

ORDINANCE NO. 2021-27
 CHAPTER 8
 ARTICLE XV

AN ORDINANCE to amend Chapter 8 of the 2019 Detroit City Code, *Building Construction and Property Maintenance*, Article XV, *Property Maintenance Code*, Division 1, *In General*, by amending Section 8-15-11 to provide civil penalties for violation of Certificate of Registration of Waterbody Barrier requirements.

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

Section 1. Chapter 8 of the 2019 Detroit City Code, *Building Construction and Property Maintenance*, Article XV, *Property Maintenance Code*, Division 1, *In General*, be amended by amending Section 8-15-11 to read as follows:

CHAPTER 8. BUILDING CONSTRUCTION AND PROPERTY MAINTENANCE
ARTICLE XV. PROPERTY MAINTENANCE CODE
DIVISION 1. IN GENERAL

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

(a) The following schedule of civil fines shall be assessed and paid at the Department of 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
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
III. Failure of the owner to obtain a Certificate of Compliance in violation of Section 8-15-35 of this Code.	\$250.00	\$500.00	\$1,000.00
IV. Failure of the owner to obtain a Certificate of Registration for Vacant Property in violation of Section 8-15-45 of this Code.	\$250.00	\$375.00	\$500.00
V. Failure of the owner to obtain a Certificate of Registration of Rental Property in violation of Section 8-15-81 of this Code.	\$250.00	\$350.00	\$500.00
VI. Failure to obtain a Lead Clearance for Rental Property in violation of Section 8-15-83 of this Code.			
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

	Third and First Offense	Second Repeat Offense	Subsequent Repeat Offense
VII. 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
VIII. Weeds or plant growth in violation of Section 8-15-104 of this Code.			
	\$50.00	\$125.00	\$250.00
IX. Rodent harborage in violation of Section 8-15-105 of this Code.			
	\$100.00	\$250.00	\$500.00
X. 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
XI. 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
XII. 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
XIII. Failure to obtain a Certificate of Collection Box Maintenance in violation of Section 8-15-531 of this Code.			
	\$250.00	\$500.00	\$1,000.00
XIV. Failure of the owner to obtain a Certificate of Registration of Waterbody Barrier in violation of Section 8-15-552 of this Code.			
	\$250.00	\$500.00	\$1,000.00

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

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

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

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

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

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

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

(i) Pursuant to Section 4q(3) of the Michigan Home Rules City Act, being MCL 117.4q(3), and Section 3-2-52(4) of the 2019 Detroit City Code, a hearings officer at the Blight Administrative Hearings Bureau may waive a fine for a blight violation at an owner-occupied dwelling, or for an owner who is verified as "low income," provided, that

such owner is a first-time violator of the Code and the violator has corrected the circumstances of the violation. For purposes of this subsection, an owner shall qualify as "low income:"

(1) Where the owner establishes that his or her household income is at or below 50 percent of the median household income for the City of Detroit as determined by the most recent United States Census;

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

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

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

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

Section 4. This ordinance shall become effective July 1, 2022 after publication in accordance with Section 4-118(3) of the 2012 Detroit City Charter.

Section 5. This ordinance shall not take effect unless the companion ordinance amending Chapter 8 of the 2019 Detroit City Code, *Building Construction and Property Maintenance*, Article XV, *Property Maintenance Code*, Division 4, *Property Maintenance Requirements*, to add Subdivision C, *Registration of Waterbody Barriers*, is enacted.

(J.C.C. Page):
Passed:
Approved:
Published:
Effective:

July 27, 2021
September 28, 2021
September 29, 2021
October 6, 2021
July 1, 2022

JANICE M. WINFREY
City Clerk

