



**CITY OF GROSSE POINTE WOODS**  
**20025 Mack Plaza Drive**  
**Grosse Pointe Woods, Michigan 48236-2397**

(313) 343-2440  
Fax (313) 343-2785

**NOTICE OF MEETING**  
**AND**  
**AGENDA**

**COMMITTEE-OF-THE-WHOLE**

Mayor Robert E. Novitke has called a meeting of the City Council, meeting as a Committee-of-the-Whole, for **Monday, March 14, 2011, at 7:30 p.m.** The meeting will be held in the Conference Room of the Municipal Building, 20025 Mack Plaza, and is accessible through the Municipal Court doors. In accordance with Public Act 267, the meeting is open to the public and the agenda items are as follows:

1. Call to Order
2. Roll Call
3. Acceptance of Agenda
4. Cost Containment
  - A. Court Collections
    1. Memo 03/09/11 – Court Clerk
  - B. Parks & Recreation
    1. Memo 08/08/11 – Director of Public Works
    2. 2010 Lake Front Park Attendance
  - C. Information Technology
    1. Memo 01/04/11 – Information Technology Manager
  - D. Suggested Ordinances:
    1. Alarm System Regulations, Permits and False Alarms
      - a. Memo 03/09/11 – City Administrator
    2. Traffic Crashes/Cost Recovery
      - a. Memo 03/09/11 – City Administrator
    3. Landscaping/grass cutting
      - a. Memo 03/09/11 – City Administrator
      - b. Sample Grass/Landscape Ordinances
  - E. DWRF – Director of Public Works Verbal Report
  - F. 2011/12 Budget Outlook – Treasurer/Comptroller Verbal Report

5. Ad Hoc Public Safety Report
6. New Business
7. Adjournment

Alfred Fincham  
City Administrator

IN ACCORDANCE WITH PUBLIC ACT 267 (OPEN MEETINGS ACT)  
POSTED AND COPIES GIVEN TO NEWSPAPERS

The City of Grosse Pointe Woods will provide necessary, reasonable auxiliary aids and services, such as signers for the hearing impaired, or audio tapes of printed materials being considered at the meeting to individuals with disabilities. All such requests must be made at least five days prior to a meeting. Individuals with disabilities requiring auxiliary aids or services should contact the City of Grosse Pointe Woods by writing or call the City Clerk's office, 20025 Mack Plaza, Grosse Pointe Woods, MI 48236 (313) 343-2440, Telecommunications Device for the Deaf (TDD) 313 343-9249, or e-mail the City Clerk at cityclk@gpwmi.us.

cc:

Council – 7  
Ahee  
Berschback  
Pazuchowski  
Rec. Secretary

Tutag  
Hathaway  
Irby  
Fincham  
Grosse Pointe News

Post - 8  
File  
Granger - Email



# CITY OF GROSSE POINTE WOODS MUNICIPAL COURT

4A

## MEMORANDUM

**Date:** March 9, 2011  
**To:** Alfred Fincham, City Administrator  
**From:** Susan Tobin, Court Clerk  
**Subject:** Collections/Parking Enforcement

**RECEIVED**  
MAR - 9 2011  
CITY OF GROSSE PTE. WOODS

To date the court has collected \$1,541 from three cases that were sent to MSB Collections. These cases may or may not have been paid due to the efforts of the collection agency. When payment was received from these cases, no mention was made of the collection agency. I do not feel that the collection agency has fulfilled their commitment to the court. Contact from the collection agency has been minimal at best and I get the impression that they are mainly interested in the most current debt because collection is easier on newer cases.

In years past the city had a retired police officer that worked on collections and assisted in the court on court dates. The city may want to consider discussion on returning to this practice so that the court has more control over the efforts being placed on collections. Some of the duties for this person would be to:

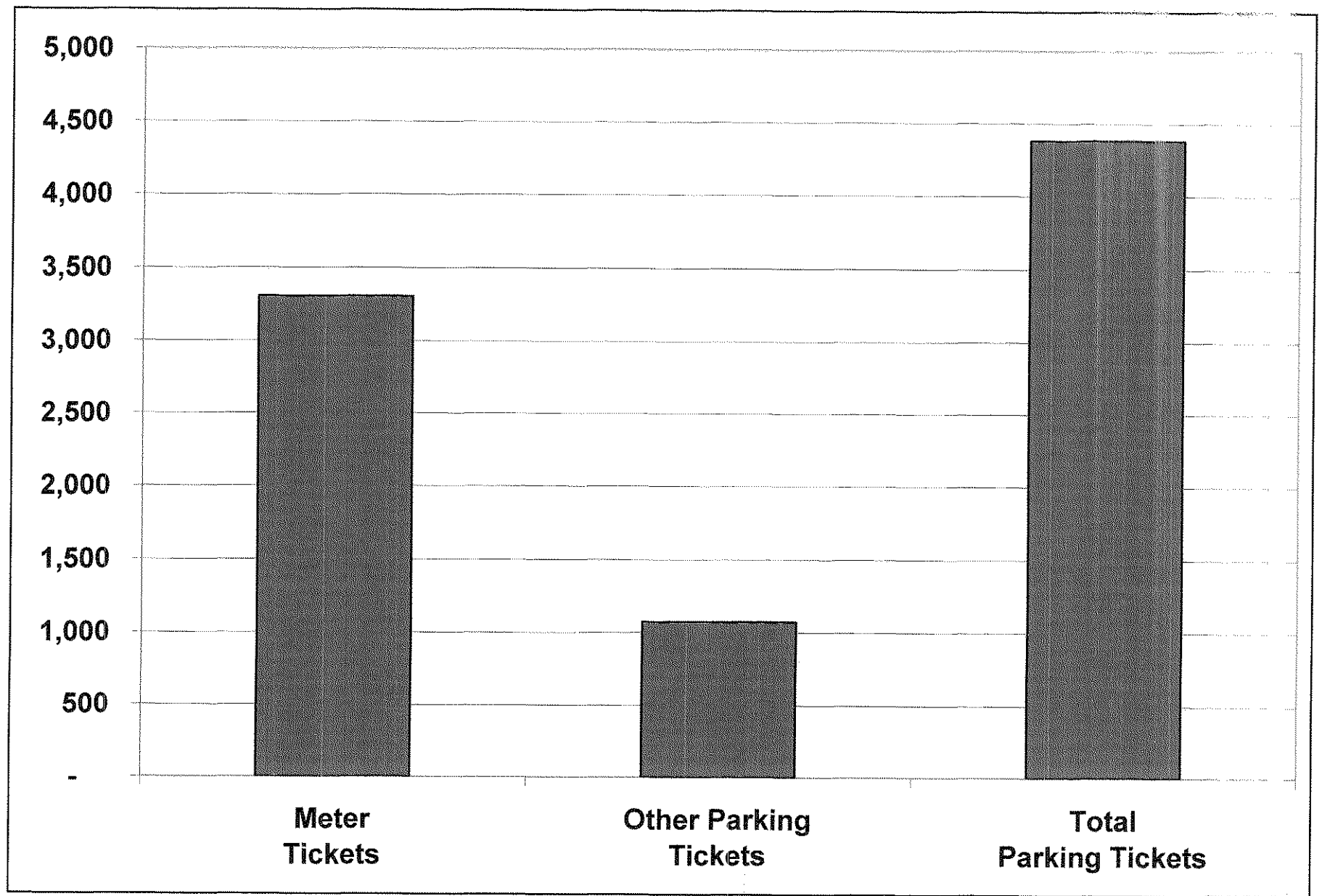
- Work with Public Safety on creating a warrant team to visit and advise defendants that we have a warrant for their arrest
- Process Tax Garnishments and Wage Assignments
- Relieve an officer from the courtroom which would allow for another officer on the street
- Potential reduction in PSO overtime for court coverage

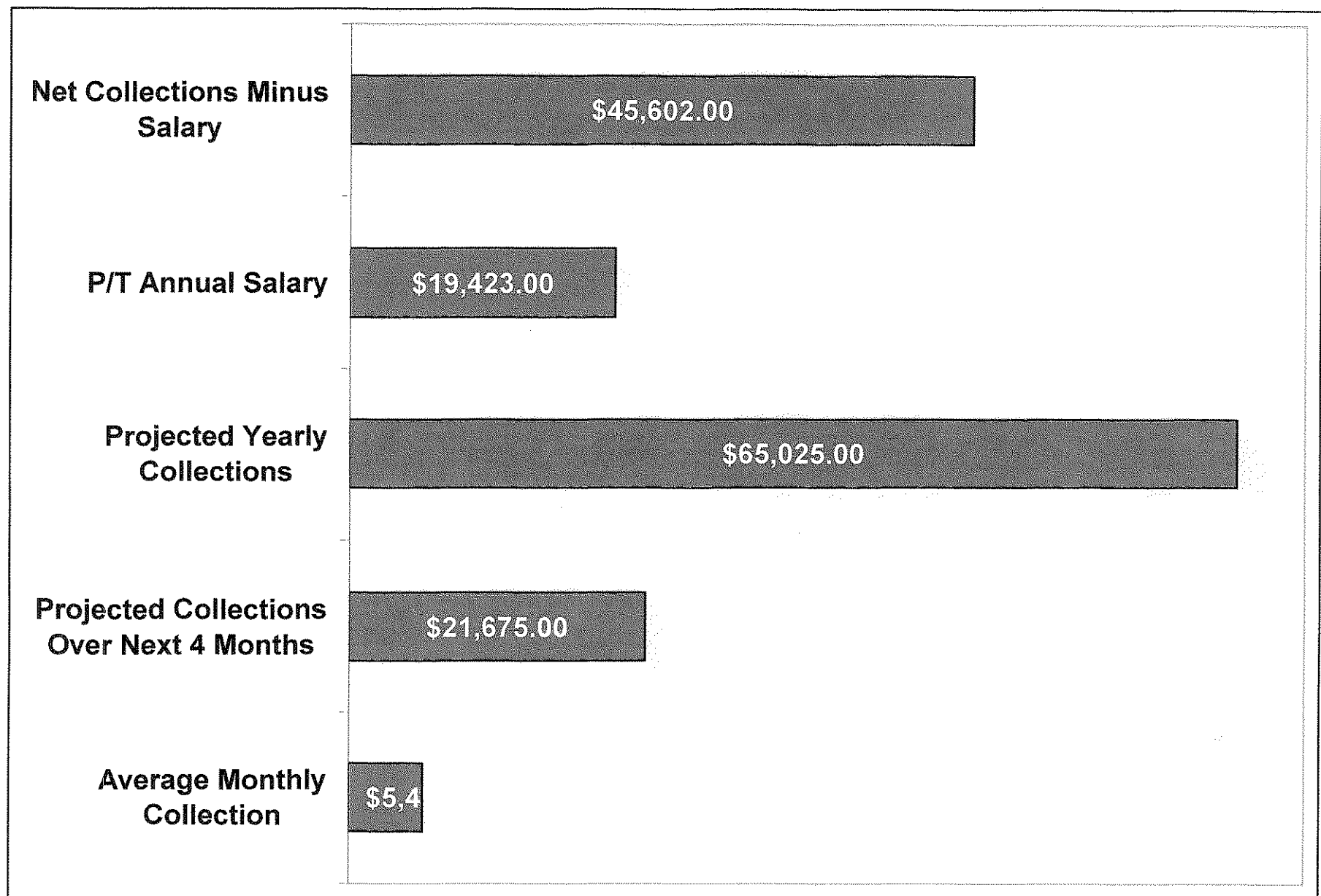
We must be realistic in our expectations of how much will be collected. After discussing this issue with other courts, 10% seems to be the average percentage of collection amounts.

This position would be an independent agreement between the employee and city. Employee would have no benefits with a "no work/no pay" provision.

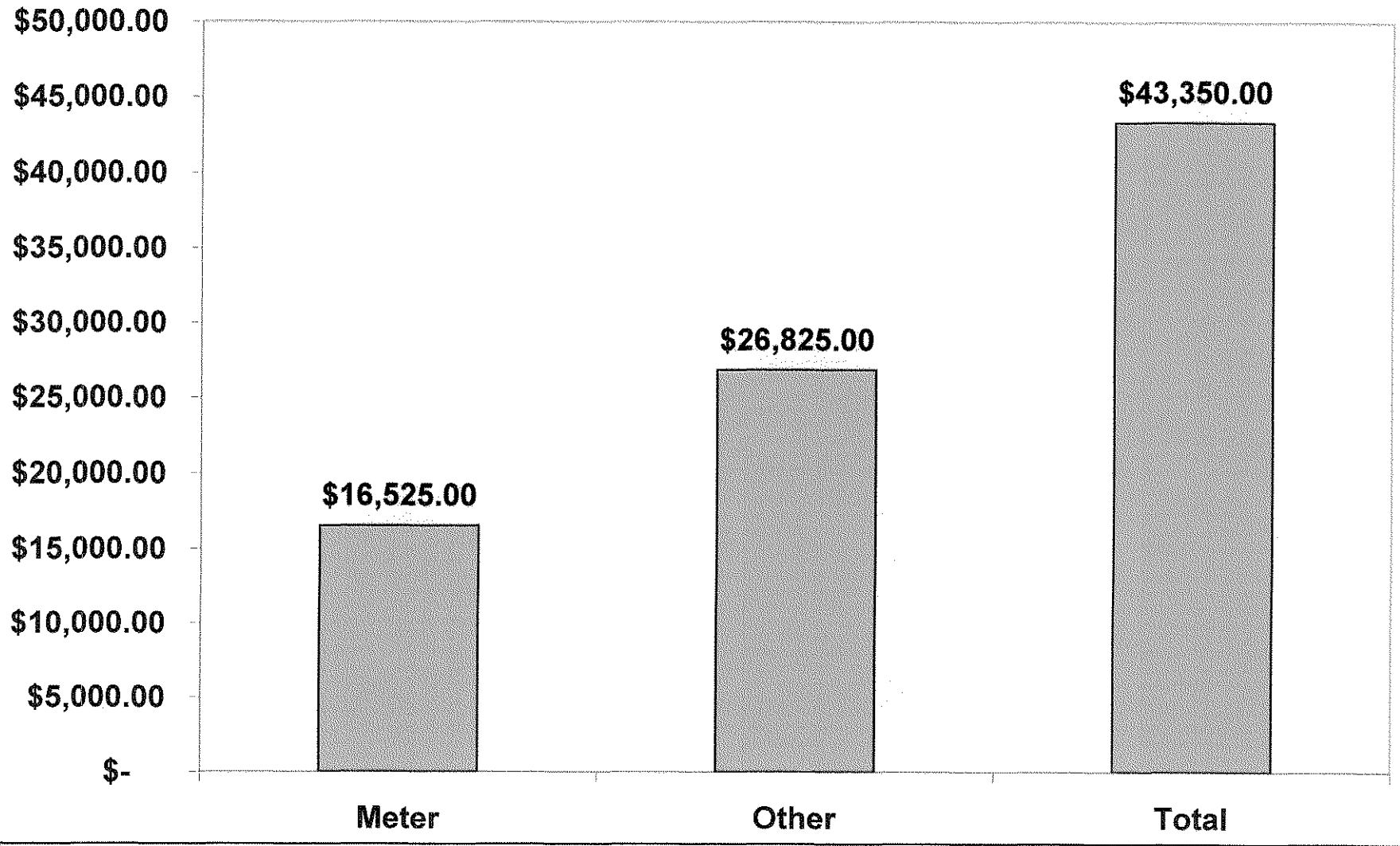
In our present economic times we must also think of ways to make revenue along with cutting costs. I feel one way of accomplishing this is to hire another part-time parking enforcement officer. As illustrated in the attached charts, the revenue brought in by parking enforcement minus the salary is considerable.

When evaluating filling this position, please keep in mind that the parking enforcement officer was laid-off for one month. Because of this revenue was affected. If council does decide to hire another parking enforcement officer, that person should work the off days of the current officer to give the city enforcement at least five days a week instead of the current three days a week.





# PROJECTED COLLECTIONS (07/01/10 - 02/28/11)



**City of Grosse Pointe Woods  
Budget Worksheet  
2010-2011**

**NEW PERSONNEL REQUEST**

**Department** Court **Activity No.** \_\_\_\_\_

**Position Requested** Collection Specialist/Court Officer

**Number of Positions** One

**Responsibilities of the Position**

Primary functions of the job are to assist with monetary reimbursements or collections for the Court, assist individuals to establish payment plans, and enforce established payment plans. Requires case flow management, production of judicial documents, scheduling court proceedings, reviewing of financial records, and handling difficult customer contacts. Employees in this job have no formal supervisory role, however, may train, guide, or lead employees in the designated work unit. On days that Court is in session, this person would act as Court Officer with functions to included assisting with metal detector, courtroom security, protecting the judge, jury, and other participants. This position provides general assistance to the judge by ensuring that the court room is in order, delivering case files, sequestering juries, transporting prisoners, and performing related tasks.

**Justification for New Position, Costs Associated with New Position (i.e., equipment and supplies). Do not identify costs for salary and fringe benefits.**

No special equipment is required for this position. This position would be responsible for collecting on delinquent cases by intercepting state tax refunds using the collect software that we already have in place. Also utilizing wage assignments for missed payments. Also may help with PSO overtime related to court functions.

Attached are collections from the Kalamazoo court to give you an idea of what can be collected.

**Qualifications**

High School Diploma or GED, supplement by college coursework in Accounting or related field.  
Proficiency in English, grammar, spelling, punctuation, and simple math functions  
Ability to explain complex policies and processes in layman's terms  
Interpersonal skills necessary to develop and maintain effective and appropriate working relationships with customers, co-workers, and representatives of other agencies.  
Ability to apply and tactfully enforce complex rules, regulations, policies, and procedures.  
Ability to maintain the confidentiality of information and professional boundaries.  
Skilled in researching and resolving problems in order to ensure compliance.  
Ability to accurately organize and maintain paper documents and electronic files

**Grosse Pointe Woods Municipal Court Collection Rates**

Up to 18 Months	2005 Assessments					2006 Assessments					2007 Assessments					2008 Assessments					2009 Assessments				
	as of 6/30/06					as of 6/30/07					as of 6/30/08					as of 6/30/09					as of 6/30/10				
	Parking	Civil Infractions	Misdemeanor Traffic, Drunk Driving	Misdemeanors		Parking	Civil Infractions	Misdemeanor Traffic, Drunk Driving	Misdemeanors		Parking	Civil Infractions	Misdemeanor Traffic, Drunk Driving	Misdemeanors		Parking	Civil Infractions	Misdemeanor Traffic, Drunk Driving	Misdemeanors		Parking	Civil Infractions	Misdemeanor Traffic, Drunk Driving	Misdemeanors	
Statewide Rate	63.7%	77.3%	74.9%	74.7%		68.5%	79.5%	75.3%	74.8%		65.5%	79.8%	72.7%	73.5%		64.9%	82.1%	74.6%	72.8%		41.7%	83.1%	72.4%	68.8%	
Region 1 Rate	68.7%	69.5%	70.0%	76.1%		73.3%	73.1%	69.6%	76.3%		72.1%	75.2%	67.4%	75.2%		73.8%	77.0%	69.6%	72.1%		38.4%	77.6%	65.8%	66.7%	
Region 2 Rate	56.3%	84.6%	76.2%	71.1%		60.9%	87.1%	78.5%	71.1%		56.1%	85.5%	76.2%	69.4%		53.9%	88.6%	77.9%	71.1%		50.6%	89.4%	77.3%	68.3%	
Region 3 Rate	82.0%	93.8%	86.2%	82.0%		79.5%	93.1%	86.0%	81.6%		67.8%	93.3%	85.6%	79.0%		73.3%	94.5%	85.9%	79.5%		69.7%	94.0%	83.1%	77.6%	
Region 4 Rate	81.2%	92.5%	79.8%	73.9%		82.7%	93.4%	80.8%	73.8%		81.6%	93.2%	79.8%	72.5%		59.9%	93.6%	79.3%	72.4%		74.2%	93.9%	79.1%	67.4%	
MGPW	74.2%	92.3%	79.4%	78.2%		80.5%	90.6%	79.5%	84.7%		77.5%	89.7%	77.4%	78.9%		76.5%	91.8%	69.6%	81.6%		80.4%	92.9%	70.1%	63.6%	

Up to 30 Months	as of 6/30/07					as of 6/30/08					as of 6/30/09					as of 6/30/10				
	Parking	Civil Infractions	Misdemeanor Traffic, Drunk Driving	Misdemeanors		Parking	Civil Infractions	Misdemeanor Traffic, Drunk Driving	Misdemeanors		Parking	Civil Infractions	Misdemeanor Traffic, Drunk Driving	Misdemeanors		Parking	Civil Infractions	Misdemeanor Traffic, Drunk Driving	Misdemeanors	
Statewide Rate	70.7%	83.0%	77.9%	84.0%		69.3%	79.9%	83.3%	83.7%		72.2%	84.4%	84.1%	83.9%		73.2%	85.6%	82.8%	82.3%	
Region 1 Rate	74.1%	77.4%	67.7%	84.6%		77.5%	81.4%	79.2%	85.0%		76.3%	80.0%	80.2%	85.2%		77.7%	80.9%	77.8%	80.9%	
Region 2 Rate	66.0%	88.7%	86.5%	81.4%		57.3%	71.5%	86.0%	80.0%		66.2%	89.6%	86.6%	81.9%		67.1%	91.9%	86.4%	81.6%	
Region 3 Rate	86.3%	95.7%	93.3%	90.4%		96.3%	95.1%	92.5%	89.1%		75.7%	95.9%	92.5%	87.2%		74.7%	96.6%	92.4%	88.6%	
Region 4 Rate	88.5%	94.7%	87.9%	83.2%		92.6%	95.1%	88.4%	82.8%		84.9%	94.9%	88.3%	81.4%		70.1%	95.5%	88.1%	81.6%	
MGPW	83.1%	95.5%	87.3%	93.9%		87.2%	94.0%	86.3%	89.7%		81.4%	92.5%	84.3%	90.1%		79.3%	94.8%	82.2%	89.7%	

Up to 42 Months	as of 6/30/08					as of 6/30/09					as of 6/30/10				
	Parking	Civil Infractions	Misdemeanor Traffic, Drunk Driving	Misdemeanors		Parking	Civil Infractions	Misdemeanor Traffic, Drunk Driving	Misdemeanors		Parking	Civil Infractions	Misdemeanor Traffic, Drunk Driving	Misdemeanors	
Statewide Rate	75.2%	85.4%	86.3%	87.0%		74.7%	87.6%	88.0%	87.9%		77.5%	86.9%	87.1%	87.2%	
Region 1 Rate	76.9%	81.8%	82.6%	87.8%		80.0%	83.9%	84.7%	89.4%		78.3%	82.2%	83.4%	88.4%	
Region 2 Rate	71.9%	89.9%	88.4%	83.9%		67.5%	92.2%	89.9%	85.1%		76.4%	93.1%	89.4%	85.1%	
Region 3 Rate	88.0%	96.6%	95.3%	93.2%		84.5%	96.9%	94.9%	92.1%		76.1%	97.0%	94.8%	90.6%	
Region 4 Rate	91.1%	95.5%	90.1%	85.8%		94.2%	95.8%	91.1%	86.2%		89.2%	95.9%	91.0%	85.0%	
MGPW	89.0%	96.9%	91.6%	94.1%		88.5%	95.1%	88.9%	90.0%		82.6%	94.6%	86.4%	95.0%	

Up to 54 Months	as of 6/30/09					as of 6/30/10				
	Parking	Civil Infractions	Misdemeanor Traffic, Drunk Driving	Misdemeanors		Parking	Civil Infractions	Misdemeanor Traffic, Drunk Driving	Misdemeanors	
Statewide Rate	77.1%	87.6%	89.3%	89.9%		80.0%	88.9%	89.7%	89.3%	
Region 1 Rate	78.3%	83.9%	86.3%	91.4%		81.3%	85.3%	86.6%	90.9%	
Region 2 Rate	74.5%	91.6%	90.7%	87.0%		77.7%	93.4%	91.4%	86.3%	
Region 3 Rate	91.4%	97.5%	96.4%	95.0%		85.1%	97.5%	96.1%	93.9%	
Region 4 Rate	92.4%	96.0%	91.7%	87.7%		95.3%	96.4%	92.5%	87.9%	
MGPW	90.1%	97.3%	92.4%	94.1%		89.8%	96.1%	90.3%	90.5%	

Up to 66 Months	as of 6/30/10				
	Parking	Civil Infractions	Misdemeanor Traffic, Drunk Driving	Misdemeanors	
Statewide Rate	81.7%	88.6%	90.4%	91.7%	
Region 1 Rate	79.8%	85.0%	87.8%	93.9%	
Region 2 Rate	84.0%	92.7%	91.7%	88.6%	
Region 3 Rate	91.9%	97.8%	96.9%	95.7%	
Region 4 Rate	93.1%	96.4%	92.8%	89.0%	
MGPW	91.6%	97.9%	92.7%	95.7%	



MEMO 11 - 10

4B  
**RECEIVED**

MAR - 9 2011

CITY OF GROSSE PTE. WOODS

TO: Alfred Fincham, City Administrator  
FROM: Joseph J Ahee, Jr., Director of Public Works  
DATE: March 8, 2011  
SUBJECT: Community Center Office Expansion

Since closing the pool office at Lake Front Park during the winter months and combining Community Center staff and park operations at the Community Center, there has been a lack of storage space. Currently, when we order supplies for events or store training materials, they end up on the floor in the office. This prevents access to file cabinets and cupboards and presents a trip hazard. In order to add space we have eliminated a desk and stacked file cabinets; however, we still have some files from the park that need to be relocated to the Community Center. This arrangement leaves very little counter space to work on projects, keep materials organized, or serve customers.

I am requesting approval to combine the existing office with the lobby. This expansion would allow for a larger counter area to better serve residents. In order to serve two customers now it requires reaching over the employee seated at the service desk. This expansion would allow us to help two to four residents at a time. Also, with the counter facing the rooms, we would be able to monitor class attendance better. Currently we have to leave the office to catch people if they don't stop to scan their cards. Having a view of the rooms would also allow for better monitoring during parties, especially those serving alcohol.

The estimated cost for building a counter across the lobby area, opening up the wall between the two spaces and adding some counters is \$1,500.00.

To summarize, the recommended expansion will provide more storage, more working space to better serve residents, improved monitoring for classes and parties and a better working environment. I am hopeful that by working together this project will be approved.

If you have any questions please call me.

Attachment

cc Dee Ann Irby  
O/F

dm

**KraftMaid**  
Cabinetry

What direction will you go?

**Address:** \_\_\_\_\_

[illegible]

Diagram of a stepped shaft with dimensions: 12 inches, 30 degrees, 25 inches, and 44 inches.

Designed By:	Date:
--------------	-------

<b>Style:</b>	<b>Color:</b>
---------------	---------------

Hardware:
-----------

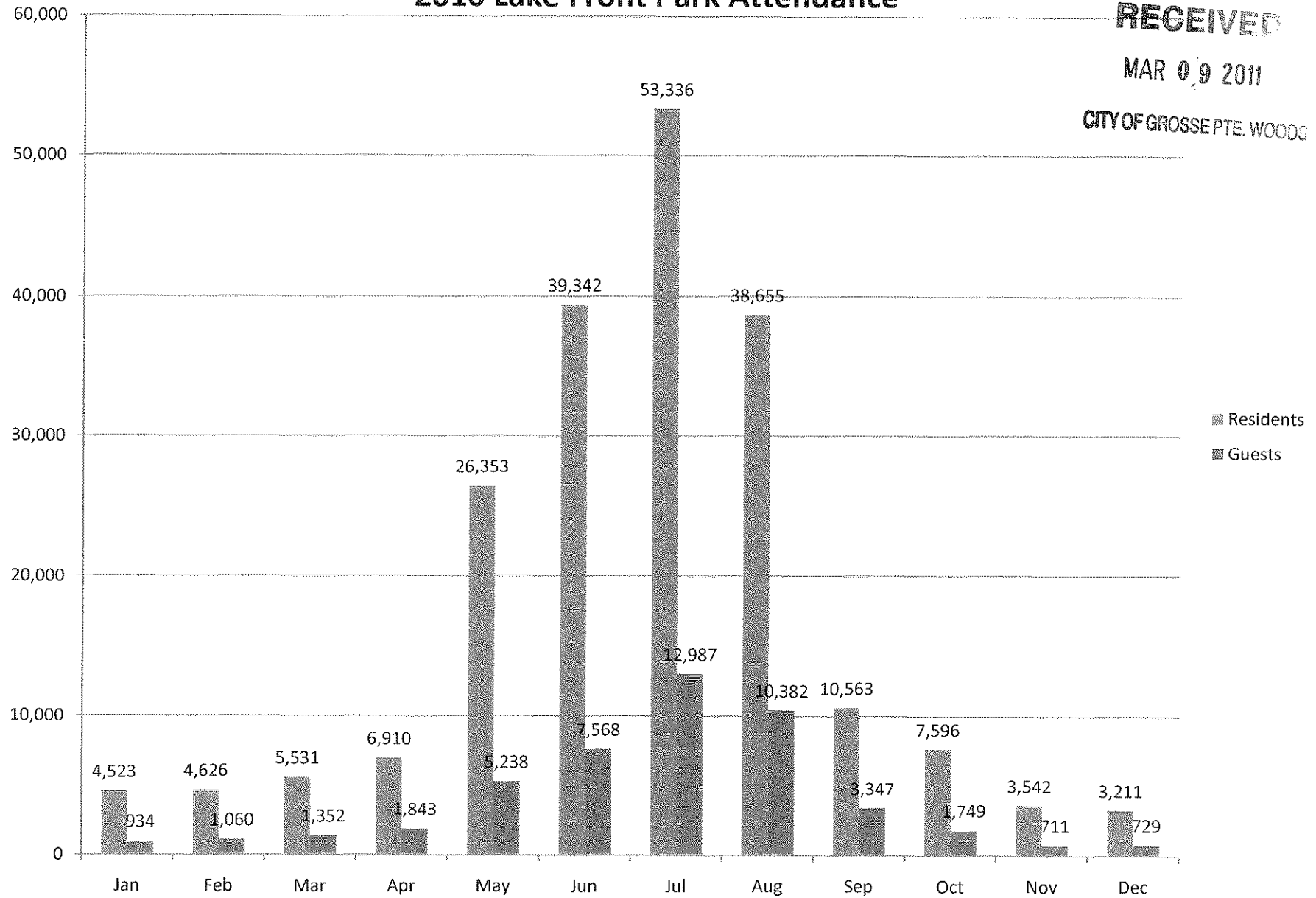
<b>Total</b>	_____
<b>Tax</b>	_____
<b>Grand Total</b>	<b>\$</b> _____
<b>Deposit</b>	_____
<b>Balance Due</b>	<b>\$</b> _____

## 2010 Lake Front Park Attendance

RECEIVED

MAR 09 2011

CITY OF GROSSE PTE. WOODS



CITY OF GROSSE POINTE WOODS  
INFORMATION TECHNOLOGY  
MEMORANDUM

cow 3-14  
4C  
RECEIVED  
MAR - 7 2011  
CITY OF GROSSE POINTE WOODS

DATE: January 4, 2011  
TO: Alfred Fincham, City Administrator  
CC: Dee Ann Irby, City Treasurer/Comptroller  
FROM: Gary Capps, Information Technology Manager  
SUBJECT: Printer, Copier, Fax, and Scanning Analysis

On March 8, 2010 there was a general consensus among the members of the Committee of the Whole to have the City Clerk work with PRIME Innovations to perform a city-wide analysis of our printers and copiers. At that time there was a discussion among Finance and Administration regarding the scope of the consolidation and it was determined that the consolidation would be better handled by the Information Technology Department. The reasoning for this is that these devices are no longer just copy machines. They perform the functions of networked printing, networked scanning to files, scanning to email, and faxing from the desktop. There are other factors which need to be considered such as file size, disk space allocation, backup solution retention lengths, email database size, and electronic record retention rules. In addition, the responsibility of placing service calls and reporting meter reads has been moved to the IT Department.

Starting in March 2010 the IT Department worked with PRIME to set up a temporary server at GPW to allow logging of printing usage/trends for further analysis. The results of this study have been used as a basis for determining our current and future printing needs. Based on our observations and in concurrence with PRIME's recommendation, there is an opportunity to immediately begin saving money by consolidating our Copiers, Laser printers, and fax machines into higher end multifunction devices. The opportunity to lease the equipment and pay on a cost per page basis versus purchasing it outright and with a cost per page for maintenance could allow us to immediately save money without having funds available up front.

There are many manufactures to choose from and they all offer the similar functionality such as 2-sided scanning, SMB scanning, print or scan to fax, data encryption kits and proximity card authentication for security and usage auditing. Other standard features include PPM color and PPM B/W, browser based administration, 3-hole punch and staple, and internal storage for frequently used forms. It also gives us the ability to interface with RSA open architecture for record retention solutions.

I've had the opportunity for a hands-on look at some of these options which I know would be very beneficial for streamlining our day to day operations. At this point I am interested to know if leasing is an option for the City versus purchasing the equipment outright. If leasing is an option I would like to proceed with obtaining current pricing for a solution such as this to begin planning the consolidation of equipment.

Please feel free to contact me for further discussion on this topic or if you would like clarification on any of this information.

## Finance Department Current vs. Proposed

### Current Costs

	Annual Maintenance	Maintenance Cost Per Page	Supplies Cost Per Page	Monthly Volume	Monthly Operating Cost	Annual Operating Cost	Operating Cost 4 years
Ricoh Aficio 2045e		\$0.0136		4,350	\$59.16	\$709.92	\$2,839.68
Xerox Phaser 7400	\$889.00				\$74.08	\$889.00	\$3,556.00
Phaser b/w pages			\$0.06	488	\$29.38	\$352.56	\$1,410.24
Phaser Color Pages			\$0.21	4,485	\$950.37	\$11,404.44	\$45,617.76
Monthly Totals				9,323	\$1,112.99	\$13,355.92	\$53,423.68

### Proposed costs from PRIME

	48-Month Lease Payment	Maintenance Cost Per Page	Supplies Cost Per Page	Monthly Volume	Monthly Cost	Annual Cost	Lease Term Cost
TaskAlpha 400ci Lease Payment	\$260.54				\$260.54	\$3,126.48	\$12,505.92
Black and White Pages			\$0.009	4,838	\$43.54	\$522.50	\$2,090.02
Color Pages			\$0.065	4,485	\$291.53	\$3,498.30	\$13,993.20
Totals				9,323	\$595.61	\$7,147.28	\$28,589.14

Monthly Operating Cost Savings      \$517.39  
Annual Operating Cost Savings      \$6,208.64  
4 year savings      \$24,834.54

### Proposed costs from MBS

	48-Month Lease Payment	Maintenance Cost Per Page	Supplies Cost Per Page	Monthly Volume	Monthly Cost	Annual Cost	Lease Term Cost
Sharp MX-4100N Lease Payment	\$260.70				\$260.70	\$3,128.40	\$12,513.60
Black and White Pages			\$0.0085	4,838	\$41.12	\$493.48	\$1,973.90
Color Pages			\$0.069	4,485	\$309.47	\$3,713.58	\$14,854.32
Totals				9,323	\$611.29	\$7,335.46	\$29,341.82

Monthly Operating Cost Savings      \$501.71  
Annual Operating Cost Savings      \$6,020.46  
4 year savings      \$24,081.86



4D

## CITY OF GROSSE POINTE WOODS MEMORANDUM

**RECEIVED**

MAR - 9 2011

CITY OF GROSSE PTZ. WOODS

**DATE:** March 9, 2011

**TO:** Mayor and Council

**FROM:** Al Fincham, City Administrator *AF*

**SUBJECT:** Ordinance Consideration: Alarm System Regulations, Permits and False Alarms

---

Responding to alarms is an extremely high activity by road patrol and fire response personnel in the Department of Public Safety. Over the past three years, they have received and responded to 284 fire alarms or an average of 95 each year. In addition, emergency response personnel responded to 2,066 burglary alarms or an average of 689 each year for the past three years. The CLEMIS recordkeeping system gives us the capability of segregating these alarms from actual emergencies. Therefore, 100 percent of these 2,350 alarms were false.

Many surrounding communities in southeast Michigan have begun using false alarm fee schedules to facilitate the more efficient use of police and fire services for true emergencies. The adoption of an ordinance and establishment of a fee schedule would be beneficial for the following reasons:

- A proactive manner of accountability would be established to identify which businesses and residences have alarm systems;
- Owners of alarmed properties would have an incentive to be prudent and responsible for the operation and maintenance of such alarm systems;
- Emergency response personnel could focus on true emergencies.

Additionally, we have established a draft internal policy of personnel and apparatus response to limit the manpower and equipment responding to a report of an alarm (this policy is currently being reviewed by supervisory personnel for their input). This internal policy, when adopted, will diminish the potential liability created when fire apparatus and police vehicles respond on an "emergency basis" to a report of a smoke detector sounding or a report of an alarm sounding without any additional information. This new approach will also result in less wear and tear on existing equipment and fuel costs.

Attached are copies of a draft *Alarm Regulation Ordinance* and *Alarm License Application* for your review and consideration.

**City of Grosse Pointe Woods**

**Department of Public Safety**  
20025 Mack Plaza Drive  
Grosse Pointe Woods, MI 48236  
Telephone 313-343-2445

**ALARM REGULATION ORDINANCE**  
**Ordinance #**

AN ORDINANCE ESTABLISHING A LICENSING FEE FOR ALARM SYSTEMS; REGULATING ALL ALARM SYSTEMS; CONTROLLING EXTERIOR LIGHTING AND SOUND DEVICES OPERATED IN CONJUNCTION WITH ALARM SYSTEMS; ESTABLISHING A PROCEDURE FOR THE REVOCATION OF ALARM LICENSES AFTER RECEIPT OF FOUR FALSE ALARMS WITHIN A CALENDAR YEAR AND THE FAILURE OF THE LICENSEE TO TAKE CORRECTIVE ACTIONS; AND GOVERNING POLICE AND FIRE RESPONSES FOR ALARMS WITHIN THE CITY OF GROSSE POINTE WOODS, MICHIGAN.

THE CITY OF GROSSE POINTE WOODS ORDAINS:

**Section 1.** "No resident, business, corporation, institution, or agent thereof, within the City shall use or operate, attempt to use or operate or cause to be used or operated, or arrange, adjust, program or otherwise provide or install any device or combination of devices that will upon activation, either mechanically, electronically, automatically or upon any other means initiate the intrastate calling, dialing or connection directly, or indirectly by means of a second person caller, to any telephone number assigned to any subscriber by a public telephone company; or alarm system located within the City's Police or Fire Department, without the prior written consent of the Director of Public Safety, as specified in Section No. 3 of this Ordinance. This Ordinance shall not apply to a commercial bank subject to regulation under the United States Bank Protection Act of 1968, as amended, 12 United States Code 1881-1884."

**Section 2.** Definitions of Terms Used in this Ordinance.

- (a) The term "alarm system" means as assembly of equipment and devices (or a single device such as a solid state unit which plugs directly into an electrical line or battery operated) arranged to signal the presence of a hazard requiring urgent attention and to which Police and Fire Departments are expected to respond. In this Ordinance, the term "alarm system" shall include the terms, but not limited to "hold up alarm systems", "intrusion or burglary alarm systems", "fire or temperature alarm systems", "smoke alarm systems", "ambulance alarm systems", "gas or sniffing alarm systems" and "attention alarm systems."
- (b) The term "false alarm" means the activation of an alarm system through mechanical failure, faulty equipment, malfunction, improper installations, or the negligence or the improper use of the owner or lessee of an alarm system or of his employees or agents which shall be established when there is no evidence of criminal activity, fire or need for medical attention upon the activation of the alarm system with the following exceptions:

1. A testing of the alarm system when prior notification has been received by the Police or Fire Department; and,
  2. Alarms caused specifically by hurricanes, tornadoes, earthquakes or unnatural catastrophies.
- (c) The term "telephone number" means any number assigned to a person, firm, municipality or corporation by a public utility company engaged in the business of providing communication services and facilities, including without limitation any additional numbers assigned by a public utility company engaged in the business of providing communication services and facilities to be used by means of a rotary or other system or means to connect a subscriber to such primary number when the primary telephone number is in use.

**Section 3.** Prior written consent to connect users to the City's Police or fire Departments' communication systems telephone number or numbers, or facilities, may be obtained by completing the City's alarm licensing application and the payment of the licensing fee as set from time to time by resolution of the City Council. Such license being valid for a period of five years from the date of issuance, or until a change of occupancy if such occurs during such five year period. No alarm system company or alarm system seller or installer shall receive written permission to connect alarm systems to the assigned Police and Fire Departments' communication systems telephone number or numbers, or facilities, until such time as the user of such alarm system has obtained a license as specified in this Section.

**Section 4.** Revocation of the alarm system license issued by the City without reimbursement of any portion of the licensing fee may occur under the following circumstances:

- (a) Fraud or willful or known misrepresentation or false statement made in application for a license.
- (b) Four false alarms within a calendar year providing:
  1. That upon the third false alarm, the Director of Public Safety, or his agent, has given written notification to the user of the requirements of this section;
  2. That upon the fourth false alarm and upon written notification by the Director of Public Safety, or his agent, the user shall have the opportunity to have the alarm system inspected by an alarm system contractor and within 15 days of the receipt of such notification, report in writing to the Director of Public Safety, the results of the inspection, the probable cause of false alarms and the recommendations for eliminating false alarms;
  3. Failure of the user to act as specified in Section 4, (b2) of this Ordinance and/or additional false alarm(s) during the calendar year.

**Section 5.** No alarm system regardless of the need for a license as required by this Ordinance may operate outside lighting or audible sounding devices which are activated by an alarm system unless such lighting or sounding devices are programmed to deactivate in a period no longer than thirty minutes after the activation of the alarm. Any malfunction of such equipment unless caused specifically by hurricanes, tornadoes, earthquakes or unnatural catastrophies shall constitute a violation of this Ordinance and subject the user, institution or agent thereof to the penalties of this Ordinance.

**Section 6.** Any person, business, corporation institution, or agent thereof violating any provisions of this Ordinance shall upon conviction be subjected to a fine of not more than \$500 or



***DRAFT***

imprisonment for not more than ninety days, or both, in the discretion of the court. Continuing acts of violation and each day upon which such violations shall occur may be charged as separate offenses.

**Section 7.** If any provision of this Ordinance shall be held invalid, the remainder of the Ordinance shall not be affected thereby.

**Section 8.** This Ordinance shall take effect twenty days after its enactment or upon its publication, whichever is later.

Enacted:



## CITY OF GROSSE POINTE WOODS MEMORANDUM

**DATE:** March 9, 2011

**TO:** Mayor and Council

**FROM:** Al Fincham, City Administrator *AF*

**SUBJECT:** Ordinance Consideration: Traffic Crashes and Cost Recovery

**RECEIVED**  
MAR 09 2011  
CITY OF GROSSE PTE. WOODS

Responding to traffic accidents in the City of Grosse Pointe Woods takes considerable time and manpower. As you can see from the statistics, the five year average for total Public Roadway and Private Property accidents has averaged 329 reported accidents per year.

	2006	2007	2008	2009	2010
Public Roadway	289	343	329	295	244
Private Property	0	0	39	33	73
Pedestrian	5	1	0	3	3

Many communities in Michigan have been using Cost Recovery Corporation, which is located in Springfield, Ohio to facilitate a proven and efficient way to capture costs associated with the responses to reported accidents. The adoption of an ordinance and establishment of a fee schedule for non-resident at fault drivers is suggested for your consideration.

Cost Recovery Corporation does not charge anything to municipalities that subscribe to their service.

Attached for your review and consideration are copies of a draft internal policy for Accident Cost Recovery, a sample ordinance as well as information about the Cost Recovery Corporation.

# DRAFT

## City of Grosse Pointe Woods Department of Public Safety

General Order No: tbd	Date Issued:	Effective Date:
Subject: Accident Cost Recovery		File Code:
Rescinds:		

### I. PURPOSE:

The primary function of Public Safety Department is to provide criminal protection, criminal investigation and fire protection. Traffic crashes are civil situations caused by the negligence of an individual. An officers time spent on these incidents do not benefit the local taxpayer and detract from the Public Safety Department's ability to protect the community.

Most drivers that are found to be at fault in a collision are individuals who do not financially support the Public Safety Department through property taxes. This leaves the residents and business owners to pay for the costs associated with a civil traffic crash caused by a non-resident, non-taxpaying individual.

The purpose of this policy is to help alleviate the increasing financial burden placed upon the residents of the City of Grosse Pointe Woods to address the increasing demands for service by the Public Safety Department. This is not a revenue generating system. It is designed to recoup some of the money spent by the taxpayers for services provided to non-taxpayers.

### II. POLICY:

It shall be the policy of this department to institute a cost recovery program, through whatever means are deemed appropriate by the City Administrator and the Director of Public Safety, for traffic collisions, where the "at fault" driver is not a resident of the City of Grosse Pointe Woods, utilizing the following procedures.

### III. DEFINITIONS:

- **At Fault Driver:** This is the individual, as determined by the reporting officer to be the person causing the collision through negligence, inattention, or other careless actions.
- **Cost Recovery Corporation, Inc.:** The agency authorized by the City of Grosse Pointe Woods to process and collect all recovery claims resulting from a traffic collision.
- **Emergency Response:** Personnel and equipment from the City of Grosse Pointe Woods needed to respond to a traffic collision. This includes police, fire, and the Department of Public Works.
- **Non-Resident:** A person that neither resides nor owns a business in the City of Grosse Pointe Woods.

### IV. Procedure:

- A. All officers responding to or assisting with a traffic crash shall notify the dispatcher upon arrival to the scene and when they clear. The dispatcher must also be made aware of the arrival and departure of support units, such as fire and DPW equipment. This information is vital to the proper completion of the cost recovery report.
- B. Officers investigating a traffic collision, on public or private property, shall make a determination as to who the "at fault" driver is. This information shall be indicated on the State of Michigan UD-10 Traffic Crash Report. A citation shall be issued to the at fault driver indicating the offense.

Insurance company information shall be collected and entered in the appropriate space of the UD-10 report. This includes the name and telephone number of the company and the number of the policy.

- C. The CRC report shall only be completed when the "at fault" driver is a **non-resident**. The reporting officer shall complete the CRC report. Only the **non-resident** at fault driver's information shall be entered in the "Parties Involved" section. If more than one non-resident driver's were determined to be at fault, the second "Parties Involved" section will be used.

Information collected from a resident, whether at fault or not, shall not be included in the CRC report.

The officer shall complete the 'Scene Procedures' section, checking all that apply. The Additional Comments section may be used to list resources and procedures that were not previously addressed. The reporting shall then sign and submit the report, with the UD-10, for the supervisor's approval.

- D. Once the shift supervisor approves the report, the dispatcher shall submit the original CRC report and a copy of the UD-10 to the administration offices.
- E. The administrative secretary shall submit the required documents to CRC for collection. Copies of all documents shall be maintained in the administrative office. The administrative secretary shall see that all funds received from CRC are turned over to the treasurer's office for deposit. A record shall be kept of all payments received.

**V. Appeals:**

At fault drivers wishing to appeal the collection process shall be turned over to the Director. The Director will take each appeal on a case-by-case basis and make a decision as to whether the collection should proceed or not. On successful appeals the Director, or his designate, will contact CRC and have the collections terminated.

## **ORDINANCE NO. 378**

AN ORDINANCE OF THE CITY OF CENTER LINE TO AMEND CHAPTER 70, TRAFFIC AND VEHICLES, DIVISION 2, EMERGENCY RESPONSE, TO ESTABLISH THE PROVISIONS FOR REQUIRING THE PAYMENT OF COSTS INCURRED BY THE CITY IN MAKING EMERGENCY RESPONSES TO MOTOR VEHICLE ACCIDENTS INVOLVING DRIVERS WHO ARE OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOLIC BEVERAGES AND/OR A CONTROLLED SUBSTANCE OR BY DRIVERS WHO ARE FOUND AT FAULT IN A MOTOR VEHICLE ACCIDENT.

THE CITY OF CENTER LINE ORDAINS:

### **DIVISION 2. EMERGENCY RESPONSE**

#### **Sec. 70-226. Definitions.**

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

*Emergency response means:*

- (1) Providing, sending and/or utilizing public works, police, firefighting and/or rescue services by the city to an accident involving a motor vehicle where one or more of the drivers were operating the motor vehicle while under the influence of an alcoholic beverage or controlled substance or the combined influence of an alcoholic beverage and controlled substance.
- (2) The making of a traffic stop and arrest by a public safety officer when the driver was operating the motor vehicle while under the influence of an alcoholic beverage or controlled substance or the combined influence of an alcoholic beverage and controlled substance.
- (3) Providing, sending and/or utilizing public works, police, firefighting and/or rescue services by the city to an accident involving a motor vehicle.

*Expense of emergency response means:*

- (1) "Direct costs or expense of an emergency response," which shall consist of, but not be limited to, the following, and shall be established by the City Manager/Clerk, who, from time to time, may adjust for the direct fees as deemed to be necessary or expedient in respect to billing for said fees or the collection thereof.
  - a. Personnel costs associated with the response.
  - b. Transportation costs associated with the response.

- c. Equipment costs associated with the response.
  - d. Administrative costs associated with the response.
  - e. Legal costs associated with the response.
- (2) The direct costs associated with the occurrence of an emergency response as set forth in this division. The expenses of making an emergency response as set forth in this division shall include the costs connected with the administration and provision of a breathalyzer test and the videotaping of the driver if applicable. These costs shall be set from time-to-time by the City Manager as deemed necessary.
- (3) The direct cost of an emergency response for a motor vehicle accident in the City shall be a cost charged to the motor vehicle insurance company of the responsible or at fault party, or in the case of uninsured motorists, the responsible or at fault party individually, for the accident as determined by the police department.

**Sec. 70-227. Findings.**

The City finds that a significant number of traffic arrests and traffic accidents in the city involve drivers who were operating a motor vehicle while under the influence of alcoholic beverages and/or a controlled substance. In addition, the city finds that in traffic accidents involving drivers who were operating a motor vehicle while under the influence of alcoholic beverages and/or a controlled substance there is a greater likelihood of personal injury and property damage. As a result of these determinations, a greater operational and/or financial burden is placed upon the public safety department, including police, fire and rescue services, as well as public works services, by persons who are operating a motor vehicle while under the influence of alcoholic beverages and/or a controlled substance, or who have been found at fault in any accident.

The City also finds that emergency public safety department services, as well as Department of Public Works services for vehicular accidents continues to increase resulting in increased demands on all areas of city services. The City further finds that the public safety department response to motor vehicle accidents decreases costs to insurance companies by providing various safety services. The City finds that using property tax increases to provide for the increase in service demands is not appropriate since many of the motor vehicle accidents involve individuals not owning property or paying taxes within the City. As a result, the City finds that it is necessary to institute a system of cost recovery for emergency Department of Public Safety response to motor vehicle accidents, as well as Department of Public Works response.

**Sec. 70-228. Liability for expenses.**

- (a) Any person who, while under the influence of an alcoholic beverage or any controlled substances or the combined influence of an alcoholic beverage and any controlled substance, operates a motor vehicle which results in

an emergency response as defined in this division shall be responsible and/or liable for the expenses of the emergency response.

- (b) For purposes of this division, it shall be presumed that a person was operating a motor vehicle under the influence of an alcoholic beverage if chemical analysis of the driver's blood, urine or breath indicates that the amount of alcohol in the driver's blood was in excess of the limits established by the state motor vehicle code adopted by reference.
- (c) Any person who is the responsible or at fault party in any motor vehicle accident shall be responsible and/or liable for the expenses of the emergency response. The cost of an emergency response for a motor vehicle accident in the City shall be a cost charged to the motor vehicle insurance company of the responsible or at fault party, or in the case of uninsured motorists, the responsible or at fault party individually, for the accident as determined by the Public Safety Department.
- (d) For the purpose of this division, claims for costs shall be initially filed with the motor vehicle insurance company of the responsible party as add on costs for the claim for damages to the vehicle, property or injuries. The claims shall be filed with the insurance company of the responsible or at fault party, and in the case of an uninsured motorist, the responsible or at fault party individually, the owner of the vehicle or other responsible parties.
- (e) The City Manager and the Director of Public Safety shall prepare rules for collection and billing and establishing the cost of the emergency response costs as provided in this Ordinance.
- (f) All amounts collected pursuant to this Ordinance shall be placed in a specific account established by the City and deposited in the General Fund.

**Sec. 70-229. Civil liability.**

Costs established pursuant to this division shall be construed to be a responsibility and liability of a civil nature on the part of the driver and shall not be construed to conflict, contravene or enlarge or reduce any criminal liability or responsibility including fines imposed by a judge on a driver for operating a motor vehicle while under the influence of an alcoholic beverage and/or controlled substance, or who is found to be the responsible or at fault party, in a motor vehicle accident.

**REPEALER:**

Any and all other Ordinances or parts of Ordinances in conflict herewith are hereby repealed.



**SEVERABILITY:**

This Ordinance and each section, provision or part thereof are hereby declared to be severable, and should any portion thereof be adjudged invalid or unenforceable by a court of competent jurisdiction, such adjudication shall not affect the remainder of this Ordinance.

This Ordinance shall become effective ten (10) days after the date of its publication as required by the Charter of the City of Center Line.

**CITY CLERK'S CERTIFICATION**

The foregoing is a true and complete copy of an Ordinance duly adopted by the City Council of the City of Center Line, Michigan, at a Special Council meeting held on February 16, 2009, of which public notice was given pursuant to 1968 P.A. 261, as amended, being MCLA 15.251, et.seq.

MEMBERS PRESENT: Mayor Zielinski, Council Members Mary Hafner, and Ron Lapham.

MEMBERS ABSENT: Council Members David Hanselman and Roy Gillette.

It was moved by Council Member Ron Lapham and supported by Council Member Mary Hafner to adopt the Ordinance.

MEMBERS VOTING AYES: Mayor Zielinski, Council Members Mary Hafner, and Ron Lapham.

MEMBERS VOTING NAY: None.

MEMBERS ABSENT: Council Members David Hanselman and Roy Gillette.

**ORDINANCE DECLARED ADOPTED.**

---

NANCY L. BOURGEOIS  
City Clerk  
City of Center Line

Adopted: February 16, 2009  
Published: February 25, 2009  
Effective: March 6, 2009

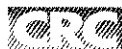


# **COST RECOVERY CORPORATION**

## **COST RECOVERY CORPORATION'S (CRC) PROTOCOL AND PROCESS MIRRORS THE MANDATES PUT IN PLACE BY THE FEDERAL GOVERNMENT AND OFFICE OF INSPECTOR AS RELATED TO EMS BILLING**

- You must have an ordinance or resolution in place to assess service fees. The ordinance should express the genesis of the law.
- Specific protocol and policies are adopted by way of resolution.
- Fees are based on time and materials and assessed according to actual costs that are usual, customary and reasonable rates. The fee schedule is adopted by way of resolution.
- Claims are generated according to your existing reporting. No additional forms, equipment or software are required.
- Claims are filed to the "at-fault" party only. The Federal Government established strict compliance rules relative to who was billed by the Fire Department EMS. It is considered fraudulent to bill outside the true user of service. Further, billing outside of the "at-fault" party creates negative public relations.
- There is no out of pocket cost to residents. Like EMS billing, the Federal Government mandated that regardless of residency, the "user" would be billed to avoid discrimination. However, if the "user or at-fault" is a resident and insurance declines payment, it is written off as allowed by the Office of Inspector General in 2000. The Federal Government views tax dollars similar to a co-pay. NON-residents are to be held financially accountable considering they do not support services in the area in which services were provided to them.
- All follow up with insurance companies and/or the responsible party is handled by CRC.
- All payments received are placed in a trust lock box account.
- Payment and month end reporting is submitted within 14 business days.
- There is no charge to the department for CRC services. CRC does not take a percentage of funds recovered. CRC bills a separate administrative fee on top of department charges directly to the insurance company or responsible party.*
- A Service Contract/Business Associates Agreement is required in order to establish CRC as administrative agent acting on the departments' behalf. This affords CRC *immediate* access to reporting. A contract also establishes proof of CRC's compliance with HIPAA as well as state mandated privacy laws.
- We encourage and assist in developing a press release to inform your residents of the protocol and program benefits

Proprietary Information



**COST RECOVERY CORPORATION**



# **COST RECOVERY CORPORATION**

## *Why bill for traffic crash responses?*

Similar to other user fees it is designed to remove an unfair tax burden from ALL innocent taxpayers and target ONLY the appropriate party. Insurance companies should reimburse communities for services provided to their negligent policyholder. Innocent taxpayers should not be forced to subsidize insurance companies' investigatory costs, thru-traffic or non-contributing individuals who require service response due to their own negligence. This program follows all mandates set forth by the Federal Government and OIG as related to EMS.

## *Why don't taxes cover police/fire services at traffic crashes?*

Taxes cover basic police and fire services. Basic services consist of fire protection for home/business and criminal protection/investigation. Traffic crashes are typically civil situations caused by negligence and detract from safety services ability to serve and protect their own residents/taxpayers.

## *Is this double taxation?*

No. Taxpayers are exempt if they pay taxes in the location of the incident. Negligent driving fees prevent insurance companies from receiving DOUBLE profits.

## *Is this a way for the city/county/township to make additional money?*

No. This is designed to protect taxpayer dollars. Recouping the money already spent by taxpayers and recycling it back into the budget for services actually benefits the innocent taxpayer.

## *Who is billed for a traffic crash response?*

Only the at-fault driver's insurance would receive a claim. If "fault" is not determined, no action is taken until the insurance companies have agreed upon responsibility.

## *Is my insurance company required to pay these claims?*

Currently, 56% of insurance companies recognize the value of this program and pay these claims. Keeping policyholders safe limits potential liability costs for insurance companies and as a result, protects their profit margins. The financial benefits to insurance companies would further indicate their responsibility to reimburse the community in which their negligent policyholder received service. Most insurance companies claim to cover liabilities due to negligence and traffic crashes are indeed a liability caused by negligent driving. However, each policy, broker and company is unique. We encourage you to contact your local broker and hold them accountable for your premiums paid. The law requires that we maintain insurance, however, it does not mandate a specific company. We encourage prudent shopping.

## *What happens if my insurance company doesn't cover me?*

A resident is exempt from any out of pocket cost provided no crime has been committed. A non-resident/non-taxpayer would be held financially accountable because they are not supporting safety services in that specific community.

## *What if the at-fault driver is un-insured?*

You are required by law to maintain insurance. The un-insured at-fault driver would be billed directly.

## *Will recovering costs raise my insurance rates?*

No. The State Insurance Commissioner controls insurance rates. If your premium were adjusted, it would be because you were at fault, thus deeming you a higher risk. This would occur regardless of this program or additional claim.

## *Is this program unwelcoming to neighboring communities or potential visitors?*

No. Statistics indicate that people avoid unsafe/high crime communities. Tolls, hotel tax, recreational/park fees etc. are examples of other types of extraneous user fees that do NOT hinder visitors/tourism. Incentivizing safe driving creates a safer commute and community.



# **COST RECOVERY CORPORATION**

## **Cost Recovery Corporation (CRC) Is The Professional Industry Expert In Recovering Extraneous Costs For Safety Services**

\*CRC is the only company in the United States that was asked to testify in Washington, DC at the National Conference of Insurance Legislators (NCOIL) in 2008, indicating our expertise in the industry. (See attached article.)

\*CRC is the only company in the United States to recover costs for Law Enforcement. The company has been providing Law Enforcement recovery service since 2004.

\*Our Founder and CEO, Dr. Terry L. Henley, actually created EMS billing in the 1970's, prior to Federal Regulation. His experience and history of developing and implementing cost recovery is unmatched in the country. (See attached professional background.)

\*Dr. Henley developed traffic crash billing for Fire Departments in the late 1990's, working with the City of Hamilton, Ohio's Fire Department as the first department in the country to recover these extraneous costs in 1999.

\*Extensive costs studies and years of research has been done by Dr. Henley and CRC to develop and hold in place a National Standard relating to the actual cost of doing business within Safety Services departments. These costs are usual, customary and reasonable. The proprietary costs studies have afforded continuity relative to assessing fees across the country.

\*CRC's process and protocol mirrors the standards put in place by our Federal Government and Office of Inspector General, relative to EMS billing. Dr. Henley worked on several standards committees with the government when health insurance companies were mandated to pay EMS claims.

\*Cost Recovery Corporation handles all follow-up with insurance companies, attorney letters, at-fault party communication, thus minimizing department staff effort.

\*CRC works diligently to educate citizens of the benefits of the program and the focus on protecting their tax dollars.

\*CRC is experienced with and available to address all media outlets. CRC meets with City/County administrators, finance directors, attorneys, Council/Commission members, as well as, addressing concerns and questions at public hearings.

**\* CRC has never charged a fee to any department, municipality or county for our services. CRC does not keep a percentage of what is recovered for our clients. Our services are billed on top of the Safety Services fees and paid by the insurance company or at-fault party.**



**COST RECOVERY CORPORATION**

8 N. Limestone Street Suite E Springfield, Ohio 45502-1132

1-800-225-8325 • Fax: (937) 890-7742

# Responder1

## Police Report

### CRASH/INJURY SEVERITY CHARGE REPORT

	ON SCENE TIME	30 Min.	45 Min.	60 Min.	75 Min.	90 Min.	105 Min.
<b>Fatal</b>							
	Vehicles	\$154	\$154	\$154	\$154	\$154	\$154
	Officers	\$20	\$30	\$40	\$50	\$60	\$70
	Reconstruction	\$40	\$60	\$80	\$100	\$120	\$140
	Station Prep-Admin	\$159.80	\$160.57	\$173.34	\$180.11	\$186.88	\$193.65
<b>A-Level</b>							
	Vehicles	\$154	\$154	\$154	\$154	\$154	\$154
	Officers	\$20	\$30	\$40	\$50	\$60	\$70
	Reconstruction	\$40	\$60	\$80	\$100	\$120	\$140
	Station Prep-Admin	\$146.90	\$153.67	\$160.44	\$167.21	\$173.98	\$180.75
<b>B-Level</b>							
	Vehicles	\$154	\$154	\$154	\$154	\$154	\$154
	Officers	\$20	\$30	\$40	\$50	\$60	\$70
	Reconstruction	\$40	\$60	\$80	\$100	\$120	\$140
	Station Prep-Admin	\$127.55	\$171.31	\$141.09	\$147.86	\$154.63	\$161.40
<b>C-Level</b>							
	Vehicles	\$154	\$154	\$154	\$154	\$154	\$154
	Officers	\$20	\$30	\$40	\$50	\$60	\$70
	Reconstruction	\$40	\$60	\$80	\$100	\$120	\$140
	Station Prep-Admin	\$127.55	\$130.45	\$133.35	\$136.25	\$139.15	\$142.05
<b>PDO</b>							
	Vehicles	\$154	\$154	\$154	\$154	\$154	\$154
	Officers	\$20	\$30	\$40	\$50	\$60	\$70
	Reconstruction	\$40	\$60	\$80	\$100	\$120	\$140
	Station Prep-Admin	\$127.55	\$130.45	\$133.35	\$136.25	\$139.15	\$142.05
<b>COURT TIME AND WITNESS INTERVIEW @ \$80/hr</b>							

**Fatal:** Crash resulting in death of an individual within 30 days of the accident

**A-Level:** Crash with one incapacitating injury

**B-Level:** Crash with one person with a visible injury but not incapacitating

**C-Level:** Crash with one person with a possible injury

**PDO:** Property Damage only with a value of \$500 on any single vehicle resulting in a claim filed to an insurance company or an individual without insurance

*This information is Trade Secret and should not be divulged without the expressed written permission of Cost Recovery Corp®. Responder1 is a program protected a Patent Pending Status*



## CITY OF GROSSE POINTE WOODS MEMORANDUM

**RECEIVED**

MAR - 9 2011

CITY OF GROSSE PTE. WOODS

**DATE:** March 9, 2011

**TO:** Mayor and Council

**FROM:** Al Fincham, City Administrator *af*

**SUBJECT:** Ordinance Consideration: Landscaping /Grass Cutting & Fee Schedule  
(\$100.00 Permit; \$5 additional vehicle stickers)

In discussions with the Public Safety Director and Department Heads, and having received complaints from residents over the past year regarding landscape company activities, the attached sample ordinances are for your review and consideration.

Historically, we have addressed issues with landscape companies such as:

- Improper parking;
- Blocking roadways;
- Depositing grass and debris in the street;
- Dropping off grass/leaf bags in the community.

If considered, an ordinance would allow staff to better regulate the companies that provide services to our residents.

Please note: This item was discussed at the Committee-of-the-Whole Meeting on the March 8, 2010. At that time, there was consensus of the Committee to not address a landscaping/grass cutting ordinance.

## Sample Grass/Lawn Care Ordinances

### **Ferndale:**

#### **ARTICLE XVII. LICENSING AND REGULATION FOR BUSINESSES SPRAYING CHEMICALS**

Sec. 7-360. License required; annual fee set by council.

It shall be unlawful to engage in a business of spraying chemicals upon lawns, shrubs and trees within the city without first having obtained a license therefor. The annual fee for such license shall be set by the city council and application shall be made in compliance with the general provisions of the ordinance relating to licenses and permits.

(Ord. No. 858, § 2, 3-15-93)

Sec. 7-361. Insurance requirements.

No license shall be issued to any applicant under the provisions of this article until the applicant has deposited with the city a policy of public liability insurance which shall indemnify against any claim for damages suffered by reason of the licensee's acts, such insurance to be in an amount of not less than \$100,000.00 for a single injury or \$300,000.00 for more than one injury and \$10,000.00 for any property damage claim.

(Ord. No. 858, § 3, 3-15-93)

Sec. 7-362. Display of license.

Such license shall be prominently displayed on the vehicles used by the licensee in transporting equipment and materials necessary in the carrying out of the licensee's business.

(Ord. No. 858, § 4, 3-15-93)

Sec. 7-363. Burning prohibited.

It shall be unlawful to burn leaves, grass or any other items resulting from the carrying out of the licensee's business under penalty provided herein.

(Ord. No. 858, § 5, 3-15-93)

Sec. 7-364. Operation of motor vehicles as nuisance prohibited.

It shall be unlawful for any licensee under this article to operate a motor-driven vehicle or equipment upon any streets, sidewalks or highways within the city in such a manner so as to create a nuisance or a hazard which would endanger the safety of the public.

(Ord. No. 858, § 6, 3-15-93)

Cross references: Traffic and motor vehicle code, Ch. 18.

Sec. 7-365. Regulations pertaining to spraying.

Any spraying of chemicals by the licensee shall comply with the following regulations:

- (1) All applicable state and federal laws and regulations shall be followed.
- (2) Feeding stations, watering places and other objects which attract birds must be protected from spray drifts.

(3) After completion of spraying of chemicals by the licensee a flag or marker shall be placed on the area sprayed visible to persons who might enter the property. Such flag or marker shall note the name of the licensee and the date the spraying occurred.  
(Ord. No. 858, § 7, 3-15-93; Ord. No. 865, § 1, 10-25-93)

Sec. 7-366. Revocation of license.

Any license issued under the provisions of this article may be revoked for violations of this article or any provisions hereof, or any other ordinance relating to the work done.  
(Ord. No. 858, § 8, 3-15-93)

Sec. 7-367. Penalty for violations.

Any person, firm or corporation violating any of the provisions of this article shall be fined not less than \$50.00 and no more than \$500.00 for each offense, and a separate offense shall be deemed committed each day on which a violation occurs or continues.  
(Ord. No. 858, § 9, 3-15-93)

Cross references: General penalty, § 1-7.

Secs. 7-368, 7-369. Reserved.

**Farmington Hills (\$50 but will be increasing it):**

**ARTICLE V. LAWN CARE SERVICES**

Sec. 8-126. Defined.

For the purpose of this article the term "lawn care service" means offering to the public a service of caring for or maintaining any lawn by cutting, trimming, fertilizing, rolling or otherwise maintaining or improving any lawn. It shall not include landscape services or tree care even though cutting, fertilizing or rolling a lawn may be incidental thereto.

(Code 1981, § 53.410)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 8-127. License required.

No person shall engage in the business of operating a lawn care service without first obtaining a license therefor.

(Code 1981, § 53.420)

Sec. 8-128. Certification by police chief.

No lawn care service license shall be granted except upon certification of the police chief.

(Code 1981, § 53.420)

Sec. 8-129. Filing of fingerprints.

Every applicant for a lawn care service license shall file his or her fingerprints in the noncriminal identification file of the police department.

(Code 1981, § 53.420)

Secs. 8-130--8-145. Reserved.



**St. Clair Shores (\$35, \$4 vehicle plate):**  
**ARTICLE D**

**20.290 LICENSING REQUIREMENTS FOR OPERATION OF LANDSCAPING  
OR NURSERY BUSINESSES**

**20.291 Operation of landscaping or nursery business; license required.**

Sec. 67D-1. Every person, firm or corporation desiring to engage in the business of gardening, landscape gardening, mowing or trimming of lawns or fields, or pruning, removing, repairing, spraying or planting of trees, shrubs, vines or plants, either native or nursery grown, or for the sale or distribution thereof, within the City of St. Clair Shores shall make written application to the Director of Community Development for a license for that purpose, stating the location of the place where such business will be carried on. All licenses issued hereunder shall not be transferable and shall expire on the thirty-first day of December subsequent to the date of issuance. Licenses must be secured and in effect by March 1st or prior to the start of any business operation.

(chap. 67 eff. Aug. 26, 1986; amend. eff. Aug. 2, 1988; further amend. eff. Apr. 3, 1990)

**20.292 Definitions.**

Sec. 67D-2. For the purpose of this Article, the following words shall have the meanings given herein:

(a) *Nursery Stock* shall mean all trees, shrubs, vines, plants, cuttings, grafts, scions, buds and all other parts of plants capable of propagation.

(chap. 67 eff. Aug. 26, 1986)

**20.293 Application of article.**

Sec. 67D-3. Unless otherwise provided, this ordinance shall apply to all persons, firms or corporations maintaining or conducting business under the following classifications:

(a) All persons whose profession is to arrange, improve, modify or perpetuate the effects of natural scenery, including but not limited to the mowing, fertilizing, planting or other care of lawns or gardens.

(b) All persons, not growers or original producers of nursery stock, who buy for the purpose of reselling or offering for sale or reshipping independently under the control of any nursery man.

(c) All persons or firms who grow nursery stock for the purpose of selling directly to consumer.

(d) All persons, digging, selling, or offering for sale any native trees, shrubs, vines, hardy perennials or other native plant material growing in wood lots, forest lands or native environment.

(e) All landscape architects, landscape gardeners, contractors or other persons, who, on behalf of another person, directly or indirectly, buy or negotiate for the purchase of nursery stock or native trees, shrubs and plants, or who negotiate for or actually perform the work of moving the same from one property to another.

(f) Any person selling nursery stock under the partial or full direction of a nurseryman or of a dealer or other agent, or any person, dealer or agent handling or selling, or soliciting orders on a cooperative basis or by other method.

(g) All persons in the business of pruning, removing, repairing, treating, or, spraying trees, shrubs, vines or plants.

(h) This Ordinance shall also apply to all nursery stock, sold or distributed from vessels, vehicles of all description, buildings, docks, wharves, nurseries, sales lots or other premises or property, with or without value, where such articles or substances are kept, stored, or disposed of.

(chap. 67 eff. Aug. 26, 1986; amend. eff. Apr. 3, 1980)

#### 20.294 Business license fee.

##### Sec. 67D-4.

(a) All applicants receiving business licenses and/or vehicle plates under this article shall pay an annual license fee in an amount of thirty-five (\$35) dollars, and no license hereunder shall be issued at any time during the year for a sum less than the full annual license fee. The fee for each plate shall be four (\$4) dollars.

(b) No business licensed under this article shall be located in a residential area or on a residential lot within the city or operated from a residential lot. However, a license may be issued to a person or business who gives a residential address as the location of the license only provided such person or business complies with all of the following:

(i) executes a sworn affidavit signed by a notary indicating that he/she on behalf of the business understands that the provisions of the zoning ordinance pertaining to the use of the property at the residential address prohibit operation of the business thereon or therefrom and he/she swears on behalf of the business that no business required to be licensed under this article is being conducted on or from the premises;

(ii) executes such an affidavit on behalf of the business indicating that in the operation of such business he/she and the business will comply with all provisions of this ordinance, including section 67D-4(c) [Code Section 20.294(c)] and will advise all employees of such requirements;

(iii) supplies the nonresidential address and location where all equipment used in the operation of such business will be stored;

(iv) supplies the names and addresses of all employees of the business to be licensed;

(v) supplies the nonresidential location within the city, if applicable, where such employees will congregate and/or park their vehicles prior to commencement of business on any given day;

(vi) refrains from permitting, allowing or acquiescing in the congregation of employees or parking of employee vehicles on any residential property within the City or in the street adjacent to said property during their employment or when the employees are going to and from their employment;

(vii) supplies proof of public liability insurance for the licensed business; and

(viii) complies with all requirements of this ordinance and forthwith informs the Community Development's office of St. Clair Shores in the event of any changes in the above-required information.

(c) The failure to comply with the conditions of the affidavit required in subsection (b) shall constitute a violation of this ordinance.

(d) No equipment used in the operation of a business licensed under this article shall be stored, kept or parked on a residential lot within the city unless such equipment is actually in use on such lot for the benefit of a bona fide customer or is parked on such lot while some other activity of the business, such as landscaping/nursery services, is being performed on the lot for a bona fide customer.

(e) Person or persons who conduct or operate a business without first securing a license shall be required to obtain a license at twice the regular fee.

(f) All applicants shall supply proof of public liability of insurance of no less than \$100,000/\$300,000 for the business to be licensed hereunder prior to the issuance of any such license.

(chap. 67 eff. Aug. 26, 1986; amend. eff. Apr. 3, 1990; further amend. eff. Feb. 12, 1991)

20.295 Vehicle license required; fee.

Sec. 67D-5. A person or business licensed under this ordinance article shall apply for a vehicle plate or license furnished by the Community Development Department and shall attach same on the left side of the rear bumper upon any vehicle used in the operation or maintenance of the business licensed hereunder. Trailers which are attached to vehicles, other than passenger trailers, shall not be required to display such plates or licenses. The fee shall be four (\$4) dollars.

(chap. 67 eff. Aug. 26, 1986; amend. eff. Aug. 2, 1988; further amend. eff. Apr. 3, 1990)

20.296 Enforcement.

Sec. 67D-6. The Department of Public Works, the Code Enforcement Authority, the Community Development Department and the St. Clair Shores Police Department shall have the authority to enforce the provisions of this ordinance article, and any person, firm, or corporation who hinders, prevents, or interferes with the department's agents and employees in such enforcement shall be in violation of this ordinance.

(chap. 67 eff. Aug. 26, 1986; amend. eff. Aug. 2, 1988; further amend. eff. Apr. 3, 1990)

20.297 Duty to remove debris.

Sec. 67D-7. Any person, firm or corporation engaged in the removal, pruning, repairing, spraying or planting of trees or in any business licensed under this ordinance article, and/or any person, firm, corporation or property owner/occupant who has retained or hired such a business to work on its property within the city, shall be responsible for removal of all debris, including soil, from the work site when the job is completed. Failure of the business personnel and/or the property owner/occupant to effect removal of debris shall constitute a violation of this ordinance. The City of St. Clair Shores shall not be responsible for the removal of any part of a tree, shrub, vine or other plant or any other material or soil which has been cut or left by any person or business licensed hereunder.

(chap. 67 eff. Aug. 26, 1986; amend. eff. Apr. 3, 1990)