



TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Allan T. Motzny, Assistant City Attorney
DATE: June 15, 2010
SUBJECT: Proposed Amendment to Chapter 3 of the Troy City Code

The employee re-structuring process requires amendments to Section 1.141 of Chapter 3 of the Code of the City of Troy, which identifies those employees authorized to enforce specific ordinance provisions. In order for the City's designated employees to issue appearance tickets, municipal civil infraction violation notices or misdemeanor violation notices, the employees must be explicitly empowered. The attached proposed amendment was prepared with the assistance of the involved department heads, and it reflects the changes that are required to date. It is possible that additional amendments will be required in the future.

If you should have any questions and or concerns, please let us know.

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 3 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 3 – Administrative Service, of the Code of the City of Troy.

Section 2. Amendment

Chapter 3, Sections 1.141(5), 1.141 (6), 1.141(7), 1.141(8), 1.141(9), and 1.141(10) are amended as follows:

1.141(5) A City of Troy Water Division Inspector shall have the authority to issue and serve upon a person an appearance ticket, a Municipal Civil Infraction notice of violation, and/or a Municipal Civil Infraction citation, if he/she has reasonable cause to believe that the person has committed a violation of any of the following provisions of the Troy City Code:

Chapter 18: City Water Utility

Chapter 19: City Sewer Service

~~Chapter 20: Water and Sewer Rates~~

Chapter 33: Streets

1.141(6) ~~A The~~ City of Troy ~~Building Official or his/her designee Building Department Inspector,~~ shall have authority to issue and serve upon a person an appearance ticket, a Municipal Civil Infraction notice of violation, and/or a Municipal Civil Infraction citation, if he/she has reasonable cause to believe that the person has committed a violation of any of the following provisions of the Troy City Code.

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Chapter 2: House Numbering and Street Naming

Chapter 13: Historic Preservation

Chapter 16: Garbage and Rubbish

Chapter 18: City Water Utility

Chapter 19: City Sewer Service

Chapter 20: Water and Sewer Rates

Chapter 39: Zoning

Chapter 47: House Trailers and Trailer Courts

Chapter 48: Litter

Chapter 61: Temporary Merchant Business

Chapter 64: Gasoline Stations

Chapter 67: Dances and Dance Halls

Chapter 68: Amusements and Recreation Places

Chapter 69: Miscellaneous Licensed Businesses

Chapter 70: Self Service Laundries and Dry Cleaners

Chapter 71: Auto Wash

Chapter 73: Drive-In Restaurant

Chapter 76: Adult Use Businesses Licenses

Chapter 77: Smoking Lounges

Chapter 79: General Building Regulations

Chapter 82: Property Maintenance Regulations

Chapter 82-A: Rental and Dwelling Inspection and Enforcement

Chapter 82-B: Dangerous Buildings

Chapter 83: Fences

Chapter 85: Signs

Chapter 88: Nuisances

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

Chapter 97: Coin-Operated Amusement Devices and Arcades

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

Chapter 2: House Numbering and Street Naming

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

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

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

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

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

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

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

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

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

Chapter 88: Nuisances (provisions related to fire safety)

Chapter 93: Fire Prevention

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

Chapter 103: Alarm Ordinance

Chapter 106: Traffic (provisions related to fire safety)

1.141(8) A City of Troy Engineering ~~Inspector~~Specialist, Inspection Supervisor, Engineering Technician, Civil Engineer, Land Surveyor or Environmental Specialist shall have authority to issue and serve upon a person an Appearance ticket, a Municipal Civil Infraction notice of violation, and/or a Municipal Civil Infraction citation, if he/she has reasonable cause to believe that the person has committed a violation of any of the following provisions of the Troy City Code:

Chapter 17: Rubbish Fill Operation

Chapter 34: Sidewalks

Chapter 42: Flood Plain Management

Chapter 79: General Building Regulations

Chapter 80: Soil Removal and Fill

Chapter 86: Soil Erosion and Sedimentation Control

1.141(9) A City of Troy ~~Foreman-Field Supervisor~~ of Parks Maintenance Division, Superintendent of Public Grounds, or Director of Parks and Recreation shall have authority to issue and ~~service-serve~~ upon a person an appearance ticket, a Municipal Civil Infraction notice of violation, and/or a Municipal Civil Infraction citation, if he/she has reasonable cause to believe that the person has committed a violation of any of the following provisions of the Troy City Code:

Chapter 29: Cemetery

Chapter 39: Zoning (provisions related to landscaping)

Chapter 41: Subdivision Control (provisions related to landscaping)

1.141(10) The Zoning Administrator, or his/her designee, a Housing and Zoning Inspector, and the Inspection Supervisor shall have authority to issue and serve upon a person an appearance ticket, a Municipal Civil Infraction notice of violation, and/or a Municipal Civil Infraction citation, if he/she has reasonable cause to believe that the person has committed a violation of any of the following provisions of the Troy City Code.

Chapter 16: Garbage and Rubbish
Chapter 34: Sidewalks and Driveway Approaches
Chapter 39: Zoning
Chapter 47: House Trailers and Trailer Courts
Chapter 61: Temporary Merchant Business
Chapter 64: Gasoline Stations
Chapter 67: Dances and Dance Halls
Chapter 68: Amusements and Recreation Places
Chapter 69: Miscellaneous Licensed Businesses
Chapter 73: Drive-In Restaurant
Chapter 76: Adult Use Businesses Licenses
Chapter 79: General Building Regulations
Chapter 82: Property Maintenance Regulations
Chapter 82-A: Rental and Dwelling Inspection and Enforcement
Chapter 82-B: Dangerous Buildings
Chapter 83: Fences
Chapter 85: Signs
Chapter 88: Nuisances
Chapter 93: Fire Prevention
Chapter 97: Coin-Operated Amusement Devices and Arcades

Section 3. Savings

All proceedings pending and all rights and liabilities existing acquired or incurred at the time this Ordinance takes effect are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter,

affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

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

Section 5. Effective Date

This Ordinance shall become effective ten (10) days after adoption or publication, whichever occurs later.

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

Louise E. Schilling, Mayor

Tonni Bartholomew, City Clerk