



LAW DEPARTMENT

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October 18, 2023

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 wrecking permit applications.

This ordinance is a companion to the zoning text amendment, already submitted to the Council by the City Planning Commission, which, in relevant part, amended Chapter 50 of the City Code, *Zoning*, to repeal PDD’s review of wrecking permit applications under authority of the City’s zoning powers. This ordinance revises and reestablishes PDD’s review in the appropriate location within City’s Building Code.

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

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

3 (2) To the homestead-property owner.

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

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

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

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

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

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

5 a. The period for each referral to the Planning and Development Department
6 must not exceed ten days.

7 b. The Planning and Development Department may waive referrals of
8 wrecking permit applications for certain properties or types of properties.
9 Any such waiver becomes effective upon the Planning and Development
10 Department's notice of the subject properties or types of properties to the
11 Buildings, Safety Engineering, and Environmental Department. The
12 Planning and Development Department may terminate or modify the scope
13 of any existing waiver through notice of such action to the Buildings, Safety
14 Engineering, and Environmental Department.

15 c. The Buildings, Safety Engineering, and Environmental Department may
16 decline to refer wrecking permit applications for any property that is subject
17 to an existing waiver.

18 d. Notwithstanding anything herein to the contrary, this subsection does not
19 apply to wrecking operations to be undertaken pursuant to:

20 i. a demolition order approved by the Detroit City Council, or

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

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

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

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

12 a. Their federal license to perform such work; and

13 b. Their Certificate of Fitness under Section 18-1-22 of the 2019 Detroit City
14 Code, Detroit Fire Prevention and Protection Code, being Section
15 1.13.1.1(1), Blasting or Demolition Operations;

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

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

19 (h) 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 applicant
21 shall obtain approval of the detailed plan that outlines the demolition procedures, including the
22 method of blasting and the type of explosives to be used, the location and size of the building or
23 structure to be demolished, and the particular special precautions, if any, that will be taken to

1 safeguard and to protect any service connections, cables, sewers, water mains, gas mains, and
2 appurtenant equipment, such as meters, regulators, traffic control devices and utility poles that are
3 on the site or on any contiguous site, from the following applicable governmental agencies and
4 private utilities:

- 5 (1) U.S. Coast Guard (where site abuts the Detroit River);
 - 6 (2) Michigan Department of Environment, Great Lakes, and Energy;
 - 7 (3) City of Detroit Law Department (for certificate of insurance and surety bond);
 - 8 (4) City of Detroit Department of Transportation;
 - 9 (5) City of Detroit Water and Sewerage Department, Engineering Division;
 - 10 (6) City of Detroit Public Lighting Department;
 - 11 (7) City of Detroit Police Department;
 - 12 (8) City of Detroit Department of Public Works, City Engineering Division and Traffic
13 Engineering Division;
 - 14 (9) City of Detroit Fire Department Fire Marshal Division;
 - 15 (10) City of Detroit Health Department;
 - 16 (11) Any electric or gas utility;
 - 17 (12) Any telecommunications company or franchise; and
 - 18 (13) Any cable franchise;
- 19 (i) After compliance with Subsections (b) through (h) of this section, the Buildings,
20 Safety Engineering, and Environmental Department may issue a wrecking permit with stipulations
21 as to any special conditions that are to be met.

22 *3303.8.2 Supervision and identification.* The licensed wrecking contractor, or a competent
23 supervisory employee in his or her employ, shall be present at the site while wrecking operations

1 are in progress. An identification picture badge, not less than two inches by two inches, containing
2 the Wrecking Contractor License number and the company name, shall be worn in a conspicuous
3 place by all employees on the job.

4 *3303.8.3 Site preparation.*

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

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

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

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

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

11 *3303.8.4 Wrecking requirements.*

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

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

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

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

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

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

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

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

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

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

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

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

19 *3303.8.5 Wrecking site restoration.* Whenever a building or structure is demolished,
20 disassembled, dismantled or dismembered, and removed, the holder of the wrecking permit shall
21 ensure that the site is free from all unsafe or hazardous conditions, all public sidewalks and curbs
22 that have been damaged replaced, all established grades restored, and all necessary retaining walls
23 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 E. Mallett
Corporation Counsel