

## CITY of NOVI CITY COUNCIL

Agenda Item 1  
October 26, 2009

**SUBJECT:** Consideration of Ordinance 09-40.6, an ordinance to repeal and delete Chapter 8, Business Registration, in its entirety; Consideration of Ordinance 09-119.12, an ordinance to amend Chapter 12, Drainage and Flood Damage Protection, Article V, Wetlands and Watercourse Protection, Division 2, Use Permit, Section 12-171 "Required" and add a new section, Section 12-177, entitled "Registration of Farming Operation;" and Consideration of Ordinance 09-125.21, an ordinance to amend Chapter 37, Woodlands Protection, Article II, Permit, Section 37-27, "Exceptions" and add a new section, Section 37-34, entitled "Registration of Farming Operation." First Reading

**SUBMITTING DEPARTMENT:** City Clerk's Office *m.c.*

**CITY MANAGER APPROVAL:** 

**BACKGROUND INFORMATION:**

The business registration ordinance was designed (adopted in 1971) to coordinate the Certificate of Occupancy from the Building Department with the Hazardous Material survey from the Fire Department before being issued a Business Registration from the City Clerk. Once a new business submitted all the proper forms to the City Clerk's office, that information was then shared with Police, Fire, DPS and Neighborhood and Business Relations.

Every November, the City Clerk's office mailed renewal forms to all registered businesses. Over the last 2 years, it became evident that business owners were returning their form with the fee, but not providing updates for their contact information. As an example, we had 1,409 businesses registered and the Fire Department has 2,121 listed in their program. It is believed that eliminating this requirement and instead putting the focus on record-keeping with the Fire Department inspections process is in keeping with our focus there on prevention and pre-planning.

In the future, the following will be utilized: 1) the Fire Department bi-annual inspection program, 2) the State of Michigan Department of Labor and Economic Growth Corporation Division Business Entity lookup, 3) purchase a business listing from a commercial entity and 4) Community Development has placed all Certificates of Occupancy in a dedicated drive of the City's computer system for access by all departments. These resources can just as easily meet the needs of Police, Fire and Economic Development departments – and possibly even get better and more up-to-date information – and at the same time relieve Novi businesses of that particular cost of doing business here which is a win-win for all.

The City Clerk's staff will be able to utilize the time previously spent (approximately 3 weeks in January every year) on business registrations to ramp up efforts for digitizing paper records still being stored off-site.

With the deletion of Chapter 8, both wetlands and woodlands ordinances will have a new section entitled "Registration of Farming Operation."

**RECOMMENDED ACTION:** Consideration of Ordinance 09-40.6, an ordinance to repeal and delete Chapter 8, Business Registration, in its entirety; Consideration of Ordinance 09-119.12, an ordinance to amend Chapter 12, Drainage and Flood Damage Protection, Article V, Wetlands and Watercourse Protection, Division 2, Use Permit, Section 12-171 "Required" and add a new section, Section 12-177, entitled "Registration of Farming Operation;" and Consideration of Ordinance 09-125.21, an ordinance to amend Chapter 37, Woodlands Protection, Article II, Permit, Section 37-27, "Exceptions" and add a new section, Section 37-34, entitled "Registration of Farming Operation." First Reading

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

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

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CITY OF NOVI

ORDINANCE NO. 09-40.6

AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES, TO REPEAL CHAPTER 8, 'BUSINESS REGISTRATION,' THEREBY DELETING THE GENERAL REGISTRATION REQUIREMENT FROM THE CODE, AND TO ADD REGISTRATION REQUIREMENTS FOR FARMING OPERATIONS TO CHAPTER 12, "DRAINAGE AND FLOOD DAMAGE PROTECTION," ARTICLE V, "WETLANDS AND WATERCOURSE PROTECTION," AND ALSO TO CHAPTER 37, "WOODLANDS PROTECTION."

THE CITY OF NOVI ORDAINS:

**PART I**

That Chapter 8, "Business Registration," is hereby repealed and deleted in its entirety.

**PART II**

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

**PART III**

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

**PART IV**

**Repealer.** All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**PART V**

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

**CERTIFICATION**

It is hereby certified that the foregoing Ordinance was adopted by the Novi City Council, Oakland County, Michigan, at a meeting of the Council duly called and held on the \_\_\_\_ day of November, 2009.

**CITY OF NOVI**

By: \_\_\_\_\_  
Maryanne Cornelius, City Clerk

**ADOPTED:**

**EFFECTIVE:**

**PUBLISHED:**

1316963

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

**ORDINANCE NO. 09-119.12**

**AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES TO ADD REGISTRATION REQUIREMENTS FOR FARMING OPERATIONS TO CHAPTER 12, "DRAINAGE AND FLOOD DAMAGE PROTECTION," ARTICLE V, "WETLANDS AND WATERCOURSE PROTECTION."**

**THE CITY OF NOVI ORDAINS:**

**PART I**

That Chapter 12, "Drainage and Flood Damage Protection," Article V, "Wetlands and Watercourse Protection," Division 2, "Use Permit," Section 12-171, "Required," is hereby amended to read as follows:

(a) I[Unchanged]

(b) The prohibition of subsection (a) of this section notwithstanding, the following activities are permitted in watercourse and wetland areas without a use permit, subject to all other laws of this state and the owner's regulation:

(1) – (4) [Unchanged]

(5) Bona fide farming, horticulture, silviculture, lumbering and ranching activities, including plowing, irrigation ditching, seeding, cultivating, minor drainage, harvesting for the production of food, fiber and forest products, or upland soil and water conservation practices, if registered with the city pursuant to Section 12-177 below. Wetlands altered under this subsection shall not be used for a purpose other than a purpose described in this subpart without a permit from the city.

(6) – (18) [Unchanged]

## PART II

That Chapter 12, "Drainage and Flood Damage Protection," Article V, "Wetlands and Watercourse Protection," Division 2, "Use Permit," is amended to add a new section, Section 12-177, entitled "Registration of Farming Operation," which shall read in its entirety as follows:

### 12-177. Registration of Farming Operation

#### (a) Required.

- (1) No person shall, directly or indirectly, operate a farm operation in the city without first registering with the city clerk in the manner provided in this section.
- (2) The fact that a license or permit has been granted to any person by the state or county to engage in the operation shall not exempt such person from the necessity of registering with the city clerk, as required by this section.

#### (b) Application.

- (1) Each person required to register with the city clerk under the provisions of this chapter shall make application for such registration with the city clerk in the form and manner prescribed by the city clerk and shall state such facts as may be required for, or applicable to such registration including:
  - (a) The full names, business addresses, business phone numbers, and residence addresses of the owners, proprietors, officers, and local addresses of all owners, proprietors, officers and managers of the applicant's farm operation; the names and addresses of each officer if the applicant is a corporation; the names and addresses of all partners if a partnership;
  - (b) The place where the farm equipment is maintained and the nature of the farm operation;
  - (c) A list of all assumed, trade or firm names under which the registering applicant intends to conduct the farm operation;
  - (d) If the farm operation was not previously registered, a fully completed woodland and wetland survey, unless such survey has been provided as a part of a site plan, woodland permit or wetland permit application. If there are no woodlands or wetlands on the subject property, the applicant may submit a sworn statement indicating the absence of any woodlands or wetlands on the subject property in lieu of a survey. For the renewal of an existing permit, the farm registration application shall require the applicant to acknowledge that there have been no changes in the woodland or wetland areas from the last application.
  - (e) If the farm operation was not previously registered, or if additional work not previously disclosed is to be undertaken in a woodland and/or wetland area, a survey indicating the location and nature of all proposed work within the woodland and/or wetland areas to be performed as part of a proposed farm operation, and proof of woodland and/or wetland permits for the work, or a

description of any exemption from permit requirements under which the work will be performed.

(c) Inspection of premises.

Any person seeking to register a farm operation shall within ten (10) days of the application, allow an inspection of the proposed farm land by the city to confirm the delineation of the woodland and/or wetland boundaries depicted on the application.

(d). Fee.

Every applicant for registration or renewal thereof shall pay a registration fee in an amount to be set by resolution of the council. No registration fee shall be required from any person exempt from payment of the fee by state, county or federal law.

(e). Expiration date.

A registration year shall terminate on the thirty-first day of December at 12:00 midnight, next after the date of registration. The expiration date of each registration shall be indicated on the face thereof.

(f). Renewal.

Prior to termination of a registration, a renewal registration can be obtained by filing application therefor, with information supplied as in the original application, and by payment of prerequisite registration fee, provided inspection of the involved premises has been made, if required. A renewal registration may be obtained after the expiration of a current registration, provided an additional late registration fee is paid in an amount to be set by resolution of city council.

(g). Termination of business.

Any person discontinuing or terminating any farm operation covered in this chapter shall notify the city clerk to such effect personally or by certified mail. When the discontinuance or termination is voluntary such notice shall precede the same by thirty (30) days, and shall include a statement verifying that all required restoration of the registered site has been completed.

(h). Leased business premises.

It shall be the responsibility of the owner of any farm land within the City of Novi from which space is leased for a farm operation, and the responsibility of any agent utilized by such an owner for such leasing activities, to file on an annual basis with the city clerk, on a form prescribed by the clerk, a list of all tenants in farm land and the principal business of each tenant. Forms shall be available at the office of the city clerk by December 1st of each year, and shall be completed and returned no later than December 31st.

### **PART III**

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

### **PART IV**

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

### **PART V**

**Repealer.** All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

### **PART VI**

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

### **CERTIFICATION**

It is hereby certified that the foregoing Ordinance was adopted by the Novi City Council, Oakland County, Michigan, at a meeting of the Council duly called and held on the \_\_\_\_\_ day of November, 2009.

**CITY OF NOVI**

By: \_\_\_\_\_  
Maryanne Cornelius, City Clerk



**ADOPTED:**

**EFFECTIVE:**

**PUBLISHED:**

1317530

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

**ORDINANCE NO. 09-125.21**

**AN ORDINANCE TO AMEND THE CITY OF NOVI CODE  
OF ORDINANCES, TO ADD REGISTRATION  
REQUIREMENTS FOR FARMING OPERATIONS TO  
CHAPTER 37, "WOODLANDS PROTECTION."**

**THE CITY OF NOVI ORDAINS:**

**PART I**

That Chapter 37, "Woodlands Protection," Article II, "Permit," Section 37-27, "Exceptions," is hereby amended to read as follows

Sec. 37-27. Exceptions.

Notwithstanding the prohibition of section 37-26, the following activities are permitted within woodland areas without a use permit, unless otherwise prohibited by statute or ordinance:

(1) – (5) [Unchanged]

(6) Bona fide farming, where the farm operation is registered with the city pursuant to Section 37-34 below, and forestry and nursery practices, where otherwise legally permitted, and where compatible with the individual woodland ecology and not in conflict with the standards contained in section 37-29 provided that a forest management use permit is obtained pursuant to subsection 37-8(d) for forestry activities within a woodland area;

(7) – (11) [Unchanged]

**PART II**

That Chapter 37, "Woodlands Protection," Article II, "Permit," is amended to add a new section, Section 37-34, entitled "Registration of Farming Operation," which shall read in its entirety as follows:

## Sec. 37-34 Registration of Farming Operation

### (a) Required.

- (1) No person shall, directly or indirectly, operate a farm operation in the city without first registering with the city clerk in the manner provided in this section.
- (2) The fact that a license or permit has been granted to any person by the state or county to engage in the operation shall not exempt such person from the necessity of registering with the city clerk, as required by this section.

### (b) Application.

- (1) Each person required to register with the city clerk under the provisions of this chapter shall make application for such registration with the city clerk in the form and manner prescribed by the city clerk and shall state such facts as may be required for, or applicable to such registration including:

- (a) The full names, business addresses, business phone numbers, and residence addresses of the owners, proprietors, officers, and local addresses of all owners, proprietors, officers and managers of the applicant's farm operation; the names and addresses of each officer if the applicant is a corporation; the names and addresses of all partners if a partnership;
- (b) The place where the farm equipment is maintained and the nature of the farm operation;
- (c) A list of all assumed, trade or firm names under which the registering applicant intends to conduct the farm operation;
- (d) If the farm operation was not previously registered, a fully completed woodland and wetland survey, unless such survey has been provided as a part of a site plan, woodland permit or wetland permit application. If there are no woodlands or wetlands on the subject property, the applicant may submit a sworn statement indicating the absence of any woodlands or wetlands on the subject property in lieu of a survey. For the renewal of an existing permit, the farm registration application shall require the applicant to acknowledge that there have been no changes in the woodland or wetland areas from the last application.
- (e) If the farm operation was not previously registered, or if additional work not previously disclosed is to be undertaken in a woodland and/or wetland area, a survey indicating the location and nature of all proposed work within the woodland and/or wetland areas to be performed as part of a proposed farm operation, and proof of woodland and/or wetland permits for the work, or a description of any exemption from permit requirements under which the work will be performed.

### (c) Inspection of premises.

Any person seeking to register a farm operation shall within ten (10) days of the application, allow an inspection of the proposed farm land by the city to confirm the delineation of the woodland and/or wetland boundaries depicted on the application.

(d). Fee.

Every applicant for registration or renewal thereof shall pay a registration fee in an amount to be set by resolution of the council. No registration fee shall be required from any person exempt from payment of the fee by state, county or federal law.

(e). Expiration date.

A registration year shall terminate on the thirty-first day of December at 12:00 midnight, next after the date of registration. The expiration date of each registration shall be indicated on the face thereof.

(f). Renewal.

Prior to termination of a registration, a renewal registration can be obtained by filing application therefor, with information supplied as in the original application, and by payment of prerequisite registration fee, provided inspection of the involved premises has been made, if required. A renewal registration may be obtained after the expiration of a current registration, provided an additional late registration fee is paid in an amount to be set by resolution of city council.

(g). Termination of business.

Any person discontinuing or terminating any farm operation covered in this chapter shall notify the city clerk to such effect personally or by certified mail. When the discontinuance or termination is voluntary such notice shall precede the same by thirty (30) days, and shall include a statement verifying that all required restoration of the registered site has been completed.

(h). Leased business premises.

It shall be the responsibility of the owner of any farm land within the City of Novi from which space is leased for a farm operation, and the responsibility of any agent utilized by such an owner for such leasing activities, to file on an annual basis with the city clerk, on a form prescribed by the clerk, a list of all tenants in farm land and the principal business of each tenant. Forms shall be available at the office of the city clerk by December 1st of each year, and shall be completed and returned no later than December 31<sup>st</sup>

### **PART III**

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

**PART IV**

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

**PART V**

**Repealer.** All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**PART VI**

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

**CERTIFICATION**

It is hereby certified that the foregoing Ordinance was adopted by the Novi City Council, Oakland County, Michigan, at a meeting of the Council duly called and held on the \_\_\_\_\_ day of November, 2009.

**CITY OF NOVI**

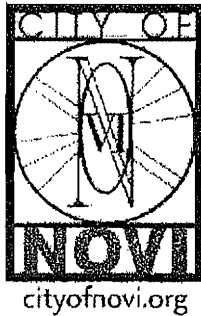
By: \_\_\_\_\_  
Maryanne Cornelius, City Clerk

**ADOPTED:**

**EFFECTIVE:**

**PUBLISHED:**

## MEMORANDUM



**TO:** MAYOR LANDRY AND COUNCIL MEMBERS  
**CC:** CLAY PEARSON, CITY MANAGER  
**FROM:** MARYANNE CORNELIUS, CITY CLERK *M.C.*  
**SUBJECT:** BUSINESS REGISTRATION  
**DATE:** OCTOBER 15, 2009

*10/15/09  
To: Mayor & City  
Council Members*

*Win-win-win.  
Cherry*

The purpose of this memorandum is to provide preliminary information regarding a forthcoming recommendation to repeal the City's business registration requirement, found in Chapter 8 of the City Code. Several members of the Leadership Team met to discuss improvements and coordination of our administration of the Code. The business registration ordinance was designed (adopted in 1971) to coordinate the Certificate of Occupancy from the Building Department with the Hazardous Material survey form from the Fire Department before being issued a Business Registration from the City Clerk. Once a new business submitted all the proper forms to the City Clerk's office, that information was then shared with Police, Fire, DPS and Neighborhood and Business Relations.

The licensing process was also intended to ensure the accuracy and availability of information that the City had for each local business. The current software allows renewal forms that are pre-printed with information to be sent to business owners as a reminder to renew each November. The business owner is required to review the information, make any corrections and return the form along with the \$20 fee prior to December 31<sup>st</sup> of each year. The forms and payment often have to be returned to the owner by the Clerk's office along with an explanation of what is incorrect or missing. Frankly, the entire process is time-intensive for the City and an extra obligation on Novi businesses (1,409 currently registered).

When staff met, as part of a review of our various internal databases, what we found was that whenever the Economic Development Director and Code Compliance officers were making contact with businesses in the community, the information they obtained was different from the Business Registration renewal form. So, as a result of business owners not providing updates, we were maintaining a list of businesses, but local contact information was not accurate.

As we discussed the issue further, it became apparent that through the efforts of the Fire Department bi-annual inspection program and by purchasing a business list from Oakland County Economic Development, we can just as easily meet the needs of Police, Fire and Economic Development departments – and possibly even get better and more up-to-date information – and at the same time relieve Novi businesses of that particular cost of doing business here. The City Clerk's staff will be able to utilize the time previously spent on business registration to ramp up efforts for digitizing paper records still being stored off-site.

We believe that eliminating this requirement and instead putting the focus on record-keeping with the Fire Department inspections process is in keeping with our focus there on prevention and pre-planning.

In accordance with this, although we are completing research, we plan to bring a First Reading to the City Council on October 26 for the abolition of the business registration requirement.

C: Rob Petty  
Frank Smith  
David Molloy  
Ara Topouzian  
Tom Schultz



CITY OF NOVI  
 CITY CLERK'S OFFICE  
 45175 W. TEN MILE ROAD  
 NOVI, MI 48375  
 (248) 347-0456

**2009 Business Registration Renewal**

Registration No: \_\_\_\_\_

**INCOMPLETE FORMS WILL BE RETURNED**

Local business name: \_\_\_\_\_ Local phone: \_\_\_\_\_

Local fax: \_\_\_\_\_

Novi location address: \_\_\_\_\_

Billing address if different than above: \_\_\_\_\_

Number of employees at this location: \_\_\_\_\_ Local manager: \_\_\_\_\_

Description of business operation: \_\_\_\_\_

Hours of operation: \_\_\_\_\_ Business alarmed? Yes \_\_\_\_\_ No \_\_\_\_\_ Alarm type (circle): Police Fire Medical

Alarm company: \_\_\_\_\_ Alarm phone: \_\_\_\_\_

The following information will be used for internal purposes by our Neighborhood and Business Relations, Fire, Police and DPW.

Owner information	Local business contact	Local emergency contact
Name: _____	Name: _____	Name: _____
Address: _____ _____	Address: _____ _____	Address: _____ _____
E-mail: _____	E-mail: _____	E-mail: _____
Phone: _____	Phone: _____	Phone: _____

**RETURN \$20.00 ANNUAL RENEWAL FEE BY DECEMBER 31 (AFTER DECEMBER 31st, \$45.00)**

For Office Use Only

Date Paid: \_\_\_\_\_ Cash: \_\_\_\_\_ Check No. \_\_\_\_\_ Receipt No. \_\_\_\_\_