



# TROY CITY COUNCIL

## REGULAR MEETING AGENDA

**FEBRUARY 5, 2024**

CONVENING AT 7:30 P.M.

**Submitted By  
The City Manager**

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

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500 West Big Beaver  
Troy, MI 48084  
troymi.gov

The Honorable Mayor and City Council Members

City of Troy  
500 West Big Beaver  
Troy, MI 48084

Dear Mayor and City Council Members:

In this packet, you will find the agenda for the City Council meeting. To help facilitate an informed discussion, the packet provides you with agenda items and additional details. The packet also contains recommended courses of action for your consideration and seeks to aid you in adopting sound policy decisions for the City of Troy.

This comprehensive agenda has been put together through the collaborative efforts of management and staff members. We have made all attempts to obtain accurate supporting information. It is the result of many meetings and much deliberation, and I would like to thank the staff for their efforts.

If you need any further information, staff is always available to provide more information and answer questions that may arise. You can contact me at [CityManager@troymi.gov](mailto:CityManager@troymi.gov) or 248.524.3330 with questions.

Respectfully,

A handwritten signature in black ink, appearing to read "Mark F. Miller". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Mark F. Miller,  
City Manager




Chapter 14A – Elected and Appointed Persons’ Ethics Ordinance  
Section 14.3 Annual Training and Acknowledgement

We, the undersigned Members of Troy City Council, have reviewed *Chapter 14A – Elected and Appointed Persons’ Ethics Ordinance*, understand its contents, and agree to be bound by its provisions.

Signed this 4<sup>th</sup> day of December, 2023.

  
\_\_\_\_\_  
Mayor Ethan Baker

  
\_\_\_\_\_  
Council Member Theresa Brooks

  
\_\_\_\_\_  
Council Member Rebecca Chamberlain-Creanga

  
\_\_\_\_\_  
Council Member Hiram Chanda

  
\_\_\_\_\_  
Council Member Mark Gunn

  
\_\_\_\_\_  
Council Member David Hamilton

  
\_\_\_\_\_  
Mayor Pro Tem Ellen Hodorek



# CITY COUNCIL AGENDA

February 5, 2024 – 7:30 PM

City Council Chambers

500 W. Big Beaver Rd.

Troy, MI 48084

(248) 524-3316

View the Meeting Live at: [www.troymi.gov/webcast](http://www.troymi.gov/webcast)

or on Local Access Cable Channels

(WOW – Ch 10, Comcast – Ch 17, AT&T – Ch 99)

**INVOCATION: Rev. Myra Moreland From Troy First United Methodist Church** 1

**PLEDGE OF ALLEGIANCE:** 1

**A. CALL TO ORDER:** 1

**B. ROLL CALL:** 1

**C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:** 1

C-1 No Certificates of Recognition and Special Presentations 1

**D. CARRYOVER ITEMS:** 1

D-1 No Carryover Items 1

**E. PUBLIC HEARINGS:** 1

E-1 No Public Hearings Requested 1

**F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:** 1

**G. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT FOR ITEMS ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:** 2

**H. POSTPONED ITEMS:** 2

H-1 No Postponed Items 2

**I. REGULAR BUSINESS:** **2**

- I-1 Board and Committee Appointments: a) Mayoral Appointments – Board of Review; b) City Council Appointments – Election Commission, Employees Retirement System Board of Trustees / Retiree Health Care Benefits Plan and Trust / Volunteer Firefighter Incentive Plan Board, Traffic Committee 2
  
- I-2 Board and Committee Nominations: a) Mayoral Nominations – Downtown Development Authority, Global Troy Advisory Committee, Local Development Finance Authority; b) City Council Nominations – Liquor Advisory Committee, Zoning Board of Appeals 4
  
- I-3 No Request for Closed Session 10
  
- I-4 Amendments to Troy City Code – Chapter 93: Fire Prevention (*Introduced by: Pete Hullinger, Fire Chief*) 11
  
- I-5 Standard Purchasing Resolution #1: Award to Low Bidder and Budget Amendment – Contract 23-11 – Stephenson Highway Rehabilitation (*Introduced by: Scott Finlay, City Engineer*) 11

**J. CONSENT AGENDA:** **11**

- J-1a Approval of “J” Items NOT Removed for Discussion 11
  
- J-1b Address of “J” Items Removed for Discussion by City Council 12
  
- J-2 Approval of City Council Minutes 12
  - a) Special City Council Meeting Minutes-Draft – January 29, 2024 ..... 12
  - b) City Council Minutes-Draft – January 29, 2024..... 12
  
- J-3 Proposed City of Troy Proclamations: 12
  - a) Service Commendation – Deputy Fire Chief Paul Firth ..... 12
  - b) Service Commendation – Water & Sewer Operations Manager Paul Troser.... 12
  
- J-4 Standard Purchasing Resolutions: 12
  - a) Standard Purchasing Resolution 4: Cooperative Contract Award – MITN Purchasing Cooperative – Gasoline and Diesel Fuel..... 12
  - b) Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Sylvan Glen Lake Park Improvements Phase II – Design and Engineering Services ..... 13
  
- J-5 Cooperative Purchasing Programs Resolution 13

J-6	Bid Waiver – Fire Apparatus Repairs - Sole Source Repairs	14
J-7	Request to Approve Payment of a Relocation Claim, Rochester Road, Barclay to Trinway, Project #02.206.5 – Parcel #121 – Sidwell #88-20-10-427-043	14
J-8	Fireworks Permit for Mon Jin Lau 2024	14
<b><u>K.</u></b>	<b><u>MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:</u></b>	<b>14</b>
K-1	Announcement of Public Hearings: None Submitted	14
K-2	Memorandums (Items submitted to City Council that may require consideration at some future point in time):	14
	a) Amendments to Chapter 98: Criminal Code .....	14
<b><u>L.</u></b>	<b><u>PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:</u></b>	<b>15</b>
<b><u>M.</u></b>	<b><u>CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:</u></b>	<b>15</b>
<b><u>N.</u></b>	<b><u>COUNCIL REFERRALS:</u></b>	<b>15</b>
N-1	No Council Referrals Submitted	15
<b><u>O.</u></b>	<b><u>REPORTS:</u></b>	<b>15</b>
O-1	Minutes – Boards and Committees: None Submitted	15
O-2	Department Reports: None Submitted	15
O-3	Letters of Appreciation: None Submitted	15
O-4	Proposed Proclamations/Resolutions from Other Organizations: None Submitted	15
<b><u>P.</u></b>	<b><u>COUNCIL COMMENTS:</u></b>	<b>15</b>
P-1	No Council Comments	15

**Q. PUBLIC COMMENT FOR ITEMS ON OR NOT ON THE AGENDA FROM MEMBERS OF THE PUBLIC OUTSIDE OF TROY (NOT RESIDENTS OF TROY AND NOT FROM TROY BUSINESSES): 15**

**R. CLOSED SESSION 15**

R-1 No Closed Session Requested 15

**S. ADJOURNMENT: 15**

**2024 SCHEDULED SPECIAL CITY COUNCIL MEETINGS: 16**

March 4, 2024 City Council Orientation ..... 16  
March 13, 2024 City Manager Recruitment ..... 16  
April 1, 2024 City Attorney Evaluation..... 16  
April 6, 2024 City Manager Recruitment Interviews ..... 16  
April 8, 2024 City Council Orientation ..... 16  
April 15, 2024 Special Budget Study Meeting..... 16  
April 17, 2024 Special Budget Study Meeting (as needed)..... 16

**2024 SCHEDULED REGULAR CITY COUNCIL MEETINGS: 16**

February 19, 2024 Regular Meeting ..... 16  
March 4, 2024 Regular Meeting..... 16  
March 18, 2024 Regular Meeting..... 16  
April 8, 2024 Regular Meeting ..... 16  
April 29, 2024 Regular Meeting ..... 16  
May 13, 2024 Regular Meeting..... 16  
May 20, 2024 Regular Meeting..... 16  
June 10, 2024 Regular Meeting..... 16  
June 24, 2024 Regular Meeting..... 16  
July 8, 2024 Regular Meeting ..... 16  
July 22, 2024 Regular Meeting ..... 16  
August 12, 2024 Regular Meeting..... 16  
August 26, 2024 Regular Meeting..... 16  
September 16, 2024 Regular Meeting ..... 16  
September 30, 2024 Regular Meeting ..... 16  
October 14, 2024 Regular Meeting..... 16  
October 28, 2024 Regular Meeting..... 16  
November 11, 2024 Regular Meeting ..... 16  
November 25, 2024 Regular Meeting ..... 16  
December 9, 2024 Regular Meeting ..... 16  
December 16, 2024 Regular Meeting ..... 16



**INVOCATION: Rev. Myra Moreland From Troy First United Methodist Church**

**PLEDGE OF ALLEGIANCE:**

**A. CALL TO ORDER:**

**B. ROLL CALL:**

- a) Mayor Ethan Baker
- Theresa Brooks
- Rebecca A. Chamberlain-Creanga
- Hirak Chanda
- Mark Gunn
- David Hamilton
- Ellen Hodorek

Excuse Absent Council Members:

Suggested Resolution

Resolution #2024-02-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of \_\_\_\_\_ at the Special City Council Meeting of February 5, 2024, due to \_\_\_\_\_.

Yes:

No:

**C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:**

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**C-1 No Certificates of Recognition and Special Presentations**

**D. CARRYOVER ITEMS:**

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**D-1 No Carryover Items**

**E. PUBLIC HEARINGS:**

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**E-1 No Public Hearings Requested**

**F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:**

**In accordance with the Rules of Procedure for the City Council:**

Any person not a member of the City Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry or comment. **NOTE TO THE PUBLIC:** *City Council requests that if you do have a question or concern, to bring it to the attention of the*

*appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.*

- Petitioners of items that are included in the pre-printed agenda booklet shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of City Council.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes to address any Public Hearing item.
- Any member of the public, not a petitioner of an item, does not have the right to engage in discussion or debate with City Council during the Public Comment portions of the meeting.
- All members of the public who wish to address the Council at a meeting shall be allowed to speak only if they have signed up to speak within thirty minutes before or within fifteen minutes after the meeting's start time. Signing up to speak requires each speaker provide his or her name. If the speaker is addressing an item(s) that appears on the pre-printed agenda, then the speaker shall also identify each such agenda item number(s) to be addressed.
- City Council may waive the requirements of this section by a consensus of the City Council.
- Agenda items that are related to topics where there is significant public input anticipated should initiate the scheduling of a special meeting for that specific purpose.

Prior to Public Comment, the Mayor may provide a verbal notification of the rules of decorum for City Council meetings or refer to the pre-printed agenda booklet, which will include the following language, as approved by City Council:

Please direct your comments to the City Council as a whole rather than to any individual. Please do not use expletives or make derogatory or disparaging comments about any individual or group. If you do, there may be immediate consequences, including being muted and having your comments omitted from any re-broadcast of the meeting. Please abide by these rules in order to minimize the possibility of disrupting the meeting.

**G. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT FOR ITEMS ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:**

**H. POSTPONED ITEMS:**

**H-1** No Postponed Items

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**I. REGULAR BUSINESS:**

**I-1** Board and Committee Appointments: a) Mayoral Appointments – Board of Review; b) City Council Appointments – Election Commission, Employees Retirement System Board of Trustees / Retiree Health Care Benefits Plan and Trust / Volunteer Firefighter Incentive Plan Board, Traffic Committee

a) Mayoral Appointments:

Suggested Resolution  
Resolution #2024-02-  
Moved by  
Seconded by

**Board of Review**  
Appointed by Mayor  
3 Regular Members  
3 Year Term

**Nominations to the Board of Review:**

**Term Expires: 1/31/2027**

**Karen Greenwood**

Term currently held by: Karen Greenwood

Yes  
No:

**b) City Council Appointments:**

Suggested Resolution  
Resolution #2024-02-  
Moved by  
Seconded by

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

**Election Commission**  
Appointed by Council  
2 Regular Members and 1 Charter Member  
1 Year Term

**Nominations to the Election Commission:**

**Term Expires: 1/31/2025**

**Stephen Sadlier**

**Democrat**

Term currently held by: Stephen Sadlier

**Term Expires: 1/31/2025**

**Ray Watts**

**Republican**

Term currently held by: Ray Watts

**Employees Retirement System Board of Trustees / Retiree Health Care Benefits Plan and Trust / Volunteer Firefighter Incentive Plan Board**

Appointed by Council  
7 Regular Members and 2 Ordinance Member  
3 Year Term

**Nominations to the Employees Retirement System Board of Trustees / Retiree Health Care Benefits Plan and Trust / Volunteer Firefighter Incentive Plan Board**

**Term Expires: City Council Term**

**Council Member Theresa Brooks**

**City Council Member**

Term currently held by: Council Member Theresa Brooks

**Traffic Committee**

Appointed by Council  
7 Regular Members  
3 Year Term

**Nominations to the Traffic Committee:**

**Term Expires: 1/31/2027**

**Abi Swaminathan**

Term currently held by: Abi Swaminathan

Yes  
No:

**I-2 Board and Committee Nominations: a) Mayoral Nominations – Downtown Development Authority, Global Troy Advisory Committee, Local Development Finance Authority; b) City Council Nominations – Liquor Advisory Committee, Zoning Board of Appeals**

**a) Mayoral Nominations:**

Suggested Resolution

Resolution #2024-02-

Moved by

Seconded by

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

**Downtown Development Authority**

Appointed by Mayor  
13 Regular Members  
4 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1	Notes 2
Baker	Ethan		Mayor per State Statute	At Large	
Blair	Timothy	6/17/2017	9/30/2027	In District	

Keisling	Laurence	9/11/2022	9/30/2024	At Large	
Kiriluk	Alan	9/29/2022	9/30/2024	In District	
Knollenberg	Martin	6/28/2021	9/30/2027	In District	
Koza	Kenny	9/18/2019	9/30/2025	In District	
Kuppa	Padma		9/30/2026	At Large	
MacLeish	Daniel	6/28/2023	9/30/2025	In District	
Reschke	Ernest	7/5/2024	9/30/2026	At Large	
Richards Jr.	John	2/13/2025	9/30/2026	Resident Member	
Stone	David	3/11/2023	9/30/2027	In District	
Tomcsik-Husak	Tara	9/22/2022	9/30/2024	In District	
Vacancy			9/30/2024	In District	Cheryl Bush resigned 9/22/21

**Nominations to the Downtown Development Authority:**

**Unexpired Term Expiring:**  
**9/30/2024**

**In District**

Term currently held by: Vacancy-Cheryl Bush resigned 9/22/21

**Interested Applicants:**

Last Name	First Name	App Resume Expire	Notes 1	Notes 2
Aceves Jr.	Alfonso	12/11/2025	At Large	
Battle	Timothy	10/28/2024	At Large	
Beyer	Joseph	12/13/2024	In District	
Comiskey	Ann	1/20/2026	At Large	
Dicker	Susanne F.	1/3/2025	At Large	
Faiz	Iqbal	6/7/2025	At Large	
Kenkre	Mahendra	1/19/2025	At Large	
Kornacki	Rosemary	2/24/2025	At Large	Brownfield Redev Auth exp 4/30/26
Pettinato	Jillian	11/27/2025	At Large	
Thattai	Govindrajan	5/20/2024	At Large	
von Oeyen	Schuyler	7/20/2024	At Large	

**[Global Troy Advisory Committee](#)**

Appointed by Mayor  
12 Regular Members  
3 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1
<i>Baker</i>	<i>Ethan</i>		<i>City Council Term Expiration</i>	
<i>Bica-Grodsky</i>	<i>Lisa</i>	<i>9/23/2022</i>	<i>10/30/2023</i>	<i>Requests Reappointment</i>
Burrus	MiVida	7/15/2018	10/30/2025	
<i>Cheriguene</i>	<i>Sadia</i>	<i>10/20/2024</i>	<i>10/30/2023</i>	
Chezick	Edward	12/20/2024	10/30/2025	
<i>Cicchini</i>	<i>Philippe</i>	<i>4/13/2023</i>	<i>10/30/2023</i>	
Fakhoury	Awni	9/28/2023	10/30/2024	
Mohideen	Syeda	9/28/2023	10/30/2024	
Natcheva	Daniela	11/8/2021	10/30/2025	
Noguez-Ortiz	Carolina	12/20/2024	10/30/2025	
Swaminathan	Sharanya		7/31/2023	
Zhou	Yudong	12/7/2024	10/30/2025	

**Nominations to the Global Troy Advisory Authority:**

**Term Expires: 7/31/2024**

Term currently held by: Sharanya Swaminathan (graduated)

**Interested Applicants:**

Last Name	First Name	App Resume Expire	Notes 1
Comiskey	Ann M.	12/22/2024	
Dicker	Susanne Forbes	1/3/2025	
Emerson	Rosalyn	7/20/2024	
Gunasekar	Vinaya	1/8/2026	
Haight	Michelle	10/8/2025	
Kadoura	Lailas M	9/24/2024	
Lee	Seojin Sarah	4/21/2025	Student - Graduates 2026
McGee	Timothy	12/19/2024	HDC exp 5/15/2024
Mehta	Susheilla	1/20/2025	
Wit	Callie	4/22/2024	

**Local Development Finance Authority (LDFA)**

Appointed by Mayor  
 5 Regular Members  
 Staggered 4 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1	Notes 2
Bachert	Sandra	11/18/2023	6/30/2027	Resident Member	
<i>Baker</i>	<i>Ethan</i>		<i>City Council Term</i>	<i>Alternate; City Council</i>	<i>City Council exp. 11/2027; DDA; GTAC, LDFA</i>
Hodorek	Ellen		City Council Term	Alternate; City Council	City Council exp 11/2025
Rosenblum	Anthony	11/10/2024	6/30/2026	Resident Member	
Schmitz	Jim	9/14/2024	6/30/2024	Resident Member	
Smieliauskas	Fabrice	9/7/2025	6/30/2024	Resident Member	
Starks	Louis			Oakland County Designee	
Vacancy			6/30/2027	Resident Member	Nickolas Vitale resigned 7/17/21 (Term expired 6/30/2023)

**Nominations to the Local Development Finance Authority (LDFA):**

**Term Expires: 6/30/2027**

**Resident Member**

Term currently held by: Vacant – N. Vitale resigned 7/17/21

**Interested Applicants:**

Last Name	First Name	App Resume Expire	Notes 1
Battle	Timothy	10/28/2024	
Christiansen	Dale	11/22/2024	
Faiz	Iqbal	6/7/2025	
Mudaliar	Vinodh Kumar	3/2/2024	
Vassallo	Joseph	12/20/2024	Brownfield Redev Auth exp 4/30/24

Yes:

No:

**b) City Council Nominations:**

Suggested Resolution

Resolution #2024-02-

Moved by

Seconded by

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

**Liquor Advisory Committee**

Appointed by Council

7 Regular Members

3 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 3
Bluhm	Annalisa Esposito	10/2/2025	1/31/2024	
Comiskey	Ann	1/20/2026	1/31/2024	
Ehlert	Max	1/8/2023	1/31/2024	
Giorgi	Lynn		12/31/2099	
Gorcyca	David	12/4/2021	1/31/2026	
Haight	David	4/11/2024	1/31/2025	
Jones	Kelly	12/20/2024	1/31/2026	
Martin	Matthew	5/11/2024	1/31/2025	Requests Reappointment

**Nominations to the Liquor Advisory Committee:**

**Term Expires: 1/31/2027**

Term currently held by: Analisa Bluhm

**Term Expires: 1/31/2027**

Term currently held by: Ann Comiskey

**Term Expires: 1/31/2027**

Term currently held by: Max Ehlert

**Interested Applicants:**

Last Name	First Name	App Resume Expire	Notes 1
Kaltsounis	Andrew	8/28/2025	



**Traffic Committee**  
 Appointed by Council  
 7 Regular Members  
 3 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1	Notes 3
Finlay	G. Scott		Ex-Officio Member		
Hullinger	Peter		Ex-Officio Member		
Kenkre	Shama	8/23/2024	1/31/2025		
Kilmer	Richard	12/21/2024	1/31/2026		
Nastasi	Frank		Ex-Officio Member		
Nurak	Cindy	1/28/2024	1/31/2025		
Petrulis	Al	2/10/2025	1/31/2026	ACAB exp 9/30/2024	
Swaminathan	Abi	9/2/2025	1/31/2024		<i>Requests Reappointment</i>
Wilsher	Cynthia	2/4/2023	1/31/2024		No Reappointment
Zhou	Angela	9/18/2025	7/31/2024	Student - Graduates 2025	
Ziegenfelder	Peter	12/14/2024	1/31/2026		

**Nominations to the Traffic Committee:**

**Term Expires: 1/31/2027**

Term currently held by: Cynthia Wilsher – No Reappointment

**Interested Applicants:**

Last Name	First Name	App Resume Expire	Notes 1
Chambers	Barbara	1/18/2025	
Christiansen	Dale	11/22/2024	
Eisenbacher	David	4/6/2024	ZBA exp 4/30/2025
Gill	Jasper	1/10/2024	
Jeeda	Swathi	7/2/2025	GRADUATES 2026
Swaminathan	Abi	9/2/2025	
Tadepalli	Hemanth	11/7/2025	

**Zoning Board of Appeals**

Appointed by Council  
7 Regular Members; 2 Alternates  
3 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1	Notes 2	Notes 3
Bossenbroek	Michael	3/7/2025	4/30/2026			
Chambers	Barbara	1/18/2025	1/31/2024	Alternate	Historic Dist exp Requests 3/1/2023; HDSC Reappointment	
Desmond	Thomas	5/7/2017	4/30/2024			
Eisenbacher	David	3/16/2018	4/30/2025			
Forster	Jeffrey	1/22/2026	1/31/2024	Alternate	Personnel Bd exp 4/30/24	Requests Reappointment
Green	Aaron	4/13/2024	4/30/2025			
Kenkre	Mahendra	1/4/2023	4/30/2024			
McCauley	James	3/7/2025	4/30/2026			

**Nominations to the Zoning Board of Appeals:**

**Term Expires: 1/31/2027**

**Alternate**

Term currently held by: Abi Swaminathan

**Term Expires: 1/31/2027**

**Alternate**

Term currently held by: Cynthia Wilsher

**Interested Applicants:**

Last Name	First Name	App Resume Expire	Notes 1
Abdullah	Neharunnessa	1/19/2025	
Hack	Kurt	9/14/2024	
Hashmi	Amin	7/31/2025	
Walters	Kelly	11/27/2025	

Yes:

No:

**I-3 No Request for Closed Session**

**I-4 Amendments to Troy City Code – Chapter 93: Fire Prevention (Introduced by: Pete Hullinger, Fire Chief)**

Suggested Resolution

Resolution #2024-02-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **AMENDS** Chapter 93, Fire Prevention, of the Code of the City of Troy, as recommended by City Administration; a copy of this amendment shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

**I-5 Standard Purchasing Resolution #1: Award to Low Bidder and Budget Amendment – Contract 23-11 – Stephenson Highway Rehabilitation (Introduced by: Scott Finlay, City Engineer)**

Suggested Resolution

Resolution #2024-02-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **AWARDS** Contract No. 23-11, *Stephenson Highway Rehabilitation*, to *Pro-Line Asphalt Paving Corp., 11797 29 Mile Rd., Washington, MI 48095*, for their low bid of \$4,354,957.41.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements, and if additional work is required such additional work **IS AUTHORIZED** in an amount not to exceed 10% of the total project cost.

BE IT FINALLY RESOLVED, That City Council **APPROVES** a budget amendment to the 2024 Major Road Capital Fund in the amount of \$654,000 for the Stephenson Highway Rehabilitation project to provide for inspection, testing and contingencies should unforeseen work be required.

Yes:

No:

**J. CONSENT AGENDA:**

**J-1a Approval of “J” Items NOT Removed for Discussion**

Suggested Resolution

Resolution #2024-02-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented with the exception of Item(s) \_\_\_\_\_, which shall be **CONSIDERED** after Consent Agenda (J) items, as printed.

Yes:

No:

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**J-1b Address of “J” Items Removed for Discussion by City Council**

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**J-2 Approval of City Council Minutes**

Suggested Resolution

Resolution #2024-02-

RESOLVED, That Troy City Council hereby **APPROVES** the following Minutes as submitted:

- a) Special City Council Meeting Minutes-Draft – January 29, 2024
- b) City Council Minutes-Draft – January 29, 2024

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**J-3 Proposed City of Troy Proclamations:**

Suggested Resolution

Resolution #2024-02-

- a) Service Commendation – Deputy Fire Chief Paul Firth
- b) Service Commendation – Water & Sewer Operations Manager Paul Trospen

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**J-4 Standard Purchasing Resolutions:**

- a) **Standard Purchasing Resolution 4: Cooperative Contract Award – MITN Purchasing Cooperative – Gasoline and Diesel Fuel**

Suggested Resolution

Resolution #2024-02-

RESOLVED, That Troy City Council hereby **AWARDS** two-year cooperative contracts to purchase gasoline and diesel fuel in truck transport and tank wagon deliveries, on as-needed basis with an option to renew for two (2) additional years to the low bidders meeting specifications, *RKA Petroleum Companies of Romulus, MI, Marathon Flint Oil Company of Flint, MI, and Gen Oil Company of Clawson, MI*, as a result of a bid process through the City of Sterling Heights for MITN Purchasing Cooperative members including Troy at factors and prices contained in the bid tabulation opened November 13, 2023, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; with a contract expiration of February 1, 2028.

b) **Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Sylvan Glen Lake Park Improvements Phase II – Design and Engineering Services**

Suggested Resolution

Resolution #2024-02-

RESOLVED, That Troy City Council hereby **APPROVES** expending budgeted funds to *OHM Advisors of Livonia, MI*, for the Sylvan Glen Lake Park Improvements Phase II Design and Engineering Services for an estimated cost of \$159,000 as detailed in the attached proposal, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; not to exceed budgetary limitations.

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

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**J-5 Cooperative Purchasing Programs Resolution**

Suggested Resolution

Resolution #2024-02-

WHEREAS, City Administration recommends participation in the Cooperative Purchasing Programs when in the best interest of the City;

THEREFORE, BE IT RESOLVED, That Troy City Council **AUTHORIZES** participation in the Cooperative Purchasing Programs (listed below) to satisfy bid requirements when in the best interest of the City:

MiDEAL – State of Michigan

Oakland County Extended Purchasing Program

Suburban Library Cooperative

REMC – Regional Media Center Association of Michigan

Sourcewell - *formally* NJPA – National Joint Power Alliance

MiCTA – Michigan Collegiate Telecommunications Association

OMNIA Partners – *formally* National IPA – National Intergovernmental Purchasing Alliance, and NIGP – US Communities

BE IT FURTHER RESOLVED, That Troy City Council **APPROVES** *Blanket Authorizations(s)* to administratively approve purchases for operating supplies and services above the \$10,000 limit obtained through an approved Cooperative; **EXCEPT** for those Capital (401 Fund) purchases which shall be presented to Troy City Council for review and approval.

**J-6 Bid Waiver – Fire Apparatus Repairs - Sole Source Repairs**Suggested Resolution

Resolution #2024-02-

RESOLVED, That in the best interest of the City, Troy City Council hereby **WAIVES** the formal bid process and **AWARDS** a contract to *Halt Fire, Inc of Wixom, MI*, the authorized sales and service dealer for Pierce fire vehicles in Michigan, for the repairs to Engine 4 for an estimated cost of \$32,024.90 with a contingency of \$10,000.00 for a total not to exceed amount of \$42,024.90, as detailed in the attached estimate; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

**J-7 Request to Approve Payment of a Relocation Claim, Rochester Road, Barclay to Trinway, Project #02.206.5 – Parcel #121 – Sidwell #88-20-10-427-043**Suggested Resolution

Resolution #2024-02-

RESOLVED, That Troy City Council **APPROVES** payment of the relocation claim submitted by Dorothy Elizabeth Clendening in the amount of \$3,844.94, as dictated by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The Federal Regulatory Reference is 49 CFR Part 24.

**J-8 Fireworks Permit for Mon Jin Lau 2024**Suggested Resolution

Resolution #2024-02-

RESOLVED, That Troy City Council hereby **ISSUES** a fireworks permit to Mon Jin Lau of Troy, Michigan, for the public display of fireworks during the annual celebration of Chinese New Year; fireworks to be discharged, on Sunday February 18, 2024, from 7:00PM to 10:00PM.

BE IT FURTHER RESOLVED, That the Troy Fire Department **WILL INSPECT** the fireworks to be displayed in advance, and **WILL ALSO REVIEW** the proposed discharge location(s) and site, and **MAY TAKE ANY ACTION** to assure safety and compliance with applicable codes and standards for such a fireworks display.

**K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:****K-1 Announcement of Public Hearings: None Submitted****K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time):**

- a) Amendments to Chapter 98: Criminal Code

**L. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:**

**M. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:**

**N. COUNCIL REFERRALS:**

Items Advanced to the City Manager by the Mayor and City Council Members for Placement on the Agenda

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**N-1 No Council Referrals Submitted**

**O. REPORTS:**

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**O-1 Minutes – Boards and Committees: None Submitted**

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**O-2 Department Reports: None Submitted**

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**O-3 Letters of Appreciation: None Submitted**

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

**P. COUNCIL COMMENTS:**

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**P-1 No Council Comments**

**Q. PUBLIC COMMENT FOR ITEMS ON OR NOT ON THE AGENDA FROM MEMBERS OF THE PUBLIC OUTSIDE OF TROY (NOT RESIDENTS OF TROY AND NOT FROM TROY BUSINESSES):**

**R. CLOSED SESSION**

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**R-1 No Closed Session Requested**

**S. ADJOURNMENT:**

Respectfully submitted,



Mark F. Miller  
City Manager

**2024 SCHEDULED SPECIAL CITY COUNCIL MEETINGS:**

March 4, 2024 ..... City Council Orientation  
March 13, 2024 ..... City Manager Recruitment  
April 1, 2024 ..... City Attorney Evaluation  
April 6, 2024 ..... City Manager Recruitment Interviews  
April 8, 2024 ..... City Council Orientation  
April 15, 2024 ..... Special Budget Study Meeting  
April 17, 2024 ..... Special Budget Study Meeting (as needed)

**2024 SCHEDULED REGULAR CITY COUNCIL MEETINGS:**

February 19, 2024 ..... Regular Meeting  
March 4, 2024 ..... Regular Meeting  
March 18, 2024 ..... Regular Meeting  
April 8, 2024 ..... Regular Meeting  
April 29, 2024 ..... Regular Meeting  
May 13, 2024 ..... Regular Meeting  
May 20, 2024 ..... Regular Meeting  
June 10, 2024 ..... Regular Meeting  
June 24, 2024 ..... Regular Meeting  
July 8, 2024 ..... Regular Meeting  
July 22, 2024 ..... Regular Meeting  
August 12, 2024 ..... Regular Meeting  
August 26, 2024 ..... Regular Meeting  
September 16, 2024 ..... Regular Meeting  
September 30, 2024 ..... Regular Meeting  
October 14, 2024 ..... Regular Meeting  
October 28, 2024 ..... Regular Meeting  
November 11, 2024 ..... Regular Meeting  
November 25, 2024 ..... Regular Meeting  
December 9, 2024 ..... Regular Meeting  
December 16, 2024 ..... Regular Meeting





500 West Big Beaver  
Troy, MI 48084  
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I-04

## CITY COUNCIL AGENDA ITEM

Date: February 05, 2024

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Deputy City Manager  
Megan E. Schubert, Assistant City Manager  
Peter Hullinger, Fire Chief  
Michael Koehler, Deputy Chief

Subject: Amendments to Troy City Code – Chapter 93: Fire Prevention

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### History

The International Code Council (ICC) is a membership association dedicated to building safety and fire prevention. ICC develops codes and standards used to construct and inspect buildings. Codes are reviewed and revised on a national level every three years.

The State of Michigan adopts the previously revised edition of the International Building Code, with amendments, as the state construction code which municipalities are required to enforce. Michigan last adopted the 2015 edition of the International Building Code, referred to as the Michigan Building Code. Michigan has not adopted the most recent versions of the ICC building codes and there is no indication that a newer edition will be adopted in the foreseeable future.

Michigan has yet to adopt a state fire code, and therefore, it is the responsibility of local municipalities. As a result, the companion International Fire Code and Troy's local fire prevention ordinance, Chapter 93, is amended to have a corresponding fire code for new and existing buildings.

Under Chapter 93 of the Troy City Code, Section 2, the City of Troy currently adopts the 2021 edition of the International Fire Code with amendments. This code is enforced by the Fire Department whose function is the implementation, administration and enforcement of the provisions of the amended code.

The 2021 edition of the IFC addresses emerging industries such as lithium ion battery storage, storage of distilled spirits, and mobile food preparation trucks. These occupancies and operations pose unique hazards that previous code editions do not address. The City of Troy currently has many of these businesses operating in the city and have no specific code references that address the hazards associated with their respective operations.



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## **CITY COUNCIL AGENDA ITEM**

### **Purchasing**

There are no purchasing considerations associated with Chapter 93

### **Financial**

There are no financial considerations associated with Chapter 93.

### **Recommendation**

Staff recommends adopting the 2021 International Fire Code, with amendments, as “Chapter 93 – Fire Prevention” of the Troy City Code.

### **Legal Review**

This item was submitted to the City Attorney for review pursuant to City Charter Section 3.17.

CITY OF TROY  
AN ORDINANCE TO ADOPT  
CHAPTER 93- CITY OF TROY FIRE PREVENTION ORDINANCE

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as Chapter 93- City of Troy Fire Prevention Ordinance.

Section 2. Ordinance

Chapter 93 is amended as follows:

**93.00 Adoption of the 2021 International Fire Code by Reference.** The *International Fire Code, 2021 Edition*, including its appendices, is hereby adopted by reference with the additions, insertions, deletions and changes prescribed in Section 93.01 of this Ordinance, as the Fire Prevention Code of the City of Troy, 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 and property in the occupancy of buildings. This Ordinance and a copy of the International Fire Code, 2021 Edition, shall be kept on file with the City Clerk. A copy of the International Fire Code in its entirety can also be found at: <https://codes.iccsafe.org/content/IFC2021P2> or any subsequent amended link.

**93.01 Additions, Insertions, Deletions and Changes to the International Fire Code, 2021 Edition.** The City of Troy adopts the following additions, insertions, deletions and changes from the *International Fire Code, 2021 Edition*. Subsequent section numbers used in this section shall refer to the like numbered sections of the *International Fire Code, 2021 Edition*. Any provisions which are not amended or deleted herein shall remain in full force and effect.

**SECTION 104  
DUTIES AND POWERS OF THE FIRE CODE OFFICIAL**

**104.12.4 ~~104.11.4~~ Unlawful boarding or tampering with fire department emergency equipment.** A person shall not, without proper authorization from the fire official in charge of said fire department emergency equipment, cling to, attach to, climb upon or into, board, or swing upon any fire department emergency vehicle, whether the same is in motion or at rest, operate any emergency warning equipment, 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.

**104.12.5** ~~104.11.5~~ **Damage/injury to fire department equipment/personnel.** It shall be unlawful for any person to damage or deface, or attempt or conspire to damage or deface, any fire department emergency vehicle or equipment at any time; or to injure, or attempt or conspire to injure, fire department personnel while performing departmental duties.

## **SECTION 105 PERMITS**

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

1. Operational permit. An operational permit allows the applicant to conduct an operation or a business for which a permit is required by Section **105.5** ~~405.6~~ for either:
  - 1.1 A prescribed period.
  - 1.2 Until renewed or revoked.
2. Construction permit. A construction permit allows the applicant to install or modify systems of equipment for which a permit is required by Section **105.6** ~~405.7~~.
3. Occupancy permit. An occupancy permit allows the applicant to occupy existing premises for the purpose of conducting or operating a business for which a permit is required by Section 105.8.

**105.3.9 Permit Issuance.** A permit granted hereunder shall not be transferable nor shall any such permit be extended beyond the time set forth therein unless approved by the fire official. When work is started without a permit, the permit fee shall be doubled.

**105.5** ~~105.6~~ **Required Operational Permits.** The code official is authorized to issue operational permits for the operations set forth in Sections 105.6.1 through 105.6.52 ~~46~~. Where there are no provisions for issuing said permits, the code official is authorized to waive the particular permit requirement.

**105.5.15** ~~105.6.14~~ **Special Events.** An operational permit is required to operate/conduct all special events including exhibits, crafts and trade shows.

~~**105.6.14.1 Permit Fee.** Provided for in Troy City Code Chapter 60.~~

**105.5.16.1** ~~105.6.15~~ **Fireworks.** An operational permit is required for ignition, discharge and use of agricultural or wildlife fireworks, articles pyrotechnic, public

display fireworks before a proximate audience, or special effects fireworks as stipulated in this ordinance. Application for permits shall be made in writing at least 30 days in advance of the date of the public display. The possession and distribution of fireworks for such use and display shall be lawful under the terms and conditions approved with the permit and for only that purpose. A permit granted hereunder shall not be transferable nor shall any such permit be extended beyond the time set forth therein unless approved by the fire official.

~~105.6.15.1 Permit Fee. Provided for in Troy City Code Chapter 60.~~

~~105.5.16.1~~ ~~105.6.15.2~~ **Documentation.** Where required by the fire code official, each application for a permit shall include documentation as required in ~~105.5.22.105.6.21.3~~

~~105.5.22~~ ~~105.6.21~~ **Hazardous Materials.** An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the most restrictive amounts listed in this code, the *EPA's Emergency Planning and Community Right To Know* regulations, and *MIOSHA's Firefighter Right To Know* requirements.

~~105.5.22.1~~ ~~105.6.21.1~~ **Required Amounts for Reporting.** Reportable quantities shall be considered the maximum amount of hazardous material on site at any given time. This amount is required to be reported to the fire department ~~as indicated in the Troy Fire Department's HMIS packet~~ as defined in Sections 407.5 and 5001.5.2 of this code.

~~105.6.21.2 Permit Fees. Provided for in Troy City Code Chapter 60.~~

~~105.5.22.2~~ ~~105.6.21.3~~ **Required Documentation.** Where required by the fire code official, each application for a permit shall include a Hazardous Materials Inventory Statement (HMIS) in accordance with Section 5001.5.2, a site plan drawing in a format acceptable to fire code official, indicating the location of the identified materials, and an Emergency Contact List.

~~105.5.34.1~~ **Bonfires.** Operational permits are required for bonfires. Bonfires are subject to the following provisions:

- ~~1. Prior approval of the Troy City Council.~~
- ~~2. Compliance with any special restrictions as determined by the fire official.~~
- ~~3. Payment of costs associated with special fire protection as determined by the fire official.~~

~~105.6.1.1~~ ~~105.7.1.1~~ **Installations.** Before any fire suppression system or component is installed, enlarged, extended or modified, a permit shall be obtained from the code official. This shall include any device or relay connected to or controlled by the fire suppression system. All work must be performed by a

qualified installer who is properly licensed and/or certified to perform such work as determined by the code official. Construction documents shall be reviewed by the code official prior to the issuance of the permit. Upon issuance of the permit, the permit must be posted at the job site in plain view.

**106.2.1** ~~105.4.2n~~ **Information on Construction Documents.** *Construction documents* shall be drawn to scale upon suitable material. Electronic media documents shall be submitted as required by the *fire code official*. Failure to submit electronic media documents may result in a reasonable document scanning fee as determined by the fire code official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations as determined by the *fire code official*.

~~105.7.1.2 Permit Fees. Provided for in Troy City Code Chapter 60.~~

**105.6.6.1** ~~105.7.6.1~~ **Installations.** Before any fire alarm or detection system or component is installed, enlarged, extended or modified, a permit shall be obtained from the code official. This shall include auxiliary devices such as magnetic locks, electronic locks, or any device or relay connected to or controlled by the fire alarm or detection system. All work must be performed by a qualified installer who is properly licensed and/or certified to perform such work as determined by the code official. Construction documents shall be reviewed by the code official prior to the issuance of the permit. Upon issuance of the permit, the permit must be posted at the job site in plain view.

~~105.7.6.2 Permit fees. Provided for in Troy City Code Chapter 60.~~

~~105.7.19 Permit issuance. A permit granted hereunder shall not be transferable nor shall any such permit be extended beyond the time set forth therein unless approved by the fire official. When work is started without a permit, the permit fee shall be doubled.~~

**107.6.1** ~~106.5~~ **Cancellation fees.** Handling cost for permits canceled after being issued is 35% of the permit fee or \$10.00, whichever is greater.

**111.1** ~~108.4~~ **Board of appeals established.** In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals as established in Section 116 of Chapter 79 of the Troy City Code.

**112.4** ~~109.4~~ **Violation penalties.** Persons who shall violate a provision of this code or shall fail to comply with any requirements thereof or who shall erect, install, alter, repair, service, test or do work in violation of the approved

construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a Municipal Civil Infraction punishable by a fine of not more than five hundred (500) dollars as determined by a judge in a court of law, plus any allowable cost recovery incurred by the Troy Fire Department or any agency working with the Troy Fire Department that incurred costs. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

## **SECTION 115 144 MISCELLANEOUS HAZARDS**

**115.1 144.4 Hazardous materials - Fire Department responsibility.** The Troy Fire Department shall be responsible for gathering and organizing information, identifying risks, and enforcing codes, standards, and laws relating to the production, storage and use of hazardous materials within the City of Troy and the notification to fire fighting personnel of related hazards. The method and frequency shall be determined by the fire official or his duly authorized representative.

**115.2 144.2 Cost Recovery - Hazardous conditions.** If upon the expiration of the time mentioned in a notice of violation, hazardous conditions, including but not limited to, obstructions or encroachments inhibiting access to or egress from a space or building, are not removed, the code official shall proceed to remove or have removed the same. The expense incurred shall be a debt to the City from the responsible person and shall be collected as any other debt to the City.

**115.3 144.3 False alarms.** It shall be unlawful for any person to summon, in any way, the fire department unless a valid reason for their response is present. (See also Troy City Code Chapter 103 - Alarm Ordinance.)

**115.4 144.4 112.6 Nonstandard Equipment.** Equipment and devices which are not in compliance with recognized standards for design and construction may be approved upon presentation of satisfactory evidence that they are designed and constructed for safe operation.

**115.5 144.5 Motion Picture & Television Film Production.** Motion picture / television film production and similar entertainment or documentary production activities shall comply with the requirements of this code and NFPA 140.

## **SECTION 202 GENERAL DEFINITIONS**

~~**BONFIRE.**—An outdoor fire which burns only seasoned dry firewood or clean untreated lumber intended to minimize the generation of air contaminants and is utilized for occasional special events subject to the following provisions:~~

- ~~1. Prior approval of the Troy City Council.~~
- ~~2. Compliance with any special restrictions as determined by the fire official.~~
- ~~3. Payment of costs associated with special fire protection as determined by the fire official.~~

**BONFIRE.** An outdoor fire that has dimensions larger than 3' in diameter and 2' in height, which burns only seasoned dry firewood and clean untreated lumber intended to minimize the generation of air contaminants and is utilized for occasional special events.

## **SECTION 307 OPEN BURNING, RECREATIONAL FIRES AND PORTABLE OUTDOOR FIREPLACES**

**307.2. Permit Required.** A permit shall be obtained from the fire code official in accordance with Section ~~105.5~~ ~~105.6~~ prior to kindling a fire for recognized silvicultural or range or wildlife management practices, management of prairie grasses and plants, 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 or the landowner's contracted professional. Bonfires, as defined and set forth in Section 202, may be permitted if in compliance with Section 307.4.1 and subject to prior approval of the code official.

**307.4.4 Ground Fires.** Ground fires shall not be conducted within 25' of a structure or combustible material. Conditions that cause a fire to spread within 25' of a structure shall be eliminated prior to ignition. Ground fires shall be the minimum size for the intended purpose, ~~A ground fire shall be the minimum size for the intended purpose~~ but not larger than 3 feet (914 mm) in diameter and 2 feet (610 mm) in height and shall be contained in a safe manner.

## **SECTION 404 FIRE SAFETY, EVACUATION AND LOCKDOWN PLANS**

**404.1 General.** Where required by Section 403, fire safety, evacuation, and lockdown plans shall comply with Sections 404.2 through 404.4.2.

**404.4.2** ~~404.5.2~~ **Format.** Fire safety and evacuation plans, general floor plans, seating arrangements, storage configurations, or other specific plans shall be furnished to the fire code official in an approved format upon request.

## **SECTION 503 FIRE APPARATUS ACCESS ROADS**

~~**503.7 Security gates.** The installation of security gates across a fire apparatus access road shall be approved by the fire code official. Where security gates are installed, they shall have an approved means of emergency operation. The~~



~~security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.~~

**503.7 503.8 Emergency Vehicle Access.** Emergency vehicle access (EVA) shall be determined and approved by the fire code official. Unless otherwise required, EVAs shall be of the following specifications:

1. Minimum of 12 feet (3657.6 mm) wide.
2. Surface capable of supporting the weight of fire apparatus up to 60,000 pounds GVW.
3. Minimum grade changes to accommodate fire apparatus undercarriage ground clearances.
4. Mountable curb at entrance/exit with adequate turning radii to and from the EVA.
5. Standard fire lane signage posted at entrance/exit to EVA.
6. EVA signage posted at entrance/exit of EVA, on both sides of surface, every 50 feet (15240 mm) for length of EVA.
7. EVA signage to withstand snow removal/landscape maintenance efforts.
8. EVA to be kept clear of snow and vegetation.

## **SECTION 507 FIRE PROTECTION WATER SUPPLIES**

**507.5.4.1. Removal of Obstructions.** ~~Unobstructed access to fire hydrants shall be maintained at all times.~~ If upon the expiration of the time mentioned in a notice of violation, obstructions or encroachments to a fire hydrant, or to other fire protection equipment, are not removed, the code official shall proceed to remove or have removed the same. The expense incurred shall be a debt to the City from the responsible person and shall be collected as any other debt to the City.

## **SECTION 606 COMMERCIAL COOKING EQUIPMENT AND SYSTEMS**

**606.1 609.4 General.** Commercial kitchen exhaust hoods shall comply with the requirements of the *Michigan Mechanical Code and NFPA 96*.

**606.1.1 609.4.4 Exhaust Fans.** Exhaust fans for commercial cooking hoods shall be installed so that the fans are operational at all times cooking is occurring. This may be accomplished by a temperature monitoring device installed in, on, or near the hood to activate the exhaust fan(s) at a pre-determined temperature, or as otherwise approved by the code official.

**CHAPTER 8  
INTERIOR FINISH, DECORATIVE MATERIALS AND FINISHINGS**

**CHAPTER 9  
FIRE PROTECTION AND LIFE SAFETY SYSTEMS**

**901.6.4** ~~901.6.2.2~~ **Noncompliant Systems.** Fire suppression, protection, or other related systems found to be noncompliant, malfunctioning, or otherwise non-operational in the manner required, designed, or intended, shall be identified as “noncompliant” by the service company or individual performing such service, and the fire code official and the occupant shall be notified immediately or at the earliest practical time. At no time shall an approval, compliance, or other indication of operability be affixed to, on, or near such system(s) so as to give false indication of designed, intended, or expected operation.

**901.6.5** ~~901.6.3~~ **Anti-Freeze Fire Sprinkler Systems.** Fire sprinkler systems designed and installed to protect areas prone to freezing shall be drained and tested, then refilled and maintained to insure the solution is operable to -20 degrees F or as otherwise approved by the code official.

**907.5.2.1.4** ~~907.5.2.1.3~~ **Temporal Code-3.** Audible alarm notification appliances shall sound in temporal Code-3 pattern as approved by the code official.

**CHAPTER 10  
MEANS OF EGRESS**

**1004.9.1** ~~1004.3.1~~ **Zoning requirements.** The number of occupants permitted shall also be determined in accordance with Chapter 39 of the Troy City Code (zoning).

**CHAPTER 21  
DRYCLEANING**

**CHAPTER 23  
MOTOR FUEL DISPENSING FACILITIES AND REPAIR GARAGES**

**CHAPTER 32  
HIGH PILED COMBUSTIBLE STORAGE**

**CHAPTER 51  
AEROSOLS**

**CHAPTER 56  
EXPLOSIVES AND FIREWORKS**

**CHAPTER 57**

## FLAMMABLE AND COMBUSTIBLE LIQUIDS

**5704.2.9 Above Ground Tanks.** Above-ground storage of flammable and combustible liquids in tanks shall comply with Section 5704.2.9.1 through ~~5704.2.9.7.9~~ ~~5704.2.9.7.10~~ and the Michigan Aboveground Storage Tank Rules, or their equivalent.

**5704.2.11 Underground Tanks.** Underground storage of flammable and combustible liquids in tanks shall comply with Section 5704.2 and Sections 5704.2.11.1 through ~~5704.2.11.4.2~~ ~~5704.2.11.5.2~~, and the Michigan Underground Storage Tank Rules, or their equivalent.

**5801.2 Permits.** Permits shall be required as set forth in Sections ~~105.5~~ ~~105.6~~ and ~~105.6~~ ~~105.7~~ and the Michigan Fire Prevention Code 1941 PA 207, as amended, or its equivalent.

### CHAPTER 80 REFERENCED STANDARDS

~~96-17 Standard for Ventilation Control and Fire Protection~~ ~~609.1 of~~  
~~Commercial Cooking Operations~~

~~140-18~~ ~~140-14~~ Standard on Motion Picture and Television Production  
Studio Soundstages, Approved Production Facilities, and Production Locations  
115.5 144.5

Appendix C  
Fire Hydrant Locations and Distributions- Deleted in its entirety

Appendix ~~C~~ D  
Fire Apparatus Access Roads

~~D103.5 Fire apparatus access road gates.~~ Gates securing the fire apparatus access roads shall comply with all of the following criteria:

- ~~1. The minimum gate width shall be 18 feet (5486.4 mm) unless otherwise approved by the code official.~~
- ~~2. Gates shall be of the swinging or sliding type.~~
- ~~3. Construction of gates shall be of materials that allow manual operation by one person.~~
- ~~4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.~~
- ~~5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the code official.~~

- ~~6. Manual opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of forcible entry tools carried by the fire department.~~
- ~~7. Locking device specifications shall be submitted for approval to the code official.~~
- ~~8. Where buildings protected by electric gates are provided with automatic fire protection and detections systems, gates shall open and remain open upon initiation of an alarm.~~

### Section 3. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

### Section 4. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

### Section 5. Severability Clause

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

### Section 6. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a Regular Meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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Ethan D. Baker, Mayor

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M. Aileen Dickson, MMC, City Clerk

## CHAPTER 93- CITY OF TROY FIRE PREVENTION ORDINANCE

**93.00 Adoption of the 2021 International Fire Code by Reference.** The *International Fire Code*, 2021 Edition, including its appendices, is hereby adopted by reference with the additions, insertions, deletions and changes prescribed in Section 93.01 of this Ordinance, as the Fire Prevention Code of the City of Troy, 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 and property in the occupancy of buildings. This Ordinance and a copy of the International Fire Code, 2021 Edition, shall be kept on file with the City Clerk. A copy of the International Fire Code in its entirety can also be found at: <https://codes.iccsafe.org/content/IFC2021P2> or any subsequent amended link.

**93.01 Additions, Insertions, Deletions and Changes to the International Fire Code, 2021 Edition.** The City of Troy adopts the following additions, insertions, deletions and changes from the *International Fire Code, 2021 Edition*. Subsequent section numbers used in this section shall refer to the like numbered sections of the *International Fire Code, 2021 Edition*. Any provisions which are not amended or deleted herein shall remain in full force and effect.

### SECTION 104 DUTIES AND POWERS OF THE FIRE CODE OFFICIAL

**104.12.4 Unlawful boarding or tampering with fire department emergency equipment.** A person shall not, without proper authorization from the fire official in charge of said fire department emergency equipment, cling to, attach to, climb upon or into, board, or swing upon any fire department emergency vehicle, whether the same is in motion or at rest, operate any emergency warning equipment, 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.

**104.12.5 Damage/injury to fire department equipment/personnel.** It shall be unlawful for any person to damage or deface, or attempt or conspire to damage or deface, any fire department emergency vehicle or equipment at any time; or to injure, or attempt or conspire to injure, fire department personnel while performing departmental duties.

### SECTION 105 PERMITS

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

4. Operational permit. An operational permit allows the applicant to conduct an operation or a business for which a permit is required by Section 105.5 for either:
  - 1.1 A prescribed period.
  - 1.2 Until renewed or revoked.
5. Construction permit. A construction permit allows the applicant to install or modify systems of equipment for which a permit is required by Section 105.6.
6. Occupancy permit. An occupancy permit allows the applicant to occupy existing premises for the purpose of conducting or operating a business for which a permit is required by Section 105.8.

**105.3.9 Permit Issuance.** A permit granted hereunder shall not be transferable nor shall any such permit be extended beyond the time set forth therein unless approved by the fire official. When work is started without a permit, the permit fee shall be doubled.

**105.5 Required Operational Permits.** The code official is authorized to issue operational permits for the operations set forth in Sections 105.6.1 through 105.6.52 ~~46~~. Where there are no provisions for issuing said permits, the code official is authorized to waive the particular permit requirement.

**105.5.15 Special Events.** An operational permit is required to operate/conduct all special events including exhibits, crafts and trade shows.

**105.5.16.1 Fireworks.** An operational permit is required for ignition, discharge and use of agricultural or wildlife fireworks, articles pyrotechnic, public display fireworks before a proximate audience, or special effects fireworks as stipulated in this ordinance. Application for permits shall be made in writing at least 30 days in advance of the date of the public display. The possession and distribution of fireworks for such use and display shall be lawful under the terms and conditions approved with the permit and for only that purpose. A permit granted hereunder shall not be transferable nor shall any such permit be extended beyond the time set forth therein unless approved by the fire official.

**105.5.16.1 Documentation.** Where required by the fire code official, each application for a permit shall include documentation as required in 105.5.22.

**105.5.22 Hazardous Materials.** An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the most restrictive amounts listed in this code, the *EPA's Emergency Planning and Community Right To Know* regulations, and *MIOSHA's Firefighter Right To Know* requirements.

**105.5.22.1 Required Amounts for Reporting.** Reportable quantities shall be considered the maximum amount of hazardous material on site at any given time. This amount is required to be reported to the fire department as defined in Sections 407.5 and 5001.5.2 of this code.

**105.5.22.2 Required Documentation.** Where required by the fire code official, each application for a permit shall include a Hazardous Materials Inventory Statement (HMIS) in accordance with Section 5001.5.2, a site plan drawing in a format acceptable to fire code official, indicating the location of the identified materials, and an Emergency Contact List.

**105.5.34.1 Bonfires.** Operational permits are required for bonfires. Bonfires are subject to the following provisions:

4. Prior approval of the Troy City Council.
5. Compliance with any special restrictions as determined by the fire official.
6. Payment of costs associated with special fire protection as determined by the fire official.

**105.6.1.1 Installations.** Before any fire suppression system or component is installed, enlarged, extended or modified, a permit shall be obtained from the code official. This shall include any device or relay connected to or controlled by the fire suppression system. All work must be performed by a qualified installer who is properly licensed and/or certified to perform such work as determined by the code official. Construction documents shall be reviewed by the code official prior to the issuance of the permit. Upon issuance of the permit, the permit must be posted at the job site in plain view.

**106.2.1 Information on Construction Documents.** *Construction documents* shall be drawn to scale upon suitable material. Electronic media documents shall be submitted as required by the *fire code official*. Failure to submit electronic media documents may result in a reasonable document scanning fee as determined by the fire code official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations as determined by the *fire code official*.

**105.6.6.1 Installations.** Before any fire alarm or detection system or component is installed, enlarged, extended or modified, a permit shall be obtained from the code official. This shall include auxiliary devices such as magnetic locks, electronic locks, or any device or relay connected to or controlled by the fire alarm or detection system. All work must be performed by a qualified installer who is properly licensed and/or certified to perform such work as determined by the code official. Construction documents shall be reviewed by the code official



prior to the issuance of the permit. Upon issuance of the permit, the permit must be posted at the job site in plain view.

**107.6.1 Cancellation fees.** Handling cost for permits canceled after being issued is 35% of the permit fee or \$10.00, whichever is greater.

**111.1 Board of appeals established.** In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals as established in Section 116 of Chapter 79 of the Troy City Code.

**112.4 Violation penalties.** Persons who shall violate a provision of this code or shall fail to comply with any requirements thereof or who shall erect, install, alter, repair, service, test or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a Municipal Civil Infraction punishable by a fine of not more than five hundred (500) dollars as determined by a judge in a court of law, plus any allowable cost recovery incurred by the Troy Fire Department or any agency working with the Troy Fire Department that incurred costs. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

## **SECTION 115 MISCELLANEOUS HAZARDS**

**115.1 Hazardous materials - Fire Department responsibility.** The Troy Fire Department shall be responsible for gathering and organizing information, identifying risks, and enforcing codes, standards, and laws relating to the production, storage and use of hazardous materials within the City of Troy and the notification to fire fighting personnel of related hazards. The method and frequency shall be determined by the fire official or his duly authorized representative.

**115.2 Cost Recovery - Hazardous conditions.** If upon the expiration of the time mentioned in a notice of violation, hazardous conditions, including but not limited to, obstructions or encroachments inhibiting access to or egress from a space or building, are not removed, the code official shall proceed to remove or have removed the same. The expense incurred shall be a debt to the City from the responsible person and shall be collected as any other debt to the City.

**115.3 False alarms.** It shall be unlawful for any person to summon, in any way, the fire department unless a valid reason for their response is present. (See also Troy City Code Chapter 103 - Alarm Ordinance.)

**115.4 Nonstandard Equipment.** Equipment and devices which are not in compliance with recognized standards for design and construction may be approved upon presentation of satisfactory evidence that they are designed and constructed for safe operation.

**115.5 Motion Picture & Television Film Production.** Motion picture / television film production and similar entertainment or documentary production activities shall comply with the requirements of this code and NFPA 140.

## **SECTION 202 GENERAL DEFINITIONS**

**BONFIRE.** An outdoor fire that has dimensions larger than 3' in diameter and 2' in height, which burns only seasoned dry firewood and clean untreated lumber intended to minimize the generation of air contaminants and is utilized for occasional special events.

## **SECTION 307 OPEN BURNING, RECREATIONAL FIRES AND PORTABLE OUTDOOR FIREPLACES**

**307.2. Permit Required.** A permit shall be obtained from the fire code official in accordance with Section 105.5 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, management of prairie grasses and plants, 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 or the landowner's contracted professional. Bonfires, as defined and set forth in Section 202, may be permitted if in compliance with Section 307.4.1 and subject to prior approval of the code official.

**307.4.4 Ground Fires.** Ground fires shall not be conducted within 25' of a structure or combustible material. Conditions that cause a fire to spread within 25' of a structure shall be eliminated prior to ignition. Ground fires shall be the minimum size for the intended purpose, but not larger than 3 feet (914 mm) in diameter and 2 feet (610 mm) in height and shall be contained in a safe manner.

## **SECTION 404 FIRE SAFETY, EVACUATION AND LOCKDOWN PLANS**

**404.1 General.** Where required by Section 403, fire safety, evacuation, and lockdown plans shall comply with Sections 404.2 through 404.4.2.

**404.4.2 Format.** Fire safety and evacuation plans, general floor plans, seating arrangements, storage configurations, or other specific plans shall be furnished to the fire code official in an approved format upon request.

## **SECTION 503**

## **FIRE APPARATUS ACCESS ROADS**

**503.7 Emergency Vehicle Access.** Emergency vehicle access (EVA) shall be determined and approved by the fire code official. Unless otherwise required, EVAs shall be of the following specifications:

9. Minimum of 12 feet (3657.6 mm) wide.
10. Surface capable of supporting the weight of fire apparatus up to 60,000 pounds GVW.
11. Minimum grade changes to accommodate fire apparatus undercarriage ground clearances.
12. Mountable curb at entrance/exit with adequate turning radii to and from the EVA.
13. Standard fire lane signage posted at entrance/exit to EVA.
14. EVA signage posted at entrance/exit of EVA, on both sides of surface, every 50 feet (15240 mm) for length of EVA.
15. EVA signage to withstand snow removal/landscape maintenance efforts.
16. EVA to be kept clear of snow and vegetation.

## **SECTION 507 FIRE PROTECTION WATER SUPPLIES**

**507.5.4.1. Removal of Obstructions.** Unobstructed access to fire hydrants shall be maintained at all times. If upon the expiration of the time mentioned in a notice of violation, obstructions or encroachments to a fire hydrant, or to other fire protection equipment, are not removed, the code official shall proceed to remove or have removed the same. The expense incurred shall be a debt to the City from the responsible person and shall be collected as any other debt to the City.

## **SECTION 606 COMMERCIAL COOKING EQUIPMENT AND SYSTEMS**

**606.1 General.** Commercial kitchen exhaust hoods shall comply with the requirements of the *Michigan Mechanical Code and NFPA 96*.

**606.1.1 Exhaust Fans.** Exhaust fans for commercial cooking hoods shall be installed so that the fans are operational at all times cooking is occurring. This may be accomplished by a temperature monitoring device installed in, on, or near the hood to activate the exhaust fan(s) at a pre-determined temperature, or as otherwise approved by the code official.

## **CHAPTER 8 INTERIOR FINISH, DECORATIVE MATERIALS AND FINISHINGS**

**CHAPTER 9  
FIRE PROTECTION AND LIFE SAFETY SYSTEMS**

**901.6.4 Noncompliant Systems.** Fire suppression, protection, or other related systems found to be noncompliant, malfunctioning, or otherwise non-operational in the manner required, designed, or intended, shall be identified as “noncompliant” by the service company or individual performing such service, and the fire code official and the occupant shall be notified immediately or at the earliest practical time. At no time shall an approval, compliance, or other indication of operability be affixed to, on, or near such system(s) so as to give false indication of designed, intended, or expected operation.

**901.6.5 Anti-Freeze Fire Sprinkler Systems.** Fire sprinkler systems designed and installed to protect areas prone to freezing shall be drained and tested, then refilled and maintained to insure the solution is operable to -20 degrees F or as otherwise approved by the code official.

**907.5.2.1.4 Temporal Code-3.** Audible alarm notification appliances shall sound in temporal Code-3 pattern as approved by the code official.

**CHAPTER 10  
MEANS OF EGRESS**

**1004.9.1 Zoning requirements.** The number of occupants permitted shall also be determined in accordance with Chapter 39 of the Troy City Code (zoning).

**CHAPTER 21  
DRYCLEANING**

**CHAPTER 23  
MOTOR FUEL DISPENSING FACILITIES AND REPAIR GARAGES**

**CHAPTER 32  
HIGH PILED COMBUSTIBLE STORAGE**

**CHAPTER 51  
AEROSOLS**

**CHAPTER 56  
EXPLOSIVES AND FIREWORKS**

**CHAPTER 57  
FLAMMABLE AND COMBUSTIBLE LIQUIDS**

**5704.2.9 Above Ground Tanks.** Above-ground storage of flammable and combustible liquids in tanks shall comply with Section 5704.2.9.1 through

5704.2.9.7.9 and the Michigan Aboveground Storage Tank Rules, or their equivalent.

**5704.2.11 Underground Tanks.** Underground storage of flammable and combustible liquids in tanks shall comply with Section 5704.2 and Sections 5704.2.11.1 through 5704.2.11.4.2, and the Michigan Underground Storage Tank Rules, or their equivalent.

**5801.2 Permits.** Permits shall be required as set forth in Sections 105.5 and 105.6 and the Michigan Fire Prevention Code 1941 PA 207, as amended, or its equivalent.

## **CHAPTER 80 REFERENCED STANDARDS**

140-18 Standard on Motion Picture and Television Production  
Studio Soundstages, Approved Production Facilities, and Production Locations

115.5

### **Appendix C Fire Apparatus Access Roads**



500 West Big Beaver  
Troy, MI 48084  
troymi.gov



I-05

## CITY COUNCIL AGENDA ITEM

Date: February 5, 2024

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Deputy City Manager  
Megan E. Schubert, Assistant City Manager  
Robert C. Maleszyk, Chief Financial Officer  
Dee Ann Irby, Controller  
Kurt Bovensiep, Public Works Director  
G. Scott Finlay, City Engineer

Subject: Standard Purchasing Resolution #1: Award to Low Bidder and Budget Amendment  
Contract 23-11 – Stephenson Highway Rehabilitation

### **History**

Pavement rehabilitation on 1.5 miles of Stephenson Highway from 14-Mile Road to I-75 is necessary due to the pavement's deteriorated condition. This project includes milling (grinding off) the surface of the existing pavement and then placing a new asphalt pavement surface. Also included is a complete removal and replacement failed pavement and miscellaneous manhole repairs. Work is anticipated to start in the Spring of 2024 and be substantially complete by the end of Summer 2024.

### **Purchasing**

Bids were received and publicly read on January 24, 2024. The low bid of \$4,354,957.41 submitted by Pro-Line Asphalt Paving Corp., 11797 29 Mile Rd., Washington, MI 48095 as shown on the attached bid tab.

Work was competitively bid and publicly opened with four (4) bidders responding. The award is contingent upon submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements.

### **Financial**

Funds for this work are included in the 2024 Major Road Capital Fund. The budgeted amount will cover the construction costs. Inspection, testing and contingencies needs a budget amendment from the Major Street Fund Balance of \$654,000, 10% contingency and 5% for inspection & testing.

### **Recommendation**

It is recommended that City Council award the Stephenson Highway Rehabilitation contract to Pro-Line Asphalt Paving Corp., 11797 29 Mile Rd., Washington, MI 48095 for their low bid of \$4,354,957.41. We are also requesting authorization to approve additional work, if needed, not to exceed 10% of the original project cost due to unknown conflicts with existing underground utilities and/or underground conditions that may arise during construction.

In addition, we are requesting a budget amendment of \$654,000 from the Major Street Fund Balance to the 2024 Major Road Capital Fund.

A copy of the bid tab and recommendation shall be attached to the original Minutes of this meeting.

BID TABULATION  
CONTRACT 23-11  
STEPHENSON HIGHWAY REHABILITATION (RE-BID)  
City of Troy  
Oakland County, Michigan

Bids Due: January 24, 2024  
Project No. 21.104.5/21.105.5

**Total Base Bid Amount**

1	Pro-Line Asphalt Paving Corp.	\$	4,354,957.41
2	Florence Cement Company	\$	4,512,492.66
3	Cadillac Asphalt, LLC	\$	4,622,500.00
4	Ajax Paving Industries	\$	4,667,530.41

**BIG BEAVER**



**STEPHENSON**

**MAPLE**

PROJECT  
AREA



**FOURTEEN MILE**



**A. CALL TO ORDER:**

A Special Meeting of the Troy City Council was held on Monday, January 29, 2024, at City Hall, 500 W. Big Beaver Rd. Mayor Baker called the meeting to order at 6:00 PM.

**B. ROLL CALL:**

- a) Mayor Ethan Baker
- Theresa Brooks
- Rebecca A. Chamberlain-Creanga
- Hirak Chanda
- Mark Gunn
- David Hamilton
- Ellen Hodorek

**C. PUBLIC COMMENT:**

**D. BUSINESS STATED IN THE SPECIAL MEETING NOTICE:**

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**D-1 City Council Orientation**

City Manager Miller began the discussion with a brief summary of the topics to be presented. He then began discussing the presentation for Session One: General Government.

Deputy City Manager Bruner continued the discussion of the presentation.

Community Development Director Savidant began the discussion of the presentation for Community Development.

City Engineer Finlay discussed the presentation for the Engineering Department Roles & Responsibilities.

**E. OTHER BUSINESS:**

**F. ADJOURNMENT:**

The Meeting **ADJOURNED** at 7:01 PM.

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Mayor Ethan Baker

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M. Aileen Dickson, MMC, MiPMC II  
City Clerk

Dr. Brigitte Bechtold from Beacon Unitarian Universalist Congregation performed the Invocation. The Pledge of Allegiance to the Flag was given and led by Girl Scout Troy 77843 from Hill and Barnard Elementary Schools.

**A. CALL TO ORDER:**

A Regular Meeting of the Troy City Council was held on Monday, January 29, 2024, at City Hall, 500 W. Big Beaver Rd. Mayor Baker called the meeting to order at 7:32 PM.

**B. ROLL CALL:**

- a) Mayor Ethan Baker
- Theresa Brooks
- Rebecca A. Chamberlain-Creanga
- Hirak Chanda
- Mark Gunn
- David Hamilton
- Ellen Hodorek

**C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:**

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**C-1 Proclamation to Celebrate Troy High Student, Nikhil Mudaliar, on Being Selected and Playing in the U15 USA Cricket 2023 National Championship**

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**C-2 Park Entrance Sign Update (Presented by: Dennis Trantham, Facilities & Grounds Operations Manager)**

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**C-3 2023 Advance Report (Presented by: Jaymes Vettraino)**

**D. CARRYOVER ITEMS:**

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**D-1 No Carryover Items**

**E. PUBLIC HEARINGS:**

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**E-1 No Public Hearings Requested**

**F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:**

Charles Church	Commented on Item I-8 and the impact of the closure of the Friends Book Store during repairs.
Mary Lynn Bowen	Commented on Item I-8 and the impact of the closure of the Friends Book Store during repairs.
Lynda Belian	Commented on Item I-8 and the impact of the continuing to spend money on repairs to the Library building.

Marcia Bossenberger	Commented on I-5, specifically, in opposition to a development that is proposed near Livernois and Square Lake called Troy Corners.
Jeff Williams	Commented on I-5, specifically, that revisions be made to regulate what size buildings are allowed at Troy Corners.
Leasa Williams	Commented on I-5, specifically, that revisions be made to revise the zoning in the area called Troy Corners to make it an historical area.
Deborah Louzecky	Commented on I-5, specifically, that the height of buildings and density at Livernois and Square Lake be restricted.
Ann Coleman	Commented on I-5, specifically, for further clarification of the terms used in the Master Plan so the residents and developers have the same definitions; also requested restrictions on the buildings and density allowed at Livernois and Square Lake.

**G. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT FOR ITEMS ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:**

**H. POSTPONED ITEMS:**

**H-1** No Postponed Items

**I. REGULAR BUSINESS:**

**I-1** Board and Committee Appointments: a) Mayoral Appointments – Global Troy Advisory Committee, Local Development Finance Authority; b) City Council Appointments – None

**a) Mayoral Appointments:**

Resolution #2024-01-009  
 Moved by Baker  
 Seconded by Hodorek

**Global Troy Advisory Committee**

Appointed by Mayor  
 12 Regular Members  
 3 Year Term

**Nominations to the Global Troy Advisory Authority:**

**Term Expires: City Council Term Expiration**

**Mayor Ethan Baker**

**Council Member**

Term currently held by: Mayor Ethan Baker

Yes All-7  
 No: None

**MOTION CARRIED**

Resolution #2024-01-010  
Moved by Baker  
Seconded by Chamberlain-Creanga

**Local Development Finance Authority (LDFA)**

Appointed by Mayor  
5 Regular Members  
Staggered 4 Year Term

**Nominations to the Local Development Finance Authority (LDFA):**

**Term Expires: City  
Council Term exp 11/2027**

**Mayor Ethan Baker**

**Alternate;  
Council Member**

Term currently held by: Mayor Ethan Baker

Yes All-7  
No: None

**MOTION CARRIED**

b) **City Council Appointments: None**

**I-2 Board and Committee Nominations: a) Mayoral Nominations – Board of Review; b) City Council Nominations – Election Commission, Employees Retirement System Board of Trustees/Retiree Health Care Benefits/Volunteer Firefighter Incentive Plan Board, Traffic Committee**

a) **Mayoral Nominations:**

Resolution #2024-01-011  
Moved by Baker  
Seconded by Chamberlain-Creanga

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

**Board of Review**

Appointed by Mayor  
3 Regular Members  
3 Year Term

**Nominations to the Board of Review:**

**Term Expires: 1/31/2027**

**Karen Greenwood**

Term currently held by: Karen Greenwood

Yes All-7  
No: None

**MOTION CARRIED**

**b) City Council Nominations:**

Resolution #2024-01-012  
Moved by Hodorek  
Seconded by Brooks

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

**Election Commission**

Appointed by Council  
2 Regular Members and 1 Charter Member  
1 Year Term

**Nominations to the Election Commission:**

**Term Expires: 1/31/2025**

**Stephen Sadlier**

**Democrat**

Term currently held by: Stephen Sadlier

**Term Expires: 1/31/2025**

**Ray Watts**

**Republican**

Term currently held by: Ray Watts

Yes All-7  
No: None

**MOTION CARRIED**

Resolution #2024-01-013  
Moved by Hodorek  
Seconded by Chanda

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

Employees Retirement System Board of Trustees / Retiree Health Care Benefits Plan and Trust / Volunteer Firefighter Incentive Plan Board

Appointed by Council  
7 Regular Members and 2 Ordinance Member  
3 Year Term

Nominations to the Employees Retirement System Board of Trustees / Retiree Health Care Benefits Plan and Trust / Volunteer Firefighter Incentive Plan Board

**Term Expires: City Council Term**

**Council Member Theresa Brooks      City Council Member**

Term currently held by: Council Member Theresa Brooks

Yes      All-7  
No:      None

**MOTION CARRIED**

Resolution #2024-01-014  
Moved by Hodorek  
Seconded by Gunn

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

Traffic Committee

Appointed by Council  
7 Regular Members  
3 Year Term

Nominations to the Traffic Committee:

**Term Expires: 1/31/2027**

**Abi Swaminathan**

Term currently held by: Abi Swaminathan

Yes      All-7  
No:      None

**MOTION CARRIED**

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**I-3      Request for Closed Session**

Resolution #2024-01-015  
Moved by Baker  
Seconded by Hamilton

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (h) (MCL 15.243 (g) (n)(u)(y)).

Yes All-7  
No: None

**MOTION CARRIED**

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**I-4 Troy Community Foundation - \$100,000 Donation for Performing Arts Stage and Budgeted Amendment to the Capital Fund (Introduced by: Kurt Bovensiep, Public Works Director)**

Resolution #2024-01-016  
Moved by Chamberlain-Creanga  
Seconded by Gunn

RESOLVED, That Troy City Council hereby **ACCEPTS** the donation of \$100,000 from the Troy Community Foundation to assist in the construction of a performing arts stage at Stine Community Park, and **APPROVES** the Troy Parks and Recreation Advisory Board recommendation for the naming of the amenity as the “Troy Community Foundation Performing Arts Stage”.

BE IT FINALLY RESOLVED, That Troy City Council hereby **APPROVES** a budget amendment of \$100,000 to the Capital Fund- Park Development.

Yes All-7  
No: None

**MOTION CARRIED**

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**I-5 City of Troy Master Plan 2040 (Introduced by: Brent Savidant, Community Development Director)**

*City Council took NO ACTION on this item.*

The Meeting **RECESSED** at 9:30.  
The Meeting **RECONVENED** at 9:40.

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**Motion to Waive City Council Rules of Procedure #14 Members of the Public and Visitors**

Resolution #2024-01-017  
Moved by Baker  
Seconded by Gunn

RESOLVED, That Troy City Council hereby **WAIVES** City Council Rule of Procedure #14 Member of the Public and Visitors, in order to bring forward on the Agenda those speakers who

are school-aged children and have signed up to speak in *L. Public Comment for Items Not On the Agenda from Troy Residents and Businesses*, due to the late hour on a school night.

Yes All-7  
 No: None

**MOTION CARRIED**

**L. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:**

Katie Austin	Requested that City Council pass a cease fire resolution in regards to the war in Gaza.
Eredge Najam	Requested that City Council pass a cease fire resolution in regards to the war in Gaza.
Rebecca Austin	Requested that City Council pass a cease fire resolution in regards to the war in Gaza.
Rayyan Syed	Requested that City Council pass a cease fire resolution in regards to the war in Gaza.
Zahra Syed	Requested that City Council pass a cease fire resolution in regards to the war in Gaza.
Zainab Syed	Requested that City Council pass a cease fire resolution in regards to the war in Gaza.
Omar Syed	Requested that City Council pass a cease fire resolution in regards to the war in Gaza.
Hadra Ahmed	Requested that City Council pass a cease fire resolution in regards to the war in Gaza.
Sophia Lorenzetti	Requested that City Council pass a cease fire resolution in regards to the war in Gaza.
Mohammed Noor	Requested that City Council pass a cease fire resolution in regards to the war in Gaza.
Amina Ahmad	Requested that City Council pass a cease fire resolution in regards to the war in Gaza.
Zeeshan Chowdhury	Requested that City Council pass a cease fire resolution in regards to the war in Gaza.

**I-6 Michigan Department of Transportation Maintenance Agreement for I-75 and Big Beaver Landscape Improvements (Introduced by: Kurt Bovensiep, Public Works Director)**

Resolution #2024-01-018  
 Moved by Baker  
 Seconded by Chamberlain-Creanga

RESOLVED, That Troy City Council hereby **APPROVES** the agreement between the Michigan Department of Transportation and the City of Troy for the installation and maintenance of landscape improvements within the Rights-of-Way of the Michigan Department of Transportation at I-75 and Big Beaver, and the Mayor and City Clerk are **AUTHORIZED** to



execute the necessary documents; a copy of this agreement shall be **ATTACHED** to the original Minutes of this meeting.

Yes All-7  
No: None

### MOTION CARRIED

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#### **I-7 Additional 2024 City Council Meetings (Introduced by: Lori Grigg Bluhm, City Attorney)**

Resolution #2024-01-019  
Moved by Hodorek  
Seconded by Brooks

RESOLVED, That Troy City Council **SHALL HOLD** a Special Meeting on Monday, April 1, 2024 at 6:00 PM in the Council Board Room or as otherwise provided by the City Council Rules of Procedure for the purpose of the City Attorney Evaluation.

BE IT FURTHER RESOLVED, That Troy City Council **SHALL HOLD** a Special Meeting on Saturday, April 6, 2024 at 9:00 am in the Council Board Room or as otherwise provided by the City Council Rules of Procedure for the purpose of City Manager Recruitment Interviews.

BE IT FINALLY RESOLVED, That Troy City Council **MAY RESCHEDULE** Regular Meetings and/or **SCHEDULE** additional Special Meetings in accordance with the City Charter and Michigan Open Meetings Act.

Yes All-7  
No: None

### MOTION CARRIED

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#### **I-8 Budget Amendment and Standard Purchasing Resolution 4: Oakland County Cooperative Purchasing Contract – Air Handling Unit Repair, Louver Replacement, and Temporary Area Heating for Mold Remediation - Troy Public Library (Introduced by: Phillip Kwik, Assistant Library Director)**

Resolution #2024-01-020  
Moved by Hodorek  
Seconded by Hamilton

RESOLVED, That in the best interest of the City, Troy City Council hereby **WAIVES** the bid process and **AWARDS** a contract to *Limbach, of Pontiac, MI*, for the Troy Public Library Air Handling Unit Repair and Louver Replacement for an estimated amount of \$168,839, plus 15% contingency, as detailed in the attached quote and as per the Oakland County Cooperative Purchasing Contract #00009746.

BE IT FURTHER RESOLVED, That Troy City Council hereby **WAIVES** the bid process and **AWARDS** a contract to *Limbach, of Pontiac, MI*, for the temporary heating of the south wing of

the Troy Public Library during the mold remediation, for an estimated amount of \$55,000, plus 15% contingency, as detailed in the attached quote and as per the Oakland County Cooperative Purchasing Contract #00009746.

BE IT FURTHER RESOLVED, That Troy City Council **AUTHORIZES** the Library to expend Capital Funds for additional office space heaters, for an estimated cost of \$2,000, plus 15% contingency.

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** a budget amendment in the amount of \$259,715 to the Library Capital Project Fund 401.790.7975.900.

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

Yes All-7  
No: None

**MOTION CARRIED**

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**I-9 Purchase Agreement Amendment – Sarah Ames, LLC – Administration of Certificates of Occupancy and Related Tasks – Building Department (*Introduced by: Salim Huerta, Building Official*)**

Resolution #2024-01-021  
Moved by Brooks  
Seconded by Chanda

RESOLVED, That Troy City Council hereby **APPROVES** the amendment to the attached Purchase Agreement with *Sarah Ames, LLC*, which was approved on July 10, 2023 (Resolution Number 2023-07-100), by approving an amended Schedule A, increasing the expenditure amounts from the current limit of \$20,000 per year to a new amount of \$40,000; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes All-7  
No: None

**MOTION CARRIED**

**J. CONSENT AGENDA:**

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**J-1a Approval of “J” Items NOT Removed for Discussion**

Resolution #2024-01-022-J-1a  
Moved by Hamilton  
Seconded by Hodorek

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented.

Yes All-7  
No: None

## MOTION CARRIED

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### J-1b Address of “J” Items Removed for Discussion by City Council

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### J-2 Approval of City Council Minutes

Resolution #2024-01-022-J-2

RESOLVED, That Troy City Council hereby **APPROVES** the following Minutes as submitted:

- a) City Council Minutes-Draft – January 8, 2024

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### J-3 Proposed City of Troy Proclamations: None Submitted

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### J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Boulan Park Cricket Grounds Design and Engineering Services**

Resolution #2024-01-022-J-4a

RESOLVED, That Troy City Council hereby **APPROVES** expending budgeted funds to *OHM Advisors, of Livonia, MI*, for the Detail Design and bidding assistance for a Cricket Field at Boulan Park for an estimated total cost of \$98,500 but not to exceed budgetary limitations.

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

- b) **Standard Purchasing Resolution 2: Award to Sole Bidder Meeting Specifications – Pulsar Chlorine Feeders and Tablets**

Resolution #2024-01-022-J-4b

RESOLVED, That Troy City Council hereby **AWARDS** a contract for Pulsar chlorination systems and two (2) year maintenance and supply of Pulsar tablets for the pools at the Troy Family Aquatic Center and Troy Community Center, to the sole bidder meeting specifications, *Aquatic Source, LLC of Brighton, MI*, at unit prices contained in the bid tabulation opened January 18, 2024; not to exceed budgetary limitations; a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract expiring January 31, 2026.

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

c) **Standard Purchasing Resolution 4: OMNIA Partners Contract – Access Control and Closed-Circuit Monitoring Equipment and Installation and Oakland County Extended Purchasing Contract – Cabling Installation at City Hall**

Resolution #2024-01-022-J-4c

RESOLVED, That in the best interest of the City, Troy City Council hereby **WAIVES** the bid process and **AWARDS** a contract to *Wadsworth Solutions of Perrysburg, OH*, for the purchase and installation of access control and closed-circuit monitoring equipment at City Hall, for an estimated cost of \$37,083, as detailed in the attached proposal and per the Omnia Partners Contract #R220703; not to exceed budgetary limitations.

BE IT FURTHER RESOLVED, That in the best interest of the City, Troy City Council hereby **WAIVES** the bid process and **AWARDS** a contract to *Shaw Systems of Southfield, MI*, for cabling installation at City Hall, for an estimated cost of \$5,187 as detailed in the attached proposal and per the Oakland County Extended Purchasing Contract #010460; not to exceed budgetary limitations.

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

d) **Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Troy Community Center Elevator Pit Project – Construction Documents and Bidding Assistance**

Resolution #2024-01-022-J-4d

RESOLVED, That Troy City Council hereby **APPROVES** expending budgeted capital funds to *OHM Advisors, of Livonia, MI*, for the construction documents and bidding assistance for the Troy Community Center elevator pit project, as submitted, for an estimated cost of \$24,000 but not to exceed budgetary limitations.

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

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**J-5 Fiscal Year 2024 SMART Municipal Credit and Community Credit Contract**

Resolution #2024-01-022-J-5

RESOLVED, That Troy City Council hereby **APPROVES** the agreement between the Suburban Mobility Authority for Regional Transportation (SMART) and the City of Troy for the Municipal Credit and Community Credit Agreement, which will be used for the Troy RYDE transportation service, and the Mayor and City Clerk are **AUTHORIZED** to execute the necessary documents; a copy of this agreement shall be **ATTACHED** to the original Minutes of this meeting.

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**J-6 City of Troy Investment Policy and Establishment of Investment Accounts**

Resolution #2024-01-022-J-6

RESOLVED, That Troy City Council hereby **APPROVES** the *Investment Policy and Establishment of Investment Accounts*, as outlined in the memorandum and revised by Chief Financial Officer, Robert C. Maleszyk, dated January 29, 2024; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**J-7 PA 152 – Publicly Funded Health Care**

Resolution #2024-01-022-J-7

WHEREAS, Public Act 152 of 2011 allows for a Local Government Opt-Out alternative; and,

WHEREAS, Choosing the Opt-Out alternative allows the City to continue to offer medical insurance to all full-time employees with the premium contribution percent established in current collective bargaining agreements;

THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **SELECTS** the Local Unit Opt-Out for plan year 2024/25.

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**J-8 Traffic Committee Recommendations and Minutes – January 17, 2024**

Resolution #2024-01-022-J-8

**5. Request for Traffic Control – Hopedale Road & Viking Drive**

RESOLVED, That the Viking Drive Approach at Hopedale Road be **MODIFIED** from UNCONTROLLED, to STOP CONTROLLED.

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**J-9 Request to Vacate an Existing Easement and to Accept a Permanent Easement for Franchise and Municipal Public Utilities, Ashton Parc, Sidwell #88-20-11-201-001**

Resolution #2024-01-022-J-9

RESOLVED, That Troy City Council hereby **VACATES** a permanent easement for franchise and municipal public utilities granted to the City of Troy and recorded in Liber 58982 Page 280 thru 282, Oakland County Register of Deeds.

BE IT FURTHER RESOLVED, That Troy City Council **AUTHORIZES** the Mayor and City Clerk to execute a Quit Claim Deed returning the City of Troy's interest in the franchise and municipal public utilities easement granted to the City of Troy and recorded in Liber 58982 Page 280 thru 282 to Glen Arbor Building, LLC, owner of the property having Sidwell #88-20-11-201-001.

BE IT FURTHER RESOLVED, That Troy City Council hereby **ACCEPTS** a permanent easement for franchise and municipal public utilities from Glen Arbor Building, LLC, owner of the property having Sidwell #88-20-11-201-001.

BE IT FINALLY RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** the Quit Claim Deed and permanent easement with Oakland County Register of Deeds, copies of which shall be **ATTACHED** to the original Minutes of this meeting.

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**J-10 First Amendment to Conditional Rezoning Agreement Between City of Troy and MNK Troy 1, LLC, Located on the East Side of Rochester Road, South of Shallowdale, Sidwell #88-20-14-152-001 and #88-20-14-301-031**

Resolution #2024-01-022-J-10

WHEREAS, The City entered into a Conditional Rezoning Agreement with MNK Troy 1 LLC to conditionally rezone property to develop a maximum of 32 attached residential units located on the located East side of Rochester Road, South of Shallowdale, parcels 88-20-14-152-001 and 88-20-14-301-031, approximately 1.87 acres in area with current address of 4516 and 4396 Rochester Road; and,

WHEREAS, The development was conditionally offered with significant input from residential neighbors during the review process; and,

WHEREAS, The Conditional Rezoning Agreement is set to expire on February 2, 2024, but MNK Troy 1 LLC seeks to extend the Agreement for one year due to market conditions that were outside of developer's control; and,

WHEREAS, City Council has determined that MNK Troy 1 LLC has otherwise diligently pursued completion of the development project, which is required for an extension of the Conditional Rezoning Agreement;

NOW THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the request from MNK Troy 1 LLC to extend the Conditional Rezoning Agreement for one year.

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are hereby **AUTHORIZED TO EXECUTE** the First Amended Conditional Rezoning Agreement on behalf of the City; a copy shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FINALLY RESOLVED, That MNK Troy 1 LLC **IS REQUIRED** to immediately record the First Amended Conditional Rezoning Agreement with the Oakland County Register of Deeds, which shall be completed on or before February 15, 2024.

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**J-11 Stonecrest Planned Unit Development, Now Known As Anthology of Troy**

Resolution #2024-01-022-J-11

WHEREAS, The City entered into a Planned Unit Development Agreement with NP Troy, LLC to develop Stonecrest Assisted Living, now known as Anthology of Troy, along with the first phase of the Troy Trail and the Daisy Knight; and,

WHEREAS, 310 Investments, LLC (Purchaser) has signed a purchase agreement for the sale of the facility; and,

WHEREAS, As part of the sales transaction, Purchaser requests the City execute an estoppel certificate which confirms there are no outstanding obligations or default by either party, and this review is a City obligation set forth in the Planned Unit Development Agreement; and,

WHEREAS, The City is not aware of any outstanding obligations or default regarding the property;

NOW THEREFORE, BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the attached Estoppel Certificate on behalf of the City; and a copy shall be **ATTACHED** to the original Minutes of this meeting.

**K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

**K-1 Announcement of Public Hearings: None Submitted**

**K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time): None Submitted**

a) Amendments to Troy City Code – Chapter 93: Fire Prevention

**L. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES (continued):**

Aisa Sendijarevic	Requested that City Council pass a cease fire resolution in regards to the war in Gaza.
Krish Mathrani	Commented in opposition to City Council passing a cease fire resolution.
Nadia Bryant	Requested that City Council pass a cease fire resolution in regards to the war in Gaza.
Aamid Farhad	Requested that City Council pass a cease fire resolution in regards to the war in Gaza.
Aleem Ali	Requested that City Council amend the Rules of Procedure to allow City Council to pass a resolution regarding national and international issues.
Mustafa Chowdhury	Requested that City Council pass a cease fire resolution in regards to the war in Gaza.
Alecia Billington	Requested that City Council pass a cease fire resolution in regards to the war in Gaza.
Ramika Shuttari	Requested that City Council pass a cease fire resolution in regards to the war in Gaza.
Hafsa Rahman	Requested that City Council pass a cease fire resolution in regards to the war in Gaza.
Harold Dallou	Commented on wanting more activities for senior citizens
Suraiya Essack	Requested that City Council pass a cease fire resolution in regards to the war in Gaza.
Saba Maroof	Requested that City Council pass a cease fire resolution in regards to the war in Gaza.
Mazhar Memon	Requested that City Council pass a cease fire resolution in regards to the war in Gaza.

Hanna Hasan	Requested that City Council pass a cease fire resolution in regards to the war in Gaza.
Qudsia Lone	Requested that City Council pass a cease fire resolution in regards to the war in Gaza.
Ridaa Khan	Requested that City Council pass a cease fire resolution in regards to the war in Gaza.
Barb Yagley	Commented on various topics
Reza Azadegan	Requested that City Council pass a cease fire resolution in regards to the war in Gaza.
Madison Westmoreland	Requested that City Council pass a cease fire resolution in regards to the war in Gaza.
Abdualrahman Hamad	Requested that City Council pass a cease fire resolution in regards to the war in Gaza.

**M. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:**

Mayor Baker	Replied that City Council Rules, and the policies of the City, do not allow City Council to advocate for national or international issues, or specifically to take positions in political or religious issues.
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**N. COUNCIL REFERRALS:**

**Items Advanced to the City Manager by the Mayor and City Council Members for Placement on the Agenda**

**N-1 No Council Referrals Submitted**

**O. REPORTS:**

**O-1 Minutes – Boards and Committees:**

- a) Downtown Development Authority-Final – October 18, 2023
  - b) Traffic Committee-Final – November 11, 2023
- Noted and Filed

**O-2 Department Reports:**

- a) Troy Public Library Annual Report
  - b) Fourth Quarter 2023 Litigation Report
- Noted and Filed

**O-3 Letters of Appreciation:**

- a) To Troy Public Library From Dennis G. Bonucchi
  - b) To City Manager Regarding Excellent Service Provided by Cindy Stewart
- Noted and Filed



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

**O-5 Notice of Hearing for the Gas Customers of DTE Gas Company - Case No. U-21291**  
Noted and Filed

**O-6 Notice of Hearing for the Gas Customers of DTE Gas Company – Case No. U-21439**  
Noted and Filed

**P. COUNCIL COMMENTS:**

**P-1 No Council Comments**

**Q. PUBLIC COMMENT FOR ITEMS ON OR NOT ON THE AGENDA FROM MEMBERS OF THE PUBLIC OUTSIDE OF TROY (NOT RESIDENTS OF TROY AND NOT FROM TROY BUSINESSES):**

Ruqaiya Ali	Requested that City Council pass a cease fire resolution in regards to the war in Gaza.
Shawn Marko	Requested that City Council pass a cease fire resolution in regards to the war in Gaza.
Lindsay Pico	Requested that City Council pass a cease fire resolution in regards to the war in Gaza.
Eva Petkov	Requested that City Council pass a cease fire resolution in regards to the war in Gaza.

The Meeting **RECESSED** at 11:50 PM.  
The Meeting **RECONVENED** at 11:59 PM.

**R. CLOSED SESSION**

**R-1 Closed Session**

**S. ADJOURNMENT:**

The Meeting **ADJOURNED** at 12:12 AM.

\_\_\_\_\_  
Mayor Ethan Baker

\_\_\_\_\_  
M. Aileen Dickson, MMC, MiPMC II  
City Clerk

**SERVICE COMMENDATION  
DEPUTY FIRE CHIEF PAUL FIRTH**

**WHEREAS**, On December 21, 1987, **Paul Firth** began his volunteer service with the Troy Fire Department at Station 1. He was selected as Station One Member of the Year in 2008. He served as a volunteer in Troy until December 31, 2012. **Paul** was hired by the Troy Fire Department on August 13, 2001 as a Fire Staff Lieutenant. He was promoted to Assistant Fire Chief and Fire Marshal on February 6, 2021. His title was changed to Deputy Chief on July 1, 2022; and

**WHEREAS**, For many years, **Paul** was the Fire Department Training Officer and facilitated the Firefighter Academy. Once joining the staff **Paul** also joined the Oakland County Hazardous Materials Response Team where he became an invaluable member and eventually a Team Leader. Because of **Paul's** expertise in hazardous materials, he then transitioned from training to the Department Hazardous Materials Inspector, where he worked with businesses on a daily basis; and

**WHEREAS**, **Paul** has received numerous commendations during his career in Troy. He received two Unit Commendations, in 2008 for meeting 100% of the Fire Department's training objectives for two consecutive years, and in 2012 for his role in an extrication incident to stabilize and lift a vehicle to free a victim on Coolidge & one on E. Wattles. **Paul** received four Merit Service Awards, in 2009 for dedication and commitment to FD goals of professionalism, humility, honor, and integrity; in 2011 for work at the Sunnymeade Apartments structure fire; in 2013 for the 2<sup>nd</sup> alarm structure fire on Park street; and in 2014 for the Canterbury Square structure fire; and

**WHEREAS**, **Paul** received two Departmental Unit Citations in 2021 for his role in a structure fire involving a 67,000+ square foot industrial building, and a fire involving a 14,000-gallon fuel hauler on NB I-75 south of Big Beaver; and two in 2017 helping to control a multi-residential structure fire at Northfield Hills Condominiums and a single-family residential structure fire on Hylane; and

**WHEREAS**, **Paul** retired from the City of Troy on January 5, 2024 and will now enjoy more time with his wife **Lisa**, daughter **Alyssa**, sons **Mike and Dave**, and daughter-in-law **Chelsea**, as well as traveling, fly fishing, and enjoying the opportunities provided by a planned retirement;

**NOW, THEREFORE, BE IT KNOWN**, That the Mayor and City Council of the City of Troy take this opportunity to express their appreciation to **Deputy Fire Chief Paul Firth** for his professionalism and his many contributions to the Troy Fire Department for the betterment of the community; and

**BE IT FURTHER KNOWN**, That the Mayor and City Council of the City of Troy, City Management, and the citizens of the City of Troy, extend wishes of prosperity, good health and happiness to **Paul** during his well-deserved retirement years.

**Presented this 19<sup>th</sup> day of February 2024**

**SERVICE COMMENDATION  
WATER & SEWER OPERATIONS MANAGER  
PAUL TROSPER**

**WHEREAS, Paul Trospers** grew up in Pontiac, Michigan and graduated from Pontiac Northern High School. He served in the United States Army from 1978 to 1984 in the Corps of Engineers as a Heavy Equipment Operator. He was stationed at Ft. Carson, Colorado; Kitzingen, Germany; and Ft. Benning, Georgia; and

**WHEREAS, Paul** began his career with the City of Troy on January 26, 1987 as an Equipment Operator I in the Water Division. He was promoted on October 24, 1994 to Equipment Operator II in the Water Division; and

**WHEREAS, Paul** was promoted to Superintendent of Water & Sewer on May 9, 2015. On July 1, 2016, Paul's title was changed to Water & Sewer Operations Manager. During his career with the City of Troy, Paul participated in the Troy Safety Committee to promote a safe work environment. He also received multiple Safety Awards from the Safety Committee for safe work performance and received recognition from the City Manager's Office for a positive attitude and being an inspiration to his colleagues; and

**WHEREAS,** In 2005, when **Paul** was the coach for the Troy Tapping Team, they took 5<sup>th</sup> place at nationals in San Francisco, and in 2006 took 5<sup>th</sup> place at nationals in San Antonio. When he started at the City of Troy, Big Beaver, Crooks, Livernois, and Long Lake were all two-lane roads. Working with an exceptional and dedicated team, being part of the growth this City has experienced, and helping to build this City are what **Paul** is most proud of; and

**WHEREAS, Paul** retired from the City of Troy on January 19, 2024 after 36 years of dedicated service, many commendation letters in his employee file, and the utmost respect from the Troy employees, City Council, residents, and the Troy business community; and

**WHEREAS, Paul** will now enjoy more time with his wife **Tina**, son **Arron**, daughter **Elaina**, son-in-law **Jordan**, and granddaughters **Ellie and Hollie**. In retirement, **Paul** has not made definitive plans but he wants to continue to be involved in off road motorcycling, a hobby he has been doing for most of his life. **Paul** doesn't race anymore, but he still promotes and organizes races, and non-competitive events;

**NOW, THEREFORE, BE IT KNOWN,** That the Mayor and City Council of the City of Troy take this opportunity to express their appreciation to **City of Troy Water & Sewer Operations Manager Paul Trospers** for his professionalism and many contributions to the City of Troy for the betterment of the community; and

**BE IT FURTHER KNOWN,** That the Mayor and City Council of the City of Troy, City Management, and the citizens of the City of Troy, extends wishes of prosperity, good health and happiness to **Paul** during his well-deserved retirement years.

**Presented the 19<sup>th</sup> day of February 2024.**



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

J-04a

## CITY COUNCIL AGENDA ITEM



Date: January 30, 2024

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Deputy City Manager  
Megan E Schubert, Assistant City Manager  
Dee Ann Irby, Controller  
Kurt Bovensiep, Public Works Director  
Brian Varney, Fleet Operations Manager  
Emily Frontera, Purchasing Manager

Subject: Standard Purchasing Resolution 4 – Cooperative Contract Award – MITN Purchasing Cooperative – Gasoline and Diesel Fuel

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### History

- The City of Troy purchases approximately 120,000 gallons of gasoline and 129,000 gallons of diesel fuel annually to power the City's fleet of vehicles and equipment.
- For more than a decade, the *City of Sterling Heights* has been the lead agency for the Michigan Intergovernmental Trade network (MITN) cooperative purchase of Truck Transport and Tank Wagon Deliveries of Unleaded Gasoline and Diesel Fuel for 20 governmental entities participating in the fuel purchasing cooperative in the Macomb, Oakland, and Wayne County region.
- Through this cooperative bid, approximately 3,000,000 gallons of gasoline and 1,300,000 gallons of diesel fuel are purchased annually.
- Current pricing was effective February 1, 2020 for 2 years and extended for another 2 years in 2022, and expires February 1, 2024.
- The bid is structured so MITN members pay for fuel based on the per gallon wholesale rack average as published daily by the Oil Price Information Service (OPIS) for the Detroit market, plus a delivery fee (bid factor) per gallon.
- Additional per gallon fees apply for a premium diesel additive and for a diesel winter additive typically requested November through March.
- Gasoline and diesel fuel are purchased and delivered by truck transport for quantities of fuel greater than 5,000 gallons, and by tank wagon for quantities less the 5,000 gallons.
- Bid award is based on the lowest factor quoted per type of fuel delivery plus the OPIS daily average for Detroit, Michigan.

### Purchasing

- Bid specifications and cooperative member usage data were updated, and on November 13, 2023, nine (9) vendors responded with bids in response to ITB-SH23-052 Truck Transport and Tank Wagon Deliveries of Unleaded Gasoline and Diesel Fuel.
- Upon receipt and review of all bids, recommendation is being made to split the award of the bid among three bidders.



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

## CITY COUNCIL AGENDA ITEM

### Purchasing (continued)

- On Wednesday, January 3, 2024, the City of Sterling Heights City Council awarded the bid to the two overall lowest bidders for truck transport deliveries (> 5,000 gal.) and the two overall lowest bidders for tank wagon deliveries (< 5,000 gal) as follows:

#### Truck Transport Deliveries:

- |                               |             |
|-------------------------------|-------------|
| 1. RKA Petroleum Companies    | Romulus, MI |
| 2. Marathon Flint Oil Company | Flint, MI   |

#### Tank Wagon Deliveries:

- |                            |             |
|----------------------------|-------------|
| 1. RKA Petroleum Companies | Romulus, MI |
| 2. Gen Oil Company         | Clawson, MI |

- RKA Petroleum is a current vendor of the cooperative and has received numerous bid awards over the years. Marathon Flint Oil and Gen Oil Company have not worked with the cooperative however references were positive and attested to high quality services and fuel.
- By splitting the bid award amongst multiple vendors for both truck transport deliveries and tank wagon deliveries, all cooperative members are able to select the vendor that best meets their need for the lowest pricing and delivery timeline.
- New bid pricing is effective February 1, 2024 and expires February 1, 2026, and is extendable for an additional 2 years, to February 1, 2028, upon mutual consent. Sterling Heights Purchasing will reach out to the cooperative members before it is decided on a mutual extension with any of the awarded fuel suppliers.

### Financial

- It is estimated that the City will purchase approximately 120,000 gallons of unleaded gasoline and 129,000 gallons of diesel fuel. Gasoline and diesel fuel is purchased *on an as needed basis*.
- Funds are budgeted and available annually in the Fuel Account #661.571.550.751.

### Recommendation

City Management recommends to split the award of the bid for truck transport and tank wagon deliveries of unleaded gasoline and diesel fuel to the following vendors in accordance with all bid specifications for a two-year period, with the option to extend the terms and conditions an additional two years upon mutual consent; contracts expiring February 1, 2028.

#### Truck Transport Deliveries:

- |                               |             |
|-------------------------------|-------------|
| 1. RKA Petroleum Companies    | Romulus, MI |
| 2. Marathon Flint Oil Company | Flint, MI   |

#### Tank Wagon Deliveries:

- |                            |             |
|----------------------------|-------------|
| 1. RKA Petroleum Companies | Romulus, MI |
| 2. Gen Oil Company         | Clawson, MI |

**CITY OF STERLING HEIGHTS  
ITB-SH23-052: TRUCK TRANSPORT AND TANK WAGON  
DELIVERIES OF UNLEADED GASOLINE AND DIESEL FUEL**

**BID TABULATION - TRUCK TRANSPORT  
NOVEMBER 13, 2023**

Commodity	Estimated Gallons	OPIS Avg	Colonial Oil Industries			OPIS Avg	Corrigan Oil Comp			OPIS Avg	Gen Oil			OPIS Avg	Mansfield Oil Company						
			Add/gal	+/- Factor	Price/gal		Ext Total	Add/gal	+/- Factor		Price/gal	Ext Total	Add/gal		+/- Factor	Price/gal	Ext Total	Add/gal	+/- Factor	Price/gal	Ext Total
Unleaded 87	2,379,381	2.2125	-0.0382		\$2.1743	\$5,173,488.11	2.2125	-0.02		\$2.1915	\$5,214,413.46	2.2125	-0.01		\$2.2025	\$5,240,586.65	2.2125	-0.0065		\$2.2060	\$5,248,914.49
Unleaded Mid-Grade 89	0	2.5926	-0.0572		\$2.5354	0.00	2.5926	-0.02		\$2.5716	\$0.00	2.5926	-0.01		\$2.5826	\$0.00	2.5926	-0.0567		\$2.5359	\$0.00
ULS Premium Diesel #2	259,307	3.0136	-0.0211		\$2.9925	775,976.20	3.0136	0.03		\$3.0436	\$789,226.79	3.0136	-0.02		\$2.9941	\$776,391.09	3.0136	0.0227		\$3.0363	\$787,333.84
ULS Diesel #2	581,808	2.9150	0.035	-0.0411	\$2.8739	1,672,058.01	2.9150	0.01	-0.02	\$2.8940	1,683,752.35	2.9150	0.0199	-0.01	\$2.9041	1,689,628.61	2.9150	0.03	-0.0223	\$2.8927	1,682,996.00
<b>Totals</b>						<b>\$7,621,522.32</b>					<b>\$7,687,392.60</b>					<b>\$7,706,606.35</b>					<b>\$7,719,244.33</b>
Winter Additive Typically November - March Short load charge - (5,000-8,000 gals) Volume/Gallons, SE MI Split order charge ## Fuel Cost Recovery Surcharge Delivery Time Source of Supply			\$0.03 / gal November-March \$150 4.5 million \$85.00 24 hours Detroit Buckeye Terminal			\$0.01 / gal November-March \$150 for less than 8,000 gal did not disclose N/A 24 - 48 hours Marathon, BP, Mobil			0.0199 As Requested \$50.00 30,000,000.+ \$50.00 24 hours			\$0.03 / gal November-March \$250 20 million \$50.00 24 hours									

Commodity	Estimated Gallons	OPIS Avg	Marathon Flint Oil			OPIS Avg	Petroleum Traders Corp			OPIS Avg	Ports Petroleum Co			OPIS Avg	RKA Petroleum Co						
			Add/gal	+/- Factor	Price/gal		Ext Total	Add/gal	+/- Factor		Price/gal	Ext Total	Add/gal		+/- Factor	Price/gal	Ext Total	Add/gal	+/- Factor	Price/gal	Ext Total
Unleaded 87	2,379,381	2.2125	-0.048		\$2.1645	\$5,150,170.17	2.2125	-0.0151		\$2.1974	\$5,228,451.81	2.2125	-0.0109		\$2.2016	\$5,238,445.21	2.2125	-0.0520		\$2.1605	\$5,140,652.65
Unleaded Mid-Grade 89	0	2.5926	-0.048		\$2.5446	0.00	2.5926			N/B		2.5926			N/B		2.5926			N/A	
ULS Premium Diesel #2	259,307	3.0136	0.022	-0.031	\$2.9826	773,409.06	3.0136	-0.0018		\$3.0118	\$780,980.82	3.0136	-0.0133		\$3.0003	\$777,998.79	3.0136	-0.0529		\$2.9607	\$767,730.23
ULS Diesel #2	581,808	2.9150	-0.031		\$2.8840	1,677,934.27	2.9150	0.0200	-0.0127	\$2.9023	1,688,581.36	2.9150	0.0450	-0.0133	\$2.9017	1,688,232.27	2.9150	0.0285	-0.0529	\$2.8621	1,665,192.68
<b>Totals</b>						<b>\$7,601,513.50</b>					<b>\$7,698,013.99</b>					<b>\$7,704,676.28</b>					<b>\$7,573,575.56</b>
Winter Additive Typically November - March Short load charge - (5,000-8,000 gals) Volume/Gallons, SE MI Split order charge ## Fuel Cost Recovery Surcharge Delivery Time			0.022 November-March \$50 100,000,000 None if same property/\$50. if separate 4-6 hours			\$0.02 / gal November-March \$200 6 million gallons \$75 24 - 48 hours			\$0.045 / gal November-March \$125 18,500,000 \$65 24 hours			\$0.0285 / gal November-March \$50 100,000,000 \$50 24 - 48 hours									

Commodity	Estimated Gallons	OPIS Avg	Sunoco			
			Add/gal	+/- Factor	Price/gal	Ext Total
Unleaded 87	2,379,381	2.2125	-0.0037		\$2.2088	\$5,255,576.75
Unleaded Mid-Grade 90	0	2.5926	-0.0037		\$2.5889	\$0.00
ULS Premium Diesel #2	259,307	3.0136	-0.0037		\$3.0099	780,488.14
ULS Diesel #2**	581,808	2.9150	0.25	-0.0037	\$2.9113	1,693,817.63
<b>Totals</b>						<b>\$7,729,882.52</b>
Winter Additive Typically November - March Short load charge - Less than 5,000 Gal Volume/Gallons, SE MI Split order charge ## Fuel Cost Recovery Surcharge Delivery Time			\$0.025 \$75. between 5,000 and 8,000 5,387,001 N/A 24 hours			

Corrected by Purchasing

OPIS Detroit Michigan Rack Average on 11/26/19 10:00 AM Report used as pricing benchmark.  
For all bid pricing above, add to price / gal \$0.001/gal for the Federal Leaking Underground Storage Tank Fee and \$0.01/gal for the Michigan Underground Storage Tank Fee. Mandatory Federal and State fees subject to change  
# Used wrong bid form.

\*\* Use OPIS USL Diesel #2 rack average price on 10/27/23 (10 AM) and list cost per gallon of additive for Premium blend.

**CITY OF STERLING HEIGHTS  
ITB-SH23-052: TRUCK TRANSPORT AND TANK WAGON  
DELIVERIES OF UNLEADED GASOLINE AND DIESEL FUEL**

**BID TABULATION - TANK WAGON  
NOVEMBER 13, 2023**

Commodity	Estimated Gallons	OPIS Avg	Colonial Oil Industries				OPIS Avg	Corrigan Oil Comp				OPIS Avg	Gen Oil				OPIS Avg	Mansfield Oil Company				
			Add/gal	+/- Factor	Price/gal	Ext Total		Add/gal	+/- Factor	Price/gal	Ext Total		Add/gal	+/- Factor	Price/gal	Ext Total		Add/gal	+/- Factor	Price/gal	Ext Total	
Unleaded 87	782,829	2.2125	0.4377		\$2.6502	\$2,074,653.42	2.2125	0.1195		\$2.3320	\$1,825,557.23	2.2125	0.0995		\$2.3120	\$1,809,900.65		N/B				
Unleaded Mid-Grade 90	65,000	2.5926	0.4209		\$3.0135	195,877.50	2.5926	0.1195		\$2.7121	\$176,286.50	2.5926	0.0995		\$2.6921	\$174,986.50		N/B				
ULS Premium Diesel #2	371,819	3.0136	0.4184		\$3.4320	1,276,082.81	3.0136	0.1695		\$3.1831	\$1,183,537.06	3.0136	0.0895		\$3.1031	\$1,153,791.54		N/B				
ULS Diesel #2**	67,717	2.9150	0.04	0.4094	\$3.3244	225,118.39	2.9150	0.03	0.1195	\$3.0345	\$205,487.24	2.9150	0.0199	0.0925	\$3.0075	\$203,658.88		N/B				
ULS Diesel #2 Dyed	41,319	\$2.9393	0.0446		\$2.9839	123,293.42	\$2.9393		0.1195	\$3.0588	\$126,386.56	\$2.9393		0.0925	\$3.0318	\$125,270.94		N/B				
<b>Totals</b>						<b>\$3,895,025.54</b>					<b>\$3,517,254.58</b>					<b>\$3,467,608.51</b>						
Winter Additive Typically November - March Short load charge - Less than 5,000 Gal Tank Wagon min delivery quantity Volume/Gallons, SE MI Split order charge ## Fuel Cost Recovery Surcharge Delivery Time			\$0.03 / gal November-March N/A 150 gallons 4.5 million N/A					\$0.03 / gal November-March N/A \$150 for less than 150 gallons not disclosed None if at same location property corrigan oil bid 89 not 90 octane 24 - 48 hours					0.0199 as requested None 30,000,000.+ \$50.00 24 hours									

Commodity	Estimated Gallons	OPIS Avg	Marathon Flint				OPIS Avg	Petroleum Traders				OPIS Avg	Ports Petroleum Co				OPIS Avg	RKA Petroleum Co				
			Add/gal	+/- Factor	Price/gal	Ext Total		Add/gal	+/- Factor	Price/gal	Ext Total		Add/gal	+/- Factor	Price/gal	Ext Total		Add/gal	+/- Factor	Price/gal	Ext Total	
Unleaded 87	782,829	2.2125		0.14	\$2.3525	\$1,841,605.22											2.2125	0.0780	\$2.2905	\$1,793,069.82		
Unleaded Mid-Grade 90	65,000	2.5926		0.14	\$2.7326	177,619.00											2.5926	0.0780	\$2.6706	\$173,589.00		
ULS Premium Diesel #2	371,819	3.0136	0.0220	0.14	\$3.1536	1,172,568.40											3.0136	0.0771	\$3.0907	\$1,149,180.98		
ULS Diesel #2**	67,717	2.9150		0.14	\$3.0550	206,875.44											2.9150	0.0285	0.0771	\$2.9921	\$202,616.04	
ULS Diesel #2 Dyed	41,319	\$2.9393		0.14	\$3.0793	127,233.60											\$2.9393	0.1021	\$3.0414	\$125,667.61		
<b>Totals</b>						<b>\$3,525,901.65</b>														<b>\$3,444,123.45</b>		
Winter Additive Typically November - March Short load charge - Less than 5,000 Gal Volume/Gallons, SE MI Split order charge ## Fuel Cost Recovery Surcharge Delivery Time			0.022 November-March \$150 for less than 150 100,000,000 None if same property/\$50. if separate 4-6 hours															0.0285 November-March N/A \$100,000,000 \$50.00 24 - 48 hours				

Commodity	Estimated Gallons	OPIS Avg	Sunoco			
			Add/gal	+/- Factor	Price/gal	Ext Total
Unleaded 87	782,829	2.2125	0.5000		\$2.7125	\$2,123,423.66
Unleaded Mid-Grade 90	65,000	2.5926	0.5000		\$3.0926	201,019.00
ULS Premium Diesel #2	371,819	3.0136	0.5000		\$3.5136	1,306,423.24
ULS Diesel #2**	67,717	2.9150	0.025	0.5000	\$3.4150	231,253.56
ULS Diesel #2 Dyed	41,319	\$2.9393		0.5000	\$3.4393	142,108.44
<b>Totals</b>						<b>\$4,004,227.89</b>
Winter Additive Typically November - March Short load charge - Less than 5,000 Gal Volume/Gallons, SE MI Split order charge ## Fuel Cost Recovery Surcharge Delivery Time			0.025 November-March 500 Minimum with \$100. fee under 5,000 gal 5,387,001 N/A 24 hours			

Corrected by Purchasing



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

## CITY COUNCIL AGENDA ITEM



Date: January 30, 2024

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Deputy City Manager  
Megan E. Schubert, Assistant City Manager  
Rob Maleszyk, Chief Financial Officer  
Dee Ann Irby, Controller  
Kurt Bovensiep, Public Works Director  
Dennis Trantham, Deputy Public Works Director  
Emily Frontera, Purchasing Manager

Subject: Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Sylvan Glen Lake Park Improvements Phase II – Design and Engineering Services

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### **History**

Sylvan Glen Lake Park is one of the City of Troy's current 10 neighborhood parks. The park is a total of 40 acres, which is the largest of the neighborhood parks. Amenities currently include a 16-acre lake that invites shore fishing and the second phase of the Troy Trail, inviting bikers, walkers, and runners to enjoy an opportunity to escape from suburban Troy and enjoy a wilderness setting. Although the park is currently classified as a neighborhood park it is likely to be reclassified as a community park with the expansion of amenities, which attract patrons from further distances becoming a destination point.

The 2020-2024 Parks and Recreation Master Plan specifically recommends the City of Troy concentrate its park development efforts at Sylvan Glen Lake Park as indicated on page 96 and 97 of the Parks and Recreation Master Plan and is further substantiated by the Green Space Subcommittee Report by recommending the park be developed into a premier park with various amenities.

When considering the future development of Sylvan Glen Lake Park, it was recognized that there needed to be a phased approach. In October of 2021, the City of Troy engaged OHM to develop a master plan to guide the future development of the park. It was quickly recognized that the first improvements made to the park should support the future recreational amenity opportunities. This first phase of park development included a paved parking lot, restroom facility, and necessary infrastructure for future development. Additionally, the proposed improvements would also support the current amenities including the Troy Trail and other passive recreational opportunities. At the meeting of the Troy City Council held on April 11, 2022, Troy City Council approved a contract for the construction of the first phase of projects (Resolution #2022-04-053). Construction was complete in July of 2023.





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Troy, MI 48084  
troymi.gov

## **CITY COUNCIL AGENDA ITEM**

When the Community Project Fund Grant became available, the City of Troy recognized the opportunity to further its efforts in improving recreational opportunities at the park by creating an environment that can engage people of all demographics.

Thanks to the efforts of Representative Haley Stevens, the City of Troy was awarded a \$1,500,000 Community and Regional Development Grant from the Department of Housing and Urban Development.

OHM Advisors of Livonia, MI, one of the City's professional service engineering firms, continues to be a great partner with the City of Troy and has worked on several park projects including the current design of the Sylvan Glen Lake Park, Jeanne M Stine Community Park Development, as well as the Civic Center Pavilion and Ice-Skating Amenity at the Jeanne M. Stine Community Park.

### **Purchasing**

The current contract for engineering and design services with OHM Advisors was renewed by City Council on May 23, 2022 (Resolution #2022-05-071-J-4b). Under the current contract pricing, OHM proposes a fee for Design and Engineering Services of \$159,000.

### **Financial**

Funds are budgeted and available in the Park Development Capital Fund under project number 2024CG0002 for the 2024 fiscal year. Expenditures will be charged to account number 401.770.771.974.075.

### **Recommendation**

City Management recommends granting the authority to expend budgeted capital funds to *OHM Advisors of Livonia, MI* for Sylvan Glen Lake Park Improvements Phase II Design and Engineering Services for a total estimated cost of \$159,000; not to exceed budgetary limitations.

ARCHITECTS. ENGINEERS. PLANNERS.



January 18, 2024

Mr. Kurt Bovensiep  
City of Troy  
Public Works Director  
4693 Rochester Rd.  
Troy, MI 48085

RE: Proposal for Professional Design Services  
Sylvan Glen Lake Park Improvements Phase II Design and Engineering Services

Dear Mr. Bovensiep:

Thank you for the opportunity to submit this proposal for the professional design and engineering services for the second phase of improvements to Sylvan Glen Lake Park. This letter presents our understanding of the project and proposed scope of services, time schedule, and fee.

### **PROJECT UNDERSTANDING**

Through our initial discussions we have developed the following understanding of the project:

#### **Project Overview**

Following Phase 1 improvements to Sylvan Glen Lake Park, the City of Troy desires to continue into a second phase of improvements, including a Playscape and Pavilion. OHM Advisors understands the City has received funding of \$1.5 Million from the Federal Department of Housing and Urban Development (HUD). Improvements will be focused to the east of the newly constructed parking lot and restroom structure. Specific components are as follows:

##### *Site Preparation*

The site is generally well situated to receive the improvements. The parking lot will remain as is and preparation for improvements may require removal of some trees. The remainder of the site area is generally flat with turf grass and minimal site preparation is anticipated.

##### *Playscape*

A new play area will be the primary focus of the project. The design will seek to incorporate nature as a thematic element and integrate the landscape into the design through creative earth mounding and shaping. Play surfacing will be synthetic turf and will not utilize rubber surfacing. The design of the play structure will seek to be unique, playful, and accessible to a wide variety of ages and abilities. The unique experience will incorporate site specific features with standard and readily available playscape equipment.

##### *Pavilion*

A simple pre-engineered manufactured pavilion structure with materials to match and complement the existing building on-site is part of the original masterplan.

OHM Advisors understands that the City desires to complete design documentation in time to bid the project in Fall 2024 for Spring 2025 construction. Lead time of materials, especially play equipment, may affect the completion of construction.



## SCOPE OF SERVICES

With this understanding, our proposed scope of services for this project are as follows:

### Task 1: Schematic Design

- Project Management
  - Project Kick-off meeting by design team – Review project scope, schedule, and budget.
  - Schedule and facilitate progress meetings as required (Assuming 3 client meetings at this phase).
- Site Assessment and Inventory
  - Topographic Survey - Topographic survey for area receiving new work; will utilize existing survey and validate as-built features of phase 1 construction. (approx. 2.6 acres).
  - Site Analysis – OHM Advisors will review the survey and on-site observations to generate an analysis of the site's conditions. This will be reviewed with the City.
- Design Advancement
  - Prepare a presentation of precedent imagery and design approaches for the play area and review with the client to determine a preliminary understanding of park programming, elements, and aesthetic.
  - Develop up to two design schemes of site improvements. City comments will be documented and utilized to refine the design.
  - The design will be refined to a single chosen concept and reviewed with the City. Comments will be documented, and the design will be refined to a final schematic design.
- Schematic Documentation
  - Develop a schematic design (SD) drawing package illustrating the refined site design. Package will include rendered site plan, basis of design site amenities and furnishings and precedent imagery that convey the look and feel of the design. Items not illustrated in drawings will be captured in narrative format. The SD package will be provided to City for review. OHM will receive comments and finalize drawing package accordingly.
  - Develop an opinion of construction cost.

#### *Deliverables:*

- *Survey in PDF and CAD format*
- *Up to Two Site Design Concepts*
- *Schematic Design Drawings and Narrative*
- *Opinion of Construction Cost*

### Task 2: Design Development

- Project Management
  - Schedule and facilitate progress meetings as required (Assuming 3 client meetings at this phase).
  - Monitor progress to maintain project schedule.
- Design Advancement
  - With the schematic site design approved, OHM Advisors will develop the detailed components of the design, including but not limited to play structure components, structure color and materials, site furnishings, site amenities, signage and initial site utilities and grading approach.
  - Pavilion to be delegated design, with design team providing general aesthetics and specifications only.
  - OHM will further develop the site design to incorporate grading and utilities.
- Design Development Documentation
  - Prepare a design development drawing set. It is anticipated drawings will include the following:
    - General Notes
    - Existing Conditions Plan
    - Removals and Soil Erosion and Sedimentation Control Plan
    - Site Materials and Layout Plan
    - Site Grading Plan
    - Site Utilities Plan
    - Site Furnishings Plan
    - Site Details



- Landscape Plan and Details
- Pavilion structure Plan and Elevations.
- OHM Advisors will update the opinion of construction cost.

*Deliverables:*

- *Design Development Drawings*
- *Basis of Design Product Information*
- *Opinion of Construction Cost*

**Task 3: Construction Documents**

- Project Management
  - Schedule and facilitate progress meetings (up to one this phase)
  - Coordinate with playground supplier/designer to finalize construction documents.
  - Monitor progress to maintain project schedule.
  - Schedule and conduct 90% complete page turn of construction documents.
- Construction Documentation
  - Develop final construction drawings package.
  - Develop project manual, to include technical specifications.
  - Provide owner with draft final construction drawings and technical specifications for review. Refine package from comments received and from any permitting agencies.
- Permitting
  - OHM will support the owner in acquiring the necessary permits and preparing the required documents. It is anticipated that permits will not be required from any parties other than the City of Troy.

*Deliverables:*

- *Construction Documents at Draft and Final completion levels*
- *Technical Specifications*

**Phase 4 – Bidding Phase Services**

During the bidding phase, OHM will provide assistance to the City bidding the project. Specific work efforts include:

- Assist in developing front end documents, including procurement, contracting and general requirements. OHM will coordinate with City of Troy Purchasing to finalize documents.
- Assist in pre-bid meeting and issue pre-construction addenda to clarify the design, as needed.
- Respond to Request for Information (RFIs) in writing during the bidding process.
- Attendance of post bid contractor interviews if needed.

*Deliverables:*

- *Attendance of Pre-Bid Meeting*
- *Issuance of RFI Responses and Addenda*



**COMPENSATION**

OHM Advisors will perform the outlined services above based on hourly basis, in accordance with our current contract with the City. The following are the estimated costs for the project:

Phase	Fee	Schedule
Task 1 – Schematic Design	\$46,000	Eight Weeks
Phase 2 – Design Development	\$50,000	Ten Weeks*
Phase 3 – Construction Documents	\$56,000	Eight Weeks
Phase 4 – Bidding	\$7,000	Four to Six Weeks
<b>TOTAL</b>	<b>\$159,000</b>	

\* Design Development estimated schedule can be impacted by playscape manufacturer response time, this could influence final delivery schedule.

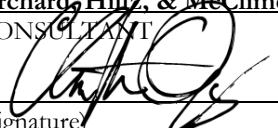
**ACCEPTANCE**

Work will be done in accordance with the terms and conditions of the Continuing Services Agreement between OHM and the City. If this proposal is acceptable to you, please provide signature below or e-mail confirming us to proceed on the project.

Thank you for giving us the opportunity to be of service. We look forward to working with you on this project.

Orchard, Hiltz, & McCliment, Inc.  
 CONSULTANT

City of Troy  
 OWNER

  
 \_\_\_\_\_  
 (Signature)

\_\_\_\_\_  
 (Signature)

Christopher Ozog, AIA  
 \_\_\_\_\_  
 (Name)

\_\_\_\_\_  
 (Name)

Senior Project Manager  
 \_\_\_\_\_  
 (Title)

\_\_\_\_\_  
 (Title)

January 18, 2024  
 \_\_\_\_\_  
 (Date)

\_\_\_\_\_  
 (Date)

Cc: Rhett Gronevelt, Principal, OHM Advisors



## CITY COUNCIL AGENDA ITEM



Date: January 31, 2024

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Deputy City Manager  
Megan E. Schubert, Assistant City Manager  
Rob Maleszyk, Chief Financial Officer  
Dee Ann Irby, Controller  
Emily Frontera, Purchasing Manager

Subject: Cooperative Purchasing Programs Resolution

### History

- June 5, 2017 City Council reviewed and recommended participation in the following Cooperative Purchasing Programs to satisfy bid requirements when in the best interest of the City. (Resolution #2017-06-092)
  - MiDEAL – State of Michigan
  - Oakland County Extended Purchasing Program
  - Suburban Library Cooperative
  - REMC – Regional Media Center Association of Michigan
  - Sourcewell (NJPA – National Joint Power Alliance)
  - MiCTA – Michigan Collegiate Telecommunications Association
  - OMNIA Partners (National IPA – National Intergovernmental Purchasing Alliance, and NIGP - US Communities)
- June 5, 2017 City Council also approved *Blanket Authorization(s)* to administratively approve purchases for operating supplies and services above the \$10,000 bid threshold obtained through an approved cooperative; except for those Capital (401 fund) purchases which shall be presented to Troy city council for review and approval. (Resolution #2017-06-093)
- Effective June 6, 2018 the National Joint Power Alliance (NJPA) is formally now known as Sourcewell. The NJPA Board of Directors voted to approve changing the organization's name to *Sourcewell*. Sourcewell will maintain and continue to recognize the NJPA name, agreements, contracts and agreements entered into with the National Joint Powers Alliance will remain valid and continue in effect without impact.
- August 27, 2018 City Council authorized and approved the continued use of the Sourcewell Purchasing Cooperative formerly known as National Joint Power Alliance Purchasing Program (NJPA). (Resolution #2018-08-12-J-4f)
- National IPA and NIGP – US Communities is now a part of OMNIA Partners.



## CITY COUNCIL AGENDA ITEM

### **Financial**

Funds are available in the various operating accounts citywide.

### **Recommendation**

City Administration recommends the continued participation in the Cooperative Purchasing Programs (listed below) to satisfy bid requirements when in the best interest of the City. In addition, City Administration requests *Blanket Authorization* for the 2023-2024 Fiscal Year to administratively approve purchases for *operating* supplies and services above the \$10,000.00 limit obtained through an approved Cooperative; EXCEPT for those Capital (401 Fund) purchases which shall be presented to Troy City Council for review and approval.

- MiDEAL – State of Michigan
- Oakland County Extended Purchasing Program
- Suburban Library Cooperative
- REMC – Regional Media Center Association of Michigan
- Sourcewell – *formerly* NJPA – National Joint Power Alliance
- MiCTA – Michigan Collegiate Telecommunications Association
- OMNIA Partners – *formerly* National IPA – National Intergovernmental Purchasing Alliance, and NIGP- US Communities



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

## CITY COUNCIL AGENDA ITEM



Date: January 29, 2024

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Deputy City Manager  
Megan E. Schubert, Assistant City Manager  
Dee Ann Irby, Controller  
Peter Hullinger, Fire Chief  
Emily Frontera, Purchasing Manager

Subject: Bid Waiver – **Fire Apparatus Repairs** - Sole Source Repairs

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### History

The Fire Department operates a large fleet of front-line emergency response apparatus which consists primarily of engines and ladder trucks with several specialty vehicles. These apparatuses are maintained and kept response ready 24/7.

On this past Thanksgiving night, 11/ 23/2023, there was a structure fire at a large apartment complex. Engine 4 was assigned to this call and responded to the incident. While navigating the complex and around several vehicles, it struck a barrier causing significant damage to the driver side of the truck. Due to the extensive damage, the truck was removed from service and reserve engine 7 was put in its place.

### Purchasing

Engine 4 is a Pierce apparatus that is a custom build that was purchased from Halt Fire, Inc of Wixom, MI who is the authorized sales and service center for Pierce fire apparatus in Michigan. Because of this and the many Pierce specific parts damaged, Halt Fire was contacted for the repair estimate which is \$32,024.90. A contingency of \$10,000.00 is being requested to cover any additionally discovered issues for a total estimated cost of \$42,024.90

### Financial

Funding is available in the Fire Department Operating Budgets for the 2024 fiscal year. Expenditures will be charged to Fire Halls, Contractual Services – Contractor-Equipment Maintenance Account #101.336.344.802.150 for the repairs to Engine 4 for the estimated cost of \$42,024.90.

### Recommendation

City Management recommends, in the best interest of the City, that the bid process be waived and a contract awarded to *Halt Fire, Inc of Wixom, MI* for the repairs to Engine 4 for a cost estimate of \$32,024.90 along with a \$10,000.00 contingency for unidentified repairs with a total not to exceed amount of \$42,024.90.



**Halt Fire, Inc.**  
 50168 W. Pontiac Trail  
 Wixom, MI 48393  
 License #F157282

Phone: (248) 669-0800  
 Fax: (248) 669-8120

Estimated By: Todd Lincoln

Date: 1/16/2024  
 Name: TROY FIRE DEPT.  
 Address:  
 City/State/Zip:  
 Phone:  
 Fax:  
 Purchase Order:  
 RO:  
 Contact:  
 Contact Phone:  
 Contact Fax:  
 Contact Email:

Year: Jul-16  
 Make: PIERCE  
 Model: ENGINE  
 Style:  
 VIN: 4P1BAAFF6HA016840  
 UNIT #: ENGINE 4  
 JOB #: 29518  
 Odometer: 10,293  
 Color: YELLOW

Description	Part #	Labor	Paint	QTY	-----Parts-----	Misc
REMOVE NECESSARY ITEMS FOR REPAIRS AND REFINISH		20				
REPAIR AND SECTION LEFT REAR BODY DAMAGE		42	18			\$987.19
REPLACE LOWER ALUMINUM RUB RAIL		1				\$664.02
REPLACE REFLECTOR LAMP		0.2				\$15.65
REPLACE LEFT REAR FENDER CROWN MOLDING		2				\$677.73
REPLACE FENDER CROWN WELTING		0.1				\$294.97
REPLACE FENDER LINER S.S.		4				\$909.83
REPLACE LEFT REAR BODY ROLL UP DOOR		3.5				\$4,840.67
REPAIR INTERIOR DIVIDER ALUMINUM AND WELD		17				
REPAIR COMPARTMENT FLOOR ALUMINUM		22				
REPLACE DECALS NEEDED ON ROLL DOOR AND REAR BODY		6				\$855.00
SHOP SUPPLIES AND FASTENERS/ HARDWARE						\$296.84
FREIGHT FOR PARTS WITH BE TBD....?						

-----Calculated Values-----

Hazardous Waste						\$10.00
Truck Cover		0.4				
Shop Supplies						
Paint Materials						

Estimate Notes:

WILL ATTEMPT TO REPAIR INTERIOR DIVIDER WALL AND INTERIOR FLOOR AS THEY ARE ALUMINUM

Summary	Hours	Rate	Total
Body Labor	118.2	\$165.00	\$19,503.00
Paint Labor	18	\$165.00	\$2,970.00
Mechanical		\$175.00	
Frame		\$175.00	
Parts	\$8,554.71		\$8,554.71
Misc.			\$997.19
		Sub-Total	\$32,024.90
State (Parts, Materials) @ 6.0%:		Sales Tax	\$0.00
		Total	\$32,024.90
		Deductible	\$0.00
		Grand Total	\$32,024.90

Terms & Conditions

Halt Fire, Inc. is not responsible for any air lines, electrical or valves that may be damaged during the blasting portion of your repair. Although we do not foresee any issues, if damage does occur we will promptly notify the customer with the cost to repair/replace damaged parts. If you would like these parts to be removed prior to blasting, there will be an additional labor charge not included in the original estimate.

The above is an estimate based on inspection & does not cover additional parts or labor which may be required after the work has been started. Occasionally worn or damaged parts are discovered which may not have been evident upon first inspection. Because of this, the above prices are not guaranteed. Quotations on parts and labor are current and subject to change.

**Signed By:** \_\_\_\_\_

**Date:** \_\_\_\_\_



500 West Big Beaver  
Troy, MI 48084  
troymi.gov



J-07

## CITY COUNCIL AGENDA ITEM

Date: January 25, 2024

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Deputy City Manager  
Megan E. Schubert, Assistant City Manager  
Robert Maleszyk, Chief Financial Officer  
Dee Anne Irby, Controller  
G. Scott Finlay, City Engineer  
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request to Approve Payment of a Relocation Claim, Rochester Road, Barclay to Trinway, Project #02.206.5 - Parcel #121 - Sidwell #88-20-10-427-043

---

### **History**

As part of the proposed Rochester Road Improvement Project, Barclay to Trinway, City Council previously authorized the purchase of the property at 5371 Rochester Road from Dorothy Elizabeth Clendening and Brooklyn Paige Clendening (Resolution #2023-08-122-J-10). The property is located on Rochester Road, south of Sylvanwood in the southeast  $\frac{1}{4}$  of Section 10.

One of the owners, Dorothy Clendening, has found replacement housing and staff have assisted her relocation. Her replacement housing meets decent, safe and sanitary requirements as required and allowed by Federal Regulations (49 CFR 24.404 (c)(ii)). In accordance with Federal and Michigan Regulations, owners displaced from their primary residence are eligible for actual reasonable moving expenses related to their moves. Ms. Dorothy Clendening opted for a self-move, thus is eligible for a fixed residential moving cost based on a schedule published in the Federal Register/Notices.

Staff has reviewed all receipts and quotes and determined that Dorothy Elizabeth Clendening has filed a relocation claim and is eligible for reimbursement of closing and moving costs in the amount of \$3,844.94.

### **Financial**

Eighty percent of the relocation claim will be reimbursed from Federal Funds. The City of Troy share is available in the 2024 Capital Projects Fund, Account #401.449.202.989.022065-Public Works Construction Rochester from Barclay to Trinway.

### **Recommendation**

Staff recommends that City Council approve payment of the relocation claim submitted by Dorothy Elizabeth Clendening in the amount of \$3,844.94 as dictated by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The Federal Regulatory Reference is 49 CFR Part 24.



Notes:  
#88-20-10-427-043  
Clending  
Purchase Agreement



# RELOCATION CLAIM

## RESIDENTIAL

*Information required by Act 31, P.A. 1970 as amended, and Act 277  
P.A. of 1972, to process payment.*

DISPLACEE'S NAME <b>DOROTHY ELIZABETH CLENDENING</b>	
ACQUIRED PROPERTY ADDRESS AND PHONE <b>5371 ROCHESTER ROAD TROY, MI 48085</b>	REPLACEMENT PROPERTY ADDRESS AND PHONE <b>[REDACTED]</b>

### CONTROLLING DATES

DATE OF MOVE <b>11/26/2023</b>	DATE OF FINAL PAYMENT <b>9/29/2023</b>	DATE OF ESTIMATED JUST COMPENSATION DEPOSIT
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#### MUST OCCUPY REPLACEMENT PROPERTY BY:

If Tenant, 12 months after date of move	DATE
If Secured Owner, 12 months after date of final payment	DATE <b>9/29/2024</b>
If Unsecured Owner, 12 months after date of estimated just compensation deposit	DATE

#### MUST FILE CLAIM FOR PAYMENT BY:

If Tenant, 18 months after date of move	DATE
If Owner, 18 months after date of move or final payment, whichever is later	DATE <b>3/29/2025</b>

### RELOCATION PAYMENTS

Replacement Housing Supplement	
Incidental Closing Costs	<b>\$2,569.94</b>
Increased Interest Differential	
Replacement Rental Supplement/Purchase Down Payment	
Moving Expenses	<b>\$1,275.00</b>
<b>AMOUNT DUE:</b>	<b>\$3,844.94</b>

MOVE VERIFIED BY AGENCY

I/WE AGREE PAYMENT WILL BE SENT TO

#### I/WE CERTIFY THAT:

1. All information submitted is true and correct.
2. I/We have purchased or rented and occupied, or will purchase or rent and occupy, a replacement dwelling which is decent, safe, and sanitary within the standards prescribed by the Michigan Department of Transportation/FHWA.
3. I/We have vacated or will vacate the state acquired property.
4. I/We have not submitted any other claim, or received reimbursement from any other source, for expenses itemized on this claim.
5. I/We agree if the amount of compensation is increased in an administrative settlement or condemnation action, the Housing Supplement shall be recalculated based upon the increased compensation award, and any overpayment in the Housing Supplement shall be deducted by the department from the final payment.
6. I/We are a legal resident of the United States.

DISPLACEE'S SIGNATURE <b>[Signature]</b>	DATE <b>10/27/23</b>	DISPLACEE'S SIGNATURE	DATE
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I/We certify that I/we have examined this claim and the substantiating documentation and have found it to conform to the applicable State and Federal laws and the operating procedures of the City of Troy.

RECOMMENDED BY: <b>Patricia A. Pettit</b>	DATE <b>1/25/24</b>	APPROVED BY: <b>[Signature]</b>	DATE <b>1-25-24</b>
AGENCY	JOB NO. <b>02.206.5</b>	PARCEL <b>121</b>	NAME <b>DOROTHY ELIZABETH CLENDENING</b>

**REPLACEMENT HOUSING SUPPLEMENT**

a) Listing price of comparable dwelling		c) Acquisition price of state acquired dwelling	
b) Sale price of replacement dwelling		d) Lower of "a" or "b" minus "c"	
			<b>AMOUNT DUE:</b>
			<b>- 0 -</b>

**INCIDENTAL CLOSING COSTS**

Administrative fee		Mortgage Application fee	
Appraisal fee		Mortgage Insurance*	
Assumption fee		Notary fee	
Certification fee		Overnight fee	
Closing and/or Escrow fee	300	Permits	
Credit Report		Processing fee	
Discount Points*		Recording fee	
Document Preparation fee		Survey fee	
Inspections	50 + 330	Tax Service fee	
Legal fee		Title Insurance fee**	
Loan Origination fee*		Underwriting fee	
Mobile Home Title Transfer fee**	90	Other	
Mobile Home Sales Tax **	1799.94	Other	
* Limited to balance of existing mortgage ** limited to listing price of highest comparable			
			<b>AMOUNT DUE:</b>
			<b>\$2,569.94</b>

**INCREASED INTEREST DIFFERENTIAL**

Current Mortgage Balance		New Mortgage Balance	
Current Mortgage Interest Rate		New Interest Rate	
Current Mortgage Payment		New Mortgage Term	
		Mortgage Points	
			<b>AMOUNT DUE:</b>
			<b>- 0 -</b>

**REPLACEMENT RENTAL SUPPLEMENT/PURCHASE DOWN PAYMENT**

	PER MONTH	X 42 MONTHS	
a) Comparable rent + utilities			d) Rental Supplement (lower of "a" or "b" minus "c")
b) Replacement rent + utilities			e) Purchase Down Payment (greater of "d" or \$7,200)
c) Actual/Economic rent + utilities OR 30% of monthly income			<b>AMOUNT DUE:</b>
			<b>- 0 -</b>

**SELF MOVE - FIXED COST**

# OF ROOMS	PAYMENT	# OF ROOMS OF PERSONAL PROPERTY	
1	\$750.00	<input checked="" type="checkbox"/> Living Room	<input type="checkbox"/> Pole Barn
2	\$1000.00	<input type="checkbox"/> Dining Room	<input type="checkbox"/> Shed
3	\$1,200.00	<input type="checkbox"/> Family Room	<input checked="" type="checkbox"/> Attic
4	\$1,350.00	<input checked="" type="checkbox"/> 5 Bedrooms	<input type="checkbox"/> Basement
5	\$1,500.00	<input checked="" type="checkbox"/> Kitchen	<input type="checkbox"/> Porch
6	\$1,650.00	<input checked="" type="checkbox"/> Laundry	<input type="checkbox"/> Garage
7	\$1,800.00	<input type="checkbox"/> Den or Office	<input type="checkbox"/> Other
8	\$1,950.00	<b>SITTING AREA</b>	
Each Add. Room	\$300.00	<b>50% OF \$2,550 TOTAL</b>	
			<b>AMOUNT DUE:</b>
			<b>\$1,275</b>

**SELF MOVE - ACTUAL COST (supported by receipts)**

Equipment cost		Hourly labor rate (capped at industry labor rate)	
Supply cost		<b>AMOUNT DUE:</b>	

**COMMERCIAL MOVE**

Moving company invoice	<b>AMOUNT DUE:</b>
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**STORAGE COSTS**

Monthly storage rate	X number of months (limited 12)	<b>AMOUNT DUE:</b>
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500 West Big Beaver  
Troy, MI 48084  
troymi.gov

J-08  
📎

## CITY COUNCIL AGENDA ITEM

Date: 02/05/2024

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager  
Megan E. Schubert, Assistant City Manager  
Peter E. Hullinger, Fire Chief  
Michael Koehler, Deputy Fire Chief

Subject: Fireworks Permit for Mon Jin Lau 2024

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The Fire Department has received a permit application from Mon Jin Lau, to conduct a public firework display to support the celebration of the Chinese New Year. The restaurant is requesting the Troy City Council grant a permit for a public firework display to occur on February 18, 2024 from 7:00PM to 10:00 PM. During this time, Consumer Grade Fireworks are planned to be discharged from the west side of the property which is located at 1515 East Maple Road, Troy, Mi. 48083. The site is large enough to accommodate the necessary distances for the display. Brandon Chin, will be the fireworks operator and responsible individual for the event.

### **Background**

Michigan law requires that before anyone can conduct a fireworks display, a permit must be obtained from the local unit of government. The law states that any person or group that would like to conduct a fireworks display must apply to the local unit of government for a permit. The law defines local unit of government as the council or commission of a city or village, or the township board of a township. Mon Jin Lau has submitted the necessary documentation (including proof of insurance), required for the permit.

### **Recommendation**

The Fire Department has reviewed the permit application and associated documents and recommends that City Council approves the fireworks permit for Mon Jin Lau.

### **Legal Review**

This item was submitted to the City Attorney for review pursuant to City Charter Section 3.17.



500 West Big Beaver Rd.  
Troy, MI 48084-5254  
www.troymi.gov/fire

Fireworks Permit Application  
Fire Prevention Division  
P: 248.524.3419

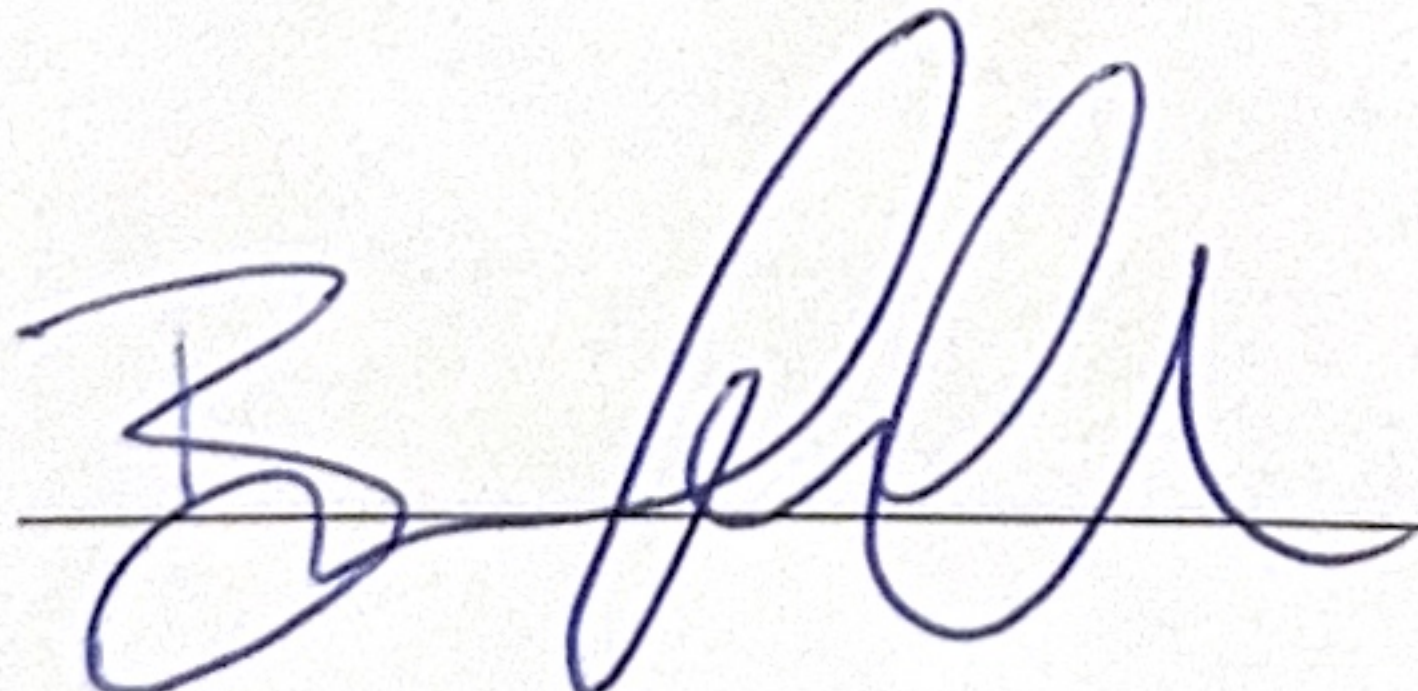
This application is for a permit authorizing the applicant to ignite, discharge or use consumer fireworks, agricultural fireworks, articles pyrotechnic (display fireworks, special effects fireworks), at the location, date and time in the City of Troy as described in the application. This is defined by Michigan Act 256, PA 2011, titled, "Michigan Fireworks Safety Act" and stipulated by Troy City Code Chapter 93, titled "Fire Prevention." This application must be submitted no less than 30 days prior to the intended date of such ignition, discharge or use. A site plan and firework product inventory list must be submitted with this application. An application fee of \$180.00 will be invoiced upon receipt of this application and must be paid for the application process to proceed.

Application Date: 12/13/2023  
Applicant Name: Brandon Chin Date of Birth: 06/15/1981  
Applicant Address: 1515 E maple rd  
Applicant Email: brandonjchin@gmail.com  
Phone: 2485151000  
Date(s) of Use: 2/18/24 to: 2/18/24  
Times of Use: 7pm to: 10pm  
Address of Firework Use: 1515 e maple rd

Submit the following documentation with the application:

- Fireworks description and inventory list
- Copy of applicant's driver's license
- Insurance Documents
- Site Plan

I hereby acknowledge that I have read this permit application and that the information given is correct. I understand that if approved, the permit is non-transferable. I further understand that the permit fee is non-refundable.

Applicant Signature:  Date: 12/13/23

Submit plans to: [fireplans@troymi.gov](mailto:fireplans@troymi.gov)



Mon Jin Lau  
1515 E Maple Rd  
Troy, MI  
248-689-2332

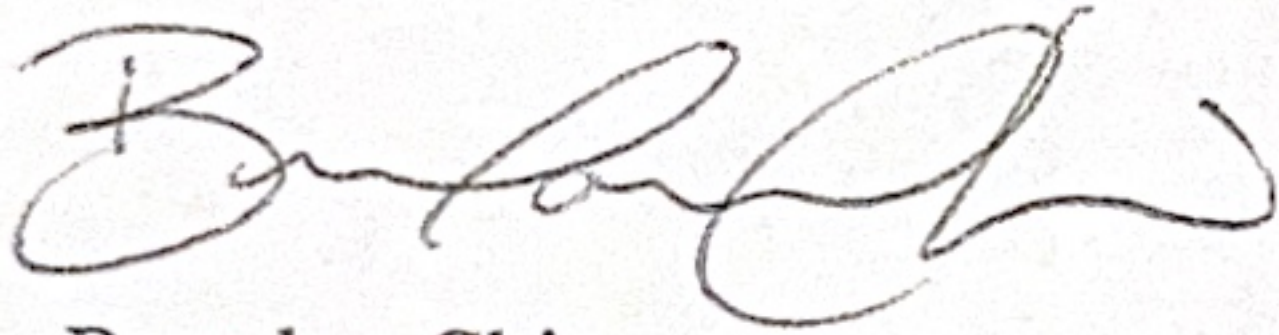
Mon Jin Lau restaurant complies with and understands all the requirements set forth by the City of Troy Fire Department which includes code sections:

- 403.1 General
  - At least five Mon Jin Lau personnel will be on duty.
- 3308.2.1 Outdoor Displays
  - See diagram
- 3308.3 Approved Displays
  - The firecrackers will be handled, arranged, located and discharged, and fired in a manner that will not pose a hazard to property or endanger any person.
- 6.1.1
  - Two 2a10bc fire extinguishers will be readily accessible.
- 6.1.1.1
  - 2 pressurized water or pump extinguishers will be available
- 6.1.2
  - Mon Jin Lau personnel with working knowledge of the use of the applicable fire extinguishers will be on hand.
- 6.1.3
  - For the preparation of the firecrackers, a separate lockable room will be provided.
- 6.4.1
  - The audience is at least 15 ft from the pyrotechnic device.
- 6.4.3
  - There are no glowing or flaming particles within 10 ft of audience.
- 6.5.1
  - The area where we store our firecrackers is maintained in a neat and orderly fashion.
- 6.5.5
  - No smoking within 25 ft of fireworks.
- 6.5.6
  - Firecrackers should not be unattended.
- "Thunder Bomb Firecrackers" 1 ½ 48s
  - 3 sec duration- 3ft by 3ft height and diameter of the effect.
  - MSDS not available.

- “Do not hold in hand. Lay on ground, light fuse, get away, use outdoors under adult supervision only.”
- Manufacturer- Phantom Fireworks 555 Martin Luther King Jr., Blvd.  
Youngstown, Ohio 44502-1102
  
- “Chinatown Celebration Firecrackers”
  - 15 sec duration- 3 ft by 3 ft height and diameter of the effect
  - MSDS not available.
  - “Use only under close adult supervision. For outdoor use only. Do not hold in hand or throw firecrackers. Remove from packaging and unroll before use. Place on ground. Light Fuse and get away. Never attempt to relight a fuse. Never attempt to light firecrackers in a closed container.”
  - Manufacturer- Phantom Fireworks 555 Martin Luther King Jr., Blvd.  
Youngstown, Ohio 44502-1102

If there is any problems or questions, please call us at 248-689-2332.

Sincerely

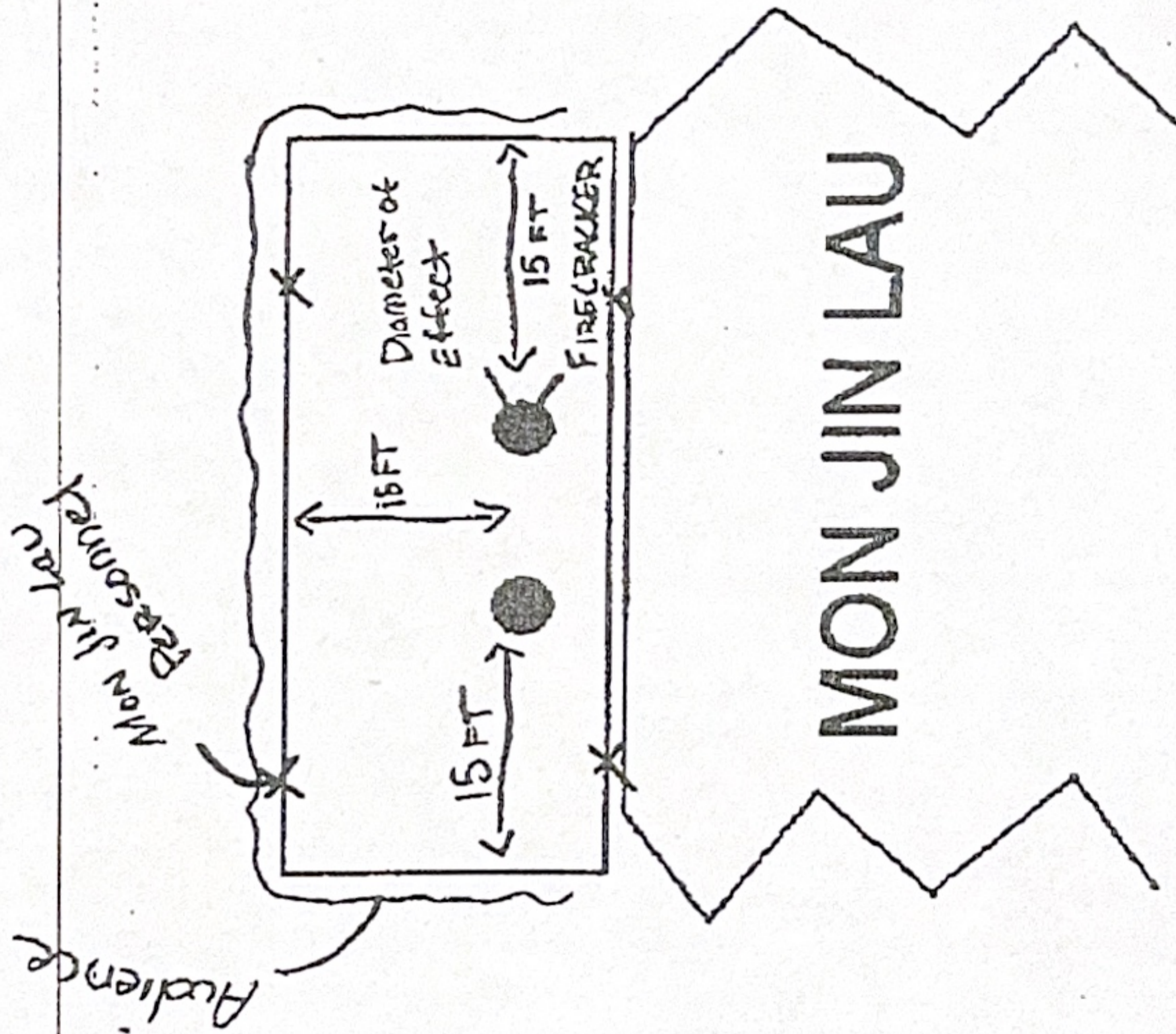
A handwritten signature in black ink, appearing to read 'Brandon Chin', written in a cursive style.

Brandon Chin

MON JIN LAU

STEPHENSON HWY

MAPLE RD.





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

12/14/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Lighthouse, an Alera Group Company 56 Cesar E Chavez Ave SW Ste 300 Grand Rapids MI 49503		<b>CONTACT NAME:</b> Meghan Koster <b>PHONE (A/C, No, Ext):</b> (800) 344-3531 <b>FAX (A/C, No):</b> (616) 455-9489 <b>E-MAIL ADDRESS:</b> mkoster@lighthousegroup.com	
		<b>INSURER(S) AFFORDING COVERAGE</b>	
		<b>INSURER A:</b> Westfield Insurance	<b>NAIC #</b> 24112
<b>INSURED</b> Mon Jin Lau Inc; 1515 E Maple Rd Troy MI 48083		<b>INSURER B:</b> <b>INSURER C:</b> <b>INSURER D:</b> <b>INSURER E:</b> <b>INSURER F:</b>	

**COVERAGES**

CERTIFICATE NUMBER: 23-24 Master

REVISION NUMBER:


THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			CWP010116W	10/27/2023	10/27/2024	EACH OCCURRENCE	\$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 500,000
							MED EXP (Any one person)	\$ 2,500
							PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 2,000,000
							PRODUCTS - COMP/OP AGG	\$ 2,000,000
							NMLW3	\$ 50,000
A	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			CWP010116W	10/27/2023	10/27/2024	COMBINED SINGLE LIMIT (Ea accident)	\$ 1,000,000
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 0			CWP010116W	10/27/2023	10/27/2024	EACH OCCURRENCE	\$ 1,000,000
							AGGREGATE	\$ 1,000,000
								\$
A	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				PER STATUTE	OTH-ER
							E.L. EACH ACCIDENT	\$
							E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The City of Troy is named as additional insured as per endorsement CG 2012 12-19. See following for policy wording.

**CERTIFICATE HOLDER****CANCELLATION**

The City of Troy 500 W. Big Beaver Rd Troy MI 48084	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
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500 West Big Beaver  
Troy, MI 48084  
troymi.gov

K-02a

Date: January 31, 2024

To: Honorable Mayor and Members of Troy City Council

From: Lori Grigg Bluhm, City Attorney  
Allan T. Motzny, Assistant City Attorney  
Julie Quinlan Dufrane, Assistant City Attorney  
Nicole MacMillan, Assistant City Attorney  
Isha Chincholkar, City Attorney Intern

Subject: Amendments to Chapter 98

---

Based on new state legislation concerning criminal offenses charged under municipal ordinances, as well as some decisions in recent cases, the City Attorney’s Office is proposing amendments to Chapter 98 of the City Code – Criminal Code. Although many of these provisions remain on the books, they were not able to be enforced for different reasons. Our office has finally had a chance to complete a comprehensive review of Chapter 98 to incorporate developments since the enactment of the ordinance. We have attached a redlined version showing the proposed amendments we recommend and a clean copy showing Chapter 98 as it would appear if City Council approves it.

**PROVISIONS AFFECTED BY CONSTITUTIONAL LAW RULINGS AND PREVIOUS REPEALS**

**Sections 98.03.03 and 98.14.02**

Sections 98.03.03 and 98.14.02 make it illegal to “utter vile, profane or obscene language in any public place’ and to “use profane, indecent, vulgar, or immoral language or indulge in indecent or immoral conduct on school property.” Both Federal and Michigan court decisions have held that such provisions are unconstitutionally vague because they fail to provide sufficient notice as to what is specifically prohibited. Thus, to strengthen the validity of these provisions, the proposed amendments would make such language or conduct illegal only if it also causes a disturbance of the peace, which is consistent with Michigan case law.

**Section 98.05.16**

Section 98.05.16 previously provided regulations related to fireworks. As a result of the Michigan Fireworks Safety Act, MCL 28.451, the City placed all its fireworks provisions in different sections - 98.15.01 – 03. However, the reference to Section 98.05.16 was not removed. Instead it was amended to read “See Section 98.15.01.” The proposed comprehensive amendment would remove the reference to Section 98.15.01 and then continue to keep the section numbers sequential and renumber the following provisions accordingly.



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Troy, MI 48084  
troymi.gov

### **Section 98.05.17**

This section of Chapter 98 makes it illegal to “beg in public.” This provision should be deleted based on case law. The proposed comprehensive amendment would repeal this provision but keep the section numbers sequential and renumber the following provisions accordingly.

### **Section 98.10.04**

Section 98.10.04 has the heading “Under 21 Refuse PBT” and underneath there is language indicating this section was deleted in November 2009. It was deleted as a result of a Michigan Court of Appeals case that specifically invalidated the City’s ordinance provisions related to minors refusing to take a preliminary breath test (PBT). At that time, the City revised Section 98.10.03(3) to set forth allowable regulations to request minors submit to a PBT. The proposed comprehensive amendment removes the heading and language in Section 98.10.04 but keeps the section numbers sequential and renumbers the following sections accordingly. The proposed amendment also changes the references in the following sections to refer to the appropriate sections based on the renumbering.

## **PROVISIONS AFFECTED BY CHANGES IN MARIHUANA LAWS**

### **Section 98.11.01**

Section 98.11.01 prohibits the use and possession of marihuana and imposes misdemeanor penalties for a violation. The proposed comprehensive amendment revises this section based on the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951, *et seq.*, (MRTMA) and the Michigan Medical Marihuana Act, MCL 33.26421 *et seq.*, (MMA). As revised, this section no longer prohibits the general use and possession of marihuana by adults. Consistent with state law, the use and possession of marijuana by persons under 21 and the possession of more than 2.5 ounces of marihuana, plus the visible growing of plants are now civil infractions. Consumption of marihuana in a vehicle on a public road or way, and possession or use of marihuana on school grounds is a misdemeanor, consistent with the state statutes. Under MRTMA, there are also more serious sanctions for repeat offenders and for persons possessing larger quantities, but these are not incorporated, since these would likely be prosecuted under state law, rather than city ordinance.

## **PROVISIONS AFFECTED BY CHANGES IN TOBACCO LAWS**

As a result of amendments to the Youth Tobacco Act, MCL 722.642 *et seq.*, the age that a person can legally use tobacco, alternative nicotine products, and vapor products has changed from age 18 to age 21. To be consistent with state law, the proposed comprehensive amendment to Chapter 98 includes the revisions outlined below.

### **Section 98.01.02.1 – Definitions**

The proposed comprehensive amendment adds definitions for “Alternative Nicotine Product,” “Tobacco Product” and “Vapor Product” consistent with the Youth Tobacco Act.



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troymi.gov

### **Section 98.12.01**

The proposed amendment to Section 98.12.01 reflects the statutory change prohibiting persons under 21 from possessing and using tobacco. The penalty for a violation remains a misdemeanor subject to a \$50 fine, but as amended, this section authorizes the Court to impose participation in a health program and/or community service as a sanction for a violation.

### **Section 98.12.01a**

The proposed amendment adds a new Section 98.12.01a, specifically identifying vapor and alternative nicotine products as part of the prohibition for persons under 21 years old. Possession or use would be a civil infraction but the Court could also require participation in a health program and/or community service as a sanction for a violation. A third offense would be a misdemeanor subject to a \$50 fine, and possible participation in a health program and/or community service.

### **Section 98.12.02**

The proposed amendment to 98.12.02 would make it a misdemeanor to sell or furnish tobacco, a vapor product, or a nicotine product to a person under the age of 21. The penalty for a first offense would be \$100 and \$500 for a second offense and up to \$2,500 for a third offense, consistent with state law.

## **CHANGES TO FIREARM LAWS**

Our comprehensive review required a look at the firearms laws, which have been recently amended in the state statutes. Pursuant to MCL 132.1102, local units of government are prohibited from imposing, enacting, or enforcing any ordinance regulating the ownership, purchase, sale, transfer, transportation, or possession of pistols, other firearms or pneumatic guns, or ammunition except as provided by federal or state law. Although MCL 132.1103 allows municipalities to adopt ordinances related to firearms, a municipality cannot adopt any firearm regulation that would prohibit any use or possession of a firearm that is permitted under state law. Recent changes include:

### **Licensing of Firearms**

Under current state law, a person may not purchase, carry, or transport a pistol without first obtaining a license from a police department. The license is commonly referred to as a pistol permit. There are exemptions from this requirement for persons who have a concealed pistol license (CPL), for law enforcement and correctional officers, members of the armed forces, federally licensed firearm dealers, and persons who purchase a pistol from a federally licensed firearm dealer who completes a federal criminal background check not more than five days before the purchase. If a police department determines there is probable cause to believe that a pistol license applicant poses a threat to himself/herself or to other individuals, or is likely to commit a criminal offense with a pistol, the permit application should be denied, and the Troy Police Department has established guidelines for carrying out this responsibility. The current provision, where there is no requirement to get a Michigan license or permit for a rifle or shotgun, was modified by Public Acts 18, 19, and 22 of 2023,



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which amends provisions of MCL 28.421 – 28.434(a), MCL 750.232 -233, and MCL 777.11. Now, persons seeking to purchase a rifle or a shotgun must first obtain a license from a police department unless they are exempt from doing so under the new statute. The new law, which takes effect on February 13, 2024, essentially extends the regulations currently applicable to pistol licensing to rifles and shotguns. Under the amended legislation, firearms acquired before February 13, 2024 are exempt. The new law also eliminates the exemption for those purchasing from federally licensed firearms dealers who complete background checks.

### **New Safe Storage Provisions for Firearms**

Public Acts 79 – 82, which also takes effect on February 13, 2024, amends MCL 28.435, MCL 777.11B, and MCL 205.51 - MCL 205.78 by imposing new requirements for the safe storage of firearms if it is known that a minor (under the age of 18) is likely to be on a premise. The new law prohibits a person from leaving a firearm at a property where there are minors unless it is in a locked box or container or kept unloaded and locked with a locking device to make the firearm inoperable by any individual other than the owner or an authorized user. The law also applies to any person who enters the premises of another where a minor may be present. In such case, the law requires the individual to either store the firearm in a locked box or keep it unloaded with a locking device installed, or they must leave the firearm in a locked vehicle. The penalties for violation depend on what the minor does after obtaining a firearm not properly stored. If a minor exhibits the firearm in public, the penalty for the non-compliant firearm owner is up to 93 days in jail and a fine up to \$500. If the minor uses the firearm and causes an injury, the penalty could be up to 10 years in prison and/or a fine of up to \$7,500, and if a minor uses the firearm and causes a death, the penalty is up to 15 years in prison and a fine of up to \$10,000.

The new law also imposes requirements on federally licensed firearm dealers to provide brochures or pamphlets informing all firearm purchasers of the new safe storage laws.

The new legislation also amends the sales and use tax laws to exempt firearm safety devices from the sales and use tax.

### **Extreme Risk Protection Orders (Red Flag Law)**

Public Act 38 of 2023 is new legislation (MCL 691.1805) that allows specified individuals (petitioners) to file an action in circuit court seeking an extreme risk protection order (ERPO) to prohibit any person posing a significant risk of personal injury to himself or herself or others from possessing firearms. This law, which is known as a “red flag” law, is similar to legislation passed in several other states that require a person who is served with such a petition to demonstrate that he or she is not a significant risk to themselves or others if they possess a firearm. A petition seeking an ERPO can be filed by any person who has a familial or dating relationship with the respondent, or a guardian, a mental health professional or a law enforcement officer. If the Court issues an ERPO, the respondent will be required to turn in any firearms he or she owns to a police department and file proof with the court verifying the firearms have been surrendered. Failure to do so would subject the respondent to criminal penalties and penalties for contempt of court. An ERPO expires one year after issuance but





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Troy, MI 48084  
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may be extended upon the request of the petitioner if it is shown that the respondent still poses a significant risk of personal injury to themselves or others.

### **Senate Bill 208**

There is no current state or federal law that would prohibit a person from openly carrying a firearm in a holster outside of his or her clothing. Accordingly, local units of government cannot prohibit the open carry of firearms in public buildings, except as noted below. Pursuant to MCL 28.425o and Administrative Orders of the Michigan Supreme Court, there are some locations where individual(s) are prohibited from concealed and open carry of a firearm. They include:

- 1) Schools or school property.
- 2) Public or private day care facilities.
- 3) Sports arena or stadiums.
- 4) Bars or taverns.
- 5) Property owned or operated by a church, synagogue, mosque, or other place of worship, unless the presiding official allows the firearms to be carried on the premises.
- 6) Entertainment facilities with a seating capacity of 2,500.
- 7) Hospitals.
- 8) A dormitory or classroom of a community college, college, or university.
- 9) Casinos.
- 10) Any courtroom, office, or other space used for official court business.

On March 16, 2023, Senate Bill 208 was introduced in the State Legislature. This proposed law would amend MCL 123.1103 to allow local units of government to pass an ordinance prohibiting firearms on any property owned or leased by the local unit of government. If this bill were to pass and become law, then the City could amend its ordinances to prohibit firearms on City owned property. However, there has been no further action taken on this proposed legislation since its introduction.

### **House Bill 4184**

Under state law, pneumatic guns (BB and pellet guns) are not considered firearms and are not subject to the same regulations. Thus, there is no requirement to obtain a license in order to use and possess a pneumatic gun. Under MCL 123.1103, a local unit of government may regulate the possession of pneumatic guns within the local unit of government by requiring that an individual below the age of 16 who is in possession of a pneumatic gun be under the supervision of a parent, a guardian, or an individual 18 years of age or older. Under the current state law, however, an ordinance cannot regulate possession of a pneumatic gun on or within private property if an individual below the age of 16 is authorized by a parent or guardian or another adult that owns the subject to possess the pneumatic gun. In March 2023, House Bill 4148 was introduced and if enacted, it would prohibit any individual less than 18 years of age from using or possessing a pneumatic gun outside the individual's residence unless accompanied by another individual over 18 years of age. Similar to Senate Bill 208, there has been no further action since the bill's introduction.



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## **Proposed Amendments to Firearm Provisions of Chapter 98**

Following the changes in state law, we recommend the following specific ordinance revisions to remove conflicts with the state law, and also to provide additional protections for the health, safety, and welfare of the community, as allowed under the firearms laws.

### **Section 98.01.02.1 – Definitions**

The proposed amendment would revise the definition section to be consistent with the definitions provided under state law firearm regulations. The amendment would revise the definition of the term “firearm” and provide new definitions for the terms brandish, pistol, and pneumatic gun.

### **Section 98.13.01 – Transport or Possess Firearms in Vehicle**

The proposed amendment specifies how firearms and pneumatic guns may be transported. As revised, this section would be consistent with the state law.

### **Section 98.13.02 – Firearm License Requirement**

The proposed amendment clarifies that any person who possesses a firearm in Troy must have a license as required by the recent amendment to the state law or otherwise be exempt from licensure. Any person who acquired a firearm, other than a pistol, before February 13, 2024 is exempt, as required by state law. The amendment to this section also removes the language related to possessing a firearm in “public” since that language could imply that the City prohibits possession of all firearms in public, which it is not authorized to do.

### **Section 98.13.03 – Person Under 18 – Possess Firearms**

The proposed amendment clarifies that a person under the age of 18 may not carry or possess a firearm in public unless they are under the direct supervision of an individual 18 years or older.

### **Sections 98.13.06 and 98.13.07**

The proposed amendments adding Sections 98.13.06 and 98.13.07 provide regulations for pneumatic guns. The City has authority to prohibit using such guns in a dangerous or threatening manner and to require persons under the age of 16 to only use such guns under the supervision of an adult or within private property as authorized by a parent, guardian or property owner. We recommend adding these provisions since our office has received many inquiries regarding whether pneumatic guns are subject to the same regulations as firearms. These provisions provide notice that even though pneumatic guns are not subject to the same regulations applicable to firearms, there are some limitations on their use.



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## **Sections 98.13.08 and 98.13.09 – Brandishing and Pointing Firearm Without Malice**

The new sections 98.13.08 and 98.13.09 would add provisions prohibiting the brandishing of firearms and intentionally pointing a firearm at a person without malice.

We considered proposing some amendments for safe storage of firearms and ERPO's. However, most of the significant violations of the new safe storage laws are felonies or juvenile cases, brought by the Oakland County prosecutor, rather than the City prosecutor. The ERPO violations are enforced through civil penalties and private actions in circuit court, rather than a district court misdemeanor prosecution. Thus, we do not believe there is any reason to incorporate these state law provisions or the new ERPO law provisions into the City's misdemeanor ordinance.

## **PROVISIONS AFFECTING CONDUCT ON SCHOOL PROPERTY**

Based on some court challenges to the school property provisions in Chapter 98, we propose amendments to those provisions. The proposed amendment also amends the provisions related to tobacco on school property to be consistent with revisions to state law.

### **Proposed Amendments to School Property Provisions of Chapter 98**

#### **Section 98.14.02**

Section 98.14.02 prohibited indecent language or conduct on school property. The proposed amendment adds additional language that would only prohibit such language or conduct if it causes a disturbance.

#### **Section 98.14.03**

Section 98.14.03 states that anyone on school property violates the ordinance unless the presence is authorized by a school administrator. The proposed amendment clarifies that it is only a violation when an individual is previously notified by a school administrator that they are not allowed on the property, or if they refuse to depart after being requested to leave by a school administrator.

#### **Section 98.14.05**

Section 98.14.03 makes it a misdemeanor to use tobacco on school property. The proposed amendment prohibits the use of vapor products (vapes) and alternative nicotine products in addition to tobacco. Persons over 21 years old are still allowed to use tobacco or vapor products or alternative nicotine products on school property at scheduled outdoor events on Saturdays or Sundays or after 6 pm. This is consistent with the state law.

These proposed amendments are being included in the agenda as a report, with the intent that the item be brought forward at the next regular City Council meeting, unless there are significant concerns or modifications required.

CITY OF TROY  
AN ORDINANCE TO AMEND  
CHAPTER 98 OF THE CODE  
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 98 of the Code of the City of Troy.

Section 2. Amendment

Sections 98.01.02.1, 98.03.03, 98.10.10, 98.10.11, 98.10.14, 98.11.01, 98.12.01, 98.12.02, 98.13.01, 98.13.02, 98.13.03, 98.13.05, 98.14.02, 98.14.03, 98.14.05 are amended, and Sections 98.12.01a, 98.13.06, 98.13.07, 98.13.08 and 98.13.09 are added, Sections 98.05.16, 98.05.17, 98.10.04 are repealed, and Sections 98.05.18, 98.10.06, 98.10.07, 98.10.08, 98.10.09, 98.10.10, 98.10.11, 98.10.12, 98.10.13, and 98.10.14 are renumbered as follows: (*Red insertion and strikeout denote changes*)

**HEADINGS, DEFINITIONS, PENALTIES AND AID AND ABET**

98.01.02.1 Definitions. The following definitions are to be used in this Chapter:

“Alternative nicotine product” means a noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by other means. Alternative nicotine product does not include a tobacco product, a vapor product, food, or a product regulated as a drug or device by the United States Food and Drug Administration under 21 USC 351 to 360fff-7.

“Brandish” means to point, wave about, or display in a threatening manner with the intent to induce fear in another person.

“Domestic assault and battery” includes an individual who assaults or assaults and batters his or her spouse or former spouse, an individual which whom he or she has or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household.

"Firearm" includes any weapon which will, is designed to, or may readily be converted to expel a projectile by action of an explosive.

“Pistol” means a loaded or unloaded firearm that is 26 inches or less in length, or a loaded or unloaded firearm that by its construction and appearance conceals itself as a firearm.

“Pneumatic gun” means any implement, designed as a gun that will expel a BB or pellet by spring, gas, or air. Pneumatic gun includes a paintball gun that expels by pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

“Tobacco product” means a product that contains tobacco and is intended for human consumption, including, but not limited to, a cigarette, noncigarette smoking tobacco, or smokeless tobacco, as those terms are defined in section 2 of the tobacco products tax act, 1993 PA 327, MCL 205.422, and a cigar.

“Vapor product” means a noncombustible product that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine or any other substance, and the use or inhalation of which simulates smoking. Vapor products includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and a vapor cartridge or other container of nicotine or other substance in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. Vapor product does not include a product regulated as a drug or device by the United States Food and Drug Administration under 21 USC 351 to 360ff-7.

## **INDECENT CONDUCT**

98.03.03 Obscene Language. No person shall utter vile, profane or obscene language in any public place **if doing so disturbs the public peace and quiet**. A person who violates this section is guilty of a misdemeanor

## **DISORDERLY CONDUCT**

~~98.05.16 See Section 98.15.01~~

~~98.05.17 Beg in Public. No person shall beg in any public place. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.~~

98.05.16 Targeted Residential Picketing. The City Council declares that:

- a. The protection and preservation of the home is fundamental to democratic government.

- b. The public health, safety and welfare and good order of the community require that residents of the City be able to enjoy a feeling of well-being, peacefulness, tranquility, safety, and privacy in their homes, and when absent from their homes carry with them the sense of security inherent to the assurance that they may return to the enjoyment of their homes.
- c. Protecting the safety of the occupants of each home and their guests as they enter their home is of paramount importance.
- d. The practice of picketing in front of or about residences causes emotional disturbance and distress to the occupants and guests, as well as to the occupants of adjacent residences, and obstructs and interferes with the free use of public sidewalks and that such practice destroys the well being, peacefulness, tranquility, safety, and privacy associated with the home and neighborhood.
- e. The picketing of residences has as its object the harassing of occupants, and without resort to picketing of residences full opportunity exists under the terms and provisions of this ordinance, for the exercise of freedom of speech and other constitutional rights.
- f. The practice of picketing directed or focused at a particular residence, has by its nature as its true objective the harassing of occupants, which is not consistent with a citizen's right to privacy or the government's interest in ensuring peaceful and safe residential neighborhoods.

No person shall engage in picketing in front of, about or adjacent to a residence. Nothing in this section shall prohibit picketing, to the extent that such activity is protected under the Michigan or United States Constitutions. Nothing in this section shall prohibit a person from proceeding in a residential area along a defined route provided the person does not stop at or repeatedly pass any particular residence. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.05.17 Price Gouging During Declared Emergency. No person, during an emergency declared by City Council or the City Manager, shall charge more than the normal average retail price for any merchandise sold. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

## ALCOHOL

~~98.10.04 Under 21 - PBT Refusal.~~

98.10.04 Person Under 21 - Transport Alcohol in Motor Vehicle. A person under 21 years of age shall not knowingly transport or possess alcoholic liquor, in a motor vehicle, unless authorized by law. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

98.10.05 Furnish or Sell Alcohol to Person Under 21. No person shall willfully give, furnish or sell alcoholic liquor to any person under the age of 21, except pursuant to a prescription from a licensed physician. Except as set forth in Section 98.10.13, a person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

98.10.06 Furnish False ID. No person shall furnish identification to any person under the age of 21 where the person knows or should know that the identification is to be used for fraudulent purposes. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

98.10.07 Use of False ID. No person shall use fraudulent identification to purchase or attempt to purchase alcoholic liquor. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

98.10.08 Purchase Alcohol by Intoxicated Person. No person who is intoxicated or impaired by alcohol or drugs shall purchase or solicit any other person to purchase alcoholic liquor on his or her behalf. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.10.09 Sell Alcohol to Intoxicated Person. No person employed by, or any agent or owner of, any business or establishment that sells, serves, distributes, or gives away alcoholic liquor, shall sell, serve, furnish, or give away alcoholic liquor to any visibly intoxicated person. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the

county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.10.10 Fail to Inquire as to Age. No person shall sell or furnish alcoholic liquor to any person less than 21 years of age and no person shall fail to make diligent inquiry as to whether a person attempting to obtain alcoholic liquor is less than 21 years of age. Except as set forth in Section 98.10.13, a person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

98.10.11 Bring Alcohol into Licensed Liquor Establishment. No person, other than the owner, licensee or agent of a licensed liquor establishment, shall bring any alcoholic liquor into any establishment licensed to sell alcoholic liquor. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.10.12 Display of Alcohol. No person shall display spirits, containing an alcoholic content of over 21 percent by volume, in an area that is open to persons under the age of 21. Such displays shall be behind a counter or similar fixture. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.10.13 Furnishing, Sale To Persons Under 21 and/or Failure to Inquire As To Age During Enforcement Action. If an employee, clerk, or agent of an establishment that has been issued a license to sell or serve alcoholic liquor by the Michigan Liquor Control Commission violates either Section 98.10.05 or 98.10.10, and those violations result from an undercover operation in which the minor is under the direction of the Troy Police Department as part of an enforcement action, then that employee, clerk, or agent is responsible for a Civil Infraction and may be ordered to pay a civil fine of not more than \$100.

## **DRUGS**

98.11.01 Possession or Use of Marijuana **Marihuana**. The following provisions are applicable to the possession and/or use of marihuana;

- a) No person under the age of 21 shall consume or have in his/her possession or under his/her control, marihuana or cannabis as defined by Section 3 of the Michigan Regulation and Taxation of



Marihuana Act, MCL 333.27953, unless that person is a qualifying patient who has been issued and possesses a registry identification card for the medical use of marihuana in accordance with the Michigan Medical Marihuana Act, MCL 333.26421, *et seq.*

- b) No person shall transfer marihuana or marihuana accessories to a person under the age of 21 unless that person is a qualifying patient who has been issued and possesses a registry identification card for the medical use of marihuana in accordance with the Michigan Medical Marihuana Act, MCL 333.26421, *et seq.*
- c) No person shall consume marihuana in a public place or smoke marihuana where prohibited by the person who owns, occupies or manages the property, except for purposes of this subdivision, a public place does not include an area designated for consumption within a municipality that has authorized consumption in designated areas that are not accessible to persons under 21 years of age.
- d) No person shall cultivate marihuana plants if the plants are visible from a public place without the use of binoculars, aircraft, or other optical aids or outside of an enclosed area equipped with locks or other functioning security devices that restrict access to the area.
- e) No person shall smoke marihuana within a vehicle upon a public way.
- f) No person shall possess marihuana accessories or possess or consume marihuana on the grounds of a public or private school where children attend classes in preschool programs, kindergarten programs, or grades 1 through 12, or in a school bus.
- g) No person shall possess more than 2.5 ounces of marihuana within a person's place of residence unless the excess marihuana is stored in a container or area equipped with locks or other functioning security devices that restrict access to the contents of the container or area.
- h) A person who violates subsection (a), (b), (c), (d) or (g) of this section shall be responsible for a civil infraction and shall be punished by a fine of not more than \$100.00 plus forfeiture of the marihuana;
- i) A person who violates subsection (e) or (f) of this section shall be guilty of a misdemeanor punishable by imprisonment in the county

jail for not more than 90 days or by a fine of not more than \$500, or both.

- b. Manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research or teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiropractors, veterinarians, pharmacists and embalmers in the normal legal course of their respective business or profession.

## **TOBACCO**

98.12.01 Person Under 21 - Possess or Purchase Tobacco. No person under the age of 21 shall purchase, attempt to purchase, possess or use tobacco in any form or any product that is used for the formation of a smoking device. A person who violates this section is guilty of a misdemeanor, punishable by a fine of not more than \$50.00 for each offense. In addition, the court may also require an individual who violates this section to participate in a health promotion and risk reduction assessment program and/or to complete community service hours as follows: not more than 16 hours of community service for a first offense, not more than 32 hours of community service for a second offense, and not more than 48 hours of community service for a third or subsequent offense.

98.12.02 Person Under 21- Possess or Purchase a Vapor Product of Alternative Nicotine Product. No person under the age of 21 shall purchase, attempt to purchase, possess, or attempt to possess, or use a vapor product or alternative nicotine product. A person who violates this section is responsible for a civil infraction or guilty of a misdemeanor as follows:

- a. For the first violation, the individual is responsible for a civil infraction and shall be fined not more than \$50.00. In addition, the court may order the individual to participate in a health promotion and risk reduction assessment program and/or the court may order the individual to perform not more than 16 hours of community service.
- b. For the second violation, the individual is responsible for a civil infraction and shall be fined not more than \$50.00. In addition, the court may order the individual to participate in a health promotion and risk reduction assessment program and/or the court may order the individual to perform not more than 32 hours of community service. \_

- c. For a third or subsequent violation, the individual is guilty of a misdemeanor punishable by a fine of not more than \$50.00. In addition, the court may order the individual to participate in a health promotion and risk reduction assessment program and/or the court may order the individual to perform not more than 48 hours of community service.

98.12.03 Sell or Furnish Tobacco, Vapor, or Alternative Nicotine Product to Person Under 21. No person shall sell, furnish, give or deliver a tobacco product, vapor product, or alternative nicotine product, in any form or any product that is used for the formation of a smoking device, to any person under the age of 21. A person who violates this section is guilty of a misdemeanor, punishable by a fine ~~as follows: of not more than \$50.00 for each offense.~~ not more than \$100.00 for a first offense, not more than \$500.00 for a second offense, and not more than \$2,500.00 for a third or subsequent offense.

## **FIREARMS**

98.13.01 Transport or Possess Firearms in Vehicle. Except as otherwise permitted by state or federal law, no person shall transport or possess in or upon a motor vehicle, or any self-propelled vehicle designed for land travel either of the following:

(a) A firearm, other than a pistol, unless the firearm is unloaded and is one or more of the following:

- (i) Taken down.
- (ii) Enclosed in a case.
- (iii) Carried in the trunk of the vehicle.
- (iv) Inaccessible from the interior of the vehicle.

(b) A pneumatic gun that expels a metallic BB or metallic pellet greater than .177 caliber unless the pneumatic gun is unloaded and is 1 or more of the following:

- (i) Taken down.
- (ii) Enclosed in a case.
- (iii) Carried in the trunk of the vehicle.
- (iv) Inaccessible from the interior of the vehicle.

A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.13.02      Firearm License Requirement. Except as permitted by state or federal law\_a person shall not purchase, carry or possess a firearm in the City unless the person has obtained a license for the firearm as prescribed by state law\_or is otherwise permitted to purchase, carry or possess the firearm under state or federal law. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.13.03      Person Under 18 – Possess Firearms. Except as permitted by state or federal law, no person under 18 years of age shall carry or transport a firearm in any public place except under the direct supervision of an individual 18 years of age or older. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.13.05      Discharge of Firearms. No person shall discharge a pistol or any other firearm or bow and arrow in the City. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

Exception. This section does not apply to persons lawfully acting in the defense of persons or property or the enforcement of law or as otherwise authorized by this Chapter, or at an established range that has been approved by the Troy City Council.

98.13.06      Pneumatic Guns – Prohibited Conduct. No person shall point, wave about, or display a pneumatic gun in a threatening manner with the intent to induce fear in another individual. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.13.07      Pneumatic Guns – Person Under 16. A person under the age of 16 shall not possess a pneumatic gun unless the person is under the supervision of a parent or guardian, or an individual 18 years of older, except if the individual is on or within private property and is authorized by a parent or guardian and the property owner or legal possessor to possess the pneumatic gun. A violation of this section is a municipal civil infraction subject to the penalties of Chapter 100 of the Troy City Code.

98.13.08      Brandishing Firearm in Public. A person shall not knowingly brandish a firearm in public. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

Exception. This section does not apply to persons lawfully acting in the defense of persons or property or the enforcement of law or as otherwise authorized by this Chapter.

98.13.09 Pointing or Aiming Firearm at Another. A person who intentionally but without malice points or aims a firearm at or towards another person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500, or both.

Exception. This section does not apply to persons lawfully acting in the defense of persons or property or the enforcement of law or as otherwise authorized by this Chapter.

## SCHOOL PROPERTY

98.14.02 Profane Language on School Property. No person shall use profane, indecent, vulgar, or immoral language or indulge in indecent or immoral conduct on school property **if doing so causes a disturbance or improper diversion by which the peace and quiet or good order of any class gathering or other function in any school building is disturbed.** A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.14.03 Unauthorized Use of School Property. No person shall enter or remain on school property without lawful authority **after having been forbidden to do so by a school administrator or after being notified to depart by a school administrator.** A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.14.05 Tobacco, Vapor, or Alternative Nicotine Products on School Property. No person shall use any tobacco product, **vapor product, or alternative nicotine product** on school property. A person who violates this section is guilty of a misdemeanor, punishable by a fine of not more than \$50.00.

Exception. This section does not apply to **individuals who are 21 years or older who are on** ~~these~~ parts of school property consisting of outdoor areas including, but not limited to, an open-air stadium, during either of the following time periods:

- a. Saturdays, Sundays, and other days on which there are no regularly scheduled school hours.

- b. After 6 p.m. on days during which there are regularly scheduled school hours.

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

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

Section 5. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Ethan Baker, Mayor

\_\_\_\_\_  
Aileen Dickson, City Clerk

## **Chapter 98 – Criminal Code**

### **HEADINGS, DEFINITIONS, PENALTIES AND AID AND ABET**

98.01.01 **Section Headings and Ordinance Titles.** Section headings and ordinance titles provided in bold are not part of this Chapter are not to be used in the interpretation of this ordinance.

98.01.02.1 **Definitions.** The following definitions are to be used in this Chapter:

“Alcoholic liquor” includes any spirituous, vinous, malt, or fermented liquor, liquids and compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing ½ of 1% or more of alcohol by volume, which are fit for use for beverage purposes.

“Alternative nicotine product” means a noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by other means. Alternative nicotine product does not include a tobacco product, a vapor product, food, or a product regulated as a drug or device by the United States Food and Drug Administration under 21 USC 351 to 360fff-7.

“Brandish” means to point, wave about, or display in a threatening manner with the intent to induce fear in another person.

“Dating relationship” means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between two individuals in a business or social context.

“Domestic assault and battery” includes an individual who assaults or assaults and batters his or her spouse or former spouse, an individual which whom he or she has or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household.

"Firearm" includes any weapon which will, is designed to, or may readily be converted to expel a projectile by action of an explosive.

“Hunt” includes seeking, provoking, pursuing or taking any animal.

“Normal average retail price” is that price at which similar merchandise was sold during the ninety (90) days immediately preceding a declared emergency, or at a mark-up which is a larger percentage over wholesale cost than was added to wholesale cost prior to a declared emergency.

“Person” includes any individual, co-partnership, corporation, association, club, joint venture, estate, trust, and any other group or combination acting as a unit, and the individuals constituting such group or unit.

“Picket” or picketing” includes, standing, sitting, lying, walking, running, or otherwise moving, on a public right-of-way, to convey an opinion or message. These terms also include posting a person at a particular place to communicate to the public vocally or by any other means an opinion or message.

“Pistol” means a loaded or unloaded firearm that is 26 inches or less in length, or a loaded or unloaded firearm that by its construction and appearance conceals itself as a firearm.

“Pneumatic gun” means any implement, designed as a gun that will expel a BB or pellet by spring, gas, or air. Pneumatic gun includes a paintball gun that expels by pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

“Public place” includes any street, alley, park, public building, any place of business or assembly open to or frequented by the public, and any other place which is open to the public view, or to which the public has access.

“Principal” is a person who commits an offense punishable by this code.

"School property" includes any public, private, or parochial school building or any building owned, occupied, or otherwise utilized by any public, private, or parochial school, and expressly includes the grounds, outbuildings, fences, trees, shrubbery, equipment, personal property, or other appurtenances, fixtures, or improvements, attached or in any way belonging thereto.

“Telecommunications device” means any instrument, equipment, machine, or device that facilitates telecommunications, including but not limited to a computer, computer chip or circuit, telephone, cellular telephone, pager, personal communications device, transponder, receiver, radio, modem, or device that enables use of a modem.

“Tobacco product” means a product that contains tobacco and is intended for human consumption, including, but not limited to, a cigarette, noncigarette smoking tobacco, or smokeless tobacco, as those terms are defined in section 2 of the tobacco products tax act, 1993 PA 327, MCL 205.422, and a cigar.



“Trap” includes hunting, confining, taking or entrapping any animal by means of any trap, snare, bait, hook or other device.

“Vapor product” means a noncombustible product that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine or any other substance, and the use or inhalation of which simulates smoking. Vapor products includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and a vapor cartridge or other container of nicotine or other substance in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. Vapor product does not include a product regulated as a drug or device by the United States Food and Drug Administration under 21 USC 351 to 360fff-7.

98.01.03 Penalties. In addition to the penalties provided in each section of Chapter 98, the court may impose any sanction or remedial measure provided in state law for misdemeanor offenses.

98.01.04 Aid and Abet. A person who aids, abets, counsels, commands, or procures the commission of a violation of this code shall be punished as if that person were the principal.

## **ASSAULTS**

98.02.01 Domestic Assault and Battery. No person shall commit a domestic assault or domestic assault and battery on another person. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

98.02.02 Assault and Battery. No person shall commit an assault or an assault and battery on another person. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

98.02.03 Assault and Battery on a Police Officer. No person shall commit an assault and battery on any police officer, animal control officer, police service aide, or peace officer in the performance of his or her duties. A person who violates this section is guilty of a misdemeanor punishable by imprisonment

in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

## **INDECENT CONDUCT**

- 98.03.01 Indecent Exposure. No person shall make any indecent exhibition or exposure of his or her person. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.
- 98.03.02 Indecent Conduct. No person shall engage in any indecent or obscene conduct in any public place. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.03.03 Obscene Language. No person shall utter vile, profane or obscene language in any public place if doing so disturbs the public peace and quiet. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.03.04 Urinate in Public. No person shall urinate in any public place other than a designated lavatory. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.03.05 Window Peeping. No person shall peep in the windows of any inhabited place without the consent of the occupant. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.03.06 Prostitution. No person shall engage in prostitution. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.03.07 Maintain Gaming Room. No person shall keep or maintain a gaming room, gaming tables, or any policy or pool tickets, used for gaming. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

- 98.03.08 Permit Gaming Room on Premises. No person shall knowingly permit a gaming room, gaming tables, or any policy or pool tickets to be kept, maintained, played or sold on any premises occupied or controlled by him or her. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.
- 98.03.09 Engage in Illegal Business. No person shall engage in prostitution, gambling, the illegal sale of intoxicating liquor, or any other illegal or immoral business or occupation. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.03.10 Transport to Place of Illegal Acts. No persons shall knowingly transport any person to a place where prostitution or gambling is practiced, encouraged, or allowed for the purpose of enabling a person to engage in gambling, prostitution, or any illegal or immoral act. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.03.11 Frequent Place of Illegal Business. No person shall knowingly attend, frequent, operate or be an occupant, or resident of any place where any illegal business or occupation is permitted or conducted by the owner or occupant of the premises. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.03.12 Solicit Illegal Acts. No person shall solicit or accost any person for the purpose of inducing the commission of any illegal or immoral act. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

## **DESTRUCTION OF PROPERTY**

- 98.04.01 Malicious Destruction of Property. No person shall willfully destroy, remove, damage, alter or in any manner deface any property not his or her own. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.
- 98.04.02 Tamper With Water Meter. No person shall disturb, tamper with, disconnect or damage any City water meter without proper authority. A person who violates this section is guilty of a misdemeanor punishable by imprisonment

in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

98.04.03 Tamper With Drinking Fountain. No person shall disconnect or deface any drinking fountain. Nor shall a person deposit any harmful substance in a drinking fountain or pollute the water in the basin of any fountain. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.04.04 Malicious Destruction of Turf and Shrubs. No person shall maliciously destroy, or injure any tree, shrub, grass, turf, plant, crop, or soil of another person. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

98.04.05 Malicious Interference with Closed Circuit Television Cameras. Except when permitted by proper authority, no person shall knowingly touch, alter, damage, obstruct, or otherwise interrupt the normal operation of any closed circuit television camera. This shall include placing any object over the lens or altering the direction of the camera. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.04.06 Tamper Or Meddle With Motor Vehicle. Except when authorized by the owner, no person shall:

- a) Enter any motor vehicle or open any door, trunk, hood or window of a motor vehicle.
- b) Start the motor of any vehicle or shift or change the starting device or gears of any motor vehicle.
- c) Release the brake of any motor vehicle.

A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

## **DISORDERLY CONDUCT**

98.05.01 Trespass by Willful Entry. No person shall willfully enter upon the lands or premises of another, without lawful authority, after have been forbidden to do so by the owner or occupant, agent or servant of the owner or occupant.

A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

- 98.05.02 Trespass by Refusing to Depart. No person, except a person with lawful authority, shall neglect or refuse to depart from the land or premises of another, after having been notified to depart by the owner or occupant, or agent or servant of either. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.05.03 Enter Without Permission. No person shall enter an occupied dwelling or garage, whether attached or unattached, without permission of the owner, owner's agent or occupant. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.05.04 Fight in Public. No person shall engage in any disturbance or fight in any public place. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.05.05 Loud Conduct. No person shall disturb the peace and quiet by loud boisterous or vulgar conduct. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.05.06 Permit or Allow Loud Conduct. No person shall permit or allow any noisy, boisterous, or disorderly persons to be in any place occupied or controlled by him or her. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.05.07 Furnish or Provide Location for Illegal Purposes. No person shall furnish or provide any location for another person with reason to know that the location may be used to commit an illegal act, including but not limited to the illegal use or possession of a controlled substance or alcohol. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.05.08 Congregate for Illegal Purpose. No person shall collect or stand in a crowd or encourage others to stand or collect in a crowd for an illegal purpose in any public place. A person who violates this section is guilty of a

misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

- 98.05.09 Roughly Crowd Another Person. No person shall intentionally push or bump or roughly crowd another person in any public place. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.05.10 Obstruct Passage of Another Person. No person shall intentionally obstruct the free and uninterrupted passage of another person in any public place. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.05.11 Obstruct Traffic. No person shall play any game or congregate on any public street or sidewalk so as to interfere with the regular flow of traffic. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.05.12 Throw Object From Vehicle. No person shall throw or propel any snowball, missile or object from any moving motor vehicle. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.05.13 Throw Object at Vehicle. No person shall throw or propel any snowball, missile or object at a motor vehicle. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.05.14 Spit in Public. No person shall spit on any floor or seat of any public carrier, or on any floor, wall, seat or equipment of any place of public assemblage. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.05.15 Contribute to Delinquency of Minor. No person shall by act, or word, encourage, contribute to, cause or tend to cause, any person under the age of 17 years to become neglected or delinquent. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the

county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.05.16 Targeted Residential Picketing. The City Council declares that:

- a. The protection and preservation of the home is fundamental to democratic government.
- b. The public health, safety and welfare and good order of the community require that residents of the City be able to enjoy a feeling of well-being, peacefulness, tranquility, safety, and privacy in their homes, and when absent from their homes carry with them the sense of security inherent to the assurance that they may return to the enjoyment of their homes.
- c. Protecting the safety of the occupants of each home and their guests as they enter their home is of paramount importance.
- d. The practice of picketing in front of or about residences causes emotional disturbance and distress to the occupants and guests, as well as to the occupants of adjacent residences, and obstructs and interferes with the free use of public sidewalks and that such practice destroys the well being, peacefulness, tranquility, safety, and privacy associated with the home and neighborhood.
- e. The picketing of residences has as its object the harassing of occupants, and without resort to picketing of residences full opportunity exists under the terms and provisions of this ordinance, for the exercise of freedom of speech and other constitutional rights.
- f. The practice of picketing directed or focused at a particular residence, has by its nature as its true objective the harassing of occupants, which is not consistent with a citizen's right to privacy or the government's interest in ensuring peaceful and safe residential neighborhoods.

No person shall engage in picketing in front of, about or adjacent to a residence. Nothing in this section shall prohibit picketing, to the extent that such activity is protected under the Michigan or United States Constitutions. Nothing in this section shall prohibit a person from proceeding in a residential area along a defined route provided the person does not stop at or repeatedly pass any particular residence. A person

who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

- 98.05.17 Price Gouging During Declared Emergency. No person, during an emergency declared by City Council or the City Manager, shall charge more than the normal average retail price for any merchandise sold. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

### **HINDER, OBSTRUCT, RESIST POLICE**

- 98.06.01 Hinder, Obstruct or Resist Police. No person shall willfully obstruct, resist, hinder or oppose any police officer, animal control officer, communication supervisor, police service aide or any other peace officer in the legal performance of his or her duties. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

- 98.06.02 Hinder Police by False Identification. No person shall make misrepresentations as to his or her identity, whether by statement, through the use of false, forged or altered identification or the use or presentation of identification of another, with intent to hinder or obstruct any police officer, animal control officer, communication supervisor, police service aide or any other peace officer in the legal performance of his or her duties. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

- 98.06.03 False Statement or Report to Police. No person shall willfully make any false statement or report, to any police officer, animal control officer, communication supervisor, police service aide or any other peace officer in the legal performance of his or her duties, with the intent to mislead the peace officer or obstruct an investigation. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

- 98.06.04 Falsely Summon Public Services. No person shall summon the police department, fire department or any public or private ambulance without good reason. A person who violates this section is guilty of a



misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

- 98.06.05 Injure Police Dog. No person shall willfully or knowingly torture, torment, beat, kick, strike, injure, disable or kill any dog used by the City of Troy Police Department or interfere with or meddle with any police dog in the performance of its duties. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

## **HUNTING**

- 98.07.01 Hunting. No person shall hunt any animal. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both. Exception. Police Officers and Animal Control Officers and any other individuals given written authorization by the Police Chief or his/her designee who are in compliance with the City's policy are authorized to use shell crackers or other noise making devices to control geese and migratory waterfowl.

- 98.07.02 Trapping. No persons shall trap any animal. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

Exceptions: This section shall not apply to the following:

- a. Persons may trap small rodents such as mice, rats and moles with any type of trap.
- b. Persons licensed by the State to trap may trap subject to the following:
  1. Only live traps that cannot kill or injure animals or persons may be used.
  2. All traps must be permanently marked with the owner's name and a telephone number where the owner or owner's agent can be contacted 24 hours a day.
  3. All traps must be checked at least every 24 hours.
- c. Persons authorized by State law or regulation may trap animals.

- d. Police Officers and Animal Control Officers are authorized to use traps to capture wild or domestic birds or animals that are running at large or have become a public nuisance.

## **THEFT AND FRAUD OFFENSES**

98.08.01 Larceny. No person shall commit the offense of larceny by stealing the personal property of another. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

98.08.02 Retail Fraud. No person shall commit the offense of retail fraud. A person who does any of the following in a store or in its immediate vicinity is guilty of retail fraud:

- a. While a store is open to the public, alters, transfers, removes and replaces, conceals, or otherwise misrepresents the price at which property is offered for sale, with the intent not to pay for the property or to pay less than the price at which the property is offered for sale.
- b. While a store is open to the public, steals property of the store that is offered for sale.
- c. With intent to defraud, obtains or attempts to obtain money or property from the store as a refund or exchange for property that was not paid for and belongs to the store.

A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

98.08.03 Receive and Conceal Stolen Property. No person shall buy, receive, conceal, aid in the concealing, possess or transport, any money, goods, or property of another, knowing the same to have been stolen, embezzled or converted. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

98.08.04 Fail to Pay for Goods or Services. No person shall, with the intent to defraud, procure services, goods, accommodations, or entertainment from another person or establishment without paying such person or establishment. A person who violates this section is guilty of a

misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

- 98.08.05 Obtain Goods or Services by Fraud. No person shall obtain money, property or services by fraud or false pretense. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

## **TELECOMMUNICATIONS DEVICES**

- 98.09.01 Illegal Use of Telecommunications Devices. No person shall use any electronic telecommunications device with the intent to:
- a. Terrorize, frighten, intimidate, threaten physical harm or damage to property, harass or disturb the peace and quiet of any other person. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.
  - b. Falsely and deliberately report that any person has been injured, taken ill, died, been the victim of a crime, or in an accident. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.
  - c. Communicate any vulgar, indecent, obscene or offensive language or suggest any lewd or lascivious act to a person who has not consented to the communication. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

## **ALCOHOL**

- 98.10.01 Public Intoxication. No person shall be intoxicated in a public place and endanger another person or property or act in a manner that causes a public disturbance. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.10.02 Consume Alcohol in Public. No alcoholic liquor shall be consumed in a public place, unless the public place possesses a Michigan Liquor Control

Commission license for the premises. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the County Jail for not more than 90 days or by a fine of not more than \$500, or both.

98.10.03 (1) Under 21 – Purchase, Consume or Possess Alcohol. A person less than 21 years of age shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, or possess or attempt to possess alcoholic liquor, or have any bodily alcohol content. A person who violates this section is responsible for a civil infraction or guilty of a misdemeanor as follows:

- a. For the first violation, the person is responsible for a civil infraction and shall be fined not more than \$100.00, and the court may order all applicable sanctions and programs provided in the State of Michigan minor in possession of alcohol statutes. A person may be found responsible or admit responsibility only once under this subsection.
- b. If a violation of this section or a local ordinance or state law which substantially corresponds to this section occurs after 1 prior judgment, the person is guilty of a misdemeanor and shall be fined not more than \$200.00 and the court may order all applicable sanctions and programs provided in the State of Michigan minor in possession of alcohol statutes.
- c. If a violation of this section or a local ordinance or state law which substantially corresponds to this section occurs after 2 or more prior judgments, the person is guilty of a misdemeanor and shall be fined not more than \$500.00 and the court may order all applicable sanctions and programs provided in the State of Michigan minor in possession of alcohol statutes.

(2) “Prior judgment” as used in this section means a conviction, juvenile adjudication, finding of responsibility, or admission of responsibility for any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, a law of the United States substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:

- a. This section or a local ordinance or state law which substantially corresponds to this section, MCL 436.1701 or 436.1707.
- b. Section 624a, 625b or 625 of the Michigan vehicle code, 1949 PA 300, MCL 257.624a, 257.624b, and 257.625.

c. Section 80176, 81134, or 82127 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80176, 324.81134, and 324.82127.

d. Section 167a or 237 of the Michigan penal code, 1939 PA 328, MCL 750.167a and 750.237.

(3) A police officer who has reasonable cause to believe a person less than 21 years of age has consumed alcoholic liquor or has any bodily alcohol content may request the person to submit to a preliminary Chapter 98 – Criminal Code 98-14 chemical breath analysis. If a person under 21 years of age does not consent to a preliminary chemical breath analysis, the analysis shall not be administered without a court order, but a police officer may seek to obtain a court order. The results of a preliminary chemical breath analysis or other acceptable blood alcohol test are admissible in a civil infraction proceeding or criminal prosecution to determine whether the person has consumed or possessed alcoholic liquor or had any bodily alcohol content.

(4) A police officer who witnesses a violation of this ordinance may stop and detain the person for purposes of obtaining satisfactory identification, seizing illegally possessed alcoholic liquor, and issuing an appearance ticket.

(5) This section does not prohibit a person less than 21 years of age from possessing alcoholic liquor where permitted by state law.

98.10.04 Person Under 21 - Transport Alcohol in Motor Vehicle. A person under 21 years of age shall not knowingly transport or possess alcoholic liquor, in a motor vehicle, unless authorized by law. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

98.10.05 Furnish or Sell Alcohol to Person Under 21. No person shall willfully give, furnish or sell alcoholic liquor to any person under the age of 21, except pursuant to a prescription from a licensed physician. Except as set forth in Section 98.10.13, a person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

- 98.10.06 Furnish False ID. No person shall furnish identification to any person under the age of 21 where the person knows or should know that the identification is to be used for fraudulent purposes. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.
- 98.10.07 Use of False ID. No person shall use fraudulent identification to purchase or attempt to purchase alcoholic liquor. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.
- 98.10.08 Purchase Alcohol by Intoxicated Person. No person who is intoxicated or impaired by alcohol or drugs shall purchase or solicit any other person to purchase alcoholic liquor on his or her behalf. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.10.09 Sell Alcohol to Intoxicated Person. No person employed by, or any agent or owner of, any business or establishment that sells, serves, distributes, or gives away alcoholic liquor, shall sell, serve, furnish, or give away alcoholic liquor to any visibly intoxicated person. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.10.10 Fail to Inquire as to Age. No person shall sell or furnish alcoholic liquor to any person less than 21 years of age and no person shall fail to make diligent inquiry as to whether a person attempting to obtain alcoholic liquor is less than 21 years of age. Except as set forth in Section 98.10.13, a person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.
- 98.10.11 Bring Alcohol into Licensed Liquor Establishment. No person, other than the owner, licensee or agent of a licensed liquor establishment, shall bring any alcoholic liquor into any establishment licensed to sell alcoholic liquor. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.10.12 Display of Alcohol. No person shall display spirits, containing an alcoholic content of over 21 percent by volume, in an area that is open to persons

under the age of 21. Such displays shall be behind a counter or similar fixture. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

- 98.10.13 Furnishing, Sale To Persons Under 21 and/or Failure to Inquire As To Age During Enforcement Action. If an employee, clerk, or agent of an establishment that has been issued a license to sell or serve alcoholic liquor by the Michigan Liquor Control Commission violates either Section 98.10.05 or 98.10.10, and those violations result from an undercover operation in which the minor is under the direction of the Troy Police Department as part of an enforcement action, then that employee, clerk, or agent is responsible for a Civil Infraction and may be ordered to pay a civil fine of not more than \$100.

## **DRUGS**

- 98.11.01 Possession or Use of Marihuana. The following provisions are applicable to the possession and/or use of marihuana;
- a) No person under the age of 21 shall consume or have in his/her possession or under his/her control, marihuana or cannabis as defined by Section 3 of the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27953, unless that person is a qualifying patient who has been issued and possesses a registry identification card for the medical use of marihuana in accordance with the Michigan Medical Marihuana Act, MCL 333.26421, *et seq.*
  - b) No person shall transfer marihuana or marihuana accessories to a person under the age of 21 unless that person is a qualifying patient who has been issued and possesses a registry identification card for the medical use of marihuana in accordance with the Michigan Medical Marihuana Act, MCL 333.26421, *et seq.*
  - c) No person shall consume marihuana in a public place or smoke marihuana where prohibited by the person who owns, occupies or manages the property, except for purposes of this subdivision, a public place does not include an area designated for consumption within a municipality that has authorized consumption in designated areas that are not accessible to persons under 21 years of age.

- d) No person shall cultivate marihuana plants if the plants are visible from a public place without the use of binoculars, aircraft, or other optical aids or outside of an enclosed area equipped with locks or other functioning security devices that restrict access to the area.
- e) No person shall smoke marihuana within a vehicle upon a public way.
- f) No person shall possess marihuana accessories or possess or consume marihuana on the grounds of a public or private school where children attend classes in preschool programs, kindergarten programs, or grades 1 through 12, or in a school bus.
- g) No person shall possess more than 2.5 ounces of marihuana within a person's place of residence unless the excess marihuana is stored in a container or area equipped with locks or other functioning security devices that restrict access to the contents of the container or area.
- h) A person who violates subsection (a), (b), (c), (d) or (g) of this section shall be responsible for a civil infraction and shall be punished by a fine of not more than \$100.00 plus forfeiture of the marihuana;
- i) A person who violates subsection (e) or (f) of this section shall be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.11.02 Possession of Drug Paraphernalia. No person shall possess a hypodermic syringe or needle or any other instrument or implement adapted for the use of narcotic or dangerous drugs. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

Exceptions. This section does not apply to the following:

- a. Possession where authorization was issued by a licensed physician within a period of one (1) year.
- b. Manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research or teaching institutions, clinical laboratories, medical doctors, osteopathic physicians,



dentists, chiropractors, veterinarians, pharmacists and embalmers in the normal legal course of their respective business or profession.

- 98.11.03 Loiter with Intent to Use or Sell Drugs. No person shall loiter, frequent or live in any place with the intent to use, sell, dispense, furnish, give away, store or keep illegal drugs, hypodermic syringes, needles, empty gelatin capsules or narcotic paraphernalia. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.11.04 Unlawful Possession of Chemical Agent. No person shall possess a chemical agent, including nitrous oxide, with the intent to breath, inhale, or ingest for the purpose of causing a condition of intoxication, elations, euphoria, dizziness, or dulling of the senses or for the purpose of changing, distorting, or disturbing the audio, visual, or mental processes. This section shall not prohibit the possession of a chemical agent, including nitrous oxide, for the purpose of administering anesthesia for medical or dental purposes by a licensed practitioner. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.11.05 Unlawful Use of Chemical Agent. No person shall intentionally breath, inhale or ingest any chemical agent, including nitrous oxide, for the purpose of causing a condition of intoxication, elations, euphoria, dizziness or dulling of the senses or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual, or mental processes. This section shall not prohibit the inhalation of any anesthesia for medical or dental purposes administered by a licensed practitioner. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.11.06 Unlawful Delivery of Chemical Agent. No person shall possess a chemical agent, including nitrous oxide, with the intent to deliver to another person knowing or having reason to know that the other person will use the chemical agent in violation of Section 98.11.04 or 98.11.05. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

## **TOBACCO**

98.12.01 Person Under 21 - Possess or Purchase Tobacco. No person under the age of 21 shall purchase, attempt to purchase, possess or use tobacco in any form or any product that is used for the formation of a smoking device. A person who violates this section is guilty of a misdemeanor, punishable by a fine of not more than \$50.00 for each offense. In addition, the court may also require an individual who violates this section to participate in a health promotion and risk reduction assessment program and/or to complete community service hours as follows: not more than 16 hours of community service for a first offense, not more than 32 hours of community service for a second offense, and not more than 48 hours of community service for a third or subsequent offense.

98.12.01a Person Under 21- Possess or Purchase a Vapor Product of Alternative Nicotine Product. No person under the age of 21 shall purchase, attempt to purchase, possess, or attempt to possess, or use a vapor product or alternative nicotine product. A person who violates this section is responsible for a civil infraction or guilty of a misdemeanor as follows:

- a. For the first violation, the individual is responsible for a civil infraction and shall be fined not more than \$50.00. In addition, the court may order the individual to participate in a health promotion and risk reduction assessment program and/or the court may order the individual to perform not more than 16 hours of community service.
- b. For the second violation, the individual is responsible for a civil infraction and shall be fined not more than \$50.00. In addition, the court may order the individual to participate in a health promotion and risk reduction assessment program and/or the court may order the individual to perform not more than 32 hours of community service.
- c. For a third or subsequent violation, the individual is guilty of a misdemeanor punishable by a fine of not more than \$50.00. In addition, the court may order the individual to participate in a health promotion and risk reduction assessment program and/or the court may order the individual to perform not more than 48 hours of community service.

98.12.02 Sell or Furnish Tobacco, Vapor, or Alternative Nicotine Product to Person Under 21. No person shall sell, furnish, give or deliver a tobacco product, vapor product, or alternative nicotine product, in any form or any product that is used for the formation of a smoking device, to any person under the age of 21. A person who violates this section is guilty of a misdemeanor, punishable by a fine as follows: not more than \$100.00 for

a first offense, not more than \$500.00 for a second offense, and not more than \$2,500.00 for a third or subsequent offense.

## **FIREARMS**

98.13.01 Transport or Possess Firearms in Vehicle. Except as otherwise permitted by state or federal law, no person shall transport or possess in or upon a motor vehicle, or any self-propelled vehicle designed for land travel either of the following:

(a) A firearm, other than a pistol, unless the firearm is unloaded and is one or more of the following:

- (i) Taken down.
- (ii) Enclosed in a case.
- (iii) Carried in the trunk of the vehicle.
- (iv) Inaccessible from the interior of the vehicle.

(b) A pneumatic gun that expels a metallic BB or metallic pellet greater than .177 caliber unless the pneumatic gun is unloaded and is 1 or more of the following:

- (i) Taken down.
- (ii) Enclosed in a case.
- (iii) Carried in the trunk of the vehicle.
- (iv) Inaccessible from the interior of the vehicle.

A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.13.02 Firearm License Requirement. Except as permitted by state or federal law a person shall not purchase, carry or possess a firearm in the City unless the person has obtained a license for the firearm as prescribed by state law or is otherwise permitted to purchase, carry or possess the firearm under state or federal law. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.13.03 Person Under 18 – Possess Firearms. Except as permitted by state or federal law, no person under 18 years of age shall carry or transport a firearm in any public place except under the direct supervision of an individual 18 years of age or older. A person who violates this section is

guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.13.04 Sell Firearms to Person Under 18. No person shall sell a firearm to any person under 18 years of age. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.13.05 Discharge of Firearms. No person shall discharge a pistol or any other firearm or bow and arrow in the City. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

Exception. This section does not apply to persons lawfully acting in the defense of persons or property or the enforcement of law or as otherwise authorized by this Chapter, or at an established range that has been approved by the Troy City Council.

98.13.06 Pneumatic Guns – Prohibited Conduct. No person shall point, wave about, or display a pneumatic gun in a threatening manner with the intent to induce fear in another individual. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.13.07 Pneumatic Guns – Person Under 16. A person under the age of 16 shall not possess a pneumatic gun unless the person is under the supervision of a parent or guardian, or an individual 18 years of older, except if the individual is on or within private property and is authorized by a parent or guardian and the property owner or legal possessor to possess the pneumatic gun. A violation of this section is a municipal civil infraction subject to the penalties of Chapter 100 of the Troy City Code.

98.13.08 Brandishing Firearm in Public. A person shall not knowingly brandish a firearm in public. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

Exception. This section does not apply to persons lawfully acting in the defense of persons or property or the enforcement of law or as otherwise authorized by this Chapter.

98.13.09 Pointing or Aiming Firearm at Another. A person who intentionally but without malice points or aims a firearm at or towards another person is

guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500, or both.

Exception. This section does not apply to persons lawfully acting in the defense of persons or property or the enforcement of law or as otherwise authorized by this Chapter.

## **SCHOOL PROPERTY**

- 98.14.01 Cause Disturbance on School Property. No person shall willfully or maliciously make or assist in making any noise, disturbance or improper diversion by which the peace and quiet or good order of any class, gathering or other function in any school building is disturbed. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.14.02 Profane Language on School Property. No person shall use profane, indecent, vulgar, or immoral language or indulge in indecent or immoral conduct on school property if doing so causes a disturbance or improper diversion by which the peace and quiet or good order of any class gathering or other function in any school building is disturbed. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.14.03 Unauthorized Use of School Property. No person shall enter or remain on school property without lawful authority after having been forbidden to do so by a school administrator or after being notified to depart by a school administrator. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.
- 98.14.04 Use or Possession of Alcohol on School Property. No person shall use or possess alcoholic liquor on school property unless authorized by law or a school administrator. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.
- 98.14.05 Tobacco, Vapor, or Alternative Nicotine Products on School Property. No person shall use any tobacco product, vapor product, or alternative nicotine product on school property. A person who violates this section is guilty of a misdemeanor, punishable by a fine of not more than \$50.00.

Exception. This section does not apply to individuals who are 21 years or older who are on parts of school property consisting of outdoor areas including, but not limited to, an open-air stadium, during either of the following time periods:

- a. Saturdays, Sundays, and other days on which there are no regularly scheduled school hours.
- b. After 6 p.m. on days during which there are regularly scheduled school hours.

98.15.01 Fireworks. An individual shall not fire, discharge, display, or possess any fireworks, except as permitted by state law and this ordinance. There shall be no ignition, discharge or use of consumer fireworks on all days except for the following days:

- December 31 until 1 am on January 1
- The Saturday and Sunday immediately preceding Memorial Day
- June 29 to July 4
- July 5, if that date is a Friday or a Saturday
- The Saturday and Sunday immediately preceding Labor Day

On these dates only, persons are permitted to ignite, discharge, or use fireworks between the hours of 11:00 am to 11:45 pm, except as set forth above, in accordance with state and local law. A person who ignites, uses or discharges a consumer firework at any time except as set forth above is responsible for a municipal civil infraction, which is punishable by a fine of up to \$1000, with \$500 required to be remitted to the Troy agency enforcing the ordinance. A person who violates any other portion of this section is guilty of a misdemeanor, punishable by imprisonment in the county jail for not more than 90 days or by a fine or not more than \$500, or both.

98.15.02 Ignition, Use, Discharge of Fireworks While Under Influence of Alcohol or Controlled Substances. An individual shall not discharge, ignite, or use consumer fireworks or low impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance, which are defined under the Michigan vehicle code, 1949 PA 300 and any amendments. A person who ignites, uses, or discharges fireworks in violation of this section is guilty of a misdemeanor, punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.

98.15.03 Discharge of Fireworks on Public Property. An individual shall not ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of another person without that organization's or person's express permission to use those fireworks on those premises. A person who ignites, uses or discharges fireworks in violation of this section is guilty of a municipal civil infraction, punishable by a fine of up to \$500.

**EFFECTIVE DATE**

98.16.01 Effective Date. This Chapter shall become effective at 12:01 a.m. on February 1, 2001.