



LAW DEPARTMENT

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March 27, 2023

Detroit City Council
1340 Coleman A. Young
Municipal Center
Detroit, Michigan 48226

Re: Amendment to Chapter 42 of the 2019 Detroit City Code, *Solid Waste and Illegal Dumping*, Article I, *Generally*, by renaming and amending Section 42-1-22 to, *Civil fines for violation of Sections 42-2-21, 42-2-22, 42-2-23, 42-2-26(b), 42-2-47, 42-2-53, 42-2-54, 42-2-80, and 42-2-101 of this Code; cost of removal incurred by City.*

Honorable City Council:

The Law Department has prepared an ordinance proposed by Councilwoman Gabriela Santiago-Romero. This ordinance would amend Chapter 42 of the 2019 Detroit City Code, *Solid Waste and Illegal Dumping*, Article I, *Generally*, by renaming and amending Section 42-1-22 to, *Civil fines for violation of Sections 42-2-21, 42-2-22, 42-2-23, 42-2-26(b), 42-2-47, 42-2-53, 42-2-54, 42-2-80, and 42-2-101 of this Code; cost of removal incurred by City*, to include and provide for the enforcement of Section 42-2-21, *Improperly stored or separated solid waste*. 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 concerning this proposed ordinance.

Respectfully submitted,

Jordan D. Miller

Jordan Miller
Assistant Corporation Counsel
Municipal Section

Enclosure

cc: Malik Washington, City Council Liaison

S U M M A R Y

This ordinance amends Chapter 42 of the 2019 Detroit City Code, *Solid Waste and Illegal Dumping*, Article I, *Generally*, by renaming and amending Section 42-1-22 to, *Civil fines for violation of Sections 42-2-21, 42-2-22, 42-2-23, 42-2-26(b), 42-2-47, 42-2-53, 42-2-54, 42-2-80, and 42-2-101 of this Code; cost of removal incurred by City*, to include and provide for the enforcement of Section 42-2-21, *Improperly stored or separated solid waste*.

1 **BY COUNCIL MEMBER _____:**

2 **AN ORDINANCE TO AMEND** This ordinance amends Chapter 42 of the 2019 Detroit
3 City Code, *Solid Waste and Illegal Dumping*, Article I, *Generally*, by renaming and amending
4 Section 42-1-22 to, *Civil fines for violation of Sections 42-2-21, 42-2-22, 42-2-23, 42-2-26(b), 42-*
5 *2-47, 42-2-53, 42-2-54, 42-2-80, and 42-2-101 of this Code; cost of removal incurred by City*, to
6 include and provide for the enforcement of Section 42-2-21, *Improperly stored or separated solid*
7 *waste*.

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

10 **Section 1.** Chapter 42 of the 2019 Detroit City Code, *Solid Waste and Illegal Dumping*, be
11 amended by amending Article I, Section 42-1-22 to read as follows:

12 **CHAPTER 42. SOLID WASTE AND ILLEGAL DUMPING**

13 **ARTICLE I. GENERALLY**

14 **Sec. 42-1-22.** Civil fines for violation of Sections 42-2-21, 42-2-22, 42-2-23, 42-2-26(b),
15 42-2-47, 42-2-53, 42-2-54, 42-2-80, and 42-2-101 of this Code; cost of removal incurred by
16 City.

17 (a) A person who violates Section 42-2-21, 42-2-22, 42-2-23, 42-2-26(b), 42-2-47, 42-
18 2-53, 42-2-54, 42-2-80, and 42-2-101 of this Code is responsible for a blight violation and is
19 subject to a civil fine of \$200.00 for the first offense and, in accordance with Section 42-1-41 of
20 this Code, is responsible for the cost of removal by the City.

21 (b) A person who violates Section 42-2-21, 42-2-22, 42-2-23, 42-2-26(b), 42-2-47, 42-
22 2-53, 42-2-54, 42-2-80, or 42-2-101 of this Code is responsible for a blight violation and is subject

1 to a civil fine of \$300.00 for the second offense and, in accordance with Section 42-1-41 of this
2 Code, is responsible for the cost of removal by the City.

3 (c) A person who violates Section 42-2-21, 42-2-22, 42-2-23, 42-2-26(b), 42-2-47, 42-
4 2-53, 42-2-54, 42-2-80, or 42-2-101 of this Code is responsible for a blight violation and is subject
5 to a civil fine of \$500.00 for the third offense and, in accordance with Section 42-1-41 of this Code,
6 is responsible for the cost of removal by the City.

7 (d) A person who violates Section 42-2-21, 42-2-22, 42-2-23, 42-2-26(b), 42-2-47, 42-
8 2-53, 42-2-54, 42-2-80, or 42-2-101 of this Code is responsible for a blight violation and is subject
9 to a civil fine of \$1,000.00 for the fourth or subsequent offense and, in accordance with Section
10 42-1-41 of this Code, is responsible for the cost of removal by the City.

11 (e) Each day on which any violation of Section 42-2-21, 42-2-22, 42-2-23, 42-2-
12 26(b), 42-2-47, 42-2-53, 42-2-54, 42-2-80, or 42-2-101 of this Code continues shall constitute a
13 separate violation. The imposition of a fine under this section shall not be construed to excuse or
14 to permit the continuation of any violation and, upon a blight violation determination, the violator
15 may be subject to a civil fine for each day the violation continues. The determination as to whether
16 an act or a failure to act is a continuing violation is within the discretion of the hearings officer.

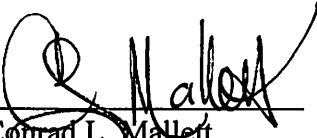
17 **Section 2.** This ordinance is hereby declared necessary to preserve the public peace, health,
18 safety, and welfare of the People of the City of Detroit.

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

21 **Section 4.** In the event this ordinance is passed by two-thirds (2/3) majority of City Council
22 Members serving, it shall be given immediate effect and become effective upon publication in
23 accordance with Section 4-118 of the 2012 Detroit City Charter. Where this ordinance is passed

- 1 by less than a two-thirds (2/3) majority of City Council Members serving, it shall become effective
- 2 on the thirtieth (30) day after enactment, in accordance with Section 4-118 of the 2012 Detroit City
- 3 Charter.

Approved as to form:



Conrad L. Mallett
Corporation Counsel