



LAW DEPARTMENT

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October 21, 2022

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

Re: Ordinance to amend Chapter 18 of the 2019 Detroit City Code, *Fire Prevention and Protection*, Article I, *Detroit Fire Prevention and Protection Guide*, Division 10, *Storage of Scrap Tires in Outdoor Collection Sites*.

Honorable City Council:

Member Durhal has requested that the Law Department prepare an ordinance to amend Chapter 18 of the 2019 Detroit City Code, *Fire Prevention and Protection*; by amending Article I, *Detroit Fire Prevention and Protection Guide*, by renaming Division 10, from “*Storage of Scrap Tires in Outdoor Collection Sites*” to “*Storage of Scrap Tires in Indoor and Outdoor Collection Sites*,” by amending Section 18-1-181, *Definitions*, Section 18-1-183, *Unauthorized storage of scrap tires in outdoor collection sites prohibited*, Section 18-1-185, *Permit requirement*, and Section 18-1-194, *Fence requirements*. 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 regarding this proposed ordinance.

Respectfully submitted,

Tonja R Long

Tonja R. Long
Chief Administrative Corporation Counsel

Enclosure

cc: Gail Fulton, City Council Liaison

SUMMARY

This ordinance amends Chapter 18 of the 2019 Detroit City Code, *Fire Prevention and Protection*; by amending Article I, *Detroit Fire Prevention and Protection Guide*, by renaming Division 10, from “*Storage of Scrap Tires in Outdoor Collection Sites*” to “*Storage of Scrap Tires in Indoor and Outdoor Collection Sites*,” by amending Section 18-1-181, *Definitions*, Section 18-1-183, *Unauthorized storage of scrap tires in outdoor collection sites prohibited*, Section 18-1-185, *Permit requirement*, and Section 18-1-194, *Fence requirements*, and by renaming and amending Section 18-1-188, from “*Stacking requirements*” to “*Stacking and storage requirements*” to model state law in the regulation of storage of less than 500 scrap tires in outdoor collection sites, to bring the City Code into compliance with state law, and other technical amendments.

1 **BY COUNCIL MEMBER _____:**

2 **AN ORDINANCE TO AMEND** Chapter 18 of the 2019 Detroit City Code, *Fire*
3 *Prevention and Protection*; by amending Article I, *Detroit Fire Prevention and Protection Guide*,
4 by renaming Division 10, from “*Storage of Scrap Tires in Outdoor Collection Sites*” to “*Storage*
5 *of Scrap Tires in Indoor and Outdoor Collection Sites*,” by amending Section 18-1-181,
6 *Definitions*, Section 18-1-183, *Unauthorized storage of scrap tires in outdoor collection sites*
7 *prohibited*, Section 18-1-185, *Permit requirement*, and Section 18-1-194, *Fence requirements*, and
8 by renaming and amending Section 18-1-188, from “*Stacking requirements*” to “*Stacking and*
9 *storage requirements* to model state law in the regulation of storage of less than 500 scrap tires in
10 outdoor collection sites, to bring the City Code into compliance with state law, and other technical
11 amendments.

12 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT**
13 **THAT:**

14 **Section 1.** That Chapter 18 of the 2019 Detroit City Code, *Fire Prevention and Protection*,
15 be amended by renaming Article I, Division 10, to “Storage of Scrap Tires in Indoor and Outdoor
16 Collection Sites,” by amending Section 18-1-181 through Section 18-1-183, Section 18-1-185 and
17 Section 18-1-194, and by renaming and amending Section 18-1-188, to read as follows:

18 **CHAPTER 18. FIRE PREVENTION AND PROTECTION**

19 **ARTICLE I. DETROIT FIRE PREVENTION AND PROTECTION CODE**

20 **DIVISION 10. STORAGE OF SCRAP TIRES IN INDOOR AND OUTDOOR**

21 **COLLECTION SITES**

22 **Sec. 18-1-181. Definitions.**

23 For the purpose of this division, the following words and phrases shall have the meanings
24 respectively ascribed to them by this section:

1 City outdoor collection site means any location within the City which is in plain view or
2 opened for aerial observation including any space partially or wholly surrounded by a fence or a
3 wall ~~either:~~

- 4 (1) where a number of scrap tires equaling 30 or more but fewer than 500 scrap tires
5 are accumulated on a parcel or adjacent parcels of real property which is not
6 adjacent to a retail tire operation ~~as provided in Subsection (2) of this definition; or~~
7 (2) ~~Where 30 or more but fewer than 1,500 scrap tires are accumulated on real property~~
8 ~~which is adjacent to and owned or leased by a person who is in the business of retail~~
9 ~~tire sales.~~

10 Number of scrap tires means either of the following, or an equivalent combination thereof:

- 11 (1) That number of whole tires or reusable tire casings; or
12 (2) A quantity of a commodity or tire shreds equivalent in weight to that number of
13 whole tires.

14 Scrap tire means a tire that is no longer being used for its original intended purpose
15 including, but not limited to, a used tire, a reusable casing, or portions of a tire.

16 Storage means the maintenance or possession of scrap tires in an outdoor collection site
17 but excludes those tires which are affixed to any motorized vehicle.

18 Tire means a continuous solid or pneumatic rubber covering encircling the wheel whether
19 ~~new, used, or scrap, and was manufactured for use in the operation of any motorized vehicle of a~~
20 tractor or other farm machinery or of a vehicle.

21 Vehicle means every device in, upon, or by which any person or property is or may be
22 transported or drawn upon a highway, including, but not limited to, all-terrain vehicles,
23 automobiles, farm implements, jeeps, motorcycles, recreational vehicles, tractors, trucks, and vans

1 but excludes devices propelled exclusively by human power or used exclusively upon stationary
2 rails or tracks, or a motor home as defined in Section 2 of the Mobile Home Commission Act,
3 being MCL 125.2302.

4 **Sec. 18-1-182. Penalty for violation.**

5 (a) Any person who violates this division is guilty of a misdemeanor which is
6 punishable by imprisonment for not more than 90 days, or a fine of ~~not less than \$10.00 for each~~
7 ~~scrap tire which is disposed of or accumulated in violation of this division to a maximum fine of~~
8 \$500.00, or both, in the discretion of the Court.

9 (b) As an alternative to, or in addition to, imprisonment provided for in Subsection (a)
10 of this section, the court may order a person who violates this division to perform ~~not less than one~~
11 ~~hour of community service for each scrap tire which is disposed of or accumulated in violation of~~
12 ~~this division to a maximum limit of 1,499 hours of community service. However, if the court does~~
13 ~~combine imprisonment with community service, the total hours served shall not exceed 2,160~~
14 ~~which constitutes 90 calendar days~~ not more than 100 hours of community service.

15 (c) Each day that the violation continues shall constitute a separate violation for the
16 purpose of the court imposing punishment under this division.

17 **Sec. 18-1-183. Unauthorized storage of scrap tires in outdoor collection sites prohibited.**

18 Unless in compliance with the requirements of this division, persons are prohibited from
19 owning, maintaining, leasing, operating, or managing any outdoor collection site for the storage
20 of any scrap tires ~~either:~~

- 21 (1) where a number of scrap tires equaling 30 or more but fewer than 500 scrap tires
22 are accumulated on a parcel or adjacent parcels of real property which is not
23 associated to a retail tire operation; ~~or~~

1 ~~(2) Where 30 or more but fewer than 1,500 scrap tires are accumulated on real property~~
2 ~~which is adjacent to and owned or leased by a person who is in the business of retail~~
3 ~~tire sales.~~

4 **Sec. 18-1-185. Permit requirement.**

5 Persons are prohibited from the storage of scrap tires in an City outdoor collection site
6 without obtaining an annual permit issued by the Fire Marshal. When applying for this permit,
7 such persons shall submit to the Fire Marshal:

- 8 (1) A completed scrap tire collection site registration form;
9 (2) The applicable fee established by the Fire Commissioner and approved by the City
10 Council; ~~and~~
11 (3) A scaled set of blue prints or drawings of the City outdoor collection site including
12 the dimensions and the geographic positions of all adjacent streets, property lines,
13 private water supply lines, fencing, buildings, and other objects; and
14 (4) A copy of the current City business license for scrap tire storage business.

15 **Sec. 18-1-188. Stacking requirement and storage requirements.**

16 (a) Where an a City outdoor collection site is utilized for storage, scrap tires shall be
17 stacked in separate piles. Each pile shall be separated from every other pile by an aisle which shall
18 be a minimum of 20 feet in width. Each pile shall be of uniform design configuration which is not
19 more than ten feet in width, 20 feet in length, and ~~ten feet in height~~ the height of the masonry
20 enclosure, as required by Section 18-1-194 of this division, measured at the point of said enclosure
21 closest to the pile.

22 (b) Any trucks or trailers utilized for storage of scrap tires must be registered and bear
23 valid and current license plates as required by the Michigan Secretary of State.

1 (c) All storage of scrap tires shall be in compliance with Part 169 of the Michigan
2 Natural Resources and Environmental Protection Act, being MCL 324.16901 through 324.16910.

3 (d) The property where any collection site is located must be validly permitted as a
4 scrap tire storage, processing, or recycling facility in accordance with Chapter 50 of this Code,
5 Zoning.

6 (e) Where the storage of scrap tires is conducted within an enclosed building, the
7 quantity of tires stored within such building shall not exceed the limits specified by the Fire
8 Marshall for such building.

9 **Sec. 18-1-194. Fence requirements.**

10 Where ~~an~~ a City outdoor collection site is utilized for the storage of scrap tires, the location
11 shall be ~~surrounded by a noncombustible, opaque fence which is ten feet high, topped with barbed~~
12 ~~wire, and equipped with a lockable gate~~ entirely enclosed, except for gates or doors for ingress or
13 egress, by a masonry wall constructed according to the requirements of Chapter 8, Article II, of
14 this Code, *Building Code*, Chapter 50 of this Code, *Zoning*, and other applicable provisions of this
15 Code.

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

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

1 **Section 4.** Where this ordinance is passed by a two-thirds majority of City Council
2 Members serving, it shall be given immediate effect and shall become effective upon publication
3 in accordance with Section 4-118(1) of the 2012 Detroit City Charter. Where this ordinance is
4 passed by less than two-thirds majority of City Council Members serving, it shall become effective
5 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