



CITY of NOVI CITY COUNCIL

Agenda Item D
July 22, 2019

SUBJECT: Approval of Ordinance No. 19-49.04, an ordinance to amend the City of Novi Code of Ordinances, at Chapter 15, "Fire Prevention and Protection," in order to repeal Article IV, "Self-Service Gas Stations." **SECOND READING**

SUBMITTING DEPARTMENT: City Manager

CITY MANAGER APPROVAL: AA

BACKGROUND INFORMATION: The City Council's Ordinance Review Committee (ORC) has been evaluating, with the assistance of City administration, the City's Code of Ordinances to determine whether there are any outdated or obsolete provisions that can be simply removed from the code. The proposed repeal of this provision of the City Code acknowledges that self-service gas stations are ubiquitous, and full-service gas stations are rare. City staff does not recall any enforcement of this ordinance over the years since it was adopted in 1983—when self-service gas stations were a newer development.

The ORC recommended adoption of the attached ordinance at its June 3, 2019, meeting.

RECOMMENDED ACTION: Approval of Ordinance No. 19-49.04, an ordinance to amend the City of Novi Code of Ordinances, at Chapter 15, "Fire Prevention and Protection," in order to repeal Article IV, "Self-Service Gas Stations." **SECOND READING**

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 19-_____

AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES, AT CHAPTER 15, "FIRE PREVENTION AND PROTECTION," IN ORDER TO REPEAL ARTICLE IV, "SELF-SERVICE GAS STATIONS."

THE CITY OF NOVI ORDAINS:

PART I. That Chapter 15, "Fire Prevention and Protection," Article IV, "Self-Service Gas Stations," of the City of Novi Code of Ordinances is hereby amended to repeal the entire Article.

~~ARTICLE IV. -- SELF-SERVICE GAS STATIONS~~

~~Sec. 15-66. -- Definitions.~~

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

~~Full self-service gas station shall mean any service station where more than fifty (50) percent or more than three (3) of its motor fuel dispensing devices may be operated by persons other than the owner, lessee, operator or an authorized employee.~~

~~Self-service gas station shall mean any service station where persons other than the owner, lessee, operator or an authorized employee are permitted to use or operate any motor fuel dispensing equipment.~~

~~Sec. 15-67. -- Inspection, approval of plans.~~

~~(a) -- Every person who intends to construct, reconstruct, convert or alter any service station to provide a self-service gas station shall submit plans for the proposed station to the planning commission for approval. A copy of the plans for the proposed station shall be forwarded to the building official.~~

~~(b) -- The building official shall, upon examination of the plans for the proposed station, report to the planning commission as to whether the plans comply with the terms of this article.~~

~~(c) -- The planning commission shall grant approval of the proposed station upon a determination that:~~

~~(1) -- The plans comply with the terms of this article; and~~

~~(2) -- The plans ensure safe operation of the station and safe ingress and egress to the station site from adjoining streets.~~

~~Sec. 15-68. -- Location.~~

~~No self-service gas station shall be operated or maintained, except at a location zoned for use as a gas station under [the city's] "Zoning Ordinance."~~

~~Sec. 15-69. -- Emergency switch or circuit breaker.~~

~~A self-service gas station shall be equipped with an approved switch or circuit breaker at the remote control console location to permit the shutting off of power to all dispensing devices in the event of an emergency. The switch or circuit breaker shall be clearly identified and easily accessible. An operator or attendant shall be in constant attendance and control of the switch or circuit breaker.~~

~~Sec. 15-70. -- Canopy.~~

~~There shall be a canopy covering any dispensing area of a self-service gas station containing a self-service pump sufficient to protect any self-service customer from the weather elements.~~

~~Sec. 15-71. -- Reserved.~~

~~Sec. 15-72. -- Posting of motor fuel prices.~~

~~Each advertising sign displayed at a self-service gas station shall contain a separate price for each type of motor fuel sold at the station. Prices shall be in numbers no less than six (6) inches in height.~~

~~Sec. 15-73. -- Warning signs.~~

~~Metal warning signs, printed in not less than three-inch block letters, shall be conspicuously posted in the dispensing area incorporating the following or equivalent wording:~~

~~(1) — TURN IGNITION OFF.~~

~~(2) — NO SMOKING.~~

~~(3) — UNLAWFUL AND DANGEROUS TO DISPENSE GASOLINE INTO UNAPPROVED CONTAINERS.~~

~~Sec. 15-74. -- Dispensing area in view of attendant.~~

~~The dispensing area of a self-service gas station shall at all times be in clear view of the operator or attendant. Placing or allowing any obstacle to come between the dispensing area and the remote control console location is prohibited. Mirrors may be utilized to provide adequate visual control.~~

~~Sec. 15-75. -- Communication between dispensing area and remote control console.~~

~~Two-way electronic voice communication shall be provided between the dispensing area of a self-service gas station and the remote control console unless unaided voice communications may be readily heard over all conditions of operation considering distance, noise levels, obstructions and enclosures.~~

~~Sec. 15-76. -- Supervision of dispensing area.~~

~~Each operator or attendant shall supervise the fueling of no more than nine (9) vehicles. If more than nine (9) vehicles are to be fueled, there shall be an additional attendant or operator~~

~~on-duty for each additional nine (9) fueling operations or fractions thereof. Sufficient safeguards in the form of barriers or other devices shall be provided to ensure that no more than the prescribed number of fueling operations may be carried out at one time as determined by the number of attendants on duty.~~

~~Sec. 15-77. -- Dispensing of motor fuel.~~

- ~~(a) — Motor fuel shall be dispensed only by a licensed motor vehicle operator or by a qualified station operator or attendant on duty while the station is open to the public.~~
- ~~(b) — No persons under the age of sixteen (16) years shall operate a motor fuel dispensing device at a self-service gas station.~~
- ~~(c) — No container shall be filled with flammable liquids while inside a passenger-carrying vehicle. Containers shall be removed from the interior of passenger cars and from the cab or enclosed portion of other vehicles during filling.~~

~~Sec. 15-78. -- Reserved.~~

~~Sec. 15-79. -- Fire extinguishers.~~

- ~~(a) — A self-service gas station shall be equipped with a fire extinguisher having a minimum classification of 2A:40B:C located within thirty (30) feet of each dispensing device.~~
- ~~(b) — A full self-service gas station shall be equipped with an Underwriter's Laboratory approved fixed pipe dry chemical fire extinguishing system, provided combined manual and automatic controls shall be installed in a manner to cover the area of all self-service dispensing devices. Manual controls shall be clearly identified, easily accessible, and installed at the remote control console location. Each extinguisher head shall be installed in such a manner that an accumulation of ice or snow will not adversely affect the proper functioning of the system. In the installation of such system, special care should be taken to compensate for wind, including, but not limited to, a wind screen, reduced nozzle spacing, and additional nozzles.~~

~~Sec. 15-80. -- Required ancillary services.~~

~~A self-service gas station shall provide the following additional services:~~

- ~~(1) — There shall be a facility to provide air pressure for tires of customers available during the hours that the station is in operation, irrespective of weather conditions.~~
- ~~(2) — There shall be available to all self-service customers at each self-service dispensing area materials for cleaning windows including but not limited to a squeegee, cleaner fluid and paper toweling.~~
- ~~(3) — There shall be available to all customers separate male and female toilet and washroom facilities during the hours that the station is in operation.~~
- ~~(4) — There shall be a coin-operated telephone available to all customers.~~

~~Sec. 15-81. -- Conflict with other regulations.~~

~~The provisions of this article shall not be construed to prevent the enforcement of other ordinances or regulations which prescribe standards other than those provided in this article. If~~

~~any of the provisions of this article are found to be in conflict with the fire prevention code of the city, the latter code shall be deemed applicable.~~

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

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

PART IV. Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

PART V. Effective Date. The provisions of this Ordinance are ordered to take effect following publication in the manner prescribed by the Charter of the City of Novi.

PART VI. Adoption. This ordinance is hereby declared to have been adopted by the Novi City Council in a meeting thereof duly held and called on the ___ day of _____, 2019, in order to be given publication in the manner prescribed by the Charter of the City of Novi.

Moved by _____ and supported by _____.

Robert J. Gatt, Mayor

Cortney Hanson, City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the ___ day of _____, 2019.

Cortney Hanson, City Clerk