



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 46 of the 2019 Detroit City Code, *Traffic and Vehicles*, Article II, *Enforcement*, Division 5, *Towing*.

Honorable City Council:

Member Durhal has requested that the Law Department prepare an ordinance to amend Chapter 46 of the 2019 Detroit City Code, *Traffic and Vehicles*, Article II, *Enforcement*, Division 5, *Towing*, by adding Subdivision D, *Towing Service Storage Yard*, to be divided into two parts with Part 1, *Generally*, containing Section 46-2-131, *Fence or wall required*, Section 46-2-132, *Conditions of premises generally*, Section 46-2-133, *Use of streets, sidewalks, other parts of public highways, and non-designated property prohibited*, and Part 2, *License*, containing Section 46-2-141, *Required*, Section 46-2-142, *Application; information required*, Section 46-2-143, *Establishment, approval, publication, and payment of annual fee*, Section 46-2-144, *Inspection and certification of approval; land use; construction requirements; maintenance, fire protection and safety, and health and sanitation requirements*, Section 46-2-145, *Investigation by Police Department required to confirm non-conviction of certain crimes*, Section 46-2-146, *Investigation by Office of Chief Financial Officer required to confirm no City tax or assessment arrearage*, Section 46-2-147, *Buildings, Safety Engineering, and Environmental Department Business License Center to take action upon application*, Section 46-2-148, *Posting required; non-transferable*, Section 46-2-149, *Expiration date and renewal requirements*, and Section 46-2-150, *Suspension, revocation, or denial of renewal*. 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 proposed ordinance amends Chapter 46 of the 2019 Detroit City Code, *Traffic and Vehicles*, Article II, *Enforcement*, Division 5, *Towing*, by adding Subdivision D, *Towing Service Storage Yard*, to be divided into two parts with Part 1, *Generally*, containing Section 46-2-131, *Fence or wall required*, Section 46-2-132, *Conditions of premises generally*, Section 46-2-133, *Use of streets, sidewalks, other parts of public highways, and non-designated property prohibited*, and Part 2, *License*, containing Section 46-2-141, *Required*, Section 46-2-142, *Application; information required*, Section 46-2-143, *Establishment, approval, publication, and payment of annual fee*, Section 46-2-144, *Inspection and certification of approval; land use; construction requirements; maintenance, fire protection and safety, and health and sanitation requirements*, Section 46-2-145, *Investigation by Police Department required to confirm non-conviction of certain crimes*, Section 46-2-146, *Investigation by Office of Chief Financial Officer required to confirm no City tax or assessment arrearage*, Section 46-2-147, *Buildings, Safety Engineering, and Environmental Department Business License Center to take action upon application*, Section 46-2-148, *Posting required; non-transferable*, Section 46-2-149, *Expiration date and renewal requirements*, and Section 46-2-150, *Suspension, revocation, or denial of renewal*, to provide to regulation and licensing of tow storage yards in the City of Detroit.

1 **BY COUNCIL MEMBER_____:**

2 **AN ORDINANCE** to amend Chapter 46 of the 2019 Detroit City Code, Traffic and
3 Vehicles, Article II, Enforcement, Division 5, Towing, by adding Subdivision D, Towing Service
4 Storage Yard, to be divided into two parts with Part 1, Generally, containing Section 46-2-131,
5 Fence or wall required, Section 46-2-132, Conditions of premises generally, Section 46-2-133,
6 Use of streets, sidewalks, other parts of public highways, and non-designated property prohibited,
7 and Part 2, License, containing Section 46-2-141, Required, Section 46-2-142, Application;
8 information required, Section 46-2-143, Establishment, approval, publication, and payment of
9 annual fee, Section 46-2-144, Inspection and certification of approval; land use; construction
10 requirements; maintenance, fire protection and safety, and health and sanitation requirements,
11 Section 46-2-145, Investigation by Police Department required to confirm non-conviction of
12 certain crimes, Section 46-2-146, Investigation by Office of Chief Financial Officer required to
13 confirm no City tax or assessment arrearage, Section 46-2-147, Buildings, Safety Engineering, and
14 Environmental Department Business License Center to take action upon application, Section 46-
15 2-148, Posting required; non-transferable, Section 46-2-149, Expiration date and renewal
16 requirements, and Section 46-2-150, Suspension, revocation, or denial of renewal, to provide to
17 regulation and licensing of tow storage yards in the City of Detroit.

18 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT**
19 **THAT:**

20 **Section 1.** Chapter 46 of the 2019 Detroit City Code Traffic and Vehicles, Article II,
21 Division 5, be amended by adding Subdivision D, to include Part 1, containing Sections 46-2-131
22 through 46-2-133 and Part 2, containing Section 46-2-141 through 46-2-150, to read as follows:

1 CHAPTER 46. TRAFFIC AND VEHICLES

2 ARTICLE II. ENFORCEMENT

3 DIVISION 5. TOWING

4 Subdivision D. Towing Service Storage Yard

5 Part 1. Generally

6 **Sec. 46-2-131. Fence or wall required.**

7 A towing service storage yard, shall be carried on, maintained, or conducted on premises
8 entirely enclosed, except gates or doors for ingress or egress, by a masonry wall, a wooden fence,
9 or a metal fence in accordance with the requirements contained in Section 50-12-352 of this Code,
10 Towing Service Storage Yards.

11 **Sec. 46-2-132. Conditions of premises generally.**

12 (a) All walls or fences of a towing service storage yard shall be maintained in
13 accordance with Chapter 8, Article XV, of this Code, Property Maintenance Code, and the exterior
14 thereof, shall be painted, provided, that as to such fences along public highways or streets, the
15 exterior thereof shall be painted at least once every two years. The supporting uprights of all fences
16 shall be placed on the inside thereof.

17 (b) No vehicles or other material of a towing service storage yard shall be permitted to
18 lean on or touch any such wall or fence, to be in front of or attached to or suspended on any such
19 wall or fence or on the building thereof, to be piled, along any street or highway, within two feet
20 from the base of the wall or fence nor in excess of the enclosing wall or fence within ten feet
21 thereof, and in no case to be piled in a manner likely to endanger a person using any highway or
22 street, provided, that this subsection shall not prohibit the erection or maintenance of bins or

1 shelving not to exceed the height of the fence or wall, which are not attached to or affixed to such
2 fence or wall, and at least five feet clearance is maintained in front of such bin or shelving.

3 (c) The material located in or on the premises of a towing service storage yard shall be
4 so arranged that reasonable inspection or access to all parts of the premises can be made by law
5 enforcement officers.

6 **Sec. 46-2-133. Use of streets, sidewalks, other parts of public highways, and non-designated**
7 **property prohibited.**

8 No towing service storage yard shall make use of any street, sidewalk, or other parts of a
9 public highway, or any other property not designated in the business' license for storage or display
10 of vehicles or parts or any other commodities.

11 **Secs. 46-2-134—46-2-140. Reserved.**

12 **Part 2. License**

13 **Sec. 46-2-141. Required.**

14 It shall be unlawful for any person to conduct or to maintain any business as a towing
15 service storage yard in the City without having first obtained a license from the Buildings, Safety
16 Engineering, and Environmental Department Business License Center to operate such business.

17 **Sec. 46-2-142. Application; information required.**

18 (a) An application for a license under this part shall be made on a form that is provided
19 by the Buildings, Safety Engineering, and Environmental Department Business License Center.
20 The application shall be considered completed when the appropriate person has signed and dated
21 the application in the presence of a notary public, has paid the required license fee, and has
22 provided the information that is required on the form, including:

23 (1) Where the applicant is an individual:

1 a. The applicant's full legal name and any other name used by the applicant
2 during the preceding five years;

3 b. The applicant's current mailing address and e-mail address; and

4 c. Written proof of age in the form of a driver's license, or a picture
5 identification document containing the applicant's date of birth issued by a
6 governmental agency, or a copy of a birth certificate accompanied by a
7 picture identification document issued by a governmental agency;

8 (2) Where the applicant is a partnership:

9 a. The legal name and any other name used by the partners during the
10 preceding five years; and

11 b. The current mailing address and e-mail address for the business;

12 (3) Where the applicant conducts business under a trade or assumed name:

13 a. The complete and full trade or assumed name;

14 b. The county where and date that the trade or assumed name was filed;

15 c. The name of the person doing business under such trade or assumed name,
16 the manager, and other person in charge; and

17 d. The current mailing address and e-mail address for the business;

18 (4) Where the applicant is a corporation:

19 a. The full and accurate corporate name;

20 b. The state and date of incorporation;

21 c. The full names and addresses of officers, directors, managers, and other
22 persons with authority to bind the corporation; and

23 d. The current mailing address and e-mail address for the business;

1 (5) The name, business address, and telephone number of the business; and

2 (6) The name and business address of the statutory agent, or other agent, who is
3 authorized to receive service of process.

4 (b) Any information provided in accordance with Subsection (a) of this section shall
5 be supplemented in writing and sent by certified mail, return receipt requested, to the Buildings,
6 Safety Engineering, and Environmental Department Business License Center within ten business
7 days of a change of circumstances that would render false or incomplete the information that was
8 previously submitted.

9 **Sec. 46-2-143. Establishment, approval, publication, and payment of annual fee.**

10 (a) A non-refundable fee shall be charged and collected in accordance with Section 6-
11 503(13) of the Charter for the processing and issuance of a license under this part. Based upon the
12 cost of issuance and administration of the licensing regulations, the Director of the Buildings,
13 Safety Engineering, and Environmental Department shall establish this fee, which is subject to
14 approval by the City Council through adoption of a resolution.

15 (b) After adoption of a resolution by the City Council and approval of the resolution
16 by the Mayor, the fees that are provided for in Subsection (a) of this section shall be:

17 (1) Published in a daily newspaper of general circulation and in the Journal of the City
18 Council;

19 (2) Made available at the Buildings, Safety Engineering, and Environmental
20 Department and at the Office of the City Clerk; and

21 (3) Reviewed by the Director of the Buildings, Safety Engineering, and Environmental
22 Department at least once every two years.

1 (c) A fee shall be charged each new licensee, any current licensee who applies to renew
2 an existing license, or a current licensee applying for a license at another location.

3 (d) Prior to the expiration of a current license, a licensee shall submit an application
4 for renewal and pay an annual fee for the renewal of a license. Submission of an application for
5 renewal and payment of the license fee before the expiration date of the license shall allow for the
6 continued operation of the business for the location until such time that the license renewal
7 application is denied, or the license is suspended or revoked.

8 **Sec. 46-2-144. Inspection and certification of approval; land use; construction requirements;**
9 **maintenance, fire protection and safety, and health and sanitation requirements.**

10 (a) Upon application and before any license that is required by this part shall be issued
11 or renewed, it shall be the duty of the Buildings, Safety Engineering, and Environmental
12 Department Business License Center to review its records and, where a requisite inspection has
13 not been done, to refer such application to the Directors of the Buildings, Safety Engineering, and
14 Environmental Department and the Health Department, and to the Fire Marshal, who shall cause
15 an inspection to be made of the premises of such proposed or existing business.

16 (b) After completion of respective inspections, the Buildings, Safety Engineering, and
17 Environmental Department, the Fire Department, and the Health Department shall certify, in
18 writing, to the Buildings, Safety Engineering, and Environmental Department Business License
19 Center that the applicant is in full compliance with all pertinent state codes and regulations, and
20 this Code, including, but not limited to, the following requirements:

21 (1) Land use. The business meets the requirements of Chapter 50 of this Code, *Zoning*,
22 including verification that the specific land use for its intended location has been
23 established by the City in the respective zoning district and, where the premises is

1 governed by a zoning grant, has obtained a valid annual certificate of maintenance
2 of zoning grant conditions;

3 (2) Construction requirements. The premises meets the requirements of:

4 a. The Building Code, being Chapter 8, Article II, of this Code;

5 b. The Electrical Code, being Chapter 8, Article III, of this Code;

6 c. The Mechanical Code, being Chapter 8, Article IV, of this Code;

7 d. The Plumbing Code, being Chapter 8, Article V, of this Code;

8 e. The Energy Code (Commercial), being Chapter 8, Article VIII, of this
9 Code;

10 f. The Elevator Code, being Chapter 8, Article IX, of this Code;

11 g. The Manlifts Code, being Chapter 8, Article X, of this Code;

12 h. The Material Hoists Code, being Chapter 8, Article XI, of this Code;

13 i. The Personnel Hoists Code, being Chapter 8, Article XII, of this Code; and

14 j. The Powered Platform Code, being Chapter 8, Article XIII, of this Code;

15 (3) Maintenance. The premises meets the requirements of the Property Maintenance
16 Code, being Chapter 8, Article XV, of this Code;

17 (4) Fire protection and safety. The premises meets the requirements and limitations of
18 the Detroit Fire Prevention and Protection Code, being Chapter 18, Article I, of this
19 Code; and

20 (5) Food sanitation and health. The business and premises meet the requirements of:

21 a. Chapter 19 of this Code, *Food*, which, in Section 19-1-1, adopts by
22 reference the provisions of the Michigan Food Law of 2000, being MCL
23 289.1101 et seq.; and

b. Chapter 20 of this Code, Health, which, in Section 20-1-1, adopts by reference the provisions of the Michigan Public Health Code, being MCL 333.1101 et seq.

Sec. 46-2-145. Investigation by Police Department required to confirm non-conviction of certain crimes.

(a) Upon application and before any license required by this part shall be issued or renewed, it shall be the duty of the Buildings, Safety Engineering, and Environmental Department Business License Center to refer such application to the Chief of Police or the designee of the Chief of Police, who shall cause an investigation to be completed to determine whether the applicant, or any of the applicant's officers, have been convicted of any offense during the past five years involving the theft of property, or of any felony during the past five years concerning fraud, embezzlement, dishonesty or assault.

(b) A towing service storage yard license shall not be issued or renewed by the Buildings, Safety Engineering, and Environmental Department Business License Center until the Chief of Police has given written confirmation that the applicant does not have any convictions for offenses which are delineated in Subsection (a) of this section.

Sec. 46-2-146. Investigation by Office of Chief Financial Officer required to confirm no City tax or assessment arrearage.

(a) Upon application and before any license that is required by this part shall be issued or renewed, it shall be the duty of the Buildings, Safety Engineering, and Environmental Department Business License Center to refer such application to the Office of Chief Financial Officer, which shall cause an investigation to be completed in accordance with Section 2-113 of

1 the Charter to determine whether any property tax, income tax, personal tax or special assessments
2 are unpaid, outstanding or delinquent to the City.

3 (b) A license shall not be issued or renewed by the Buildings, Safety Engineering, and
4 Environmental Department Business License Center until the Chief Financial Officer has given
5 written confirmation that the applicant is not in arrears to the City for taxes or assessments that are
6 delineated in Subsection (a) of this section.

7 **Sec. 46-2-147. Buildings, Safety Engineering, and Environmental Department Business**
8 **License Center to take action upon application.**

9 Upon compliance with Sections 46-2-142 through 46-2-146 of this Code, the Buildings,
10 Safety Engineering, and Environmental Department Business License Center shall issue an annual
11 license for a business in accordance with Chapter 28 of this Code, *Licenses*.

12 **Sec. 46-2-148. Posting required; non-transferable.**

13 (a) Upon issuance by the Buildings, Safety Engineering, and Environmental
14 Department Business License Center and after receipt by the applicant, a towing service storage
15 yard license shall be posted at all times by the licensee inside the licensed premises in a
16 conspicuous location near the entrance.

17 (b) All towing service storage yard licenses that are issued under this part shall not be
18 transferable.

19 **Sec. 46-2-149. Expiration date and renewal requirements.**

20 (a) A license that is issued under this part shall expire on November 1st of each year.

21 (b) A license that is issued under this part shall remain valid until the expiration date
22 unless suspended or revoked in accordance with Chapter 28 of this Code, *Licenses*.

1 (c) A license that is issued under this part may be renewed only by submitting a
2 completed application and paying the required fee as provided for in this part.

3 (d) All applications for renewal of a license that is issued under this part shall be filed
4 before October 31st of each year.

5 **Sec. 46-2-150. Suspension, revocation, or denial of renewal.**

6 A license that is issued under this part may be suspended, revoked, or denied renewal in
7 accordance with Chapter 28 of this Code, *Licenses*.

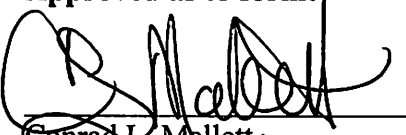
8 **Secs. 46-2-151 – 46-2-170. Reserved.**

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

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

13 **Section 4.** Where this ordinance is passed by a two-thirds majority of City Council
14 Members serving, it shall be given immediate effect and shall become effective upon publication
15 in accordance with Section 4-118(1) of the 2012 Detroit City Charter. Where this ordinance is
16 passed by less than two-thirds majority of City Council Members serving, it shall become effective
17 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