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**LAW DEPARTMENT**

Coleman A. Young Municipal Center  
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April 15, 2024

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

Re: Ordinance to resolve conflict with terms adopted by reference

Honorable City Council:

The Law Department has prepared an ordinance for the consideration of City Council, which amends Chapter 1 of the 2019 Detroit City Code, *General Provisions*, by amending Section 1-1-11, *Severability of parts of code*, in order to clarify that, in the event terms incorporated by reference conflict with terms specifically enacted or approved by City Council, the terms enacted by this Honorable Body control. A copy of the ordinance which has been approved as to form is attached for your review and consideration.

We are available to answer any questions that you may have concerning this proposed ordinance.

Respectfully submitted,

Adam Saxby  
Senior Assistant Corporation Counsel

*Enclosure*

cc: Malik Washington, City Council Liaison

## SUMMARY

This ordinance amends Chapter 1 of the 2019 Detroit City Code, *General Provisions*, by amending Section 1-1-11, *Severability of parts of code*, in order to ensure clarity in the 2019 Detroit City Code and avoid terms that unintentionally conflict with legislative intent.

Introduced

MAY 07 2024

JOHNSON

1 BY COUNCIL MEMBER \_\_\_\_\_:

2 AN ORDINANCE to amend Chapter 1 of the 2019 Detroit City Code, *General*  
3 *Provisions*, by amending Section 1-1-11, *Severability of parts of code*, in order to ensure clarity in  
4 the 2019 Detroit City Code and avoid terms that unintentionally conflict with legislative intent.

5 IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT  
6 THAT:

7 Section 1. Chapter 1 of the 2019 Detroit City Code, Section 1-1-11 be amended to read as  
8 follows:

9 CHAPTER 1. GENERAL PROVISIONS

10 Sec. 1-1-11. Severability of parts of code.

11 (a) Should any section, subsection, sentence, clause, phrase or word of this Code be  
12 declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or  
13 unconstitutionality shall not affect any of the remaining words, phrases, clauses, sentences,  
14 subsections or sections of this Code, since the same would have been enacted by the City Council  
15 without the incorporation in this Code of any such invalid or unconstitutional word, phrase, clause,  
16 sentence, subsection or section.


17 (b) Should any word, phrase, clause, sentence, subsection or section incorporated by  
18 reference in this Code, which is not a requirement of Federal or Michigan State law, conflict with  
19 terms not incorporated by reference and specifically set forth elsewhere in this Code, the word,  
20 phrase, clause, sentence, subsection or section incorporated by reference shall be declared invalid.  
21 Such invalidity shall not affect any of the remaining words, phrases, clauses, sentences,  
22 subsections or sections of the terms incorporated by reference.

23           **Section 2.**     All ordinances or parts of ordinances in conflict with this ordinance are  
24 repealed.

25           **Section 3.**     This ordinance is hereby declared necessary for the preservation of the  
26 public peace, health, safety, and welfare of the people of the City of Detroit.

27           **Section 4.**     Where this ordinance is passed by a two-thirds majority of City Council  
28 Members serving, it shall be given immediate effect and shall become effective upon publication  
29 in accordance with Section 4-118(1) of the 2012 Detroit City Charter. Where this ordinance is  
30 passed by less than two-thirds majority of City Council Members serving, it shall become effective  
31 30 days after publication in accordance with Section 4-118(2) of the 2012 Detroit City Charter.

Approved as to form:

  
Conrad L. Mallett  
Corporation Counsel

**FORMAL SESSION**

**May 7, 2024**

**Law Department**

**JOHNSON:** To amend Chapter 1 of the 2019 Detroit City Code, General Provisions, by amending Section 1-1-11, Severability of parts of code, in order to ensure clarity in the 2019 Detroit City Code and avoid terms that unintentionally conflict with legislative intent.

**INTRODUCE**

**JOHNSON,** resolution setting a public hearing on foregoing ordinance amendment.

## **RESOLUTION FOR SETTING UP A PUBLIC HEARING**

**By Council Member Johnson:**

Resolved, that a public hearing will be held by this body in the Committee Room, 13th Floor of the Coleman A Young Municipal Center for the purpose of considering the advisability of adopting the foregone amends a proposed ordinance To amend Chapter 1 of the 2019 Detroit City Code, General Provisions, by amending Section 1-1-11, Severability of parts of code, in order to ensure clarity in the 2019 Detroit City Code and avoid terms that unintentionally conflict with legislative intent. **INTRODUCE**

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## DEPARTMENTAL SUBMISSION

DEPARTMENT: Law  
FILE NUMBER: Law-2260

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**\* RE:**

Submitting reso. autho. Ordinance to amend Chapter 1 of the 2019 Detroit City Code, General Provisions

**\* SUMMARY:**

*General Provisions*, by amending Section 1-1-11, *Severability of parts of code*, in order to ensure clarity in the 2019 Detroit City Code and avoid terms that unintentionally conflict with legislative intent.

**\* RECOMMENDATION:**

*General Provisions*, by amending Section 1-1-11, *Severability of parts of code*, in order to clarify that, in the event terms incorporated by reference conflict with terms specifically enacted or approved by City Council, the terms enacted by this Honorable Body control.

**\* DEPARTMENTAL CONTACT:**

Name: Asiha Chambers  
Position: Legal Secretary

**\*=REQUIRED**

## NOTICE OF PUBLIC HEARING

**RE: To amend Chapter 1 of the 2019 Detroit City Code, General Provisions, by amending Section 1-1-11, Severability of parts of code, in order to ensure clarity in the 2019 Detroit City Code and avoid terms that unintentionally conflict with legislative intent.**

Notice is hereby given that the **Detroit City Council Internal Operations Standing Committee** has scheduled a **PUBLIC HEARING** on **WEDNESDAY, MAY 22, 2024 at 10:30 A.M.**

Pursuant to the Michigan **Open Meetings Act** as amended, which authorizes the continued use of hybrid electronic meetings to provide virtual public participation in accordance with the requirements of **MCL 15.263a (2)**, the Detroit City Council will be meeting **in person** in the **City Council Committee of the Whole Room, 13<sup>th</sup> Floor, Coleman A. Young Municipal Center** for the Internal Operations Standing Committee.

The Standing Committee may be viewed in the following manner.

1. Watch via television
  - Comcast: Channel 10
  - ATT: From Channel 99, click Detroit, then Channel 10
2. Watch online by using <https://detroitmi.gov/government/city-council> and clicking on Channel 10.
3. To attend by phone only, call one of these numbers:  
+1-929-436-2866, +1-312-626-6799, +1-669-900-6833, +1-253-215-8782, +1-301-715-8592, or +1-346-248-7799 Enter Meeting ID: 330332554##
4. To attend online: <https://Detroitmi.gov/Online-CC-Meeting>

### Public Comment:

To participate at the time of Public Comment, please raise your hand within the zoom application.

1. Telephone participants: Raise your hand by pressing \*9
2. Web participants: Raise your hand by clicking **raise hand** in the application or pressing
  - a. Windows computer = [ALT] + [Y]
  - b. Apple computers = [OPTION] + [Y]

To be consistent with how Public Comment has been handled for in-person meetings:

- You will be called on in the order in which your hand is raised
- All time limits set by the meeting Chair will still be enforced
- Any hands raised after the Chair ends submission of public comments, will not be able to speak at the meeting



All interested persons are invited to be present and be heard as to their views. Persons making oral presentations are encouraged to submit written copies to the City Clerk's Office [CityClerkHelpDesk@detroitmi.gov](mailto:CityClerkHelpDesk@detroitmi.gov) via e-mail, for the record.

Janice M. Winfrey  
City Clerk

**NOTICE TO THE HEARING IMPAIRED:**

With advance notice of seven calendar days, the City of Detroit will provide interpreter services at public meetings, including American Sign Language, language translation and reasonable ADA accommodations. Please contact the **Civil Rights, Inclusion and Opportunity Department** at [\(313\) 224-4950](tel:3132244950), through the TTY number 711, or email [crio@detroitmi.gov](mailto:crio@detroitmi.gov) to schedule these services.