and abate said nuisance by removing said litter and clearing said private premises. The cost of abating such nuisance plus an additional fifteen (15%) percent for overhead and other expenses shall constitute a lien against the private premises and shall be charged to the occupant thereof or to the owner of unoccupied premises, as the case may be. If not paid within sixty (60) days after the bill for such charges is rendered, such charges may be collected as a single lot assessment against said premises in the manner provided by the City Charter or in any other manner authorized for the collection of debts owed the City.~~

CITY OF TROY
AN ORDINANCE TO
AMEND CHAPTER 48 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 48, Litter, of the Code of the City of Troy.

Section 2. Amendment

Chapter 48, Litter, shall be amended as follows:

Section 6.107 shall be amended to read as follows:

6.107 Enforcement

The Public Works Director is hereby charged with the enforcement of this Chapter.

Section 6.108 Enforcement – Notice to Abate, shall be deleted in its entirety.

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

DATE: June 10, 2009

TO: John Szerlag, Acting City Manager

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

SUBJECT: Amendments to Chapter 82-B of the Troy City Code
Dangerous Buildings Ordinance

Background:

- With the adoption of the new Property Maintenance Code the current provisions of the Dangerous Buildings Ordinance will no longer be necessary.
- Dangerous Buildings will be covered by Section 108 of the Property Maintenance Code.
- We have attached the current text of the Dangerous Buildings Ordinance showing the language that is proposed to be deleted.
- This action should only be taken after the adoption of the new Property Maintenance Code.

Financial Considerations:

- There are no financial considerations.

Legal Considerations:

- City Council has the authority to delete the Dangerous Buildings Ordinance under the Housing Laws of the State of Michigan, the City Charter and the Home Rule Cities Act.

Policy Considerations:

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

Options:

- Once the new Property Maintenance Code is adopted the existing text of the Dangerous Buildings Ordinance can be deleted.
- Council can retain the existing text of the Dangerous Buildings Ordinance.
- Council can adopt revised text of the Dangerous Buildings Ordinance.

Approved as to Form and Legality:

Lori Grigg Bluhm, City Attorney

mss/ Chapter 82B revision memo 6-15-09

DANGEROUS BUILDINGS

1. ~~Purpose and Reference to State Act~~

~~The procedures set forth in this Chapter are established in the public interest, to secure the health and safety of the occupants of dwellings, structures, and 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 therewith and interpreted to comply with the language of said law and any subsequent amendments.~~

2. ~~Designation of Enforcement Body~~

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

3. ~~Joint Implementation~~

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

4. ~~Dangerous Building, Prohibition.~~

~~It is unlawful for any owner or agent thereof to keep or maintain any structure or part thereof which is a dangerous building as defined in Section 5 (3).~~

5. ~~Definitions.~~

(1) ~~"City Council" shall mean the legislative body to hear appeals at the local level.~~

(2) ~~"Owner" means any person, firm, partnership, association or corporation and/or their legal successors. All proceedings, actions, or prosecutions hereunder in which the owner of any building, structure, or part thereof, shall be subject to the provisions of this ordinance.~~

(3) ~~"Dangerous Building" means a building or structure which has one or more of the following defects or is in one or more of the following conditions:~~

(a) ~~A door, aisle, passageway, stairway or other means of exit does not conform to the approved fire code of the City of Troy.~~

(b) ~~A portion of the building is damaged by fire, wind, flood, or other cause in such a manner that the structural strength or stability of the building is appreciably less than it was before such catastrophe and does not meet the minimum requirements of the City of Troy ordinances.~~

(c) ~~A portion of the building or structure has settled to such an extent that walls or other structural portions have materially less resistance to winds than is required for new construction under the City of Troy ordinances.~~

(4-17-00)

Chapter 82-B - Dangerous Buildings

- (d) ~~The building or structure or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for support or for other reason, is likely to partially or completely collapse, or become detached, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.~~
- (e) ~~The building, structure, or part of the building or structure is manifestly unsafe for the purpose for which it is intended to be used.~~
- (f) ~~The building or structure is vacant, dilapidated and open at any door or window leaving the interior of the building exposed to the elements or accessible to entrance by trespassers or otherwise becomes an attractive nuisance to children who might play in the building or structure to their danger, or becomes a harbor for vagrants, criminals or immoral persons or enables persons to resort to the building or structure for committing a nuisance or an unlawful or immoral act.~~
- (g) ~~A residence or the adjoining grounds of a building or structure which is used or intended to be used for dwelling purposes is unsanitary or unfit for human habitation, due to dilapidation, decay, damage, or faulty construction or arrangement or otherwise is in a condition that the Director of Building and Zoning or his authorized representatives or employees determines is likely to cause sickness or disease or is likely to injure the health, continued safety or general welfare of people living in the residence.~~
- (h) ~~An owner has been previously notified of existing code violation(s), according to the provisions of this Chapter and after said notice has left the structure unattended or unoccupied, whether boarded up or in an open condition, for a period exceeding thirty (30) days, then the structure shall be declared a dangerous building.~~

~~3. Notice of Dangerous and Unsafe Condition, Issuance, Recipient, Contents, Filing, Form, Service; City Council~~

- (1) ~~When the whole or any part of any building or structure is found to be in a dangerous building the Director of Building and Zoning or his authorized representatives or employees shall issue a notice declaring that the building or structure is a dangerous building. The notice shall itemize the current code violation(s) and dangerous condition(s) and specify a time to complete all necessary repairs or demolish the building or structure.~~
- (2) ~~The notice shall be served on the owner of record or the registered agent and upon the holder of any encumbrance of record in the manner provided for service of a summons by a court of record. If the owner or holder of an encumbrance of record cannot be found, the notice may be served by posting it on the main entrance of the building and publishing it once a week for three (3) successive weeks in a newspaper authorized to provide service by publication.~~
- (3) ~~The notice shall specify the right of the owner to appeal to City Council the dangerous building determination of the Director of Building and Zoning or his authorized representatives or employees. The notice shall also set forth the administrative appeal procedure, including the requirement that any appeal under this section shall be filed in writing to the Director of Building and Zoning or his authorized representatives or employees within ten days of service of the notice.~~

Chapter 82-B - Dangerous Buildings

~~4. Waiver of Hearing; Testimony; Determination to Close Proceedings or Order Building Demolished or Made Safe, Compliance, Hearing, Cost of Compliance As Lien Collection.~~

- ~~(1) If a written appeal of the dangerous building determination is not received within ten days of the date of service of the notice, as described in section 3, then a public hearing will not be necessary, and the matter shall be referred to the City Council for resolution.~~
- ~~(2) If a written appeal of the dangerous building determination is received within the allocated ten day period, then a public hearing will be scheduled before City Council as soon as administratively possible. At the public hearing, the City Council shall take the testimony from the Director of Building and Zoning and/or his authorized representatives and employees, testimony from the owner of the property and any other interested party to determine whether the building or structure constitutes a dangerous building pursuant to this Chapter.~~
- ~~(3) If it is determined by the City Council that the building or structure is a dangerous building and therefore should be demolished or made habitable, Council shall order the demolition or necessary repairs be completed. The repairs shall be ordered to be completed by a specified time, which shall not exceed 21 days after the hearing and/or the resolution.~~
- ~~(4) If the ordered demolition or repairs are not completed within the allocated time period, as set forth in section (3), City Council can then authorize any and all necessary action to enforce their order. This includes, but is not limited to, causing the structure or any part of the structure to be razed and removed either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.~~
- ~~(5) The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified of the the cost of the necessitated repairs or demolition by first class mail at the address shown on the records. If the owner fails to pay the same within thirty (30) days after mailing by the Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Troy, and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the City of Troy. The City Council shall also have the option of initiating a lawsuit to recover the City's full cost of necessitated demolition and/or repair. If the City receives a favorable judgment, then said judgment may be assessed against all of the assets of the owner of the property, not just the real estate that is the subject of the dangerous building determination.~~

~~5. Appeal to Circuit Court.~~

~~An owner aggrieved by any final decision or order of the City Council, made pursuant to this Chapter, may appeal the decision or order to the Circuit Court by filing a petition for an order of superintending control within twenty (20) days from the date of the decision.~~

(4-17-00)

Chapter 82-B - Dangerous Buildings

6. ~~Emergency:~~

~~The Fire Chief or Director of Building and Zoning or his authorized representatives or employees shall have the power to abate any public nuisance from any dangerous structure or building if the public safety shall require immediate action due to a distinct hazard to life or property, without preliminary notice as otherwise required by this section. Thereafter the cost of abating such public nuisance shall be charged against the owner or occupant of the premises and payment hereof shall be enforced as a special assessment.~~

(4-17-00)

CITY OF TROY
AN ORDINANCE TO
AMEND CHAPTER 82-B
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-B, Dangerous Buildings, of the Code of the City of Troy.

Section 2. Amendment

Chapter 82-B, Dangerous Buildings, shall be amended by deleting the Chapter in its entirety:

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

DATE: June 10, 2009

TO: John Szerlag, Acting City Manager

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

SUBJECT: Amendments to Chapter 88 of the Troy City Code
Nuisance Ordinance

Background:

- With the adoption of the new Property Maintenance Code certain provisions of the existing Nuisance Ordinance will no longer be necessary.
 - Section 9.2, and 9.3, of the Nuisance Ordinance on Dangerous Buildings will now be covered by Section 108 of the Property Maintenance Code.
 - Section 9.4, of the Nuisance Ordinance on Emergency Abatement will now be covered by Section 109 of the Property Maintenance Code.
 - Section 9.14 of the Nuisance Ordinance is already covered by the provisions of the Sign Ordinance.
 - Section 9.17 on Privies and Cesspools is already covered by Section 19.03 of the Sanitary Sewer Service Ordinance.
 - Section 9.18 on Drainage of Premises will be covered by Section 302.2 of the Property Maintenance Code.
 - Section 9.20 on Junk Cars will be covered by Section 302.8 of the Property Maintenance Code.
- We have attached the current text of the Nuisance Ordinance showing the language that is proposed to be deleted.
- This action should only be taken after the adoption of the new Property Maintenance Code.

Financial Considerations:

- There are no financial considerations.

Legal Considerations:

- City Council has the authority to amend the Nuisance Ordinance under the City Charter and the Home Rule Cities Act.

Policy Considerations:

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

Options:

- Once the new Property Maintenance Code is adopted the existing text of portions of the Nuisance Ordinance can be deleted.
- Council can retain the existing text of the Nuisance Ordinance.
- Council can adopt revised text of the Nuisance Ordinance.

Approved as to Form and Legality:

Lori Grigg Bluhm, City Attorney

The following text is proposed to be deleted from Chapter 88 – Nuisances, of the Troy City Code.

~~9.2 Dangerous Structures. No person shall maintain any structure which is unsafe or which is a menace to the health, morals or safety of the public.~~

~~9.3 Disregarding Notice or Orders.~~

~~(a) The owner of any dangerous building who shall fail to comply with any notice or order to repair, vacate or demolish said building given by any person authorized by this Code to give such notice or order shall be guilty of a violation of this Code.~~

~~(b) The occupant or lessee in possession who fails to comply with any notice to vacate or who fails to repair said building in accordance with any notice given, as provided for in this Code, shall be guilty of a violation of this Code.~~

~~(Rev. 03-26-79)~~

~~9.4. Dangerous Structures – Emergency Abatement. The Fire Chief or Building Official shall have the power to abate any dangerous structure or building if the public safety shall require immediate action due to a distinct hazard to life or property, without preliminary notice as otherwise required by this Chapter. Thereafter the cost of abating such public nuisance shall be charged against the owner or occupant of the premises and payment thereof shall be enforced through special assessment as provided in the Charter.~~

~~(Rev. 04-12-82)~~

~~9.14 Billposting. No person shall himself or by another post, attach, place, print, paint or stamp any placard, circular, show bill or advertisement of any description whatever, except such as what may be expressly authorized by law, on any street, or sidewalk, or upon any election booth or other public place or object, with the exception of legally permitted billboards, in the City, or upon any fence, building or property belonging to the City, or upon any telegraph pole, telephone pole, electric light pole, or tower, or bridge or curb stone in any public street or alley in the City; provided, however, that a service, religious or charitable organization may make application to the Board of Appeals for the erection of a sign upon City property, and the Board of Appeals may in their discretion grant such application and designate the size, type and place at which said sign is to be erected, and shall be removed upon written notice at the discretion of the City Council; provided further that the Engineering Department shall first make a recommendation on the location, type and size of signs.~~

~~(Rev. 03-26-79)~~

PRIVIES AND CESSPOOLS

~~9.17 Privies, Vaults, Regulations.~~

~~(1) No person shall construct or cause to be constructed a privy, outhouse, cesspool or privy vault within the City if there be a public sewer within one hundred and fifty feet of the property line. Nothing herein contained shall prevent the construction of privies on property with the nearest lot line more than one hundred and fifty (150) feet from a public sewer.~~

~~(2) Privies shall at all times be kept by the owner or occupant of the premises upon which it is located in a condition not offensive to the public or to any person.~~

~~(3) Any privy or cesspool that emits any foul or offensive odor is hereby declared a nuisance and the health officer and/or building inspector shall abate the same, and no owner or occupant of any premises shall permit any privy to become a nuisance, emitting any foul or offensive odor, or shall permit any open or exposed privy vault or cesspool to exist on any premises owned or occupied by him.~~

~~9.18. Drainage of Premises. If any lands, excavations, cellar, vault, sewer, drain, place or premises within the City shall be damp, unwholesome, offensive or filthy, or be covered during any portion of the year with stagnant or impure water, or shall be in such condition as to produce offensive exhalations, the health officer and/or building inspector may require the same to be drained, filled, up, cleansed or purified by the owner or occupant, or person in charge of such lot, premises or place.~~

~~9.20. Junk Cars. Unless otherwise permitted, no person or corporation whether he be the owner, tenant or manager of private property, or whether he be the last registered owner of the vehicle or transferee on a bill of sale covering the vehicle, shall permit the accumulation on private property of one or more vehicles which do not meet the following conditions:~~

~~(a) Any motor vehicle must be in operating condition and eligible for use in accordance with the requirements of the Michigan Vehicle Code being MCL 257.1 through 257.925; provided that any such vehicle will be permitted not to comply with these requirements for any period not to exceed fourteen (14) days.~~

~~(b) These minimum conditions, except for any fourteen (14) day period will include, but are not limited to, an engine that runs, four wheels and four pneumatic tires capable of holding air working battery, current license plates, and~~

~~c) Any person enumerated in this section who, under special conditions of hardship, or for valid reasons such as the preservation of a historic or classic vehicle, may request and extension of the fourteen (14) day limitation above described by filing a timely request with the Office of the Police Chief or Director of Building and Zoning who may, after review of all of the circumstances, grant a reasonable extension of time for compliance.~~

~~(Rev. 07-12-99)~~

CITY OF TROY
AN ORDINANCE TO
AMEND CHAPTER 88 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 88, Nuisances, of the Code of the City of Troy.

Section 2. Amendment

Chapter 88, Nuisances, shall be amended by deleting the following sections in their entirety:

Section 9.2 Dangerous Structures

Section 9.3 Disregarding Notice or Orders (including subparagraphs a and b)

Section 9.4 Dangerous Structures – Emergency Abatement

Section 9.14 Billposting

Section 9.17 Privies, Vaults, Regulations (including subparagraphs 1, 2, and 3)

Section 9.18 Drainage of Premises

Section 9.20 Junk Cars (including subparagraph a, b, and c)

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

DATE: June 10, 2009

TO: John Szerlag, Acting City Manager

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

SUBJECT: Deletion of Chapter 89 of the Troy City Code
Weed Control Ordinance

Background:

- With the adoption of the new Property Maintenance Code the existing provisions of the Weed Control Ordinance will no longer be necessary.
- Weed control will now be regulated by Section 302.4 of the Property Maintenance Code.
- We have attached the current text of the Weed Control Ordinance showing the language that is proposed to be deleted.
- This action should only be taken after the adoption of the new Property Maintenance Code.

Financial Considerations:

- There are no financial considerations.

Legal Considerations:

- City Council has the authority to amend the Weed Control Ordinance under the City Charter and the Home Rule Cities Act.

Policy Considerations:

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

Options:

- Once the new Property Maintenance Code is adopted the existing text of the Weed Control Ordinance can be deleted.
- Council can retain the existing text of the Weed Control Ordinance.
- Council can adopt revised text of the Weed Control Ordinance.

Approved as to Form and Legality:

Lori Grigg Bluhm, City Attorney

mss/ Chapter 89 revision memo 6-15-09

The text of Chapter 89, Weed Control, shall be amended by deleting the chapter in its entirety.

~~CHAPTER 89 WEED CONTROL~~

~~9.21 Commissioner of Noxious Weeds. Pursuant to the provisions of Act 359, Public Acts of 1941 (Michigan Compiled Laws of 1948, Sections 247.61—247.72), there is hereby created the office of "Commissioner of Noxious Weeds". Said Commissioner of Noxious Weeds shall be appointed by the City Manager in accordance with the provisions of the aforesaid Act 359 of the Public Acts of 1941, and shall possess all rights and be subject to all duties as prescribed in said Act.~~

~~9.22 Definition of Noxious Weeds. For the purpose of this Chapter, "Noxious Weeds" shall include~~

~~Canada thistle (Cirsium arvense), dodders (any species of Cuscuta), mustards (charlock, black mustard and Indian mustard, species of Brassica or Sinapis), wild carrot (Daucus Carota), bindweed (Convolvulus arvensis), perennial sowthistle (Sonchus arvensis), hoary alyssum (Berteroa incana), ragweed (Ambrosia elatior L.) and poison ivy (Rhus toxicodendron), poison sumac (Toxicodendron vernix) or other plant which, in the opinion of the City Council, is regarded as a common nuisance.~~

~~9.23 Destruction of Noxious Weeds. It shall be the duty of all owners of land on which noxious weeds are found growing within one hundred (100) feet of any occupied building, or within 100 feet of a platted subdivision, or within the boundaries of any subdivision in which buildings have been erected on thirty percent (30%) of the lots included in that subdivision, or within 100 feet of any major road, to destroy the same before they reach a seed-bearing state and to prevent such weeds from perpetuating themselves or to prevent such weeds from becoming a detriment to the public health.~~

~~In case owner, agent or occupant fails or refuses to comply with the provisions of this Ordinance, the Commissioner of Noxious Weeds will enter upon the land and destroy the weeds as many times as necessary during the growing season, not to exceed four cuttings.
(Rev. 5-12-80)~~

~~9.24 Exemptions. Nothing herein shall apply to fields devoted to the growing of small grain crops such as corn, wheat, oats or rye.
(Rev. 4-21-69)~~

CITY OF TROY
AN ORDINANCE TO
AMEND CHAPTER 89 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 89, Weed Control, of the Code of the City of Troy.

Section 2. Amendment

Chapter 89, Weed Control, shall be amended by deleting the Chapter in its entirety:

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