

**City of Detroit**  
**OFFICE OF THE CITY CLERK**

**Janice M. Winfrey**  
City Clerk

**Andre P. Gilbert II**  
Deputy City Clerk

July 8, 2022

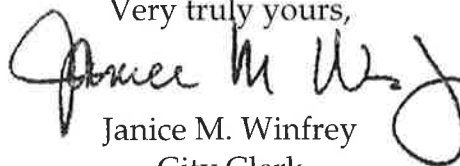
Mr. Conrad Mallett, Corporation Counsel, Law Department  
Ms. Tonja Long, Chief Administrative Corporation Counsel, Law Department  
Mr. David Bell, Director, Buildings, Safety Engineering, and Environmental  
Department  
Ms. Jessica Parker, Chief Enforcement Officer, Buildings, Safety Engineering, and  
Environmental Department

**RE:** An Proposed Ordinance to amend Chapter 8 of the 2019 Detroit City Code, *Building Construction and Maintenance*, Article XV, *Property Maintenance Code*, Division 4, *Property Maintenance*, Subdivision A, *Requirements for Exteriors of Buildings, Premises, and Structures*, Part I, *General Requirements*, by adding Section 8-15-114, *Geotechnical report required for businesses that have loading over 360 psf*, to provide for preparation and submission of a geotechnical report for businesses that have loading over 360 pounds per square foot

The Public Health and Safety Standing Committee has scheduled a **PUBLIC HEARING** relative to the above-captioned matter for **MONDAY, JULY 11, 2022 at 10:10 A.M.** via Zoom. Please plan to be present.

- To attend online: <https://Detroitmi.gov/Online-CC-Meeting> - Meeting ID: 85846903626
- 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: 85846903626**

Very truly yours,



Janice M. Winfrey  
City Clerk

JMW/mgw

Enclosures

cc: Ms. Gail Fulton, Legislative Liaison, Mayor's Office

WEDNESDAY, JULY 6, 2022

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NOTICE OF PUBLIC HEARING

ON PROPOSED ORDINANCE TO AMEND CHAPTER 8 OF THE 2019  
DETROIT CITY CODE, *BUILDING CONSTRUCTION AND MAINTENANCE*,  
ARTICLE XV, *PROPERTY MAINTENANCE CODE*, DIVISION 4,  
*PROPERTY MAINTENANCE*, SUBDIVISION A, ETC.

SUMMARY

An Proposed Ordinance to amend Chapter 8 of the 2019 Detroit City Code, *Building Construction and Maintenance*, Article XV, *Property Maintenance Code*, Division 4, *Property Maintenance*, Subdivision A, *Requirements for Exteriors of Buildings, Premises, and Structures*, Part I, *General Requirements*, by adding Section 8-15-114, *Geotechnical report required for businesses that have loading over 360 psf*, to provide for preparation and submission of a geotechnical report for businesses that have loading over 360 pounds per square foot.

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), and in consideration of the ongoing and continuing pandemic, the Detroit City Council will be meeting **in person** at the **City Council Committee of the Whole Room, 13th Floor, Coleman A. Young Municipal Center** on **MONDAY, JULY 11, 2022 at 10:10 A.M.** for a Public Hearing in the **Public Health and Safety Standing Committee** and will provide opportunity for virtual attendance.

**Virtual public attendance is strongly encouraged** as the meeting room will be subject to space limitations, pursuant to public health guidelines. For the safety of attendees and participants, the public is strongly encouraged to participate by means of one of the methods listed below:

The Public Hearing 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: 85846903626**
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**, through the TTY number 711, or email [crio@detroitmi.gov](mailto:crio@detroitmi.gov) to schedule these services.



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**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

June 16, 2022

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

Re: Ordinance amend Chapter 8 of the 2019 Detroit City Code, *Building Construction and Maintenance*, Article XV, *Property Maintenance Code*, Division 4, *Property Maintenance*, Subdivision A, *Requirements for Exteriors of buildings, Premises, and Structures*, Part I, *General Requirements*

Honorable City Council:

Council Member Santiago-Romero has requested that the Law Department prepare an ordinance to amend Chapter 8 of the 2019 Detroit City Code, *Building Construction and Maintenance*, Article XV, *Property Maintenance Code*, Division 4, *Property Maintenance*, Subdivision A, *Requirements for Exteriors of buildings, Premises, and Structures*, Part I, *General Requirements*, by adding Section 8-15-144, *Getechnical report required for businesses that have loading over 360 Psf*. A copy of the ordinance which has been reviewed and approved as to form is attached for your review and consideration.

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

Respectfully submitted,

*Tonja R. Long*

Tonja R. Long  
Chief Administrative Corporation Counsel

*Enclosure*

cc: Gail Fulton, City Council Liaison

Introduced  
6/28/2021  
(mgw)

1 BY COUNCILMEMBER Santiago-Romero:

2 AN ORDINANCE to amend Chapter 8 of the 2019 Detroit City Code, *Building*  
3 *Construction and Maintenance*, Article XV, *Property Maintenance Code*, Division 4, *Property*  
4 *Maintenance*, Subdivision A, *Requirements for Exteriors of Buildings, Premises, and Structures*,  
5 Part I, *General Requirements*, by adding Section 8-15-114, *Geotechnical report required for*  
6 *businesses that have loading over 360 psf*, to provide for preparation and submission of a  
7 geotechnical report for businesses that have loading over 360 pounds per square foot.

8 IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT  
9 THAT:

10 Section 1. Chapter 8 of the 2019 Detroit City Code, *Building Construction and*  
11 *Maintenance*, Article XV, *Property Maintenance Code*, Division 4, *Property Maintenance*,  
12 Subdivision A, *Requirements for Exteriors of Buildings, Premises, and Structures*, Part I, *General*  
13 *Requirements*, be amended by adding 8-15-114, to read as follows:

14 CHAPTER 8. BUILDING CONSTRUCTION AND PROPERTY MAINTENANCE.

15 ARTICLE XV. PROPERTY MAINTENANCE CODE.

16 DIVISION 4. PROPERTY MAINTENANCE REQUIREMENTS.

17 Subsection A. Requirements for Exteriors of Buildings, Premises, and Structures.

18 Part I. General Requirements.

19 Sec. 8-15-114. Geotechnical report required for businesses that have loading over 360 psf.

20 (a) It shall be unlawful for current or proposed businesses whose operations require the  
21 addition of loading to the premises in excess of 360 pounds per square foot to operate without  
22 submission of a Geotechnical Evaluation Report to the Buildings, Safety Engineering, and  
23 Environmental Department which demonstrates that the current and proposed operations for the

1 premises is safe from catastrophic soil failure that may adversely affect any public or private  
2 property, overhead or subsurface utility, or adjacent body of water and its infrastructure.

3 (b) The Geotechnical Evaluation Report required in Subsection (a) of this section, shall  
4 be performed according to accepted engineering practices and under the direction of a Professional  
5 Engineer licensed by the State of Michigan, and shall include, but not be limited to, the following:

6 (1) Premises conditions; and

7 (2) The proposed usage, operations, and surrounding conditions, both public and  
8 private.

9 (c) The geotechnical evaluation required in Subsection (a) of this section, shall include  
10 at least one boring per acre of the premises being used or proposed for usage, however, the City  
11 may require additional investigation, including but not limited to:

12 (1) Additional soil borings;

13 (2) Additional laboratory geotechnical testing and evaluation of soil and materials  
14 managed or stored on the premises;

15 (3) Test pits; and

16 (4) Inspection of potentially impacted earth retention systems.

17 (d) If historical site-specific information for the premises is available and still valid as  
18 determined by the Buildings, Safety Engineering, and Environmental Department, the historical  
19 information may be submitted as part of the analysis in lieu of a new geotechnical investigation.

20 (e) Renewal of the Certificate of Compliance for a business whose operations require  
21 loading to the premises in excess of normal vehicle traffic of 360 pounds per square foot requires  
22 submission of an update of the geotechnical analysis and recommendations presented in the most  
23 recent Geotechnical Evaluation Report, including a certification by a Michigan licensed

1 Professional Engineer certifying that the previous analysis and recommendations are still  
2 applicable and valid.

3 (f) The findings of the Geotechnical Evaluation Report required pursuant to  
4 Subsection (a) of this section shall clearly identify:

5 (1) The assumed operations or usage for the premises;

6 (2) Soil and groundwater conditions;

7 (3) Infrastructure and utility conditions;

8 (4) Any limitations, constraints, or restrictions for the premises; and

9 (5) Standards for safe usage of the premises to ensure safe usage and operations  
10 requirements.

11 (g) A Geotechnical Evaluation Report shall be deemed outdated and invalid due to, but  
12 not limited to, any of the following factors:

13 (1) A change in engineering best practices, codes, or standards;

14 (2) A change in the engineering consultancy, including the Professional Engineer of  
15 record, and such new entity refuses to use or rely on third party information for  
16 liability or risk of exposure purposes;

17 (3) The premises or business operations have undergone natural or man-made changes  
18 following submission of the report;

19 In the event a Geotechnical Evaluation Report is determined to be outdated or invalid by the  
20 Buildings, Safety Engineering, and Environmental Department or the business' professional  
21 engineer of record, the business shall submit an updated report to the Buildings, Safety  
22 Engineering, and Environmental Department within 45 days of such determination.

23

1           (h) Conformance with Subsection (a) of this section shall mean the results of the  
2 geotechnical analysis indicate factors of safety for all modes of failure or shifting or movement of  
3 the material shall be greater than 1.5. The factors of safety shall be determined based on a slope  
4 stability analysis performed using accepted slope models to demonstrate stability of the soil and  
5 to establish design criteria for determining allowable material configurations. The configurations  
6 shall be determined based upon the actual unit weight of all site-specific material per cubic foot  
7 using a surcharge loading corresponding to factors of safety greater than 1.5.

8           (i) For material storage that relies, or could reasonably rely, upon earth retention  
9 systems, the Geotechnical Evaluation Report analysis and findings must include the type and age  
10 of the earth retention system and an analysis of the current or proposed material storage operations  
11 effect on the earth retention system.

12           (j) Any significant changes to the current or proposed usage and operations of the  
13 premises with respect to material storage or prevailing subsurface conditions shall be confirmed  
14 and submitted in writing within ten days to the Buildings, Safety Engineering, and Environmental  
15 Department for review and evaluation. In such case, the business's Professional Engineer of  
16 record shall confirm the findings and recommendations presented in the Geotechnical Evaluation  
17 Report within 10 days and shall perform all necessary evaluations to ensure the Geotechnical  
18 Evaluation Report is current and valid. A completed copy of the new Geotechnical Evaluation  
19 Report shall be submitted to the Buildings, Safety Engineering, and Environmental Department  
20 for review and approval no later than 30 days from the date such significant changes were known,  
21 or should have been known, by the property owner.

1           (k) Upon receipt of the Geotechnical Report, the Buildings, Safety Engineering and  
2 Environmental Department shall be entitled to fully use and rely on the report, including all backup  
3 documentation, or the specific purpose for which the report was prepared.

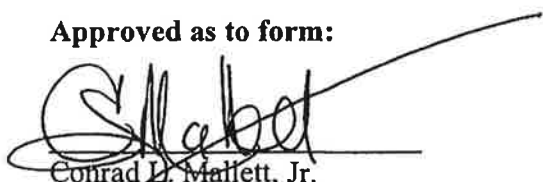
4 **Secs. 8-15-115— 8-15-200. Reserved.**

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

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

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

**Approved as to form:**

  
Conrad L. Mallett, Jr.  
Corporation Counsel

**READ TWICE BY TITLE, ORDERED PRINTED  
AND LAID ON TABLE**