



**PLANNING AND
DEVELOPMENT DEPARTMENT**

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Detroit City Council
1340 Coleman A. Young Municipal Center
Detroit, MI 48226

March 23, 2023

RE: Amendments to Chapter 8 of the 2019 Detroit City Code, Building Construction and Property Maintenance, by amending Article II, Building Code, Section 8-2-20, Additions to Section 3303 of 2015 Michigan Building Code, Demolition, to provide for review by the Planning and Development Department of certain applications for wrecking permits.

Honorable City Council:

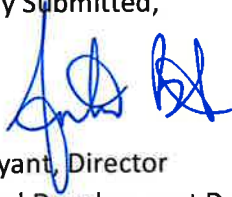
The Planning and Development Department (PDD), in conjunction with the Buildings, Safety Engineering and Environmental Department (BSEED), requests that your Honorable Body consider the attached amendment to Chapter 8 - Building Construction and Property Maintenance to move the longstanding PDD review of demolitions in Traditional Main Street Overlay areas from Chapter 50 – Zoning to Chapter 8. In addition, this amendment will also provide for an up-to 10-day review by PDD of certain commercial demolitions. The goal of the PDD review period is to allow PDD staff to be notified of a commercial demolition permit and provide up to 10 days to explore alternatives to demolition with the building owner.

PDD review of demolition permits in Traditional Main Street Overlay areas has been in place since 2005, under Chapter 50 - Zoning. The Law Department has advised that this requirement is more appropriate in Chapter 8 than Chapter 50 - Zoning. A parallel amendment to remove the existing language from Chapter 50 has been prepared and will be presented to the Planning and Economic Development committee once the City Planning Commission has made a recommendation on the text amendment.

This Chapter 8 amendment also seeks to expand the PDD's demolition review to include certain commercial demolition permits for properties located outside of the TMSO areas. A vast majority of demolitions are one- or two-family homes, which are considered residential and would not fall under this proposed review period. In addition, PDD will not review any emergency demolition or City-initiated commercial demolition permits. Over the past two years, there were approximately 26 demolitions that would have fallen under this proposed PDD review.

Should this amendment be approved, PDD anticipates reviewing approximately 13 demolition permits per year. PDD would not have the authority to cancel the demolition permit or hold the permit for longer than 10-days. In cases where PDD does not release a permit before the 10-day review period, the permit is automatically released for approval. Please contact Mr. Gregory Moots of my staff at (313) 224-1358 with any questions.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'Antoine Bryant'.

Antoine Bryant, Director
Planning and Development Department

A handwritten signature in blue ink, appearing to read 'David Bell'.

David Bell, Director,
Buildings, Safety Engineering and
Environmental Department

CC: Garrick Landsburg, PDD
Gregory Moots, PDD
Karen Gage, PDD
James Foster, BSEED

Attachment: Proposed Chapter 8 amendment

S U M M A R Y

This ordinance amends Chapter 8 of the 2019 Detroit City Code, *Building Construction and Property Maintenance*, by amending Article II, *Building Code*, Section 8-2-20, *Additions to Section 3303 of 2015 Michigan Building Code, Demolition*, to provide for review by the Planning and Development Department of certain applications for wrecking permits.

1 **BY COUNCIL MEMBER _____** :

2 **AN ORDINANCE TO AMEND** Chapter 8 of the 2019 Detroit City Code, *Building*
3 *Construction and Property Maintenance*, by amending Article II, *Building Code*, Section 8-2-20,
4 *Additions to Section 3303 of 2015 Michigan Building Code, Demolition*, to provide for review by
5 the Planning and Development Department of certain applications for wrecking permits.

6 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT**

7 **THAT:**

8 **Section 1.** Chapter 8 of the 2019 Detroit City Code, *Building Construction and Property*
9 *Maintenance*, be amended to *Car Washes and Motor Vehicle Service*, Article II, *Building Code*,
10 Section 8-2-20, *Additions to Section 3303 of 2015 Michigan Building Code, Demolition*, be
11 amended to read as follows:

12 **CHAPTER 8. BUILDING CONSTRUCTION AND PROPERTY MAINTENANCE**

13 **ARTICLE II. BUILDING CODE**

14 **Sec. 8-2-20. Additions to Section 3303 of 2015 Michigan Building Code, Demolition.**

15 In accordance with Section 8b(11) of the Stille-DeRossett-Hale Single State Construction
16 Code Act, being MCL 125.1508b(11), the City adds to Section 3303 of the 2015 Michigan
17 Building Code, *Demolition*, the following provisions, which were contained in the 1984 Detroit
18 City Code prior to July 31, 2001, and concern administration and enforcement:

19 *3303.4 Vacant lot.* Where a structure has been demolished or removed, the vacant lot shall
20 be filled and maintained in accordance with Sections 3303.8 through 3303.8.5 of this code.

21 *3303.6 Utility connections.* Service utility connections shall be discontinued and capped in
22 accordance with Sections 3303.8 through 3303.8.5 of this code.

1 *3303.8 Wrecking operations.* Wrecking operations shall include the demolition,
2 disassembling, dismantling or dismembering, along with the removal, of any building or structure.
3 All wrecking operations shall be conducted in accordance with these provisions to ensure the
4 safety of workers and the general public.

5 *3303.8.1 Wrecking permits.*

6 (a) A wrecking permit shall be obtained from the Buildings, Safety Engineering, and
7 Environmental Department before the demolition, disassembling, dismantling or dismembering,
8 and the removal, of any building or structure, except for those which are one-story frame buildings
9 or structures of not more than 500 square feet floor area. The provisions of this section shall not
10 apply to the demolition, disassembling, dismantling or dismembering, and removal, of 50 percent
11 or less of any building or structure incidental to, or necessary in connection with, the repair,
12 alteration, or enlargement of such building or structure.

13 (b) A permit shall not be issued for the demolition, disassembling, dismantling or
14 dismembering, and removal, of a building or structure, unless:

- 15 (1) The permit application is signed and dated by a licensed wrecking contractor, or by
16 a homestead-property owner, in the presence of a notary public, which authorizes
17 the licensed wrecking contractor, or the homestead-property owner, to secure a
18 permit for the demolition, disassembling, dismantling or dismembering, and
19 removal, of the building or structure referred to in the permit application; and
20 (2) The permit application includes a detailed plan that outlines the procedures for the
21 demolition, disassembling, dismantling or dismembering, and removal, of any
22 building or structure.

(c) No permit for demolition, disassembling, dismantling or dismembering, and removal, of any building or structure shall be issued, except:

(1) To an individual who, or partnership, firm or corporation which, is licensed under Section 118 of this code and registered under Section 119 of this code; or

(2) To the homestead-property owner.

(d) Before a building or structure can be demolished, disassembled, dismantled or dismembered, and removed, the holder of the wrecking permit shall notify all public and private utilities with service connections to the building or structure, such as water, electric, gas, sewerage, and other connections, that the building or structure is to be demolished, disassembled, dismantled or dismembered, and removed. A permit to demolish, disassemble, dismantle or dismember, and remove, a building shall not be issued until:

(1) A release is obtained from each such utility which states that their respective service connection has been terminated and appurtenant equipment, such as meters and regulators; and

(2) The Buildings, Safety Engineering, and Environmental Department is satisfied, after receiving a written report from the appropriate public and private utilities, that said wrecking operation may be accomplished in such a manner as not to create a hazardous condition as a result of the proximity of such public and private utility installations.

(e) Before ~~a permit is issued~~ the Buildings, Safety Engineering, and Environmental Department may issue a permit for the demolition, disassembling, dismantling or dismembering, ~~and or~~ removal, of any building or structure, it shall refer such application for permit ~~shall be referred;~~

(1) to the Detroit Health Department for examination of the site to determine whether rodent extermination is necessary; and

(2) to the Planning and Development Department to identify possible alternatives to demolition, disassembling, dismantling or dismembering, and removal, as applicable, and to recommend any or all such alternatives to the permit applicant or the owner of the subject property, as applicable.

a. The period for each referral must not to exceed 10 days, commencing upon receipt by the Planning and Development Department of the subject wrecking permit application.

b. The Planning and Development Department may from time to time waive referrals of wrecking permit applications for certain properties or types of properties as it identifies to the Buildings, Safety Engineering, and Environmental Department. The Buildings, Safety Engineering, and Environmental Department may decline to refer wrecking permit applications for any property that is subject to a valid waiver as identified by the Planning and Development Department.

c. Notwithstanding anything in this subsection to the contrary, this subsection does not apply to wrecking operations to be undertaken pursuant to:

i. an order to demolish approved by the Detroit City Council, or

ii. an emergency demolition order issued by the City of Detroit Building Official.

(f) Where there are buildings or structures, or other adjoining facilities, or public and private utility lines whose temporary disconnection may be necessitated by the proposed wrecking

operation, written notice shall be given by the applicant to the owners of such adjoining buildings or structures, or of such other adjoining facilities, or of such public and private utility lines, prior to a permit being issued for the demolition, disassembling, dismantling or dismembering, and removal, of the building or structure.

(g) In addition to the requirements in Subsections (b) through (f) of this section, where blasting and explosives will be used in the demolition of any building or structure, the person or persons who will perform the act of blasting and the use of explosives shall:

(1) Present to the Buildings, Safety Engineering, and Environmental Department for copying:

a. Their federal license to perform such work; and

b. Their Certificate of Fitness under Section 18-1-22 of the 2019 Detroit City Code, Detroit Fire Prevention and Protection Code, being Section 1.13.1.1(1), Blasting or Demolition Operations;

(2) Submit with their detailed plan the method of blasting and the type of explosives to be used; and

(3) Request a pre-demolition meeting with the Building Official.

(h) In addition to the requirements in Subsections (b) through (f) of this section, where blasting and explosives will be used in the demolition of any building or structure, the applicant shall obtain approval of the detailed plan that outlines the demolition procedures, including the method of blasting and the type of explosives to be used, the location and size of the building or structure to be demolished, and the particular special precautions, if any, that will be taken to safeguard and to protect any service connections, cables, sewers, water mains, gas mains, and appurtenant equipment, such as meters, regulators, traffic control devices and utility poles that are

on the site or on any contiguous site, from the following applicable governmental agencies and private utilities:

- (1) U.S. Coast Guard (where site abuts the Detroit River);
- (2) Michigan Department of Environment, Great Lakes, and Energy;
- (3) City of Detroit Law Department (for certificate of insurance and surety bond);
- (4) City of Detroit Department of Transportation;
- (5) City of Detroit Water and Sewerage Department, Engineering Division;
- (6) City of Detroit Public Lighting Department;
- (7) City of Detroit Police Department;
- (8) City of Detroit Department of Public Works, City Engineering Division and Traffic Engineering Division;
- (9) City of Detroit Fire Department Fire Marshal Division;
- (10) City of Detroit Health Department;
- (11) Any electric or gas utility;
- (12) Any telecommunications company or franchise; and
- (13) Any cable franchise;

(i) After compliance with Subsections (b) through (h) of this section, the Buildings, Safety Engineering, and Environmental Department may issue a wrecking permit with stipulations as to any special conditions that are to be met.

3303.8.2 Supervision and identification. The licensed wrecking contractor, or a competent supervisory employee in his or her employ, shall be present at the site while wrecking operations are in progress. An identification picture badge, not less than two inches by two inches, containing

1 the Wrecking Contractor License number and the company name, shall be worn in a conspicuous
2 place by all employees on the job.

3 *3303.8.3 Site preparation.*

4 (a) After obtaining a wrecking permit from the Buildings, Safety Engineering, and
5 Environmental Department, as well as the permission of the Department of Public Works, ~~and the~~
6 Detroit Health Department Rodent Control Division, the Planning and Development Department,
7 and ~~or~~ any such other City departments that have jurisdiction over any public way, the holder of
8 the wrecking permit shall proceed to erect all required protections and then shall notify the
9 Buildings, Safety Engineering, and Environmental Department before proceeding with wrecking
10 operations.

11 (b) All roof structures, all signs and other exterior appurtenances shall be removed
12 before wrecking operations are started.

13 (c) The holder of the wrecking permit shall be responsible for compliance with this
14 section, with the applicable provisions of this code, and with other laws covering this subject. The
15 methods to be used in demolition, disassembling, dismantling or dismembering, and removal, shall
16 not involve undue hazards to the public or unnecessary danger to the workers, and shall be in
17 accordance with good practice. All persons who are actively engaged in wrecking operations on
18 the job site shall wear personal protection equipment.

19 (d) A cable, chain, clam bucket, crane, demolition ball, or other similar mechanical
20 devices shall not be used to demolish, disassemble, dismantle or dismember, and remove, any
21 building or structure, unless detailed plans and proposed procedures are submitted with the
22 application for a wrecking permit and are approved by the Building Official.

(e) Suitable provision shall be made for the disposal of solid waste, as defined in Section 42-1-1 of the 2019 Detroit City Code, which results from the wrecking operations. No part of the structure shall be overloaded by excessive storage of materials or debris, chutes, and scaffolds. Derricks and hoists shall be strong, substantial, and safe for the purpose for which they are intended. Materials, which when removed, would cause any excessive amount of dust shall be wetted down to prevent the creation of a nuisance. Open fires or other sources of flame, except necessary cutting torches, shall neither be permitted on the inside of the building or structure, which is being demolished, disassembled, dismantled or dismembered, and removed, nor in close proximity to flammable materials outside of the building or structure, and every precaution shall be taken to prevent the possibility of fire.

3303.8.4 Wrecking requirements.

(a) The wrecking operation that is performed in accordance with a permit issued under Section 3303.8.1 of this code shall be performed, or executed:

(1) By the employees of the licensed wrecking contractor, while acting under his or her supervision and direction, and shall not be done by an independent contractor or subcontractor; or

(2) By the homestead-property owner and shall not be done by any licensed or unlicensed wrecking contractor.

(b) No individual, partnership, firm, or corporation shall conduct, or carry on, a wrecking operation under a wrecking permit that is issued to some other individual, partnership, firm, or corporation.

(c) It shall be the responsibility of the holder of the wrecking permit to complete the demolition, disassembling, dismantling or dismembering, and removal, of any and all buildings or structures within the scope of said permit, including the filling to grade of all excavations.

(d) In any wrecking operation for the demolition, disassembling, dismantling or dismembering, and removal, of any building or structure, it shall be the responsibility of the holder of the wrecking permit for demolition, disassembling, dismantling or dismembering, and removal, of the building or structure to undertake the following measures at the site:

(1) Dismantle and remove all basement or cellar walls and floors, footings, and foundations;

(2) Fill all open holes to grade level with backfill that shall be clean earth and is composed of mineral soil such as crumbling yellow clay, sand, or loam;

(3) Cap all water mains and sewer pipes;

(4) Remove all existing private sidewalks, driveways, walls, and other miscellaneous concrete slabs to full depth;

(5) Remove all pole and monument signs, dumpster enclosures, and other miscellaneous structures; and

(6) Remove all excess solid waste, as defined in Section 42-1-1 of the 2019 Detroit City Code, from the site above grade.

3303.8.5 Wrecking site restoration. Whenever a building or structure is demolished, disassembled, dismantled or dismembered, and removed, the holder of the wrecking permit shall ensure that the site is free from all unsafe or hazardous conditions, all public sidewalks and curbs that have been damaged replaced, all established grades restored, and all necessary retaining walls and fences erected in accordance with this code and the 2019 Detroit City Code.

1 **Section 2.** This ordinance is hereby declared necessary to preserve the public peace, health,
2 safety, and welfare of the People of the City of Detroit.

3 **Section 3.** All ordinances, or parts of ordinances, that conflict with this ordinance are
4 repealed.

5 **Section 4.** If this ordinance is passed by two-thirds (2/3) majority of City Council Members
6 serving, then it shall be given immediate effect and become effective upon publication in
7 accordance with Section 4-118 of the 2012 Detroit City Charter. If this ordinance is passed by less
8 than a two-thirds (2/3) majority of City Council Members serving, then it shall become effective
9 on the thirtieth (30) day after enactment, or on the first business day thereafter, in accordance with
10 Section 4-118 of the 2012 Detroit City Charter.

Approved as to form:

Conrad L. Mallett
Corporation Counsel