

CITY of NOVI CITY COUNCIL

**Agenda Item 3
November 8, 2010**

SUBJECT: Consideration of Ordinance Amendments to provide updates to cost recovery of extraordinary or avoidable public safety expenses:

a) Consideration of adoption of an ordinance to amend, No. 10-176, the City of Novi Code of Ordinances to amend Chapter 2, entitled "Administration" to add Article VIII regarding cost recovery for emergency response. **FIRST READING**

b) Consideration of adoption of an ordinance to amend, No. 10-99.15, the City of Novi Code of Ordinances to amend Chapter 15, Article II, entitled "Fire Prevention Code" to amend Sec. 15-16 to specify penalty for violation, to amend Sec 15-17 regarding hazardous materials discharge recovery action, and to amend Sec 15-20 to refer to Chapter 2, Article VIII for cost recovery. **FIRST READING**

c) Consideration of a resolution establishing the fee schedule for cost recovery for the determination of the cost of a response under Chapter 2, Article VIII of the City Code.

d) Consideration of an ordinance to amend, No. 10-23.25, Chapter 22, "Offenses," Article II, "Offenses Against Public Administration," Sections 22-96 to amend the standards for the regulation of alarm systems to include fees for responses to false alarms from fire alarm systems. **FIRST READING**

SUBMITTING DEPARTMENT: Public Safety Administration – Fire Department

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION: At the Public Safety Department's request, the City Attorney's office has prepared an ordinance to amend Chapter 2 of the City of Novi Code to add new Article VIII provisions for purposes of: (1) amending the City's hazardous substances response cost recovery procedure for consistency with state law; and, (2) to expand the types of emergency response costs that can be recovered for police and fire response incidents, including:

- Costs of repair or replacement of publicly-owned facilities or equipment;
- Costs of investigating and testing the site of an emergency response;
- Costs of crowd control and clean-up of the site of an emergency response;
- Costs of contracted services required for an emergency response;
- Costs to reimburse other governmental entities for mutual aid emergency response.
- Emergency response involving the railroad.
- Emergency response for downed utility lines.

Residential property owners shall only be subject to liability for the cost of an emergency response in the event that the emergency response was required as a result of unlawful activity that was within the owner, lessor or operator's control.

An amendment is also proposed to Chapter 15, Fire Prevention and Protection for the purpose of ensuring Fire Code provisions regarding cost recovery in the Fire Prevention Code are consistent with the cost recovery provisions of Chapter 2, Article VIII.

An amendment is proposed to Chapter 22, Offenses Against Public Administration to allow the City to collect a fee for Fire Department responses to repeated false fire alarms from commercial, business, office, retail, manufacturing or other non-residential property.

RECOMMENDED ACTION:

- a. Approve FIRST READING of City Code Amendment 10-176, to Article VIII to Chapter 2 regarding cost recovery for emergency response; and
- b. Approve FIRST READING of City Code Amendment 10-99.15, amendment to Chapter 15, Fire Prevention and Protection for the purpose of ensuring Fire Code provisions regarding cost recovery in the Fire Prevention Code are consistent with the cost recovery provisions of Chapter 2, Article VIII.
- c. Approve resolution establishing the fee schedule for cost recovery for the determination of the cost of a response under Chapter 2, Article VIII of the City Code.
- d. Approve FIRST READING of City Code Amendment 10-23.25, amendment to Chapter 22, Article II, Offenses Against Public Administration for the purpose of allowing the City to collect a fee for Fire Department responses to repeated false fire alarms.

	1	2	Y	N
Mayor Landry				
Mayor Pro Tem Gatt				
Council Member Crawford				
Council Member Fischer				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Staudt				

November 3, 2010

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Mayor Landry and City Council
City of Novi
45175 W. Ten Mile Road
Novi, MI 48375

**Re: Proposed Cost Recovery and Alarm System Ordinance
Amendments
Our File No. 55124.NOV**

Dear Mayor Landry and Council Members:

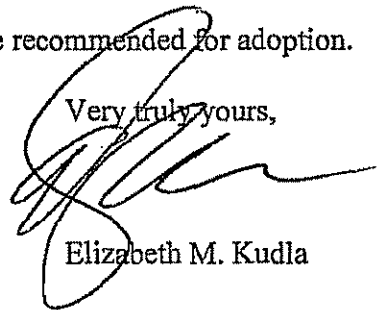
Enclosed please find revised versions of the following proposed Ordinance Amendments:

- Chapter 2, Article VIII - Adding Emergency Response Cost Recovery
- Chapter 15, Article II – Amending Fire Prevention Hazardous Materials Cost Recovery Response procedures for consistency with state law and Chapter 2
- Chapter 22, Article II – Adding Fire Alarms to the Alarm Regulation Ordinance

The revisions made since the initial draft limit the applicability of the cost recovery provisions to non-residential properties unless the emergency response results from unlawful activity within the control of the property owner or lessor. Additionally, fees would be assessed only for repeated false alarms to non-residential properties.

The Ordinance Amendments are recommended for adoption.

Very truly yours,



Elizabeth M. Kudla

EMK

Enclosures

cc: Maryanne Cornelius, Clerk (w/Enclosures)
Clay Pearson, City Manager (w/Enclosures)
David Malloy, Director of Public Safety (w/Enclosures)
Jeffery R. Johnson, Director of EMS/FIRE Operations (w/Enclosures)
Thomas R. Schultz, Esquire (w/Enclosures)

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CITY OF NOVI
COUNTY OF OAKLAND
STATE OF MICHIGAN

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 2, "ADMINISTRATION," OF THE CITY OF NOVI CODE OF ORDINANCES IN ORDER TO ADD NEW ARTICLE VIII, "EMERGENCY RESPONSE COST RECOVERY"; TO REPEAL OR AMEND EXISTING COST RECOVERY PROVISIONS TO EXPAND THEIR SCOPE; AND TO CONFORM TO STATE LAW REQUIREMENTS FOR COST RECOVERY FOR HAZARDOUS SUBSTANCES REMEDIATION.

THE CITY OF NOVI ORDAINS:

PART I

Chapter 2, "Administration," is hereby amended to add Article VIII, "Emergency Response Cost Recovery," to state as follows:

ARTICLE VIII. COST RECOVERY FOR EMERGENCY RESPONSE

2-220. Purpose and intent.

This Article is for the purpose of ensuring that the City shall, to the extent permitted by law, recover the costs of an emergency response from the responsible party.

2-221. Definitions.

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

"Costs of the emergency response" shall mean the actual costs incurred by the City, and by any other governmental or intergovernmental entity providing services at the request or direction of the City's Fire or Police Department, as the result of an emergency response, except as may be limited by a policy adopted by the governing body. Such costs shall include, without limitation, (a) all labor costs (including wages, salaries, fringe benefits, and reimbursable expenses) of all personnel responding to the incident and all personnel engaged in the investigation, supervision and report preparation relating to the incident; (b) all costs for materials, supplies, and equipment utilized or damaged in connection with an emergency incident and emergency response; (c) all costs for the repair or replacement of publicly-owned property (real and personal property), buildings, facilities and infrastructure (such as utilities, roads, sidewalks, safety paths and other

infrastructure and public improvements) damaged or destroyed in connection with or as a direct or indirect result of an emergency incident and emergency response; (d) investigation of an emergency incident and fire fighting, emergency services, cleaning up, boarding-up, inspecting, testing, abating, mitigating, restoring and crowd control at the site of an emergency response; (e) all costs for labor and services for which the City had to contract in connection with or as a direct or indirect result of an emergency incident and emergency response; and (f) any other expenses incurred by the City, and by any other governmental or intergovernmental entity providing services at the request or direction of the City's Fire or Police Department, in connection with or as a direct or indirect result of an emergency incident and emergency response.

"Emergency incident" shall mean a fire, accident, utility emergency, hazardous material incident, arson, technical rescue, or other emergency situation.

"Emergency response" shall mean the dispatch, provision, response, and/or utilization of police, fire, emergency medical, rescue services and/or other emergency services by the City, or by any other governmental or intergovernmental entity providing any such services at the request or direction of the City's Fire or Police Department, to an emergency incident or any call for assistance from any person, property owner, government agency, emergency service provider, or other entity.

"Hazardous substances incident" shall mean an incident involving any chemical, substance, compound, mixture, or other material defined as, designated as, listed as, or having the same characteristics as any substance, compound, mixture or material listed as hazardous under the Fire Code adopted under Chapter 15 of this Ordinance Code, any other code adopted or enforced by the City, or any federal or state law or regulation.

"Person" shall mean any individual, partnership, corporation, limited liability company, association, consortium, governmental entity, public utility company, or any other legal entity.

"Utility emergency" means downed power lines, pipeline breaks, or other mishaps occurring in connection with the activities of public utilities or their suppliers which necessitates an emergency response or monitoring by the City's police, fire fighting and/or emergency medical/rescue services, or causes damage to public property.

2-222. Liability for Costs of the Emergency Response.

The following persons or entities shall be jointly and severally liable for the cost of an emergency response:

- (1) The owner, lessor, and/or operator of any commercial, business, office, retail, manufacturing, or other non-residential property, or any property outside of the City, to which there is an emergency response, or any residential property within the City to which there is an emergency response necessitated by unlawful

activity caused by or within the control of the owner, lessor, and/or occupant of the property.

- (2) Any person or vehicle owner/lessee who owns, leases and/or operates a motor vehicle, other transporter, or equipment of any kind, the operation of which results in an emergency response, shall be presumed liable for the costs of the emergency response.
- (3) Any person owning, maintaining, or operating a railroad shall be presumed liable for the cost of the emergency response in the event of an emergency incident involving the railroad.
- (4) In the event of a utility emergency, the public utility whose activities or facilities (including but not limited to, electric lines, telephone lines, cable lines and pipe lines) necessitated the emergency response shall be liable for the costs of the emergency response.
- (5) If more than one person is liable for the expense of an emergency response under the foregoing provisions, all such persons shall be jointly and severally liable for the cost of the emergency response.
- (6) In the event of an emergency incident that involves a hazardous substances incident, to the extent the Michigan Natural Resources and Environmental Protection Act (being MCL 324.20101, et seq.) or any other law preempts the cost recovery provisions of this Article, the liability for and recovery of costs of the emergency response shall be governed by the Michigan Natural Resources and Environmental Protection Act or such other law, and the City may pursue collection of such costs of the emergency response in a civil action, pursuant to said laws.
- (7) Any other person who is found responsible for costs under this Section whose actions are a cause of an emergency incident giving rise to a need for any emergency response, shall be liable for the costs of the emergency response for which costs are imposed under this Section.

Section 2-223. Payment of Costs.

- (1) The cost of an emergency response shall be a charge against the person or persons deemed liable for the expenses of an emergency response. Such charge constitutes a debt of that person or persons and is collectible by the City in the same manner as in the case of an obligation under an express or implied contract. The City may, within thirty (30) days of receiving all or part of the itemized costs incurred by the City (or other jurisdiction providing mutual aid to the City) for an

emergency response, submit a bill for these costs by first class mail or personal service to the person or persons liable for the expenses as enumerated under this Article.

- (2) Any person receiving such a bill shall have the opportunity to appeal all or any portion of the amount shown on such statement by filing a written request for same with the City Clerk within 30 days of receipt of an invoice from the City. The City of Novi Construction Board of Appeals shall sit as the review board for purposes of this Section. The request must be accompanied by a written explanation as to why the amount appealed should not be charged to the appellant. The review board shall hear such appeals. If the review board determines that the appellant is not properly liable for any or the entire amount charged, the review board may waive such charge against the appellant. The findings and decisions of the review board shall be in writing and filed with the City Clerk and Finance Department. If no written request for appeal is received within the specified time, the City may proceed in accordance with applicable laws and ordinances to collect any monies remaining unpaid at the expiration of 30 days from billing.
- (3) Any failure by any person or entity to either pay the bill within thirty (30) days of service, or file an appeal as set forth in subsection (2), above, shall be considered to be a civil default, and the City may commence a civil suit against such person or entity to recover the billed expenses of an emergency response, plus the City's attorney fees, court costs, litigation expenses and all other costs allowed by law. The recovery of costs of an emergency response under this Article is a separate civil liability of any person liable for the emergency response, and is separate from and in addition to any criminal proceedings that may be brought against the person or persons.
- (4) In addition, the City shall have any other remedy available to the City by law, including but not limited to requesting the City Attorney to file a civil action for the recovery of costs.

PART II

Severability. If one or more sections, provisions, phrases or words of this Ordinance are declared to be invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end, this Ordinance is declared to be severable.

PART III

Effective Date: Publication. The provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and

such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

PART IV

Repealer. All ordinances or parts of ordinances in conflict herewith including Chapter 15, "Fire Prevention," Article V, "Cost Recovery," including Sections 15-96 through 15-98, are hereby repealed.

PART V

Savings. This amendatory ordinance shall not affect violations of the ordinance code or any other ordinance existing prior to the effective date of this ordinance and such violation shall be governed and shall continue to be separately punishable to the full extent of the law under the provisions of such ordinance at the time the violation was committed.

CERTIFICATION

It is hereby certified that the foregoing Ordinance was adopted by the Novi City Council, Oakland County, Michigan, at a meeting of the Council duly called and held on the _____ day of _____, 2010.

CITY OF NOVI

By: _____
Maryanne Cornelius, City Clerk

**ADOPTED:
EFFECTIVE:
PUBLISHED:**

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COUNTY OF OAKLAND
STATE OF MICHIGAN
CITY OF NOVI
ORDINANCE NO.

AN ORDINANCE TO AMEND CHAPTER 15, "FIRE PREVENTION AND PROTECTION," OF THE CITY OF NOVI CODE OF ORDINANCES FOR CONSISTENCY WITH OTHER PROVISIONS WITHIN THE CITY CODE AND STATE LAW FOR COST RECOVERY.

THE CITY OF NOVI ORDAINS:

PART I

Chapter 15, "Fire Prevention and Protection," Article II, "Fire Prevention Code," is hereby amended to state as follows:

Sec. 15-16. International Fire Prevention Code--Adopted as amended; insertions.

The International Fire Code, 2006 Edition, including the appendix chapters, as promulgated and published by the International Code Council and except as amended herein is hereby adopted by reference as an ordinance and fire code for the City of Novi, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore, and each and all of the regulations, provisions, penalties, conditions and terms of said fire code on file in the office of the city clerk are hereby referred to, adopted and made a part hereof, as if fully set out in this article, with the amendments and insertions, and subject to the limitations, in the remaining sections of this article.

The following sections of the fire code are amended to insert the information indicated.

Section 101.1 Insert "City of Novi."

Section 109.3 Insert "misdemeanor" and "\$500 and/or 90 days in jail."

Section 111.4 Insert "\$250 up to \$500."

Sec. 15-17. Amendments.

The Fire Code adopted by reference in section 15-16 is hereby amended in the following respects:

Subsection 105.1.1. Permits required, shall be amended to read as follows:

Permits are required for the various uses and activities as provided in this code, except in instances where the use or activity is conducted pursuant to a permit issued by the building department under the state construction code, as enforced by the city. Permits required under this code shall be obtained from the code official. Permits shall at all times be kept on the premises designated therein and shall at all times be subject to inspection by the code official. Inspections of work and materials for which a permit was obtained shall be made as required by the authority having jurisdiction or the duly authorized representative.

Subsection 108.1. Membership of Board, shall be amended to read as follows:

108.1 Board of Appeals Established. The City of Novi Construction Board of Appeals shall sit as the board of appeals for purposes of this code.

Section 307. Open Burning and Recreational Fires, shall be amended to read as follows:

307.2 Permit required. A permit shall be obtained from the fire code official in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

Exception: Bonfires located within thirty (30) feet of a lake, not exceeding 3'x3'x3' in size and meeting all other provisions of this code shall be allowed without a permit

307.5 Materials: Fuel for open burning shall consist only of seasoned dry firewood and be ignited with a small quantity of paper. The use of refuse, waste, trash, garbage, tires, stumps, cardboard, lumber, furniture, grass, leaves, brush, evergreens, roof covering, flammable liquids, fabric, cloth or other material not approved by the code official as fuel is prohibited. Open burning shall not be used for waste disposal purposes.

307.6 Occupational Needs: Open burning for the warmth of workers or heating for occupational needs shall be confined to an approved noncombustible container or apparatus to prevent the fire from spreading.

Section 503. Fire department access, shall be amended to read as follows.

503.2 Specifications: Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.7 and the City of Novi Design and Construction Standards.

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), and an unobstructed vertical clearance of not less than 14 feet (4115 mm).

503.2.2 Authority. The code official shall have the authority to require an increase in the minimum access widths where they are inadequate for fire or rescue operations.

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities supporting thirty-five (35) tons.

503.2.4 Turning radius. The minimum required outside turning radius of a fire apparatus access road shall be fifty (50) feet.

503.2.5 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus.

503.2.6 Bridges and elevated surfaces. Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO Standard Specification for Highway Bridges. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the code official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs or both shall be installed and maintained when required by the code official.

503.2.7 Grade. The grade of the fire apparatus access road shall be a maximum of eight percent (8%).

503.2.8 Temporary roadways: Where approved by the code official, temporary fire department access roadways of such a surface, width, turning radii and vertical clearance which will permit access by fire apparatus shall be allowed until permanent roads are constructed.

Section 912. Fire Department Connections, shall be amended to include the following subsections:

912.2.3 Proximity to hydrant: In any building or structure required to be equipped with a fire department connection, the connection shall be located within one hundred (100) feet of a fire hydrant.

912.7 Alarm Devices: Both an audible and visual means of indicating an automatic sprinkler system activation shall be mounted above or in close proximity to the fire department connection.

Section 2703.3.1.4. Responsibility for cleanup, shall be amended to read as follows:

2703.3.1.4 Responsibility for cleanup. The person, firm or corporation responsible for an unauthorized discharge shall institute and complete all actions necessary to remedy the effects of such unauthorized discharge, whether sudden or gradual, at no cost to the City. When deemed necessary by the fire code official, cleanup may be initiated by the fire department or by an authorized individual or firm. The liability for and recovery of costs of the cleanup shall be governed by the Michigan Natural Resources and Environmental Protection Act (MCL 324.20101, et seq.) or any other law that preempts the cost recovery provisions of this Chapter,

and the City may pursue collection of such costs of the cleanup in a civil action, pursuant to said laws.

Geographic Limits. The geographic limits referred to in the following sections of the Fire Code shall be as follows:

Section 3204.3.1.1 The storage of flammable cryogenic fluids in stationary containers is prohibited except: (1) as disclosed and permitted by an approved site plan on property zoned I-2, Heavy Industrial, under the City of Novi Zoning Ordinance or (2) if determined by the City Fire Marshal to be allowed by the State of Michigan Fire Prevention Code, Public Act No 207 of 1941, as amended, or rules promulgated under that Act, and in compliance with all other applicable governmental regulations.

Section 3404.2.9.5.1 The storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited except: (1) as disclosed and permitted by an approved site plan on property zoned I-2, Heavy Industrial, under the City of Novi Zoning Ordinance or (2) if determined by the City Fire Marshal to be allowed by the State of Michigan Fire Prevention Code, Public Act No 207 of 1941, as amended, or rules promulgated under that Act, and in compliance with all other applicable governmental regulations.

Section 3406.2.4.4 The storage of Class I and Class II liquids in above-ground tanks is prohibited except: (1) as disclosed and permitted by an approved site plan on property zoned I-2, Heavy Industrial, under the City of Novi Zoning Ordinance, (2) if determined by the City Fire Marshal to be allowed by the State of Michigan Fire Prevention Code, Public Act No 207 of 1941, as amended, or rules promulgated under that Act, and in compliance with all other applicable governmental regulations, or (3) in connection with a temporary activity necessary to the use or development of property in conformity with all City and other governmental ordinances, laws, permits and approvals.

Section 3804.2 For the protection of heavily populated or congested areas, the capacity limitations in this Section shall apply to all properties except as disclosed and permitted by an approved site plan on property zoned I-2, Heavy Industrial, under the City of Novi Zoning Ordinance.

Sec. 15-18. [Unchanged]

Sec. 15-19. [Unchanged]

Sec. 15-20. Open buildings due to fire.

The code official or his duly authorized representative is empowered to order the securing of fire damaged buildings. If the owner of the affected building is present, this order shall be given to him/her. If no owner or representative of the building is present, the code official or his duly

authorized representative may have the building secured. The expense of this securing shall be a debt to the city from the responsible owner and shall be collected in accordance with the provisions of Chapter 2, Article VIII of the City Code.

Sec. 15-21. Interference with fire department operations.

(a) It shall be unlawful to interfere with, attempt to interfere with, conspire to interfere with, obstruct or restrict the mobility of or block the path of travel of any fire department emergency vehicle in any way, or to interfere with, attempt to interfere with, conspire to interfere with, obstruct or hamper any fire department operation.

(b) A person shall not willfully fail or refuse to comply with any lawful order or direction of the code official or to interfere with the compliance attempts of another individual.

(c) A vehicle shall not be driven or propelled over any unprotected fire hose of the fire department when laid down on any street, alleyway, private drive or any other vehicular roadway without the consent of the code official in command of said operation.

(d) A person shall not without proper authorization from the code official in charge of said fire department emergency equipment, cling to, attach himself to, climb upon or into, board or swing upon any fire department emergency vehicle, whether the same is in motion or at rest, or sound the siren, horn, bell or other sound-producing device thereon, or to manipulate or tamper with, or attempt to manipulate or tamper with any levers, valves, switches, starting devices, brakes, pumps or any equipment or protective clothing on, or a part of, any fire department emergency vehicle.

(e) It shall be unlawful to obscure from view, damage, deface, obstruct or restrict the access to any fire hydrant or any fire department connection for the pressurization of fire suppression systems, including fire hydrants and fire department connections located on public or private streets and access lanes or on private property. If upon the expiration of the time mentioned in a notice of violation, obstructions or encroachments are not removed, the code official shall proceed to remove the same. The necessary work shall be completed by the City, and the cost of the work shall be debt to the city from the responsible party and shall be collected in accordance with the provisions of Chapter 2, Article VIII of the City Code.

(f) A person shall not obstruct, remove, tamper with or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provisions of the fire prevention code except for the purpose of extinguishing a fire, training or testing purposes, recharging or making necessary repairs or when permitted by the code official. Whenever a fire appliance is removed as herein permitted, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished. Defective and nonapproved fire appliances or equipment shall be replaced or repaired as directed by the code official.

(g) A person or persons shall not erect, construct, place or maintain any bumps, fences, gates, chains, bars, pipes, wood or metal horses or any other type of construction in or on any street, within the boundaries of the municipality. The word "street" as used in this article, shall mean

any roadway accessible to the public for vehicular traffic, including, but not limited to, private streets or access lanes, as well as all public streets and highways within the boundaries of the municipality.

Sec. 15-22. Activation of fire protective signaling systems.

A person shall not activate or cause to be activated any fire protective signaling system in any building or premise within the city, unless a valid fire emergency exists. A fire protective signaling system is any system which upon activation warns the occupants of the building or premise that a fire emergency exists or causes the fire department to be summoned. Costs incurred by the City in responding to a knowingly made false alarm shall be a debt to the city from the responsible party and shall be collected in accordance with the provisions of Chapter 2, Article VIII of the City Code.

Sec. 15-23. [Unchanged]

Sec. 15-24. [Unchanged]

PART II

Severability. If one or more sections, provisions, phrases or words of this Ordinance are declared to be invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end, this Ordinance is declared to be severable.

PART III

Effective Date: Publication. The provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

PART IV

Repealer All ordinances or parts of ordinances in conflict herewith are repealed.

PART V

Savings. This amendatory ordinance shall not affect violations of the ordinance code or any other ordinance existing prior to the effective date of this ordinance and such violation shall be governed and shall continue to be separately punishable to the full extent of the law under the provisions of such ordinance at the time the violation was committed.

CERTIFICATION

It is hereby certified that the foregoing Ordinance was adopted by the Novi City Council, Oakland County, Michigan, at a meeting of the Council duly called and held on the ____ day of _____, 2010.

CITY OF NOVI

By: _____
Maryanne Cornelius, City Clerk

**ADOPTED:
EFFECTIVE:
PUBLISHED:**

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COUNTY OF OAKLAND
STATE OF MICHIGAN
CITY OF NOVI
ORDINANCE NO.

AN ORDINANCE TO AMEND CHAPTER 15, "FIRE PREVENTION AND PROTECTION," OF THE CITY OF NOVI CODE OF ORDINANCES FOR CONSISTENCY WITH OTHER PROVISIONS WITHIN THE CITY CODE AND STATE LAW FOR COST RECOVERY.

THE CITY OF NOVI ORDAINS:

PART I

Chapter 15, "Fire Prevention and Protection," Article II, "Fire Prevention Code," is hereby amended to state as follows:

Sec. 15-16. International Fire Prevention Code--Adopted as amended; insertions.

The International Fire Code, 2006 Edition, including the appendix chapters, as promulgated and published by the International Code Council and except as amended herein is hereby adopted by reference as an ordinance and fire code for the City of Novi, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore, and each and all of the regulations, provisions, penalties, conditions and terms of said fire code on file in the office of the city clerk are hereby referred to, adopted and made a part hereof, as if fully set out in this article, with the amendments and insertions, and subject to the limitations, in the remaining sections of this article.

The following sections of the fire code are amended to insert the information indicated.

Section 101.1 Insert "City of Novi."

Section 109.3 Insert "misdemeanor" and "\$500 and/or 90 days in jail."

Section 111.4 Insert "\$250 up to \$500."

Sec. 15-17. Amendments.

The Fire Code adopted by reference in section 15-16 is hereby amended in the following respects:

Subsection 105.1.1. Permits required, shall be amended to read as follows:

Permits are required for the various uses and activities as provided in this code, except in instances where the use or activity is conducted pursuant to a permit issued by the building department under the state construction code, as enforced by the city. Permits required under this code shall be obtained from the code official. Permits shall at all times be kept on the premises designated therein and shall at all times be subject to inspection by the code official. Inspections of work and materials for which a permit was obtained shall be made as required by the authority having jurisdiction or the duly authorized representative.

Subsection 108.1. Membership of Board, shall be amended to read as follows:

108.1 Board of Appeals Established. The City of Novi Construction Board of Appeals shall sit as the board of appeals for purposes of this code.

Section 307. Open Burning and Recreational Fires, shall be amended to read as follows:

307.2 Permit required. A permit shall be obtained from the fire code official in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

Exception: Bonfires located within thirty (30) feet of a lake, not exceeding 3'x3'x3' in size and meeting all other provisions of this code shall be allowed without a permit

307.5 Materials: Fuel for open burning shall consist only of seasoned dry firewood and be ignited with a small quantity of paper. The use of refuse, waste, trash, garbage, tires, stumps, cardboard, lumber, furniture, grass, leaves, brush, evergreens, roof covering, flammable liquids, fabric, cloth or other material not approved by the code official as fuel is prohibited. Open burning shall not be used for waste disposal purposes.

307.6 Occupational Needs: Open burning for the warmth of workers or heating for occupational needs shall be confined to an approved noncombustible container or apparatus to prevent the fire from spreading.

Section 503. Fire department access, shall be amended to read as follows.

503.2 Specifications: Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.7 and the City of Novi Design and Construction Standards.

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), and an unobstructed vertical clearance of not less than 14 feet (4115 mm).

503.2.2 Authority. The code official shall have the authority to require an increase in the minimum access widths where they are inadequate for fire or rescue operations.

503.2.3 *Surface.* Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities supporting thirty-five (35) tons.

503.2.4 *Turning radius.* The minimum required outside turning radius of a fire apparatus access road shall be fifty (50) feet.

503.2.5 *Dead ends.* Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus.

503.2.6 *Bridges and elevated surfaces.* Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO Standard Specification for Highway Bridges. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the code official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs or both shall be installed and maintained when required by the code official.

503.2.7 *Grade.* The grade of the fire apparatus access road shall be a maximum of eight percent (8%).

503.2.8 *Temporary roadways:* Where approved by the code official, temporary fire department access roadways of such a surface, width, turning radii and vertical clearance which will permit access by fire apparatus shall be allowed until permanent roads are constructed.

Section 912. Fire Department Connections, shall be amended to include the following subsections:

912.2.3 *Proximity to hydrant:* In any building or structure required to be equipped with a fire department connection, the connection shall be located within one hundred (100) feet of a fire hydrant.

912.7 *Alarm Devices:* Both an audible and visual means of indicating an automatic sprinkler system activation shall be mounted above or in close proximity to the fire department connection.

Section 2703.3.1.4. Responsibility for cleanup. shall be amended to read as follows:

2703.3.1.4 Responsibility for cleanup. The person, firm or corporation responsible for an unauthorized discharge shall institute and complete all actions necessary to remedy the effects of such unauthorized discharge, whether sudden or gradual, at no cost to the City. When deemed necessary by the fire code official, cleanup may be initiated by the fire department or by an authorized individual or firm. The liability for and recovery of costs of the cleanup shall be governed by the Michigan Natural Resources and Environmental Protection Act (MCL

324.20101, et seq.) or any other law that preempts the cost recovery provisions of this Chapter, and the City may pursue collection of such costs of the cleanup in a civil action, pursuant to said laws.

Geographic Limits. The geographic limits referred to in the following sections of the Fire Code shall be as follows:

Section 3204.3.1.1 The storage of flammable cryogenic fluids in stationary containers is prohibited except: (1) as disclosed and permitted by an approved site plan on property zoned I-2, Heavy Industrial, under the City of Novi Zoning Ordinance or (2) if determined by the City Fire Marshal to be allowed by the State of Michigan Fire Prevention Code, Public Act No 207 of 1941, as amended, or rules promulgated under that Act, and in compliance with all other applicable governmental regulations.

Section 3404.2.9.5.1 The storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited except: (1) as disclosed and permitted by an approved site plan on property zoned I-2, Heavy Industrial, under the City of Novi Zoning Ordinance or (2) if determined by the City Fire Marshal to be allowed by the State of Michigan Fire Prevention Code, Public Act No 207 of 1941, as amended, or rules promulgated under that Act, and in compliance with all other applicable governmental regulations.

Section 3406.2.4.4 The storage of Class I and Class II liquids in above-ground tanks is prohibited except: (1) as disclosed and permitted by an approved site plan on property zoned I-2, Heavy Industrial, under the City of Novi Zoning Ordinance, (2) if determined by the City Fire Marshal to be allowed by the State of Michigan Fire Prevention Code, Public Act No 207 of 1941, as amended, or rules promulgated under that Act, and in compliance with all other applicable governmental regulations, or (3) in connection with a temporary activity necessary to the use or development of property in conformity with all City and other governmental ordinances, laws, permits and approvals.

Section 3804.2 For the protection of heavily populated or congested areas, the capacity limitations in this Section shall apply to all properties except as disclosed and permitted by an approved site plan on property zoned I-2, Heavy Industrial, under the City of Novi Zoning Ordinance.

Sec. 15-18. [Unchanged]

Sec. 15-19. [Unchanged]

Sec. 15-20. Open buildings due to fire.

The code official or his duly authorized representative is empowered to order the securing of fire damaged buildings. If the owner of the affected building is present, this order shall be given to

him/her. If no owner or representative of the building is present, the code official or his duly authorized representative may have the building secured. The expense of this securing shall be a debt to the city from the responsible owner and shall be collected in accordance with the provisions of Chapter 2, Article VIII of the City Code. ~~as any other debt to the city.~~

Sec. 15-21. Interference with fire department operations.

(a) It shall be unlawful to interfere with, attempt to interfere with, conspire to interfere with, obstruct or restrict the mobility of or block the path of travel of any fire department emergency vehicle in any way, or to interfere with, attempt to interfere with, conspire to interfere with, obstruct or hamper any fire department operation.

(b) A person shall not willfully fail or refuse to comply with any lawful order or direction of the code official or to interfere with the compliance attempts of another individual.

(c) A vehicle shall not be driven or propelled over any unprotected fire hose of the fire department when laid down on any street, alleyway, private drive or any other vehicular roadway without the consent of the code official in command of said operation.

(d) A person shall not without proper authorization from the code official in charge of said fire department emergency equipment, cling to, attach himself to, climb upon or into, board or swing upon any fire department emergency vehicle, whether the same is in motion or at rest, or sound the siren, horn, bell or other sound-producing device thereon, or to manipulate or tamper with, or attempt to manipulate or tamper with any levers, valves, switches, starting devices, brakes, pumps or any equipment or protective clothing on, or a part of, any fire department emergency vehicle.

(e) It shall be unlawful to obscure from view, damage, deface, obstruct or restrict the access to any fire hydrant or any fire department connection for the pressurization of fire suppression systems, including fire hydrants and fire department connections located on public or private streets and access lanes or on private property. If upon the expiration of the time mentioned in a notice of violation, obstructions or encroachments are not removed, the code official shall proceed to remove the same. The necessary work shall be completed by the City, and the cost of the work shall be debt to the city from the responsible partyer and shall be collected in accordance with the provisions of Chapter 2, Article VIII of the City Code.

~~Costs incurred in the performance of necessary work shall be paid from the municipal treasure, and the legal authority of the municipality shall institute appropriate action for the recovery of such costs.~~

(f) A person shall not obstruct, remove, tamper with or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provisions of the fire prevention code except for the purpose of extinguishing a fire, training or testing purposes, recharging or making necessary repairs or when permitted by the code official. Whenever a fire appliance is removed as herein permitted, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished. Defective and nonapproved fire appliances or equipment shall be replaced or repaired as directed by the code official.

(g) A person or persons shall not erect, construct, place or maintain any bumps, fences, gates, chains, bars, pipes, wood or metal horses or any other type of construction in or on any street, within the boundaries of the municipality. The word "street" as used in this article, shall mean any roadway accessible to the public for vehicular traffic, including, but not limited to, private streets or access lanes, as well as all public streets and highways within the boundaries of the municipality.

Sec. 15-22. Activation of fire protective signaling systems.

A person shall not activate or cause to be activated any fire protective signaling system in any building or premise within the city, unless a valid fire emergency exists. A fire protective signaling system is any system which upon activation warns the occupants of the building or premise that a fire emergency exists or causes the fire department to be summoned. Costs incurred by the City in responding to a knowingly made false alarm shall be a debt to the city from the responsible party and shall be collected in accordance with the provisions of Chapter 2, Article VIII of the City Code.

Sec. 15-23. [Unchanged]

Sec. 15-24. [Unchanged]

PART II

Severability. If one or more sections, provisions, phrases or words of this Ordinance are declared to be invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end, this Ordinance is declared to be severable.

PART III

Effective Date: Publication. The provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

PART IV

Repealer All ordinances or parts of ordinances in conflict herewith are repealed.

PART V

Savings. This amendatory ordinance shall not affect violations of the ordinance code or any other ordinance existing prior to the effective date of this ordinance and such violation shall be governed and shall continue to be separately punishable to the full extent of the law under the provisions of such ordinance at the time the violation was committed.

CERTIFICATION

It is hereby certified that the foregoing Ordinance was adopted by the Novi City Council, Oakland County, Michigan, at a meeting of the Council duly called and held on the ____ day of _____, 2010.

CITY OF NOVI

By: _____
Maryanne Cornelius, City Clerk

**ADOPTED:
EFFECTIVE:
PUBLISHED:**

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STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI

**RESOLUTION ESTABLISHING FEE SCHEDULE FOR COST RECOVERY FOR THE
DETERMINATION OF THE COST OF A RESPONSE UNDER CHAPTER 2, ARTICLE
VIII OF THE CITY CODE OF THE CITY OF NOVI**

At a regular meeting of the City Council of the City of Novi, County of Oakland, State of Michigan, held on the ___ day of _____, 2010, at 7:00 p.m., Eastern Daylight Savings Time, with those present and absent being,

PRESENT: _____

ABSENT: _____

The following preamble and resolution were offered by Councilperson _____ and supported by Councilperson _____:

WHEREAS, pursuant to Section 2-223 of the City Code, the City Council is authorized to established a fee schedule pursuant to the Cost Recovery Ordinance for the determination of the cost of a response: and

WHEREAS, the City Council has determined that it is in the best interest of the City to establish a fee schedule: and

WHEREAS, the City of Novi City Council desires to adopt the attached fee schedule.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City of Novi City Council hereby establishes the attached schedule of fees pursuant to Section 2-223 of the City Code, for the determination of a cost of a response

AYES
NAYS
ABSTENTIONS:
ABSENT:

CERTIFICATION

It is hereby certified that the foregoing Resolution is a true and accurate copy of the Resolution adopted by the City Council of the City of Novi at a meeting duly called and held on the ___ day of _____, 2010.

CITY OF NOVI

BY: _____
MARYANNE CORNELIUS, Clerk

FEE SCHEDULE

The following schedule has been updated for use in conjunction with the Department's Cost Recovery program pursuant to Chapter 2, Article VIII and Chapter 15, Article II of the City of Novi Code. The schedule does not include EMS billing or false alarm billing, which is handled separately.

FIRE DEPARTMENT FEE SCHEDULE		
Equipment/Vehicle Type	No. of Personnel Included	Total Per Hour Cost
SUV	2	\$220.00
Squad/Rescue	2	\$235.00
Engine	2	\$503.00
Ladder	2	\$656.00
Inspection/Special Purpose	1	\$132.00
Fire Investigation Unit	1	\$187.00
Staff	1	\$116.00
Monitoring & Recording Equipment Depreciation	0	\$20.00 per incident
PERSONNEL COST		
Type	Cost per Hour	
Paid-on-Call Fire Fighter	Labor contract plus 50% benefits	
Career	Labor contract plus 50% benefits	
Secretarial Staff	Labor contract plus 50% benefits	

Personnel not included in the above schedule shall be billed as applicable. Overtime inspection costs shall be per employee with a three-hour minimum. Plan reviews are completed jointly by Department personnel and third party review agencies. The total plan review fee shall be third party fee plus shipping, plus 20%. The cost of using consulting experts or laboratories shall be the actual cost plus 20%. Record search fees where a specific document or data is not specified, shall be a per hour charge per the above schedule. Cost for duplicating photographs, slides, video, or digital images, shall be the actual processing cost plus a per hour charge for delivery and pickup from the processing facility (if applicable).

Damaged or destroyed equipment and expendable supplies shall be billed at the replacement cost value. Charges for Western Wayne HIRT or other mutual aid responses shall be in addition to any Novi's cost.

STATE OF MICHIGAN
COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND CHAPTER 22, "OFFENSES,"
ARTICLE II, "OFFENSES AGAINST PUBLIC
ADMINISTRATION," SECTIONS 22-96 TO AMEND THE
STANDARDS FOR THE REGULATION OF ALARM
SYSTEMS TO INCLUDE REGULATION OF FIRE ALARM
SYSTEMS.**

The City of Novi Ordains:

PART I.

Chapter 22, "Offenses", Article II, "Offenses Against Public Administration," Sections 22-34 through 22-36 are hereby amended to read as follow:

Sec. 22-34. Regulation of alarm systems--Definitions.

As used in sections 22-34 through 22-39:

(1) *Alarm system* means a detection device or an assembly of equipment and devices arranged to signal the presence of a hazard requiring urgent attention or to which police or fire personnel are expected to respond.

(2) *Alarm system contractor* means a person, firm, company, partnership, or corporation engaged in the installation, maintenance, alteration, or servicing of alarm systems, or who responds to an alarm system. "Alarm system contractor" shall not include a business which only sells, or manufactures alarm systems unless the business services alarm systems, installs alarm systems, or monitors or responds to alarm systems at the protected premises.

(3) *False alarm* means the activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence of the owner or lessee of an alarm system or of his employee or agent. False alarm shall include activations where there is no evidence of illegal entry or attempt thereof, activations where there is no evidence of smoke, fire, other temperature or humidity related cause; activations caused by system malfunctions, activations caused by mistake or error, and activations caused by persons working on an alarm system where the police or fire department has not been previously notified.

Sec. 22-35. Same--Registration of customers served by alarm system contractor for which police or fire department response may be requested.

(a) It shall be the responsibility of alarm system contractors and the owners of property protected by alarm systems to provide the Novi Police or Fire Department with the name, address, telephone number

and any other pertinent information, including the name and telephone number of persons to contact to reset or disable the alarm system, as to each alarm system within the City of Novi for which police or fire response may be requested in the event of an alarm activation, no later than date of commencement of operation of the system. For systems made operable prior to the adoption of these provisions, said information shall be provided within thirty (30) days after the adoption of these provisions.

(b) The director of public safety shall be authorized to promulgate a standardized form for such registration information and to promulgated rules and regulations governing the procedure for such registration.

Sec. 22-36. Same--Penalty for excessive false alarms.

(a) Violations of Section 22-34 through 22-36 shall be a municipal civil infraction. Notwithstanding the fact that a prosecution for violation of this section has or has not been commenced, in order to defray the cost of responding to false alarms the owner, lessee or user of any commercial, business, office, retail, manufacturing or other non-residential property, or any property outside of the City, protected by an alarm system shall pay to the city the following fees:

(1) First false alarm in the calendar year resulting in response by police or fire department . . . No charge.

(2) Second false alarm in the calendar year resulting in response by police or fire department . . . No charge.

(3) Third false alarm in the calendar year resulting in response by police or fire department. Provided, that if the owner, lessee or user can demonstrate to the police or fire department that repair work was performed on the alarm system by an alarm system contractor after the second false alarm and before the third false alarm, there shall be no charge . . . \$50.00.

(4) Fourth false alarm in the calendar year resulting in response by police or fire department . . . 75.00.

(5) Fifth false alarm in the calendar year resulting in response by police or fire department . . . 100.00.

(6) Sixth false alarm in the calendar year resulting in response by police or fire department . . . 190.00.

(7) Seventh false alarm in the calendar year resulting in response by police or fire department . . . 190.00.

(8) No charges shall be imposed for a false alarm that occurs prior to the transmitting of notice of the next previous false alarm.

(b) For the purpose of computation of fees, responses to alarms will be based upon the calendar year, January 1 through December 31.

(c) The city shall notify the owner, lessee or user of any commercial, business, office, retail, manufacturing or other non-residential property, any property outside of the City, protected by an alarm system in writing by first class mail of the occurrence of a false alarm, and of the imposition of fees pursuant to subsection (a) above. The notice shall provide that the person may contest the classification of the activation as a false alarm, or, as provided below, may provide information regarding the

circumstances of the false alarm demonstrating that it would be inequitable to impose the charges. Such an appeal shall be filed by forwarding to the director of public safety a written request to contest such matter within twenty (20) days of the date of such notice. Upon receipt of such a request, the director of public safety, or his designee, shall schedule a hearing on the matter within thirty (30) days, and notify the person by first class mail of the time and place of the hearing. Upon conclusion of the hearing the director of public safety, or his designee, shall make a written determination of one (1) or more of the following:

(1) That the city acted reasonably in characterizing the activation as a false alarm, and that the charges shall be assessed as provided above.

(2) That the city did not act reasonably in characterizing the activation as a false alarm, and that the charges shall not be assessed.

(3) That, although the city acted reasonably in characterizing the activation as a false alarm, the circumstances surrounding the activation, such as a motor vehicle/utility pole accident, storm conditions, power outage, independent malicious act of a third party, or similar circumstances beyond the control of the owner, lessee or user, justify a reduction of the charges. In such case, the chief, or his designee, shall reduce the charges in whole or in part, as is so determined.

(d) A late fee of ten dollars (\$10.00) will be assessed to fines not paid within thirty (30) days for first through fourth false activations. A late fee of twenty-five dollars (\$25.00) will be assessed to fines not paid within thirty (30) days for fifth and subsequent false activations. For each additional thirty-day period that the above required fees are not paid, an additional fee of ten dollars (\$10.00) will be assessed.

(e) The charges for responding to false alarms shall be paid to the City within thirty (30) days of service of invoice. Failure to pay charges in accordance with this section shall be a violation subject to additional penalties in accordance with Section 1-11 of the City Code. Unpaid charges may become a lien on premises served. In the event a lien has been placed on the premises, whenever such charge against any such premises shall be delinquent for six (6) months, the city official in charge of the collection thereof shall certify annually, on March first of each year, to the tax assessing officer of the city the fact of such delinquency, whereupon such charge shall be by him entered upon the next tax roll as a charge against such premises and shall be collected, and the lien therefor enforced, in the same manner as general city taxes against such premises are collected and the lien therefor enforced.

(f) Following four (4) false alarms from a burglar alarm system during a calendar year, the police department may refuse to respond to further burglar alarms from such system until that alarm system has been inspected and certified by a licensed alarm systems contractor as being properly installed, operated and maintained. The police department shall not take any action pursuant to this subsection until ten (10) days after the party responsible for maintaining the alarm system has been served with notice of intent to take action pursuant to this section. Notification may be made by personal service to the person responsible for the alarm system, or upon his/her agent or employee, or upon a resident or the guest of a resident of the protected property or by mailing by first class mail to the address on file with the police department or, if none, to the address of the protected property. If, at the expiration of the ten (10) days, documentation of inspection and certification has not been delivered to the police department, the director of public safety may direct that no further response will be made to an activation from the burglar alarm system.

Part II.

Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART III.

Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART IV.

Effective Date: Publication. The provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE ___ DAY OF _____, 2010.

DAVID B. LANDRY – MAYOR

MARYANNE CORNELIUS – CITY CLERK

Ayes:
Nays:
Abstentions:
Absent:

CERTIFICATION OF ADOPTION

I hereby certify that the foregoing is a true and complete copy of an Ordinance passed at a regular meeting of the Novi City Council, held on the ____ day of _____, 2010.

MARYANNE CORNELIUS – CITY CLERK

Adopted:
Published:
Effective:

1516224_1.doc

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND CHAPTER 22, "OFFENSES,"
ARTICLE II, "OFFENSES AGAINST PUBLIC
ADMINISTRATION," SECTIONS 22-96 TO AMEND THE
STANDARDS FOR THE REGULATION OF ALARM
SYSTEMS TO INCLUDE REGULATION OF FIRE ALARM
SYSTEMS.**

The City of Novi Ordains:

PART I.

Chapter 22, "Offenses", Article II, "Offenses Against Public Administration," Sections 22-34 through 22-36 are hereby amended to read as follow:

Sec. 22-34. Regulation of alarm systems--Definitions.

As used in sections 22-34 through 22-39:

(1) *Alarm system* means a detection device or an assembly of equipment and devices arranged to signal the presence of a hazard requiring urgent attention or to which police or fire personnel are expected to respond. ~~A fire alarm system or an alarm system which monitors temperature, humidity, or other conditions not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery at a premises is excluded from the provisions of these sections.~~

(2) *Alarm system contractor* means a person, firm, company, partnership, or corporation engaged in the installation, maintenance, alteration, or servicing of alarm systems, or who responds to an alarm system. "Alarm system contractor" shall not include a business which only sells, or manufactures alarm systems unless the business services alarm systems, installs alarm systems, or monitors or responds to alarm systems at the protected premises.

(3) *False alarm* means the activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence of the owner or lessee of an alarm system or of his employee or agent. False alarm shall include activations where there is no evidence of illegal entry or attempt thereof, activations where there is no evidence of smoke, fire, other temperature or humidity related cause; activations caused by system malfunctions, activations caused by mistake or error, and activations caused by persons working on an alarm system where the police or fire department has not been previously notified.

Sec. 22-35. Same--Registration of customers served by alarm system contractor for which police or fire department response may be requested.

(a) It shall be the responsibility of alarm system contractors and the owners of property protected by alarm systems to provide the Novi Police or Fire Department with the name, address, telephone number and any other pertinent information, including the name and telephone number of persons to contact to reset or disable the alarm system, as to each alarm system within the City of Novi for which police or fire response may be requested in the event of an alarm activation, no later than date of commencement of operation of the system. For systems made operable prior to the adoption of these provisions, said information shall be provided within thirty (30) days after the adoption of these provisions.

(b) ~~The chief of police~~director of public safety shall be authorized to promulgate a standardized form for such registration information and to promulgated rules and regulations governing the procedure for such registration.

Sec. 22-36. Same--Penalty for excessive false alarms.

(a) Violations of Section 22-34 through 22-36 shall be a municipal civil infraction. Notwithstanding the fact that a prosecution for violation of this section has or has not been commenced, in order to defray the cost of responding to false alarms the owner, lessee or user of any commercial, business, office, retail, manufacturing or other non-residential property, or any property outside of the City, protected by an alarm system shall pay to the city the following fees:

(1) First false alarm in the calendar year resulting in response by police or fire department . . . No charge.

(2) Second false alarm in the calendar year resulting in response by police or fire department . . . No charge.

(3) Third false alarm in the calendar year resulting in response by police or fire department. Provided, that if the owner, lessee or user can demonstrate to the police or fire department that repair work was performed on the alarm system by an alarm system contractor after the second false alarm and before the third false alarm, there shall be no charge . . . \$50.00.

(4) Fourth false alarm in the calendar year resulting in response by police or fire department . . . 75.00.

(5) Fifth false alarm in the calendar year resulting in response by police or fire department . . . 100.00.

(6) Sixth false alarm in the calendar year resulting in response by police or fire department . . . 190.00.

(7) Seventh false alarm in the calendar year resulting in response by police or fire department . . . 190.00.

(8) No charges shall be imposed for a false alarm that occurs prior to the transmitting of notice of the next previous false alarm.

(b) For the purpose of computation of fees, responses to alarms will be based upon the calendar year, January 1 through December 31.

(c) The city shall notify the owner, lessee or user of any commercial, business, office, retail, manufacturing or other non-residential property, any property outside of the City, protected by an alarm system in writing by first class mail of the occurrence of a false alarm, and of the imposition of fees pursuant to subsection (a) above. The notice shall provide that the person may contest the classification of the activation as a false alarm, or, as provided below, may provide information regarding the circumstances of the false alarm demonstrating that it would be inequitable to impose the charges. Such an appeal shall be filed by forwarding to the chief of police/director of public safety a written request to contest such matter within twenty (20) days of the date of such notice. Upon receipt of such a request, the chief of police/director of public safety, or his designee, shall schedule a hearing on the matter within thirty (30) days, and notify the person by first class mail of the time and place of the hearing. Upon conclusion of the hearing the chief of police/director of public safety, or his designee, shall make a written determination of one (1) or more of the following:

(1) That the city acted reasonably in characterizing the activation as a false alarm, and that the charges shall be assessed as provided above.

(2) That the city did not act reasonably in characterizing the activation as a false alarm, and that the charges shall not be assessed.

(3) That, although the city acted reasonably in characterizing the activation as a false alarm, the circumstances surrounding the activation, such as a motor vehicle/utility pole accident, storm conditions, power outage, independent malicious act of a third party, or similar circumstances beyond the control of the owner, lessee or user, justify a reduction of the charges. In such case, the chief, or his designee, shall reduce the charges in whole or in part, as is so determined.

(d) A late fee of ten dollars (\$10.00) will be assessed to fines not paid within thirty (30) days for first through fourth false activations. A late fee of twenty-five dollars (\$25.00) will be assessed to fines not paid within thirty (30) days for fifth and subsequent false activations. For each additional thirty-day period that the above required fees are not paid, an additional fee of ten dollars (\$10.00) will be assessed.

(e) The charges for responding to false alarms shall be paid to the City within thirty (30) days of service of invoice. Failure to pay charges in accordance with this section shall be a violation subject to additional penalties in accordance with Section 1-11 of the City Code. Unpaid charges may become a lien on premises served, and are hereby recognized to constitute such lien. In the event a lien has been placed on the premises, Whenever such charge against any such premises shall be delinquent for six (6) months, the city official in charge of the collection thereof shall certify annually, on March first of each year, to the tax assessing officer of the city the fact of such delinquency, whereupon such charge shall be by him entered upon the next tax roll as a charge against such premises and shall be collected, and the lien therefor enforced, in the same manner as general city taxes against such premises are collected and the lien therefor enforced.

(f) Following four (4) false alarms from a burglar-alarm system during a calendar year, the police department may refuse to respond to further burglar alarms from such system until that alarm system has been inspected and certified by a licensed alarm systems contractor as being properly installed, operated and maintained. The police department shall not take any action pursuant to this subsection until ten (10) days after the party responsible for maintaining the alarm system has been served with notice of intent to take action pursuant to this section. Notification may be made by personal service to the person responsible for the alarm system, or upon his/her agent or employee, or upon a resident or the guest of a resident of the protected property or by mailing by first class mail to the address on file with the police department or, if none, to the address of the protected property. If, at the expiration of the ten (10) days,

documentation of inspection and certification has not been delivered to the police department, the chief of police or director of public safety may direct that no further response will be made to an activation from the burglar alarm system.

Part II.

Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART III.

Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART IV.

Effective Date: Publication. The provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE ___ DAY OF _____, 2010.

DAVID B. LANDRY – MAYOR

MARYANNE CORNELIUS – CITY CLERK

Ayes:
Nays:
Abstentions:
Absent:

CERTIFICATION OF ADOPTION

I hereby certify that the foregoing is a true and complete copy of an Ordinance passed at a regular meeting of the Novi City Council, held on the ____ day of _____, 2010.

MARYANNE CORNELIUS -- CITY CLERK

Adopted:
Published:
Effective:

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