



LAW DEPARTMENT

Coleman A. Young Municipal Center
2 Woodward Avenue, Suite 500
Detroit, Michigan 48226-3437

Phone 313•224•4550
Fax 313•224•5505
www.detroitmi.gov

February 15, 2024

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

Re: Ordinance to amend Chapter 8 of the 2019 Detroit City Code, *Building Construction and Property Maintenance*, Article II, *Building Code*, Section 8-2-20, *Additions to Section 3303 of the 2015 Michigan Building Code, Demolitions*.

Honorable City Council:

The Planning and Development Department (“PDD”) has requested that the Law Department prepare the enclosed ordinance to amend Chapter 8 of the 2019 Detroit City Code (“City Code”), *Building Construction and Property Maintenance*, by amending Article II, *Building Code*, Section 8-2-20, *Additions to Section 3303 of the 2015 Michigan Building Code, Demolitions*, to provide for PDD’s review of certain proposed wrecking activities.

A previous version of this ordinance was submitted to this Honorable Body in October 2023 but was retracted prior to its enactment at PDD’s request in order to address certain questions as to its scope and application. Those questions are addressed in the enclosed version of this ordinance.

The Law Department is available to answer any questions that you may have regarding this proposed ordinance.

Respectfully submitted,

Daniel Arking

Daniel Arking
Senior Assistant Corporation Counsel

cc: Malik Washington, City Council Liaison

Enclosure

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 wrecking permit applications.

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 wrecking permit applications.

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 is amended by amending Article II,
9 Section 8-2-20 to read as follows:

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

11 **ARTICLE II. BUILDING CODE**

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

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

17 *3303.4 Vacant lot.* Where a structure has been demolished or removed, the vacant lot shall
18 be filled and maintained in accordance with Sections 3303.8 through 3303.8.5 of this code.

19 *3303.6 Utility connections.* Service utility connections shall be discontinued and capped in
20 accordance with Sections 3303.8 through 3303.8.5 of this code.

21 *3303.8 Wrecking operations.* Wrecking operations shall include the demolition,
22 disassembling, dismantling or dismembering, ~~along with the~~ and removal, of any building or

1 structure. All wrecking operations shall be conducted in accordance with these provisions to ensure
2 the safety of workers and the general public.

3 *3303.8.1 Wrecking permits.*

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

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

13 (1) The permit application is signed and dated by a licensed wrecking contractor, or by
14 a homestead-property owner, in the presence of a notary public, which authorizes
15 the licensed wrecking contractor, or the homestead-property owner, to secure a
16 permit for the demolition, disassembling, dismantling or dismembering, ~~and~~ or
17 removal, of the building or structure referred to in the permit application; and

18 (2) The permit application includes a detailed plan that outlines the procedures for the
19 demolition, disassembling, dismantling or dismembering, ~~and~~ or removal, of any
20 building or structure.

21 (3) The permit application includes a written certification issued by the Planning and
22 Development Department that it has had the opportunity to identify possible
23 alternatives to demolition, disassembling, dismantling or dismembering, or

1 removal, as applicable, and to recommend any or all such alternatives to the owner
2 or operator of the subject property, as applicable. The Planning and Development
3 Department must issue such certification within 10 days following receipt of a
4 description of the location and scope of the proposed demolition, disassembling,
5 dismantling or dismembering, or removal activities, regardless of the subject
6 property owner's or operator's adoption or non-adoption of any recommended
7 alternatives. Such certification is not required for any wrecking permit application
8 for the demolition, disassembling, dismantling or dismembering, or removal of a
9 building or structure initiated by the City of Detroit or subject to an emergency
10 demolition order issued by the City of Detroit Building Official.

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

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

15 (2) To the homestead-property owner.

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

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

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

9 (e) Before a permit is issued for the demolition, disassembling, dismantling or
10 dismembering, and removal, of any building or structure, such application for permit shall be
11 referred to the Detroit Health Department for examination of the site to determine whether rodent
12 extermination is necessary.

13 (f) Where there are buildings or structures, or other adjoining facilities, or public and
14 private utility lines whose temporary disconnection may be necessitated by the proposed wrecking
15 operation, written notice shall be given by the applicant to the owners of such adjoining buildings
16 or structures, or of such other adjoining facilities, or of such public and private utility lines, prior
17 to a permit being issued for the demolition, disassembling, dismantling or dismembering, ~~and~~ or
18 removal, of the building or structure.

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

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

- 1 a. Their federal license to perform such work; and
- 2 b. Their Certificate of Fitness under Section 18-1-22 of the 2019 Detroit City
- 3 Code, Detroit Fire Prevention and Protection Code, being Section
- 4 1.13.1.1(1), Blasting or Demolition Operations;
- 5 (2) Submit with their detailed plan the method of blasting and the type of explosives to
- 6 be used; and
- 7 (3) Request a pre-demolition meeting with the Building Official.
- 8 (h) In addition to the requirements in Subsections (b) through (f) of this section, where
- 9 blasting and explosives will be used in the demolition of any building or structure, the applicant
- 10 shall obtain approval of the detailed plan that outlines the demolition procedures, including the
- 11 method of blasting and the type of explosives to be used, the location and size of the building or
- 12 structure to be demolished, and the particular special precautions, if any, that will be taken to
- 13 safeguard and to protect any service connections, cables, sewers, water mains, gas mains, and
- 14 appurtenant equipment, such as meters, regulators, traffic control devices and utility poles that are
- 15 on the site or on any contiguous site, from the following applicable governmental agencies and
- 16 private utilities:
- 17 (1) U.S. Coast Guard (where site abuts the Detroit River);
- 18 (2) Michigan Department of Environment, Great Lakes, and Energy;
- 19 (3) City of Detroit Law Department (for certificate of insurance and surety bond);
- 20 (4) City of Detroit Department of Transportation;
- 21 (5) City of Detroit Water and Sewerage Department, Engineering Division;
- 22 (6) City of Detroit Public Lighting Department;
- 23 (7) City of Detroit Police Department;

- 1 (8) City of Detroit Department of Public Works, City Engineering Division and Traffic
2 Engineering Division;
- 3 (9) City of Detroit Fire Department Fire Marshal Division;
- 4 (10) City of Detroit Health Department;
- 5 (11) Any electric or gas utility;
- 6 (12) Any telecommunications company or franchise; and
- 7 (13) Any cable franchise;
- 8 (i) After compliance with Subsections (b) through (h) of this section, the Buildings,
9 Safety Engineering, and Environmental Department may issue a wrecking permit with stipulations
10 as to any special conditions that are to be met.

11 *3303.8.2 Supervision and identification.* The licensed wrecking contractor, or a competent
12 supervisory employee in his or her employ, shall be present at the site while wrecking operations
13 are in progress. An identification picture badge, not less than two inches by two inches, containing
14 the Wrecking Contractor License number and the company name, shall be worn in a conspicuous
15 place by all employees on the job.

16 *3303.8.3 Site preparation.*

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

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

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

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

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

23 *3303.8.4 Wrecking requirements.*

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

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

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

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

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

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

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

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

22 (3) Cap all water mains and sewer pipes;

- 1 (4) Remove all existing private sidewalks, driveways, walls, and other miscellaneous
2 concrete slabs to full depth;
- 3 (5) Remove all pole and monument signs, dumpster enclosures, and other
4 miscellaneous structures; and
- 5 (6) Remove all excess solid waste, as defined in Section 42-1-1 of the 2019 Detroit
6 City Code, from the site above grade.


7 *3303.8.5 Wrecking site restoration.* Whenever a building or structure is demolished,
8 disassembled, dismantled or dismembered, and removed, the holder of the wrecking permit shall
9 ensure that the site is free from all unsafe or hazardous conditions, all public sidewalks and curbs
10 that have been damaged replaced, all established grades restored, and all necessary retaining walls
11 and fences erected in accordance with this code and the 2019 Detroit City Code.

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

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

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

Approved as to form:



Conrad L. Mallett
Corporation Counsel