



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 9 of the 2019 Detroit City Code, *Car washes*.

Honorable City Council:

Member Durhal has requested that the Law Department prepare an ordinance to amend Chapter 9 of the 2019 Detroit City Code, by renaming the Chapter from “*Car Washes*” to “*Car Washes and Motor Vehicle Service*,” and by dividing the chapter into two divisions, to include Division 1, *Generally*, and Division 2, *Motor Vehicle Service Business*, to be further divided into Subdivision A, *Generally*, and Subdivision B, *License*. 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 9, *Car washes* of the 2019 Detroit City Code by renaming the Chapter from “*Car Washes*” to “*Car Washes and Motor Vehicle Service*,” by dividing the chapter into two divisions with Division 1, *Generally*, containing an amended Section 9-1-1, *Definitions*, an amended Section 9-1-3, *Responsibility of owner or operator*, and an amended Section 9-1-4, *Hours of operation*, and by adding Division 2, *Motor Vehicle Service Business*, to include Subdivision A, *Generally*, containing Section 9-1-21, *Enclosed building, fence or wall required*, Section 9-1-22, *Conditions of premises generally*, Section 9-1-23, *Use of streets, sidewalks, other parts of public highways, and non-designated property prohibited*, and to include Subdivision B, *License*, to include Section 9-1-31, *Required*, Section 9-1-32, *Application; information required*, Section 9-1-33, *Establishment, approval, publication, and payment of annual fee*, Section 9-1-34, *Inspection and certification of approval; land use; construction requirements; maintenance, fire protection and safety, and health and sanitation requirements*, Section 9-1-35, *Investigation by Police Department required to confirm non-conviction of certain crimes*, Section 9-1-36, *Investigation by Office of Chief Financial Officer required to confirm no City tax or assessment arrearage*, Section 9-1-37, *Buildings, Safety Engineering, and Environmental Department Business License Center to take action upon application*, Section 9-1-38, *Posting required; non-transferable*, Section 9-1-39, *Expiration date and renewal requirement*, and Section 9-1-40, *Suspension, revocation, or denial of renewal*, to require that all car washes and motor vehicle service businesses that do business in the City of Detroit are regulated and are required to have a City business license.

1 **BY COUNCIL MEMBER _____:**

2 **AN ORDINANCE TO AMEND** Chapter 9, *Car washes* of the 2019 Detroit City Code by
3 renaming the Chapter from “*Car Washes*” to “*Car Washes and Motor Vehicle Service*,” by
4 dividing the chapter into two divisions with Division 1, *Generally*, containing an amended Section
5 9-1-1, *Definitions*, an amended Section 9-1-3, *Responsibility of owner or operator*, and an
6 amended Section 9-1-4, *Hours of operation*, and by adding Division 2, *Motor Vehicle Service*
7 *Business*, to include Subdivision A, *Generally*, containing Section 9-1-21, *Enclosed building,*
8 *fence or wall required*, Section 9-1-22, *Conditions of premises generally*, Section 9-1-23, *Use of*
9 *streets, sidewalks, other parts of public highways, and non-designated property prohibited*, and to
10 include Subdivision B, *License*, to include Section 9-1-31, *Required*, Section 9-1-32, *Application;*
11 *information required*, Section 9-1-33, *Establishment, approval, publication, and payment of*
12 *annual fee*, Section 9-1-34, *Inspection and certification of approval; land use; construction*
13 *requirements; maintenance, fire protection and safety, and health and sanitation requirements,*
14 Section 9-1-35, *Investigation by Police Department required to confirm non-conviction of certain*
15 *crimes*, Section 9-1-36, *Investigation by Office of Chief Financial Officer required to confirm no*
16 *City tax or assessment arrearage*, Section 9-1-37, *Buildings, Safety Engineering, and*
17 *Environmental Department Business License Center to take action upon application*, Section 9-1-
18 38, *Posting required; non-transferable*, Section 9-1-39, *Expiration date and renewal requirement,*
19 and Section 9-1-40, *Suspension, revocation, or denial of renewal*, to require that all car washes
20 and motor vehicle service businesses that do business in the City of Detroit are regulated and are
21 required to have a City business license.

1 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT**

2 **THAT:**

3 **Section 1.** That Chapter 9 of the 2019 Detroit City Code, *Car Washes*, be renamed to *Car*
4 *Washes and Motor Vehicle Service* and be amended to include Division 1, *Generally*, containing
5 Sections 9-1-1 through 9-1-4, of which Sections 9-1-1, 9-1-3 and 9-1-4 are amended, and Division
6 2, *Motor Vehicle Service Business*, to include Subdivision A, *Generally*, containing Sections 9-1-
7 21 Through 9-1-23, and Subdivision B, *License*, containing Sections 9-1-31 through 9-1-40, to
8 read as follows:

9 **CHAPTER 9. CAR WASHES AND MOTOR VEHICLE SERVICE**

10 **DIVISION 1. GENERALLY**

11 **Sec. 9-1-1. Definitions.**

12 For the purposes of this chapter, the following word and phrase shall have the meaning
13 respectively ascribed to it by this section:

14 *Car wash* means an establishment primarily engaged in cleaning motor vehicles whether
15 self-serve, automatic or by hand, which may provide detailing as an accessory use, and is referred
16 to in Chapter 50 of this Code, *Zoning*, as motor vehicle washing and steam cleaning.

17 *Light duty vehicle repair establishment* means, as likewise defined in Chapter 50 of this
18 Code, *Zoning*, an establishment that performs substantial repairs of vehicles with gross vehicle
19 weight ratings of up to 10,000 pounds typically requiring overnight storage of such vehicles.

20 *Light duty vehicle service establishment*, means as likewise defined in Chapter 50 of this
21 Code, *Zoning*, an establishment that performs routine maintenance and other limited services for
22 vehicles with gross vehicle weight ratings of up to 10,000 pounds typically on a same-day basis.

1 Medium/heavy duty vehicle or equipment repair establishment means, as likewise defined
2 in Chapter 50 of this Code, Zoning, an establishment that performs any type of service or repair of
3 vehicles with gross vehicle weight ratings over 10,000 pounds, regardless of whether such service
4 or repair is typically completed on a same-day basis or requires overnight on-site storage of such
5 vehicles.

6 Motor vehicle service business means a business engaged in activities defined in this
7 chapter as “light duty vehicle repair establishment”, “light duty vehicle service establishment” or
8 “medium/heavy duty vehicle or equipment repair establishment.”

9 **Sec. 9-1-3. Responsibility of owner or operator.**

10 It shall be the duty of the owner or operator of any car wash or motor vehicle service
11 business:

- 12 (1) To prevent excessive noise in accordance with Chapter 16, Article I, of this Code,
13 *Noise*;
- 14 (2) To maintain peace, order, and safety on the premises in accordance with Chapter
15 31, Article V, of this Code, *Offenses Against Public Peace*; and
- 16 (3) To keep the premises free of solid waste, including litter, in accordance with
17 Chapter 42 of this Code, *Solid Waste and Illegal Dumping*.

18 **Sec. 9-1-4. Hours of operation.**

19 Car washes and motor vehicle service businesses shall not be open or operate between the
20 hours of 10:00 p.m. and 7:00 a.m.

21 **Secs. 9-1-5—9-1-20. Reserved.**

1 **DIVISION 2. MOTOR VEHICLE SERVICE BUSINESS**

2 **Subdivision A. Generally**

3 **Sec. 9-1-21. Enclosed building, fence or wall required.**

4 (a) All motor vehicle service businesses shall be carried on, maintained or conducted:

5 (1) Entirely inside an enclosed building; and

6 (2) All open storage of vehicles awaiting repairs or service shall be enclosed by an
7 opaque wall of masonry construction that is six feet in height and maintained in a
8 neat and orderly fashion at all times.

9 **Sec. 9-1-22. Conditions of premises generally.**

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

15 (b) No used autos, parts, or other material of a motor vehicle service business shall be
16 permitted to lean on or touch any such wall or fence, to be in front of or attached to or suspended
17 on any such wall or fence or on the building thereof, to be piled, along any street or highway,
18 within two feet from the base of the wall or fence nor in excess of the enclosing wall or fence
19 within ten feet thereof, and in no case to be piled in a manner likely to endanger a person using
20 any highway or street, provided, that this subsection shall not prohibit the erection or maintenance
21 of bins or shelving not to exceed the height of the fence or wall, which are not attached to or affixed
22 to such fence or wall, and at least five feet clearance is maintained in front of such bin or shelving.

1 (c) The material located in or on the premises of a motor vehicle service business shall
2 be so arranged that reasonable inspection or access to all parts of the premises can be made by law
3 enforcement officers.

4 **Sec. 9-1-23. Use of streets, sidewalks, other parts of public highways, and non-designated**
5 **property prohibited.**

6 No motor vehicle service business shall make use of any street, sidewalk, or other parts of
7 a public highway, or any other property not designated in the business' license for the service,
8 repair, storage, or display of vehicles or any other commodities.

9 **Secs. 9-1-24—9-1-30. Reserved.**

10 **Subdivision B. License**

11 **Sec. 9-1-31. Required.**

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

15 **Sec. 9-1-32. Application; information required.**

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

21 (1) Where the applicant is an individual:

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

- 1 b. The applicant's current mailing address and e-mail address; and
- 2 c. Written proof of age in the form of a driver's license, or a picture
- 3 identification document containing the applicant's date of birth issued by a
- 4 governmental agency, or a copy of a birth certificate accompanied by a
- 5 picture identification document issued by a governmental agency;
- 6 (2) Where the applicant is a partnership:
- 7 a. The legal name and any other name used by the partners during the
- 8 preceding five years; and
- 9 b. The current mailing address and e-mail address for the business;
- 10 (3) Where the applicant conducts business under a trade or assumed name:
- 11 a. The complete and full trade or assumed name;
- 12 b. The county where and date that the trade or assumed name was filed;
- 13 c. The name of the person doing business under such trade or assumed name,
- 14 the manager, and other person in charge; and
- 15 d. The current mailing address and e-mail address for the business;
- 16 (4) Where the applicant is a corporation:
- 17 a. The full and accurate corporate name;
- 18 b. The state and date of incorporation;
- 19 c. The full names and addresses of officers, directors, managers, and other
- 20 persons with authority to bind the corporation; and
- 21 d. The current mailing address and e-mail address for the business;
- 22 (5) The name, business address, and telephone number of the business; and

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

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

8 **Sec. 9-1-33. Establishment, approval, publication, and payment of annual fee.**

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

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

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

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

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

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

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

6 **Sec. 9-1-34. Inspection and certification of approval; land use; construction requirements;**
7 **maintenance, fire protection and safety, and health and sanitation requirements.**

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

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

- 19 (1) Land use. The business meets the requirements of Chapter 50 of this Code, *Zoning*,
20 including verification that the specific land use for its intended location has been
21 established by the City in the respective zoning district and, where the premises is
22 governed by a zoning grant, has obtained a valid annual certificate of maintenance
23 of zoning grant conditions;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 a. Chapter 19 of this Code, *Food*, which, in Section 19-1-1, adopts by
20 reference the provisions of the Michigan Food Law of 2000, being MCL
21 289.1101 *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. 9-1-35. Investigation by Police Department required to confirm non-conviction of certain crimes.

(a) Upon application and before any license required by this division 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 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. 9-1-36. 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 division 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. 9-1-37. Buildings, Safety Engineering, and Environmental Department Business**
8 **License Center to take action upon application.**

9 Upon compliance with Sections 9-1-32 through 9-1-36 of this Code, the Buildings, Safety
10 Engineering, and Environmental Department Business License Center shall issue an annual license
11 for a business in accordance with Chapter 28 of this Code, *Licenses*.

12 **Sec. 9-1-38. 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 Motor Vehicle Service
15 Business 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 Motor Vehicle Service Business Licenses that are issued under this article shall
18 not be transferable.

19 **Sec. 9-1-39. Expiration date and renewal requirements.**

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

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

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

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

5 **Sec. 9-1-40. Suspension, revocation, or denial of renewal.**

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

8 **Secs. 9-1-41--9-1-50. Reserved.**

9 **Section 2.** This ordinance is hereby declared necessary to preserve the public peace, health,
10 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.** In the event this ordinance is passed by two-thirds (2/3) majority of City Council
14 Members serving, it shall be given immediate effect and become effective upon publication in
15 accordance with Section 4-118 of the 2012 Detroit City Charter. Where this ordinance is passed
16 by less than a two-thirds (2/3) majority of City Council Members serving, it shall become effective
17 on the thirtieth (30) day after enactment in accordance with Section 4-118 of the 2012 Detroit City
18 Charter.

Approved as to form:


Conrad L. Mallett
Corporation Counsel