

SUMMARY

This ordinance amends Chapter 8, *Building Construction and Property Maintenance*, Article XV, *Property Maintenance Code*, Division 1, *In General*, by amending Section 8-15-11, *Civil fines for violations of article*, and Division 2, *Administration and Enforcement*, by amending Section 8-15-34, *Enforcement; inspections; Notice of Pre-Inspection Rights; procedures*, to clarify responsibility for violations and to make other technical corrections.

1 This ordinance amends Chapter 8, *Building Construction and Property Maintenance*,
 2 Article XV, *Property Maintenance Code*, Division 1, *In General*, by amending Section 8-15-11,
 3 *Civil fines for violations of article*, and Division 2, *Administration and Enforcement*, by amending
 4 Section 8-15-34, *Enforcement; inspections; Notice of Pre-Inspection Rights; procedures*, to clarify
 5 responsibility for violations and to make other technical corrections.

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 by amending Section 8-15-11 and Section 8-15-34, to read as follows:

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

11 **ARTICLE XV. PROPERTY MAINTENANCE CODE**

12 **Division 1. In General**

13 **Sec. 8-15-11. Civil fines for violations of article.**

14 (a) The following schedule of civil fines shall be assessed and paid at the Department
 15 of Appeals and Hearings for the specified violation of this article:

	First Offense	Second Repeat offense	Third Subsequent Repeat Offense
I. Failure to meet a requirement of this article, except as otherwise specified in this section:			
One- or two-family dwelling	\$50.00	\$100.00	\$200.00
All other structures, except buildings with five or more stories	\$100.00	\$200.00	\$500.00
Buildings with five or more stories	\$200.00	\$500.00	\$1,000.00
All other structures, except buildings with five or more stories	\$100.00	\$200.00	\$500.00
Collection boxes	\$200.00	\$500.00	\$1,000.00

II. Failure to comply with an emergency or imminent danger order concerning an emergency condition, an imminent danger, an unsafe or unsanitary condition, or unlawful occupancy.			
One- or two-family dwelling	\$500.00	\$1,000.00	\$1,500.00
All other structures, except buildings with five or more stories	\$1,000.00	\$1,500.00	\$2,000.00
Buildings with five or more stories	\$1,500.00	\$3,000.00	\$5,000.00
Collection boxes	\$1,500.00	\$3,000.00	\$5,000.00
III. Failure of the owner to obtain a Certificate of Compliance in violation of Section 8-15-35 of this Code.			
	\$250.00	\$500.00	\$1,000.00
IV. Failure of the owner to obtain a Certificate of Registration for Vacant Property in violation of Section 8-15-45 of this Code.			
	\$250.00	\$375.00	\$500.00
V. Failure of the owner to obtain a Certificate of Registration of Rental Property in violation of Section 8-15-81 of this Code.			
	\$250.00	\$350.00	\$500.00
VI. Failure to obtain a Lead Clearance for Rental Property in violation of Section 8-15-83 of this Code.			
One- or two-family dwelling	\$500.00	\$1,000.00	\$2,000.00
All other structures, except buildings with five or more stories	\$1,000.00	\$2,000.00	\$4,000.00
Buildings with five or more stories	\$2,000.00	\$4,000.00	\$8,000.00
VII. Failure to obtain a Lead Clearance for Rental Property in violation of Section 8-15-83 of this Code, and tenant under six years of age with elevated blood level as determined by the Detroit Health Department or Michigan Department of Health and Human Services.			
One- or two-family dwelling	\$2,500.00	\$3,500.00	\$4,500.00
All other structures, except buildings with five or more stories	\$3,500.00	\$4,500.00	\$5,500.00
Buildings with five or more stories	\$4,500.00	\$7,500.00	\$10,000.00
VIII. Failure to remove snow or ice in violation of Section 8-15-103 of this Code.			

One- or two-family dwelling	\$50.00	\$125.00	\$250.00
All other buildings, premises, or structures with five or more stories	\$100.00	\$250.00	\$500.00
IX. Weeds or plant growth in violation of Section 8-15-104 of this Code.	\$50.00	\$125.00	\$250.00
X. Rodent harborage in violation of Section 8-15-105 of this Code.	\$100.00	\$250.00	\$500.00
XI. Failure to remove inoperable or unlicensed motor vehicle from premises in violation of Section 8-15-110 of this Code.	\$100.00	\$250.00	\$500.00
XII. Failure to maintain a vacant building or structure in accordance with the requirements of Section 8-15-113 of this Code			
One- or two-family dwelling	\$500.00	\$750.00	\$1,000.00
All other structures, except buildings with five or more stories	\$750.00	\$1,250.00	\$1,500.00
Buildings with five or more stories	\$1,000.00	\$2,000.00	\$3,000.00
XIII. Failure to maintain a collection box or related premises in accordance with the requirements of Section 8-15-521 of this Code.	\$1,000.00	\$2,000.00	\$3,000.00
XIV. Failure to obtain a Certificate of Collection Box Maintenance in violation of Section 8-15-531 of this Code	\$250.00	\$500.00	\$1,000.00
XV. Failure of the owner to obtain a Certificate of Registration of Waterbody Barrier in violation of Section 8-15-552 of this Code.	\$250.00	\$500.00	\$1,000.00

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(b) In the case of a firm or a partnership, the civil fine may be imposed upon the partnership or members thereof and, in the case of a corporation, or a limited liability company, the civil fine may be imposed upon the officers or managers thereof.

1 (c) The imposition of a civil fine, or the payment of the same, under this section shall
2 not be construed as excusing or permitting the continuance of any violation of this article.

3 (d) A civil fine that is paid before the administrative hearing date shall be reduced by
4 ten percent.

5 (e) A civil fine that is paid after the administrative hearing date shall be increased by
6 ten percent.

7 (f) A civil fine that is paid on the administrative hearing date neither shall be reduced
8 nor shall be increased.

9 (g) Pursuant to Section 4q(13) of the Michigan Home Rule City Act, being MCL
10 117.4q(13), and Section 3-2-52(a)(6) of the 2019 Detroit City Code, Blight Administrative
11 Hearings Bureau hearings officers shall impose a justice system assessment fee for each blight
12 violation determination.

13 (h) Pursuant to Section 3-2-55(b) of the 2019 Detroit City Code, each blight violation
14 notice shall be subject to an administrative processing and adjudication fee established by the
15 Director of the Department of Appeals and Hearings and approved by the City Council.

16 (i) Pursuant to Section 4q(3) of the Michigan Home Rules City Act, being MCL
17 117.4q(3), and Section 3-2-52(4) of the 2019 Detroit City Code, a hearings officer at the Blight
18 Administrative Hearings Bureau may waive a fine for a blight violation at an owner-occupied
19 dwelling, or for an owner who is verified as "low income," provided, that such owner is a first-
20 time violator of the Code and the violator has corrected the circumstances of the violation. For
21 purposes of this subsection, an owner shall qualify as "low income:"

1 (1) Where the owner establishes that his or her household income is at or below 50
2 percent of the median household income for the City of Detroit as determined by
3 the most recent United States Census;

4 (2) Where the owner has been granted eligibility for the Detroit Homeowners Property
5 ~~Exemption~~ Exemption; or

6 (3) Where the owner meets criteria that the Director of the Buildings, Safety
7 Engineering, and Environmental Department may promulgate, in his or her
8 discretion, in accordance with Section 2-111 of the Charter.

9 **Division 2. Administration and Enforcement**

10 **Sec. 8-15-34. Enforcement; inspections; Notice of Pre-Inspection Rights; procedures.**

11 (a) The Building Official and the Public Health Director, or their authorized local
12 officials or designees, shall make the required inspections and re-inspections under this article, or
13 shall accept reports of inspections from any authorized City departments or agencies, or persons.

14 All such inspection reports shall be in writing and be certified by an authorized local official of the
15 Buildings, Safety Engineering, and Environmental Department or the Health Department, or by
16 the responsible person. The Director of the Buildings, Safety Engineering, and Environmental
17 Department and the Public Health Director are authorized to engage, subject to any approvals
18 required by the Charter or by the 2019 Detroit City Code, such expert opinion as deemed necessary
19 to report upon unusual or technical issues that arise as a result of any inspection or re-inspection.

20 (b) The Building Official and the Public Health Director, or their authorized local
21 officials or designees, are authorized to enter any building, premises, or structure within the City
22 at reasonable times to inspect:

- 1 (1) If an owner refuses to allow an inspection, the inspector shall provide a notice of
2 pre-inspection rights which shall include information that the owner is entitled to a
3 pre-compliance review of the inspection by a neutral hearing officer at the
4 Department of Appeals and Hearings to determine the purpose, scope, and propriety
5 of the inspection;
- 6 (2) The notice of pre-inspection rights shall:
- 7 a. Be posted at the premises, building, or structure; and
- 8 b. Be sent via regular U.S. Mail to the owner's address of record with the
9 Buildings, Safety Engineering, and Environmental Department; and
- 10 (3) Pre-compliance review procedure:
- 11 a. Within 14 days after the date of posting and/or mailing the notice of pre-
12 inspection rights, whichever is later, the owner must provide the hearing
13 officer, in writing, a review request which shall include a request to review
14 the purpose, scope, and propriety of the inspection, along with all reasons
15 why the inspection should not take place and shall include the owners
16 correct and complete mailing address if different than the address of record;
- 17 b. Where the owner does not provide a review request to the hearing officer
18 within the 14-day period, the owner shall be deemed to have waived the
19 right to pre-compliance review of the inspection;
- 20 c. Where a hearing officer from the Department of Appeals and Hearings
21 receives a review request from an owner for pre-compliance review of an
22 inspection, the department seeking to conduct an inspection shall provide

1 the hearing officer with a written explanation of the department's purpose,
2 scope, propriety, and any other reasons for conducting the inspection;

3 d. The hearing officer from the Department of Appeals and Hearings shall
4 review all documents submitted and, within ten days of receiving the
5 information from the Buildings, Safety Engineering, and Environmental
6 Department, shall issue a written determination as to whether the inspection
7 can proceed, the premises, building, or structure address, the approved
8 scope of the inspection, areas to be inspected, and any restrictions on the
9 time the inspection may be conducted;

10 e. The hearing officer's written determination shall be delivered to the
11 department seeking to conduct an inspection and mailed to the owner by
12 U.S. Mail to the owner's address of record;

13 f. The owner and the department seeking to conduct the inspection shall
14 comply with the written determination of the hearing officer; and

15 g. In the event a review request is not timely submitted, or in the event the
16 hearing officer allows an inspection to proceed but the owner, property
17 manager, tenant, or occupant does not consent to entry, the department may
18 issue to the owner a blight violation as provided by Section 8-15-10 of this
19 Code and, at the department's discretion, may seek an administrative
20 warrant for entry of the property; and

21 (4) The procedures contained in Subsection (b)(1) of this section do not apply in any
22 situation which requires immediate inspection in a building, premises, or structure

1 where such condition reasonably constitutes an imminent threat to the public
2 interest, safety, welfare, or otherwise involves exigent circumstances.

3 (c) The Building Official and the Public Health Director, or their authorized local
4 officials or designees, shall carry and display proper City identification containing their
5 photograph when inspecting a building, premises, or structure in the performance of their duties
6 under this article.

7 (d) The Building Official, or his or her authorized local officials or designees, shall
8 conduct inspections to obtain compliance with this article based upon at least one of the following:

9 (1) All buildings of public assembly, including armories, bars, halls, rental halls, school
10 buildings, theaters, buildings used for manufacturing and industrial purposes,
11 multiple-use buildings, all buildings used for other ~~commercial~~ purposes, including,
12 but not limited to, apartment houses, condominiums, cooperatives, emergency
13 shelters, hospitals, hotels, lofts, office buildings, motels, rooming houses, rooming
14 units, shelters for victims of domestic violence, temporary shelters, townhouses,
15 and buildings, premises and structures used for lumber yards, general storage yards
16 and railroad yard facilities, and all other buildings occupied or used by large
17 numbers of persons or which may constitute a hazard to life or property where not
18 in compliance with this article, and wharves, fences, billboards, signs and other
19 structures shall be inspected by the Buildings, Safety Engineering, and
20 Environmental Department, at least once every year;

21 (2) All collection boxes shall be inspected once every two years;

22 (3) The receipt of a complaint or other notice of a possible violation of this article;

1 local official or designee, may require portions thereof to be removed for more
2 thorough examination;

3 (11) The owners of the Ambassador Bridge, the Detroit River Railroad Tunnel, and the
4 Detroit-Windsor Tunnel shall have these structures thoroughly inspected and
5 examined by competent personnel at their own expense and at intervals not to
6 exceed five years and shall furnish the Building Official with a written report setting
7 forth the true conditions thereof;

8 (12) The exposed length of any metal or masonry stack 18 inches or more in diameter
9 and 25 feet or more in length above ground or roof shall be inspected at least every
10 five years by competent personnel, including steeplejacks, employed by the owner
11 or user of such stack who shall furnish the Buildings, Safety Engineering, and
12 Environmental Department with a written report on the condition of the stack and
13 its support;

14 (13) An observation by the Building Official, or his or her authorized local official or
15 designee, of a possible violation of another code in Chapter 8 of this Code, Building
16 Construction and Property Maintenance, which results in notification of the
17 appropriate division in the Buildings, Safety Engineering, and Environmental
18 Department to take enforcement action; or

19 (14) To protect the health, safety, and welfare of the public.

20 (e) The Public Health Director shall conduct inspections to obtain compliance with this
21 article based upon, at least, one of the following:

22 (1) The receipt of a complaint or other notice of a possible violation of this article;

