

**WORK SESSION AGENDA
WYOMING CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS**

Monday, October 10, 2016, 7:00 P.M.

- 1) Call to Order**
- 2) Student Recognition**
- 3) Public Comment on Agenda Items (3 minute limit per person)**
- 4) Water Transmission & Intake Pipelines**
- 5) Proposed Amendments to the Fire Prevention and Protection Ordinance**
- 6) Any Other Matters**
- 7) Acknowledgement of Visitors/Public Comment (3 minute limit per person)**

MEMORANDUM

DATE: September 27, 2016
TO: Curtis L. Holt, City Manager
FROM: William D. Dooley, Director of Public Works
SUBJECT: Water Intake and Transmission Pipelines

Wyoming uses the following large-diameter pipelines to move water from Lake Michigan to its Gezon Pumping Station -- from which the water is then distributed to approximately 75,000 customers located throughout the city. There are, of course, another 155,000 Kent and Ottawa County customers who also receive water from Wyoming by way of these same pipelines.

<u>Pipeline</u>	<u>Diameter</u>	<u>Length</u>	<u>Age</u>
Intake	66-inch	4,400-feet	50 years
Raw Water	60-inch	2,600-feet	50 years
Raw Water	66-inch	2,600-feet	5 years
Transmission	54-inch	26 miles	50 years
Transmission	48-inch	26 miles	25 years

In 2001, Wyoming hired Black & Veatch to evaluate its water treatment and transmission systems and recommend any improvements that were necessary in order to keep up with growing customer demand for water. B&V recommended four improvements.

1. Expansion of the water treatment plant -- increasing capacity from 100 mgd to 120 mgd. [\$75 million]
2. Addition of a second raw water pipeline -- increasing capacity from 120 mgd to 150 mgd and providing needed redundancy. [\$4 million]
3. Addition of a second intake pipeline -- increasing capacity from 120 mgd to 200 mgd and providing needed redundancy. [\$6 million]
4. Addition of a booster pump station along the two transmission pipelines -- increasing capacity from 100 mgd to 150 mgd. [\$11 million]

The first two B&V recommendations were completed in 2010 at a cost of \$80 million. The remaining two recommendations were put on hold due to financing limitations and a general slowdown in water demand.

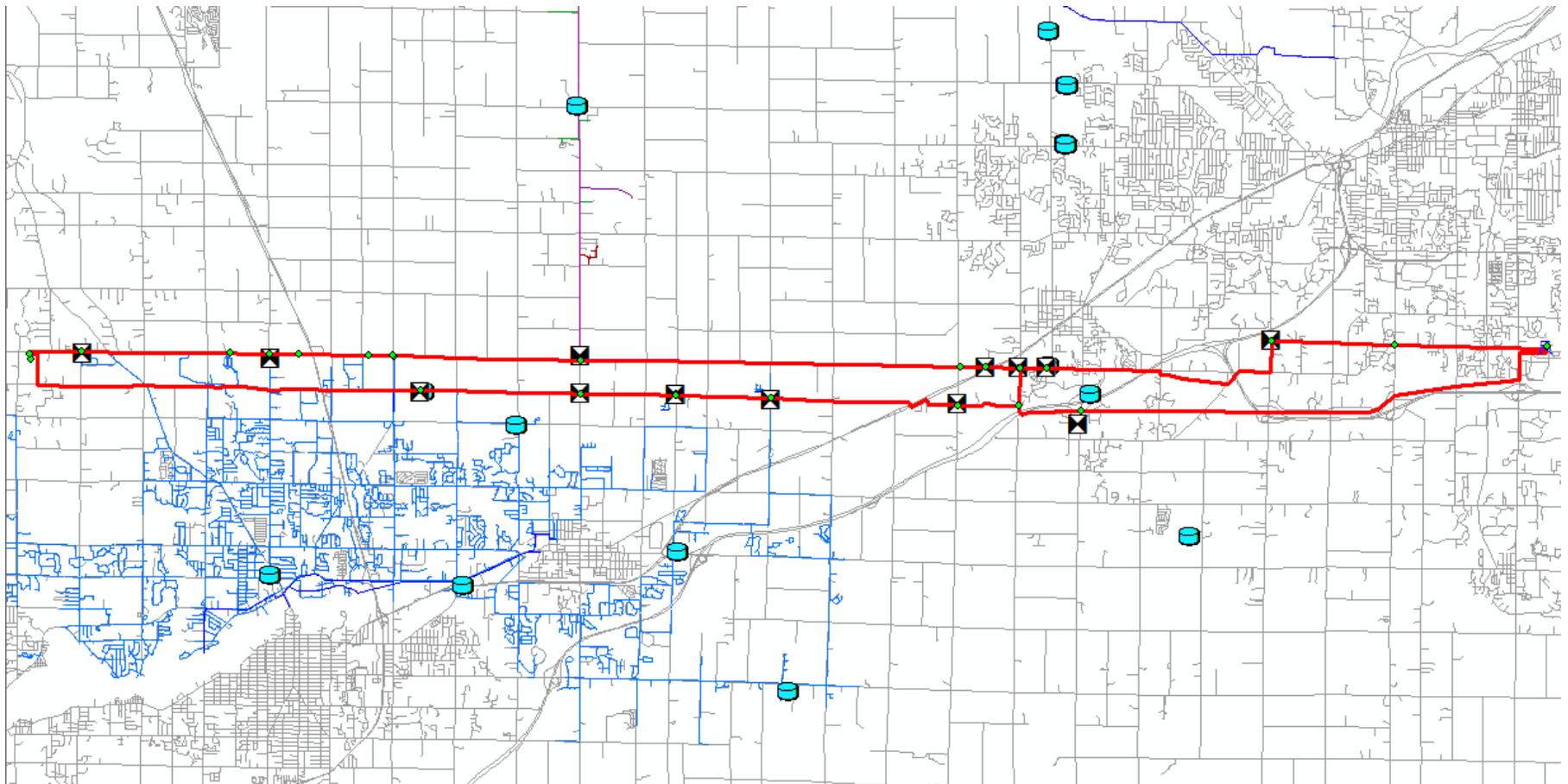
Last fall, Black & Veatch was asked to re-evaluate their 2001 recommendations for the water intake and transmission pipelines (items 3 and 4 above). As a result, it is now recommended that Wyoming pursue the following:

1. Build a second intake pipeline, as previously recommended. This will include a second intake crib, 4,400-feet of 78-inch pipe, 150-feet of 66-inch pipe, and three very large diameter valves. B&V's estimated cost has increased to \$11 million, and because this project will require up to 27 state and federal permits and take two years to construct, a second Wyoming intake will not likely be operational before 2021.
2. Build a third transmission pipeline, in-lieu-of a booster pump station. There are four reasons why a third pipeline is now a better alternative than a booster pump station. First, a third pipeline has a lower long-term life-cycle cost than a booster pump station. This is because the estimated cost of a pump station has increased from \$11 million to \$24 million. Second, a third pipeline can be constructed in three phases, while a pump station cannot. This allows Wyoming to more closely match an increase in capacity with an associated increase in revenue (i.e. ability to finance). Third, three transmission pipelines provide much greater redundancy and flexibility than two pipelines. This is particularly important because one of the two existing pipelines is 50 years old and the other is 25 years old. Fourth, a third pipeline eliminates the need and cost to abate negative wholesale customer impacts associated with a booster pump station. B&V's estimated cost for a third pipeline is \$65 million -- split into three phases of \$24 million, \$19 million, and \$22 million. Timing for this project is dependent upon water demand. Most likely, the first phase will be needed by 2024.

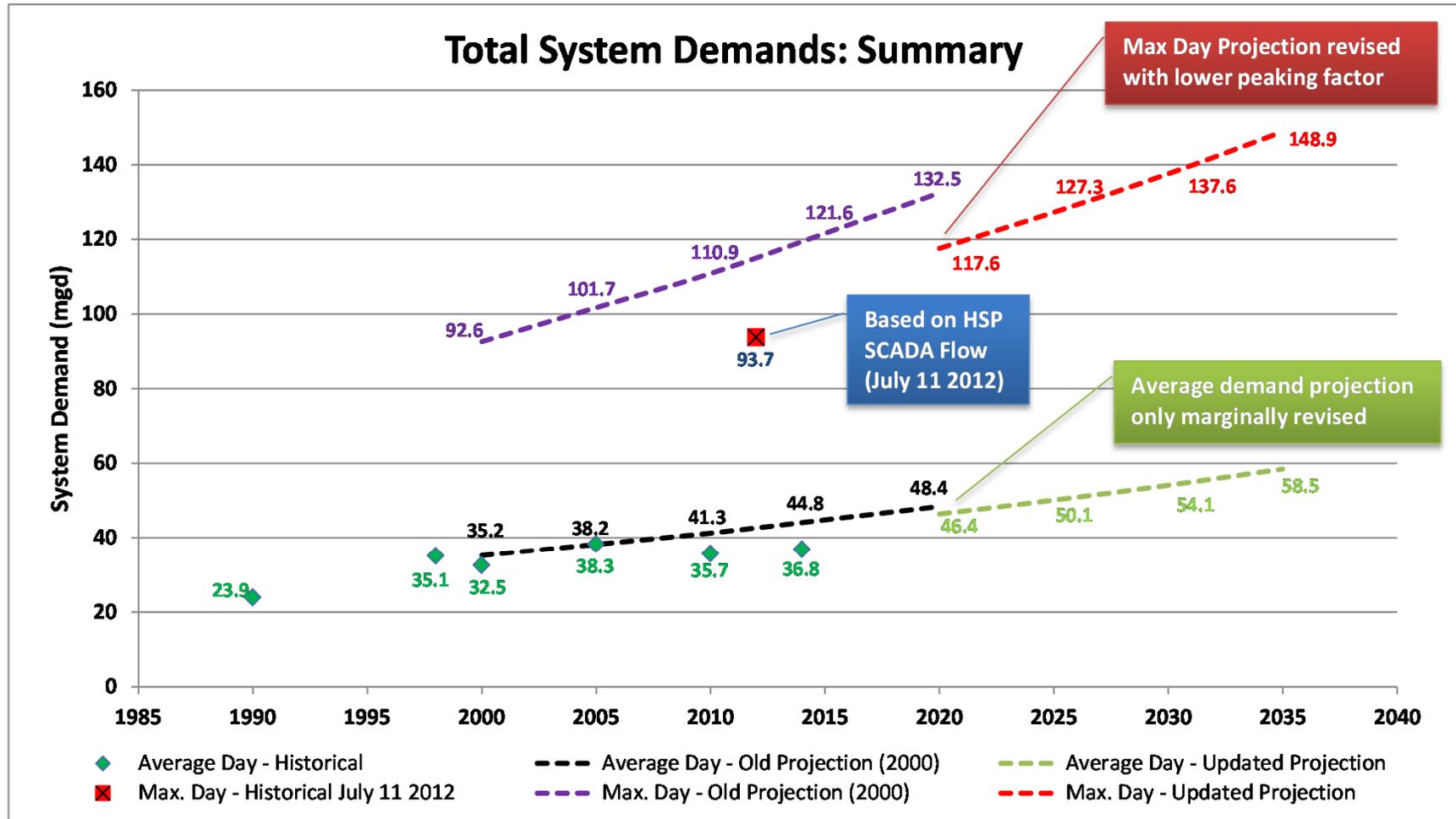
We believe that Wyoming should pursue the construction of a second intake pipeline without further delay. For this reason, we have begun evaluating potential consulting engineers and plan to bring an engineering agreement to the City Council in early January for their review and approval.

Fortunately, Wyoming does not need to immediately begin the engineering of a third pipeline. It should, however, sell the 33-acre parcel purchased in 2007 for the location of a booster pump station. We plan to prepare a resolution, declaring the parcel surplus, for the City Council's review and approval in October. Once the parcel has been declared surplus, we can solicit bids and seek the City Council's approval of a suitable buyer.

WYOMING TRANSMISSION PIPELINES



WYOMING SYSTEM DEMAND PROJECTION



Note: All demands in million gallons per day

Third Pipeline -vs- Booster Pump Station Comparison of Average Annual Costs

6/7/2016

1960	1970	1980	1990	2000	2010	2020	2030	2040	2050	2060	2070	2080	2090	2100	2110	2120	2130	2140	2150
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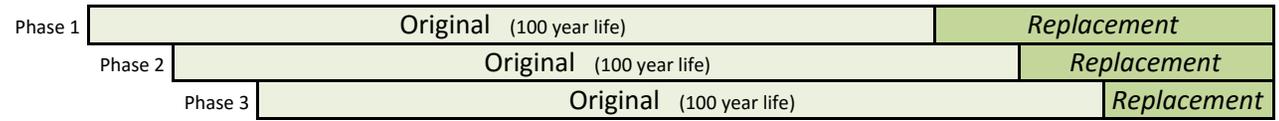
54-inch Pipeline



42-inch Pipeline



Third Pipeline



<i>Capital cost -- Phase I</i>	<i>\$24 million</i>
<i>Capital cost -- Phase II</i>	<i>\$18 million</i>
<i>Capital cost -- Phase III</i>	<i>\$24 million</i>
<i>O & M cost</i>	<i>\$100,000 annual</i>
Average Annual Cost	\$760,000

Booster Station



<i>Capital cost -- Original</i>	<i>\$32 million</i>
<i>Capital cost -- Replacement</i>	<i>\$14 million</i>
<i>O & M cost</i>	<i>\$500,000 annual</i>
Average Annual Cost	\$960,000

Phases of a Third Transmission Pipeline

Phase	Fiscal Year	Capacity	Cost Estimate
Current	2017	120 MGD Treatment 100 MGD Pipeline	--- ---
One	2024	120 MGD Treatment 120 MGD Pipeline	--- \$24 million
Two	2033	150 MGD Treatment 135 MGD Pipeline	\$18 million 18 million
			\$36 million
Three	2040 +	150 MGD Treatment 150 MGD Pipeline	--- \$24 million
Total			\$84 million

STAFF REPORT

Date: October 3, 2016

Subject: Proposed Amendments to the Fire Prevention and Protection Ordinance

From: Chuck Lark, Fire Chief

Meeting Date: October 10, 2016

Recommendation:

It is recommended that the City Council adopt the proposed amendments that include an update of definitions, adoption of the 2012 International Fire Code, and Appeals process for permit requests.

Sustainability Criteria:

Environmental Quality – There would be no environmental impact in adopting these amendments. The adoption of the 2012 International Fire Code (IFC) is consistent with all of our neighboring jurisdictions.

Social Equity – The requirements in the ordinance sections proposed will align the city with the current City of Wyoming referenced Michigan Building Code (MBC). Adoption of the proposed amendments will eliminate inconsistencies and improve public safety.

Economic Strength – No impact.

Discussion:

Currently, there is no state fire code, making it the responsibility of a jurisdiction to adopt a Fire Code at the local level. The City of Wyoming is currently operating under the 2000 edition of the N.P.A. Fire Prevention Maintenance Code. With this amendment neighboring jurisdictions will be able to work collaboratively, if requested, to assist in an investigation or inspection. In addition to adopting the most current International Fire Code staff updated definitions were made to reflect the administrative changes affected by the Public Safety Model. The final change includes **Section 33-34 – Appeals**. Whenever a permit is refused the appeals process will now be required to appeal the decision to the City of Wyoming's Construction Board of Appeals. Our existing process would require them to make a final appeal to the City of Wyoming City Council. Surrounding communities have adopted the IFC and it has proven to adequately protect the public health, safety, and welfare of the community.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 34
OF THE CODE OF THE CITY OF WYOMING

THE CITY OF WYOMING ORDAINS:

Section 1. That Chapter 34 of the Code of the City of Wyoming entitled FIRE PREVENTION AND PROTECTION is hereby amended to read as follows:

CHAPTER 34
FIRE PREVENTION AND PROTECTION

ARTICLE I. – GENERAL

Sec. 34-1. - Definitions.

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

Approved means that which has been accepted by the fire chief as a result of his own investigation or experience, or by reason of test, listing or approval by the Underwriter's Laboratories, Inc., the National Bureau of Standards, the American Gas Association Laboratories or other nationally recognized testing authorities.

Automatic fire alarm system means a system which automatically detects a fire condition and actuates a fire alarm signal device.

Combustible material means and includes any readily ignitable and fire-burning material such as shavings, excelsior, rubbish, sacks, bags, litter, hay, straw, boxes, barrels, rubber tires, baled cotton, paper, rubber or cork.

Dwelling means any house, building, structure, tent, shelter, trailer, or vehicle, or portions thereof (except railroad cars on tracks or rights-of-way) which is occupied, in whole or in part, as the home, residence, living or sleeping places of one or more human beings, either permanently or transiently.

Explosives means and includes any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion or that contains any oxidizing and combustible units or other ingredients, in such proportions, quantities, or packing that an ignition by fire, friction, concussion, percussion or detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

Fire Chief means the City Fire Chief, Deputy Director of Fire Services, his designee or a substantially similar fire services administrative position.

Fire Department means the Fire Services Division of the Department of Public Safety of the city.

Flammable liquid means any liquid having a flashpoint below 200 degrees Fahrenheit and having a vapor pressure not exceeding 40 pounds per square inch.

Hazardous chemicals means those which are highly flammable, or which may react to cause fires or explosions, or which by their presence create or augment a fire or explosion hazard, or which, because of the toxicity, flammability or liability to explosion render firefighting abnormally dangerous or difficult. Hazardous chemicals include such material as compressed gases, flammable solids, corrosive liquids, radioactive materials, oxidizing materials, and poisonous gases.

I.C.C. container means any container approved by the Interstate Commerce Commission for shipping any liquid gaseous or solid material of a flammable, toxic or other hazardous nature.

Institutional building means a building in which persons are harbored to receive medical, charitable or other care or treatment, or in which persons are held or detained by reason of public or civic duty, or for correctional purposes.

License means one which has been issued by the city clerk, or other licensing agent, pursuant to the provisions of this chapter or state statute.

Liquefied petroleum gas means any material which is composed predominately of any of the following hydrocarbons, or mixtures of them: propane, propylene, butane and butylenes.

Multifamily dwelling means a building, or portion thereof, used or designed as residence for three or more families living independently of each other and each doing their own cooking in the building, with the number of families in residence not exceeding the number of dwelling units provided.

Permit means one which has been issued by the fire chief pursuant to the provisions of this chapter. Such permit is distinguishable from and does not take the place of a license issued under this chapter or state statute.

Public building means a building in which persons congregate for civic, political, educational, religious, social or recreational purposes.

Residence building, except when classed as an institutional building, means a building in which sleeping accommodations are provided.

Sec. 34-2. - Violation of chapter.

- (a) Any person violating any provision of this chapter, except sections requiring permits or license, shall be served by the fire chief or his designee with a written notice stating the nature of the violation and specifying a reasonable time limit for the satisfactory correction thereof. Such person shall, within the period of time in such notice, permanently cease all violation.
- (b) The imposition of a fine or imprisonment shall not eliminate the necessity to correct, remove or otherwise abate any of the hazardous conditions.
- (c) Penalties for violations shall be as provided in Section 34-3(3) of this chapter and the city code.

Sec. 34-3. – Adoption of International Fire Code

(a) Adoption by reference. The city hereby adopts by reference International Fire Code, 2012 edition, as published by the International Code Council with appendix B, D, and F of said International Fire Code. A complete copy of this code is made available to the public at the Department of Public Safety- Fire Services office and the City Clerk’s Office in compliance with state law. The code is subject to the following amended subsections:

- (1) Section 101.1. Title. These regulations shall be known as the Fire Code of City of Wyoming, herein referred to as “this code.”
- (2) Section 102.4 of the code shall be amended to add the phrase “except new construction built in accordance with the Michigan Building Code”.
- (3) Section 109.4 Violation Penalties. Persons who violate a provision of this code or fail to comply with any of the requirements thereof or who erect, install, alter, repair or to 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 chapter, shall be guilty of a municipal civil infraction for the offense. The penalty shall be as provided in section 1-27 of the city code. Subsequent offenses may be charged as a misdemeanor punishable by a fine of up to \$500, or imprisonment for up to 90 days, or both such fines and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense and a separate violation subject to enforcement action.
- (4) Section 307 shall be amended to read: City of Wyoming Code Section 30-35 does allow for open burning under certain conditions.
- (5) Section 5704.2.9.6 All above ground storage tanks shall comply with the provisions of NFPA 30 and 30a, Flammable and Combustible Liquids, the most current edition.
- (6) Section 6104.2 Maximum capacity with established limits. Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 500 gallons or two hundred ten pounds gas capacity.

ARTICLE II. - FIRE DEPARTMENT

Sec. 34-36. - Establishment; purpose.

Pursuant to the terms of Act No. 33 of the Public Acts of Michigan of 1951 (MCL 41.801 et seq.), as amended, there is hereby created the city fire department, the object of which shall be the prevention of fire and protection of life and property from fire within the limits of the city.

Sec. 34-37. – Personnel.

The fire department shall consist of a Fire Chief/Deputy Director of Fire Services, an Assistant Director of Fire Services, and such other officers and employees as the fire chief, subject to the approval of the City Manager, may deem necessary.

Sec. 34-38. - Fire chief.

- (a) *Appointment and removal.* The fire chief shall be appointed by the city manager, subject to the approval of the city council. The fire chief may be removed by the city manager. The fire chief shall be technically qualified by training and experience.
- (b) *Responsibility.* The fire chief shall be responsible to the city manager and director of public safety only and shall make such written and verbal reports thereto as may be provided for in subsection (e) of this section or as the city manager may, from time to time, require.
- (c) *Investigation of fires.* The fire chief or his designee shall be responsible for investigating the cause, origin and circumstances of all fires.
- (d) *Records.* The fire chief shall keep complete records of all fires, inspections, apparatus, equipment, personnel and all other necessary matters.
- (e) *Reports.* The fire chief shall submit a report to the city manager at least once monthly containing the number of fires, date, cause and amount of loss.

Sec. 34-39. - Inspection of buildings and premises.

The fire chief, or his designee, shall be permitted at all reasonable hours to enter any public or private building or any premises within the geographical limits of the city for the purpose of making any inspection and investigation required or otherwise provided for under the provisions of this chapter. In the case of public buildings, such inspection and investigation shall be made as often as necessary for the purpose of ascertaining and causing to be corrected any condition which may constitute a source of fire, or for the purpose of ascertaining and causing to be corrected any violations of the provisions of this chapter relating to fire hazards, or for the purpose of ensuring compliance in all places of assembly with all laws, regulations and orders concerning overcrowding, use of decorative materials, maintenance of exitways, maintenance of fire alarm and fire detecting systems, and maintenance of fire extinguishing systems and appliances. The fire chief, or his designee, shall investigate any complaints received concerning fire hazards or other violations of this chapter.

Sec. 34-40. - Remedial action.

Whenever the fire chief or his designee shall, in the course of an inspection or investigation referred to in section 34-39, find in any building or upon any premises any of the following dangerous or hazardous conditions, he shall direct that such dangerous conditions shall be

corrected or dangerous materials removed, in such a manner as may be specified by the fire chief or his designee:

- (1) Dangerous or unlawful accumulations of combustible or explosive material.
- (2) Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive material.
- (3) Dangerous accumulations of rubbish, wastepaper, boxes, shavings or other flammable material.
- (4) Accumulations of dust or waste material in air conditioning systems, or of grease in kitchen exhaust ducts.
- (5) Obstructions to or on fire escapes, stairs, passageways, doors or windows, which obstructions are likely to interfere with the operations of the fire department or to impede evacuation of the premises by the occupants in case of fire.

Sec. 34-41. - Evacuation of buildings.

Whenever, during the occurrence of any fire, it shall be deemed advisable or desirable to evacuate or exclude persons from the premises, the fire chief may order evacuation of all persons from the premises or forbid entry to the premises by any person.

Sec. 34-42. - Licenses and permits.

- (a) *Approval of fire department before issuance of license.* Wherever any provision of any section of this chapter or state statute, requires inspection by and approval of the fire chief as a condition precedent to the issuance of a license, the fire chief shall inspect and approve the place where the business, trade, occupation or employment is to be conducted before such license shall be issued by the licensing authority and shall file a report in writing with the city clerk indicating approval or disapproval of the application for license. Where the fire chief disapproves the application, the reasons therefor shall be clearly set forth in the report.
- (b) *Application for permits.* All applications for permits under any provision of any section of this chapter requiring approval or issuance by the fire department, shall be made to the fire chief, on such form and in such detail as the fire chief may from time to time prescribe. Once issued, such permit shall at all times be kept on the premises designated therein and shall at all times be subject to inspection by the fire chief. Such permit may be for an indefinite term but shall not be transferable and must be renewed in the event of a change in use or occupancy of the premises.
- (c) *Permit to engage in hazardous occupation required.* Any person who proposes to engage in a business or occupation which may produce or is likely to produce conditions conducive to fire, such as the storage or handling of hazardous chemicals, storage transportation or handling of liquified petroleum gases, storage or handling of combustible materials, or flammable liquids, or storage and handling of explosives, is hereby required to secure a permit to engage in such business or occupation from the fire

chief. Such permit shall be in addition to any permit which may be required by any other provision of any section of this chapter and its issuance shall be conditioned upon prior investigation or inspection by the fire chief.

- (d) *Number of permits required.* Only one permit shall be required by retail establishments dealing in, or manufacturing plants using two or more flammable, combustible or explosive materials to be kept in the establishment at any one time, but each of such materials must be listed on the permit.

Sec. 34-43. - Appeals.

Whenever the fire chief refuses to grant a permit, or the fire chief disapproves a modification applied for, or when it is claimed that the provisions of this chapter do not apply or that the true intent and meaning of this chapter have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the fire chief to the Board of Appeals within 30 days from the date of the decision. The Board shall hear the appeal. Except as provided by state law, the decision of the Board shall be final.

Board of Appeals established. In order to hear and decide appeals of orders, decision or determinations made by the Fire Chief or designee relative to the application and interpretation of this code there shall be a Board of Appeals. The Board of Appeals shall be the Construction Board of appeals of the City of Wyoming. All appeals shall be governed by the procedures for appeals to the Construction Board of Appeals and all applicable provisions of state law. On all appeals from this chapter, the fire code official or the designee of the fire chief will be an ex officio member of the board but shall not have a vote on the appeal

Sec. 34-44. - Liability for damages.

This chapter shall not be construed to relieve or lessen the responsibility or liability of any person owning, operating, controlling or installing any wiring or equipment, or making any use of any premises, or maintaining, storing or handling any flammable materials, for damage to persons or property caused by any improper or negligent use, operation, installation or storage; nor shall the city be deemed to have assumed any liability by reason of any inspection authorized in this article or by the issuance of any license or permit granted under the provisions of this chapter, nor by reason of the approval or disapproval of any equipment, or the use thereof, or the maintenance, handling and storage of materials, as authorized in this article.

Sec. 34-45. - New materials, processes or occupancies which may require permits.

The city manager, the fire chief and the city attorney or their designees shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in this chapter. The fire chief shall post such list in a conspicuous place in his office and distribute copies thereof to interested persons.

Sec. 34-46. - Fire hydrants.

- (a) *Access.* All buildings in the city except one-family and two-family dwellings, shall be situated not more than 500 feet from a public fire hydrant by direct public or private road access. Any private road must be improved according to the minimum requirements of the county road commission and the city. Public fire hydrants shall be situated immediately adjacent to and not more than 20 feet from a public or private road.
- (b) *Supplemental fire protection hydrants.* Supplemental fire protection hydrants shall be provided for all buildings, except one-family and two-family dwellings, that are:
 - (1) Situated at a distance greater than 300 feet from a public road; or
 - (2) Of such size, construction, location or occupancy use in relationship to public roads and public fire hydrants as may be deemed by the fire chief to constitute a condition hazardous to life and property due to fire or explosion and as related to the ability of the fire department to serve the premises.
- (c) *Supplemental fire protection hydrant size and location.* Supplemental fire protection hydrants shall consist of water mains not less than six inches in diameter and dedicated to the public use of the city and its water system. The fire chief shall determine the number and location of hydrants deemed reasonable and necessary to provide sufficient supplemental fire protection to the premises.

Sec. 34-47. - Key box.

When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for lifesaving or firefighting purposes, the fire chief shall require a key box to be installed in an accessible location. The key box shall be a type approved by the fire chief and shall contain keys to gain necessary access as required by the fire chief.

ARTICLE III. - HAZARDOUS MATERIALS

Sec. 34-76. - Definitions.

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

Hazardous materials means material, waste, or a combination of waste and material, including solid, liquid, semisolid or contained gaseous material, which, because of its quantity, quality, concentration or other physical, chemical or general characteristics, poses a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed of or otherwise managed.

HazMat unit means the vehicle provided by the city equipped with apparatus designed to provide emergency service in situations involving the suspected or actual spill, leak, accident or other similar occurrence involving hazardous materials.

Sec. 34-77. - Duty to remove.

It shall be the duty of any person who causes or has ownership or control of any property on which a spill, leakage or other dissemination of hazardous materials occurs to remove immediately such hazardous materials and undertake and complete a total cleanup of the area in

such a manner as to ensure that all leakage, spillage or other dissemination of hazardous material is fully removed and the area is fully restored to its condition prior to the placement, leakage, spillage or other dissemination of such hazardous materials.

Sec. 34-78. - Failure to remove.

Any person who fails to comply completely with section 34-77 shall be liable to the city, its agents, contractors and employees, for any costs incurred in the removal and cleanup of hazardous materials and the restoration of the property to its former condition.

Sec. 34-79. - Abatement by city; costs; collection.

If any person fails to remove hazardous material, after having been notified by the city to remove such materials, within the time specified in the notice, the city shall have the right to enter onto the property and remove and conduct a cleanup of any hazardous materials, either by city employees or by contractors and agents of the city. All costs of the removal shall be the responsibility of the person owning or in possession of such property. If such costs are not paid, the city may take whatever collection steps may be deemed appropriate, including the placement of all such charges on the tax roll to be added to the taxes for the property for the next year for collection as real property taxes.

Sec. 34-80. - Costs of HazMat unit.

If the HazMat unit is used for any aspects of the removal, cleanup, control or monitoring of any leakage, spillage or other incident involving hazardous materials, the owner or person in charge or possession of the property shall be responsible to the city for the cost incurred in the use of the HazMat unit. If the owner or person in charge fails to pay promptly such costs, the city may take such collection efforts as may be appropriate, including the placement of the charges on the tax roll to be added to the taxes for the property for the next tax year for collection as real property taxes.

ARTICLE IV. - FIREWORKS

Sec. 34-101. - Definitions.

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

Act 256 means the Michigan Fireworks Safety Act, Act 256 of the Public Acts of Michigan of 2011 as amended. (MCL 28.451 et seq.)

Articles pyrotechnic means pyrotechnic devices for professional use that are similar to consumer fireworks in chemical composition and construction but not intended for consumer use, that meet the weight limits for consumer fireworks but are not labeled as such, as defined in Act 256.

Consumer fireworks means fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition and labeling requirements promulgated by the United States Consumer Product Safety Commission as defined in Act 256. Consumer Fireworks do not include low-impact fireworks.

Display fireworks means large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration or deterioration as defined in Act 256.

Fireworks means any composition or device, except for a starting pistol, a flare gun or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks and special effects.

Low-impact fireworks means ground and handheld sparkling devices as defined in Act 256.

Retailer means a person who sells consumer fireworks or low-impact fireworks for resale to an individual for ultimate use.

Special effects means a combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical or thermal effect as an integral part of a motion picture, radio, television, theatrical or opera production or live entertainment.

Wholesaler means any person who sells consumer fireworks or low-impact fireworks to a retailer or any other person for resale. Wholesaler does not include a person who sells only display fireworks or special effects.

Sec. 34-102. - Sale of consumer fireworks.

A retailer or other person may not sell consumer fireworks within the city unless such person has obtained and has in effect a valid consumer fireworks certificate issued by the State of Michigan and otherwise complies with the requirements of Act 256 and any rules and regulations promulgated thereto including those related to storage.

Sec. 34-103. - Sale of low-impact fireworks.

A retailer or other person may not sell low-impact fireworks unless such person is currently registered, in accordance with Act 256, with the low-impact fireworks retail registry maintained by the State of Michigan.

Sec. 34-104. - Compliance with applicable ordinances and codes.

Except as provided in Act 256 and unless otherwise provided for in this article, a retailer or wholesaler of fireworks must comply with the requirements of the city's zoning code and building codes and regulations.

Sec. 34-105. - Use of consumer fireworks.

Except as otherwise provided in this article, a person may ignite, discharge or use consumer fireworks in the city only on the date proceeding, the day of, or the day after a national holiday as provided in Act 256.

Sec. 34-106. - Firework safety.

No person shall endanger the life, health or safety of any other person by the sale, use, possession, transport, display or discharge of any fireworks.

Sec. 34-107. - Location.

No person shall, at any time, ignite, discharge, use or display, except under the terms and conditions of a permit issued to this article, any fireworks upon another person's property or within 15 feet of another person's property without such property owner's permission. No person shall, at any time, ignite, discharge, use or display, except under the terms and conditions of a permit issued pursuant to this article, any fireworks in a public street or right-of-way, a public park, school property or any other place of public assembly.

Sec. 34-108. - Permits.

The city may issue nontransferable permits for the use of agricultural or wildlife fireworks, articles pyrotechnic, display fireworks, special effects or special effects manufactured for outdoor pest control or agricultural purposes or for public display provided that the applicable provisions of Act 256 are met.

Sec. 34-109. - Permit application.

An application for a permit on a form prescribed by the city shall be made for the use of fireworks requiring a permit at least 45 days in advance of such use. A permit fee for a fireworks permit shall be established by the city council.

Sec. 34-110. - Regulation of hours of discharge of consumer fireworks.

The ignition, discharge or use of consumer fireworks, as authorized by Act 256 of the Public Acts of 2011, as amended, shall be subject to the following:

- (1) No person shall ignite, discharge or use consumer fireworks between the hours of 1:00 a.m. and 8:00 a.m. on New Year's Day and 12:00 midnight and 8:00 a.m. on any other national holiday as authorized by Act 256.
- (2) Any person who violates this section shall be subject to a civil penalty of \$250.00 for a first offense and \$500.00 for any subsequent offense.
- (3) A civil citation issued under this section may be issued by any sworn police officer or fire department command or supervisory personnel.

ARTICLE V. - FIRE ALARMS

Sec. 34-120. - Definitions.

The following words, terms and phrases, when used in this article, shall have the following meaning:

Alarm/fire protection business means any individual or entity selling, leasing, maintaining, servicing, replacing, moving or installing any alarm or fire protection system in or on any land and/or buildings.

Alarm fee means a charge imposed upon an alarm user in accordance with the terms of this article.

Alarm user means the legal occupant, whether the owner or tenant, of the land and/or buildings in or on which an alarm system is maintained or operated within the city.

Chargeable alarm means an activation of an alarm system eliciting a response by fire department personnel where no evidence of criminal activity, fire, hazard or other emergency situation is found to exist. A chargeable alarm includes, but is not limited to, activation of an alarm system through mechanical failure, malfunction, improper installation or activation of an alarm system through the inadvertence of the alarm user or the alarm user's employee or agent.

Fire protection system is any alarm device or system or fire extinguishing device or system, or their combination, that is designed and installed for detecting, controlling, and/or extinguishing a fire or otherwise alerting occupants, or the fire department, or both, that a fire has occurred.

Nonchargeable alarm means:

- (1) Any alarm to which fire department personnel respond where there is found evidence of criminal activity, fire, hazard or other emergency for which the alarm was intended to notify the fire department.
- (2) Any alarm caused by:
 - a. Meteorological or geological condition;
 - b. Interruption of electrical or telephone service to the alarm user;
 - c. A hand pull station being activated accidentally or by malicious intent; or
 - d. Persons working on the alarm system with prior notification to the fire dispatch center.

Sec. 34-121. - Alarm fees.

- (a) No alarm fee will be imposed for the first three chargeable alarms occurring in any calendar year.
- (b) An alarm fee as set by resolution of the city council will be charged to the alarm user upon the occurrence of the fourth and subsequent chargeable alarm.
- (c) Following the third chargeable alarm in any calendar year, the fire department will send written notice to the alarm user and, if known to the fire department, to the maintaining alarm business, of the date and time of a conference at the fire department. The alarm user shall make all reasonable efforts to have a representative of the maintaining alarm business present at the conference. If the alarm user fails to appear at the conference, and makes no alternate arrangements for such a conference in advance, a fee as provided in the city fee schedule will be assessed. The purpose of the conference will be development of a written action plan to eliminate chargeable alarms. This action plan shall be signed by the alarm user, the fire department's representative, and, if appropriate, by the maintaining alarm business, and shall contain reasonable time deadlines and reporting requirements to demonstrate that the action plan has been carried out. An alarm user who

does not agree to an action plan satisfactory to the fire department's representative or who does not carry out the action plan, including its deadlines and reporting requirements, will be assessed a fee as set by resolution of the city council from time to time.

- (d) The fire department may schedule further conferences to amend the action plan if the initial plan has failed to rectify the problem generating the chargeable alarms.
- (e) The alarm/fire protection business shall be assessed a fee as provided in the city fee schedule for each occurrence if it is determined the false alarm was directly caused by an onsite employee or representative of the alarm/fire protection business. This would include the alarm/fire protection business conducting testing and/or repair work on the system when no notification was made to the dispatch center informing that work is being done on the system. In this event, the false alarm will not be counted against the owner.

Sec. 34-122. - Rules for collection and billing.

The city manager, the fire chief and the director of public safety shall prepare rules for collection and billing of the emergency response user fees as provided in this article.

Sec. 34-123. - User fee fund.

All amounts collected pursuant to this article shall be placed in a fund as established by the city to be used exclusively for the operation of the fire department.

Section 2. This ordinance shall be in full force and effect on the _____ day of _____, 2016.

I hereby certify that the above-entitled Ordinance was adopted by the City of Wyoming at a _____ session of the City Council held on the _____ day of _____, 2016.

Kelli A. Vandenberg
Wyoming City Clerk

Ordinance No. _____