



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

October 21, 2022

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

Re: Ordinance to amend Chapter 8 of the 2019 Detroit City Code, *Building Construction and Property maintenance*, Article XV, *Property Maintenance Code*, by amending Section 8-15-11, *Civil fines for violation of article*, and 8-15-49, *Costs of abatement; collection costs for City abatement of public nuisances*.

Honorable City Council:

Member Durhal has requested that the Law Department prepare an ordinance to amend Chapter 8 of the 2019 Detroit City Code, *Building Construction and Property maintenance*, Article XV, *Property Maintenance Code*, by amending Section 8-15-11, *Civil fines for violation of article*, and 8-15-49, *Costs of abatement; collection costs for City abatement of public nuisances*. 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 8 of the 2019 Detroit City Code, *Building Construction and Property Maintenance*, Article XV, *Property Maintenance Code*, by amending Section 8-15-11, *Civil fines for violation of article*, and Section 8-15-49, *Costs of abatement; collection of costs for City abatement of public nuisances*, to provide for increased fines for non-compliance and to identify collection methods to be used by the City for unpaid costs of abatement.

1 **BY COUNCIL MEMBER _____:**

2 **AN ORDINANCE TO AMEND** This ordinance amends Chapter 8 of the 2019 Detroit
3 City Code, *Building Construction and Property Maintenance*, Article XV, *Property Maintenance*
4 *Code*, by amending Section 8-15-11, *Civil fines for violation of article*, and Section 8-15-49, *Costs*
5 *of abatement; collection of costs for City abatement of public nuisances*, to provide for increased
6 fines for non-compliance and to identify collection methods to be used by the City for unpaid costs
7 of abatement.

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

10 **Section 1.** That Chapter 18 of the 2019 Detroit City Code, *Fire Prevention and Protection*,
11 be amended by amending Section 8-15-11 and Section 8-18-49 to read as follows:

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

13 **ARTICLE XV. PROPERTY MAINTENANCE CODE**

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

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

	First Offense	Second Repeat Offense	Third and 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
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
<u>III. Failure to provide proper notice or notarized statement in accordance with the requirements of Section 8-15-25 of this Code.</u>			
<u>One- or two-family dwelling</u>	\$100.00	\$250.00	\$500.00
<u>All other structures, except buildings with five or more stories.</u>	\$100.00	\$250.00	\$500.00
<u>Buildings with five or more stories</u>	\$500.00	\$750.00	\$1,000.00
<u>IV. Failure of the owner to obtain a Certificate of Compliance in violation of Section 8-15-35 of this Code.</u>	\$250.00	\$500.00	\$1,000.00
<u>V. Failure of the owner to obtain a Certificate of Registration for Vacant Property in violation of Section 8-15-45 of this Code.</u>	\$250.00	\$375.00	\$500.00
<u>VI. Failure of the owner to obtain a Certificate of Registration of Rental Property in violation of Section 8-15-81 of this Code.</u>	\$250.00	\$350.00	\$500.00
<u>VII. Failure to obtain a Lead Clearance for Rental Property in violation of Section 8-15-83 of this Code.</u>			
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
<u>VIII.</u> 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
<u>IX.</u> 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	\$100.00	\$250.00	\$500.00
<u>X.</u> Weeds or plant growth in violation of Section 8-15-104 of this Code.	\$50.00	\$125.00	\$250.00
<u>XI.</u> Rodent harborage in violation of Section 8-15-105 of this Code.	\$100.00	\$250.00	\$500.00
<u>XII.</u> 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
<u>XIII.</u> 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

<u>XIV.</u> 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
<u>XV.</u> Failure to obtain a Certificate of Collection Box Maintenance in violation of Section 8-15-531 o this Code.	\$250.00	\$500.00	\$1,000.00
<u>XVI.</u> Failure of the owner to obtain a Certificate of Registration of Waterbody Barrier in violation of Section 8-15-522 of this Code.	\$250.00	\$500.00	\$1,000.00

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2 (b) In the case of a firm or a partnership, the civil fine may be imposed upon the
3 partnership or members thereof, and in the case of a corporation, the civil fine may be imposed
4 upon the officers thereof.

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

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

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

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

13 (g) Pursuant to Section 4q(13) of the Michigan Home Rule City Act, being MCL
14 117.4q(13), and Section 3-2-52 (a)(6) of the 2019 Detroit City Code, Blight Administrative
15 Hearings Bureau hearings officers shall impose a justice system assessment fee for each blight
16 violation determination.

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

4 (i) Pursuant to Section 4q(3) of the Michigan Home Rules City Act, being MCL
5 117.4q(3), and Section 3-2-52 (4) of the 2019 Detroit City Code, a hearings officer at the Blight
6 Administrative Hearings Bureau may waive a fine for a blight violation at an owner-occupied
7 dwelling, or for an owner who is verified as "low income," provided, that such owner is a first-
8 time violator of the Code and the violator has corrected the circumstances of the violation. For
9 purposes of this subsection, an owner shall qualify as "low income:"

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

13 (2) Where the owner has been granted eligibility for the Detroit Homeowners Property
14 Tax Assistance Program; or

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

18 **Sec. 8-15-49. Costs of abatement; collection of costs for City abatement of public**
19 **nuisances.**

20 (a) The entire cost of abatement actions taken, or caused to be taken, pursuant to
21 Section 8-15-48 of this Code shall be paid by the owner. The City's costs, including administrative
22 fees, labor and materials, to secure compliance with a blight violation order or to abate a public
23 nuisance under this article may be included in a blight violation determination. In accordance with

1 Section 8-15-12 of this Code, the City may use all available remedies to secure compliance and
2 payment, except where limited or prohibited by law.

3 (b) Costs incurred in abatement under this section shall be paid by the City and
4 recovered from the owner, or owners or the agents or assignees of the owner, or owners. The
5 Corporation Counsel may institute appropriate legal action for the recovery of all costs incurred in
6 the performance of such work.

7 (c) Where the cost of abatement is not paid to the City by the owner, or owners:

8 (1) The amount of the costs shall be forwarded by the Buildings, Safety Engineering,
9 and Environmental Department to the Board of Assessors for assessment on the
10 subject property and recorded as a lien against real property in accordance with
11 state law, the Charter, and this Code; and

12 (2) Liens assessed pursuant to this section shall be enforced in the manner prescribed
13 in state law, the Charter, and this Code for the enforcement of special assessment
14 liens or tax liens.

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

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