

cityofnovi.org

## CITY of NOVI CITY COUNCIL

**Agenda Item 1**  
**November 29, 2010**

**SUBJECT:** Consideration of Adoption of Ordinance Amendments to update and expand cost recovery options for extraordinary or avoidable public safety expenses:

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

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

c) Consideration of adoption of Ordinance No. 10-23.26, to amend Chapter 22, "Offenses," Article II, "Offenses Against Public Administration," of the City of Novi Code of Ordinances to revise the standards for the regulation of alarm systems in Section 22-96 to include fees for responses to false alarms from fire alarm systems. **SECOND READING**

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

**SUBMITTING DEPARTMENT:** Public Safety Administration – Fire Department 

**CITY MANAGER APPROVAL:** 

**BACKGROUND INFORMATION:**

At its November 8, 2010 meeting, the City Council approved **first reading** of amendments to the City's existing cost recovery ordinances. As introduced for initial discussion, the proposed amendments included (1) an ordinance to amend Chapter 2 of the City of Novi Code to add a **new** Article VIII that would update and relocate the City's existing hazardous substances response cost recovery procedure for consistency with state law, but also expand the types of emergency responses options that the City would have for cost recovery in police and fire response incidents (fires, traffic accidents, utility emergencies, and the like); (2) an amendment to Chapter 15, Fire Prevention and Protection, to make the Fire Code provisions regarding cost recovery for hazardous materials incidents consistent with state law and the new provisions being added to Chapter 2 for hazardous materials incidents; and (3) an amendment 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. False alarm provisions have been commonplace in the police service for years for officer safety and efficiency reasons; such provisions to limit false alarms for fire service are intended to provide the same protections (see background memo attached). The requisite fee schedule was also proposed, setting forth hourly labor rates by task and/or position.

The City Council discussion at first reading raised a number of questions about when recovery would be sought. The City Council's clear direction for **second reading**/adoption, from the starting point of the initial discussion, was to **narrow the scope of the new provisions**. The attached revisions to Chapter 2—the new Article at issue—include the following changes that substantially scale back its scope:

- Expansion of the Purpose section to clarify the **limited nature** of these recoveries
- Limitation on cost recovery option to property owners **only** when:
  - The City is charged/invoiced by some other governmental entity under a **mutual aid agreement** (non-residential properties only)
  - The activity involves a response to a **hazardous materials incident** (already in the Code, Sec. 15-96) (The attached memorandum of November 16 from Fire Marshal Mike Evans describes the recent history of mutual aid and cost recovery in the City.)
  - The activity involves **unlawful conduct** that causes the City to incur some sort of out-of-pocket expense. The language makes clear that these are unusual incidents and costs (e.g., demolition and clean up activities that were contracted out), not a typical police or fire run to a home for usual activities (like a domestic incident response).
- Limitation of cost recovery to person found responsible for an **incendiary fire** (typically an arson incident)
- Removal of the motor vehicle accident section entirely. This would not affect the existing drunk-driving cost recovery provisions in Chapter 33 of the Code.
- Revision of the recovery requirements related to **public utilities** in order to:
  - clarify in the definition section that “utility emergencies” are limited to situations where response is required to protect the public health and safety (like guarding a downed power line); and
  - limit the utility’s liability to costs incurred more than two hours after notification to the utility
- Revision of the appeal process to involve an *ad hoc* review committee including the Manager (or designee), the Finance Director, and a former Mayor.

These changes **significantly limit the kinds of incidents for which cost recovery can be sought** to certain extraordinary and unusual event that result in unusual costs or expenses to the City. The broad language that would have covered these incidents but would also have potentially covered more typical situations like house fires or traffic accidents has been **removed** for second reading.

#### **RECOMMENDED ACTION:**

- a. Approve SECOND READING and adoption of City Code Amendment 10-176, to Article VIII to Chapter 2 regarding cost recovery for emergency response; and
- b. Approve SECOND READING and adoption 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 SECOND READING and adoption of City Code Amendment 10-23.26, 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.
- d. 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.

	1	2	Y	N
<b>Mayor Landry</b>				
<b>Mayor Pro Tem Gatt</b>				
<b>Council Member Crawford</b>				
<b>Council Member Fischer</b>				

	1	2	Y	N
<b>Council Member Margolis</b>				
<b>Council Member Mutch</b>				
<b>Council Member Staudt</b>				

November 24, 2010

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

Re: ***Cost Recovery Ordinances – Revisions for Second Reading (Additional Minor Revisions)***  
Our File No. 55142 NOV

Dear Mayor Landry and Councilmembers:

Attached in anticipation of the City Council considering the cost recovery ordinances at the November 29, 2010 Council meeting is a revised version of the ordinance creating a new Article in Chapter 2 relating to cost recovery, with some additional minor amendments, which are highlighted. The amendments address some questions that our office received regarding the version of the ordinance sent out last week in the off-week packet.

In Section 2-222, the incendiary fire (arson) provision has been moved out of the section establishing liability for property owners and has been made a separate Section (2) making the person responsible for the fire liable. Section (1)(c), relating to illegal activities, was changed to clarify that a property owner must have known, or should have known, about the activities in order to be liable.

The concept of apportioning damages was added after first reading and was included in the version that went out in the off-week packet. A minor addition has been made that would make clear that apportionment could take into account the amount of injury or damage to persons or property.

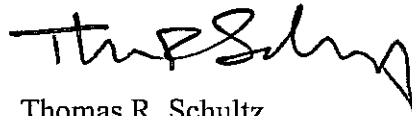
With these changes and those reflected in the last version, the draft ordinance for Chapter 2 is substantially different from that which the Council reviewed at the initial first reading, and is in line with the comments that were made at that meeting and in subsequent discussions. The City, like nearly all municipalities, has had cost recovery provisions in its Code for some time; these changes bring the Novi into alignment with case law as to hazardous materials incidents and also protect the City for specific, extraordinary incidents and items for which it might be billed for mutual aid or other unusual expenses. The bottom line is that cost recovery for hazardous materials and incendiary fires are being moved to a new article in Chapter 2 of the Code, and the cost recovery option is being added for mutual aid situations where the City gets billed by another agency, where there is illegal activity that

Mayor Landry and City Council  
November 24, 2010  
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results in unusual costs to the City, and for utility emergencies where the City has to sit at a dangerous situation for more than two hours, with the City having the ability to apportion costs based on the extent of responsibility, subject to appeal by the assessed party.

If you have any questions, please call me.

Very truly yours,



Thomas R. Schultz

TRS/jec  
Enclosure

cc: Clay Pearson, City Manager  
Maryanne Cornelius, City Clerk  
David Molloy, Director of Public Safety  
Jeff Johnson, Deputy Fire Chief

1529205



## MEMORANDUM

TO: DAVID E. MOLLOY, DIRECTOR OF PUBLIC SAFETY  
FROM: MIKE EVANS, FIRE MARSHAL *ME*  
SUBJECT: COST RECOVERY QUESTIONS  
DATE: TUESDAY, NOVEMBER 16, 2010

The following is in response to questions raised following the November 8<sup>th</sup> City Council meeting in regards to the proposed cost recovery ordinance:

**1. "What's the actual cost recovery billing and collection history from the City of Novi over the last five years?"**

According to the financial records available for the past two years, there have been four incidents in Novi over the past 24 months where we have taken the lead in attempting to secure cost recovery from responsible parties. In three of these incidents, a mutual aid hazmat team response was provided and in the fourth, Novi FD handled the incident. To date, we have invoiced for \$22,418 and have collected \$14,625 with \$3,517 still outstanding.

When a mutual aid hazmat response is made, the recovered funds are distributed to the hazmat team for re-distribution to the agencies who responded to the call; including Novi. In addition, Novi has received \$2,320 as a result of our direct involvement in hazmat incident responses involving the Western Wayne Hazmat Team.

**2. "What's the state of mutual aid in terms of 'charging back' amongst communities. Has that been the norm and/or is that going to be more on the future? Before that, first, what's the track record of using mutual aid both us going and us receiving? Second, what's a bit of the future for using mutual aid more?"**

For years 2006 - 2010, our mutual aid incidents are as follows: (per our Sunpro FRMS)

The City of Novi has received Mutual Aid 16 times: 10 border line injury accidents, 3 hazardous materials incidents, 1 water rescue on Walled Lake, 1 heavy entrapment rescue, and 1 fire.

The City of Novi has provided Mutual Aid 70 times: 33 border line injury accidents, 35 hazardous materials incidents (members of WWHM responded), 1 water rescue, and 1 WWUSAR response.

In response to the query on 'charging back' to communities that either provide to or receive mutual aid from the Novi Fire Department, this is not a normal practice and is typically not done as long as the involved communities are part of an established mutual agreement. Novi belongs to three fire department mutual aid agreements; Oakland County, Western Wayne, MABAS and the statewide MEMAC agreement.

As far as the future of mutual aid goes, every community is experiencing cut-backs and it is likely if departments become short-staffed, there may be an increase in both the giving and receiving of mutual aid.

Company	Insurance Carrier	Incident Date	Incident location	Reimbursement Requested	Reimbursement Recovered	Description
<b>Mutual Aid Cost Recovery (Novi Site of Incident):</b>						
Swift Transportation		2/25/2010	Novi - I96 - between Beck/Novi Rd	\$ 5,427.00	\$3,517 (pending)	HAZMAT Incident - Western Wayne - Mutual Aid
DI-Coat		4/5/2010	42900 Nine Mile	\$ 3,660.50	\$ 3,660.50	HAZMAT Incident - Western Wayne - Mutual Aid
Estes Express Line	Piedmont Risk Mgmt	12/14/2008	Rouge River spill over	\$ 10,504.77	\$ 8,500.00	HAZMAT Incident - Western Wayne - Mutual Aid, fuel spill, settlement received October 2010
<b>Mutual Aid Cost Recovery (Incident Outside of Novi)</b>						
				2009	\$ 578.00	As reported in 101-000.00-639.000
				2010	\$ 1,742.00	As of October 2010 (101-000.00-639.000)
<b>Cost Recovery (Novi Only)</b>						
CZ Cartage	Actuity Insurance	3/27/2010	43735 Grand River	\$ 2,826.04	\$ 2,464.44	Damage to turn-out-gear. Road freight/vehicle transport fire, diesel fuel
Sachse Construction	N/A	9/25/2010	South University	474.12	Pending	Fire Alarm Inspections.



## Novi Fire Department Cost Recovery - 2010

Cost Recovery		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
CPR - Novi Residents	No Charge for Residents	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
CPR - Non-Residents	\$40 per student	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
CPR - New Business	First class of 10 employees - free, \$40/student/employee after that	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 500	\$ -	\$ -	\$ -	\$ -	\$ 500
CPR - City Department	No charge	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Heart Saver CPR for Business	\$200 for 10 students	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
BLS Provider CPR for Business	\$300 for 10 students	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Fire Extinguisher	\$150 for 15 employees	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Fire Extinguisher - New Business	1st class of 15 employees free (refer to above for subsequent classes)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Safety Talks	N/A	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
First Aid	N/A	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Sports Standby for Private Organizations	\$100 per game	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 500	\$ -	\$ -	\$ -	\$ -	\$ 500
Reports	\$5 per report	\$ 15	\$ 15	\$ 25	\$ 99	\$ 15	\$ 20	\$ 132	\$ -	\$ 20	\$ 300	\$ -	\$ -	\$ 641
CEMS	\$600 monthly rental	\$ -	\$ -	\$ 1,800	\$ -	\$ 4,400	\$ 600	\$ 872	\$ 600	\$ 600	\$ 600	\$ -	\$ -	\$ 9,472
Cost Recovery	Misc	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,464	\$ -	\$ -	\$ -	\$ -	\$ 2,464
Western Wayne County - Mutual Aid	N/A	\$ -	\$ -	\$ 965	\$ -	\$ 502	\$ -	\$ -	\$ 275	\$ -	\$ -	\$ -	\$ -	\$ 1,742
<b>Total Revenue</b>		\$ 15	\$ 15	\$ 2,790	\$ 99	\$ 4,918	\$ 620	\$ 1,004	\$ 4,339	\$ 620	\$ 1,374	\$ -	\$ -	\$ 15,320
			\$ 30	\$ 2,820	\$ 2,919	\$ 7,837	\$ 8,457	\$ 9,460	\$ 13,800	\$ 14,420	\$ 15,794	\$ 15,794	\$ 15,794	

**CITY OF NOVI  
COUNTY OF OAKLAND  
STATE OF MICHIGAN**

**ORDINANCE NO. 10-176**

**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 providing for the payment, reimbursement, and collection of fees for police, fire, and other emergency services provided by the City in certain unusual or extraordinary situations. The City Council finds that costs for emergency services are a normal and budgeted public expenditure to maintain a readiness to serve the residents and taxpayers of the City and the public at large, but that the costs of providing certain kinds of emergency responses for the specific benefit of identifiable persons or property owners, or that are necessitated by certain kinds of unlawful conduct, should be recoverable by the City as provided for in this Article in order to avoid imposition of an economic hardship on the City for the identified responses.

**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 malfunctions occurring in connection with the activities of public utilities or their suppliers that necessitate an emergency response or monitoring by the City's police, fire fighting and/or emergency medical/rescue services to protect the public health and safety, or that 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 property to which there is an emergency response shall be liable for the following:
  - a. costs resulting from a charge, invoice, or other expense to the City for an emergency response, in connection with non-residential property only, by any other governmental or intergovernmental entity at the request or direction of the City pursuant to a mutual aid agreement;
  - b. costs resulting from a hazardous substances incident, subject to subsection (5) below;
  - c. costs resulting from illegal activity on the property, of which the owner, lessor, and/or operator knew or should have known, that causes the City to incur a specific charge or invoice in connection with a response to that specific activity that would not otherwise have been incurred (e.g., for demolition or clean-up).
- (2) Any person determined to be responsible for setting, or causing to be set, an illegal incendiary-type fire shall be liable for the costs of an emergency response.
- (3) In the event of an emergency incident involving a railroad, the person owning, maintaining, or operating the railroad shall be liable for the cost of the emergency response.
- (4) In the event of a utility emergency, the public utility whose activities or facilities necessitated the emergency response shall be liable for the costs of the emergency response beginning two (2) hours after notification to the public utility whose facilities are involved.
- (5) 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.
- (6) 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, provided that the City may determine to allocate any costs among liable parties as provided in Section 2-223 below.

**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 determined to be liable for the expenses as enumerated under this Article.

In preparing the bill for costs, the Director of Public Safety, or his/her designee, shall determine the total assessable costs and shall, in consultation with other City personnel involved in responding to the emergency incident, determine the amount of assessment to be made against any of the liable parties described above. In making such a determination, the Director shall consider the total costs incurred by the City (or other governmental entities); the specific causes of the emergency incident and required response; the extent of injury or damage to persons or property; and the extent to which the emergency incident required an unusual or extraordinary use of City personnel and equipment related to such party's actions. The Director may also allocate assessable costs among liable parties in consideration of such factors.

A schedule of costs for the City of Novi shall be established by resolution of Council. Costs for a response from other governmental or intergovernmental entities will be established pursuant to mutual aid agreements and/or schedules adopted by such other entities.

- (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. An *ad hoc* committee consisting of the City Manager or designee, the Finance Director, and the immediate past Mayor, and if he or she is unable to serve, his or her immediate predecessor, until the third member is seated. The committee 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. If the review board determines that the appellant is not properly liable under this ordinance for any or the entire amount charged, the review board may waive or reduce 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, but shall not include provisions relating to cost recovery in Chapter 33 of this Code.

## **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:**

1523305.6

CITY OF NOVI  
COUNTY OF OAKLAND  
STATE OF MICHIGAN

ORDINANCE NO. 10-176

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~~ providing for the payment, reimbursement, and collection of fees for police, fire, ~~medical, rescue,~~ and other emergency services provided by the City in certain unusual or extraordinary situations. The City Council finds that costs for emergency services are a normal and budgeted public expenditure to maintain a readiness to serve the residents and taxpayers of the City and the public at large, but that the costs of providing certain kinds of emergency responses for the specific benefit of identifiable persons or property owners, or that are necessitated by certain kinds of unlawful conduct, should be recoverable by the City as provided for in this Article in order to avoid imposition of an economic hardship on the City for the identified responses.

**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 malfunctions occurring in connection with the activities of public utilities or their suppliers ~~which~~that necessitates an emergency response or monitoring by the City's police, fire fighting and/or emergency medical/rescue services to protect the public health and safety, or that 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 property 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 shall be liable for the following:
  - a. costs resulting from a charge, invoice, or other expense to the City for an emergency response, in connection with non-residential property only, by any other governmental or intergovernmental entity at the request or direction of the City pursuant to a mutual aid agreement;
  - b. costs resulting from a hazardous materials substances incident, subject to subsection (5) below;
  - ~~a. costs resulting from an incendiary fire (e.g., arson); and~~
  - c. costs resulting from illegal activity on the property, of which the owner, lessor, and/or operator knew or should have known, that causes the City to incur a specific charge or invoice in connection with a response to that specific activity that would not otherwise have been incurred (e.g., for demolition or clean-up).
  
- ~~(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.~~
- (2) Any person determined to be responsible for setting, or causing to be set, an illegal incendiary-type fire shall be liable for the costs of an emergency response.
  
- (3) In the event of an emergency incident involving a railroad, Any the person owning, maintaining, or operating a the 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 beginning two (2) hours after notification to the public utility whose facilities are involved.

~~(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)~~(5) 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.

(6) 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, provided that the City may determine to allocate any costs among liable parties as provided in Section 2-223 below.

~~(6) 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 determined to be liable for the expenses as enumerated under this Article.

In preparing the bill for costs, the Director of Public Safety, or his/her designee, shall determine the total assessable costs and shall, in consultation with other City personnel involved in responding to the emergency incident, determine the amount of assessment to be made against any of the liable parties described above. In making such a determination, the Director shall consider the total costs incurred by the City (or other governmental entities); the specific causes of the emergency incident and required response; the extent of injury or damage to persons or property; and the extent to which the emergency incident required an unusual or extraordinary use of City personnel and equipment related to such party's actions. The Director may also allocate assessable costs among liable parties in consideration of such factors.

A schedule of costs for the City of Novi shall be established by resolution of Council. Costs for a response from other governmental or intergovernmental entities will be established pursuant to mutual aid agreements and/or schedules adopted by such other entities.

- (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~~ An *ad hoc* committee consisting of the City Manager or designee, the Finance Director, and the immediate past Mayor, and if he or she is unable to serve, his or her immediate predecessor, until the third member is seated. The committee 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 under this ordinance for any or the entire amount charged, the review board may waive or reduce 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, but shall not include provisions relating to cost recovery in Chapter 33 of this Code.

**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:**

**COUNTY OF OAKLAND  
STATE OF MICHIGAN  
CITY OF NOVI  
ORDINANCE NO. 10-99.15**

**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 party~~er~~ 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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**COUNTY OF OAKLAND  
STATE OF MICHIGAN  
CITY OF NOVI  
ORDINANCE NO. 10-99.15**

**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:**

1437058\_3.doc

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CITY OF NOVI  
ORDINANCE NO. 10-23.26

**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, 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~~are~~ a lien on premises served, ~~and are hereby recognized to constitute such lien.~~ In the event a lien has been placed on the premises, ~~W~~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~~ 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. 10-23.26**

**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  
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**The City of Novi Ordains:**

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- (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.

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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.

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(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.

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(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.

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(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

**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.

<b>FIRE DEPARTMENT FEE SCHEDULE</b>		
<b>Equipment/Vehicle Type</b>	<b>No. of Personnel Included</b>	<b>Total Per Hour Cost</b>
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
<b>PERSONNEL COST</b>		
<b>Type</b>	<b>Cost per Hour</b>	
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.