

ORDINANCE NO. 2021-26  
 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*:

(1) By amending Division 1, *Generally*, Section 8-15-3, *Definitions A-B*, to add the terms “breach” and “bulk storage”, Section 8-15-4, *Definitions C*, to amend the term “Certificate of Compliance” and to add the terms “Certificate of Registration of Waterbody Barrier”, and “Contaminant”, Section 8-15-5, *Definitions D-F*, to add the terms “environmental contamination”, “environmental investigation”, and “facility”, Section 8-15-6, *Definitions G-K*, to add the terms “geotechnical report”, “hazardous substance”, and “impacted resident”, Section 8-15-7, *Definitions L-O*, to add the term “operations with heavy equipment utilization,” Section 8-15-8, *Definitions P-R*, to amend the term “person” and to add the terms “release” and “response activity”, and Section 8-15-9, *Definitions S-Z*, to add the terms “seawall report”, “substantial number of limited English-speaking persons”, “threat of release”, “waterbody”, “waterbody barrier”, and “waterbody property”; and

(2) By adding Division 6, *Waterbody Barriers*, which shall consist of Section 8-15-551, *Purpose*; 8-15-552, *Applicability; exceptions*; Section 8-15-553, *Registration of Waterbody Barrier required; application*; Section 8-15-554, *Issuance of registration; renewal*; Section 8-15-555, *Establishment, approval, publication, and payment of fees*; Section 8-15-556, *Inspections required; timing*; Section 8-15-557, *Registry; effect of sale or transfer of property*; Section 8-15-558, *Enforcement; revocation of Certificate of Registration of Waterbody Barrier*; 8-15-559, *Notice of emergency conditions; requirements*; Section 8-15-560, *Reporting requirements*; Section 8-15-561, *Promulgation of rules*; and Section 8-15-562, *Standards; inspections and guidelines*; to set forth the purpose of the subdivision; to set forth the applicability of the subdivision and relevant exceptions; to establish registration, application and renewal procedures; to require a registry of waterbody bar-

riers; to set forth the effect of sale or transfer of property on a certification of registration of waterbody barrier; to require inspections and set forth the timing of such inspections; to establish fees; to establish enforcement and revocation protocols; to require notice of emergency conditions and set forth requirements; to add reporting requirements; to require promulgation of procedural rules; and to require standards for seawall inspections and guidelines for engineer seawall reports.

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*, be amended by amending Division 1, *Generally*, Sections 8-15-3, 8-15-4, 8-15-5, 8-15-6, 8-15-7, 8-15-8, and 8-15-9, and by adding Division 6, *Waterbody Barriers*, which consists of Sections 8-15-551 through 8-15-562, to read as follows:

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

**Sec. 8-15-3. Definitions: A – B.**

For purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Abatement* or *abated* means a measure or set of measures designed to permanently eliminate lead-based paint hazards and includes:

(1) The removal of lead-based paint hazards and dust lead hazards, the permanent enclosure or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures, the removal or covering of soil lead hazards, and all preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures, which shall be performed by a State-certified lead abatement firm;

(2) A project for which there is a written contract or other documentation which provides that a person will be conducting activities in or to a residential dwelling or child-occupied facility that will result in the permanent elimination of lead hazards or that are designed to permanently eliminate lead hazards;

(3) A project resulting in the permanent

elimination of lead-based paint hazards, conducted by a person certified pursuant to the Michigan Lead Abatement Act, being MCL 333.5451 *et seq.*, except a project that is otherwise exempt under the Act;

(4) A project resulting in the permanent elimination of lead hazards, conducted by a person who, through such person's company name or promotional literature, represents, advertises, or holds themselves out to be in the business of performing lead-based paint activities, except a project that is exempt under the Michigan Lead Abatement Act; and

(5) A project resulting in the permanent elimination of lead hazards that is conducted in response to a state or City abatement order, but does not include:

a. Renovation, remodeling, landscaping, or other activity, where the activity is not designed to permanently eliminate lead hazards, but is instead designed to repair, restore, or remodel a dwelling even though the activity may incidentally result in a reduction or elimination of a lead hazard;

b. An interim control, operation, maintenance activity, or other measure or activity designed to temporarily, but not permanently, reduce a lead hazard;

c. Any lead-based paint activity performed by the owner of an owner-occupied residential dwelling or an owner-occupied multifamily dwelling containing four or fewer units where the activity is performed only in that owner-occupied unit of the multifamily dwelling; and

d. The scraping or removal of paint, painting over paint, or other similar activity that may incidentally result in a reduction or elimination of a lead hazard.

*Adult foster care facility* means a governmental or nongovernmental establishment which principally receives adults for foster care, including a foster care family home for adults who:

(1) Are aged, emotionally disturbed, developmentally disabled or physically handicapped;

(2) Require supervision on an ongoing basis; and

(3) Do not require continuous nursing care, but excludes a nursing home, a home for the aged, a hospital, a hospital for the mentally ill, a county infirmary, and a facility operated for the developmentally disabled by the Michigan Department of Health and Human Services.

*Apartment* means a one-family living space having one or more rooms located within a building, and containing a kitchen equipped with a sink and a bathroom equipped with a bathtub or shower, a lavatory, and a toilet or water closet.

*Approved* means approved by the Building Official or the Public Health Director, or a device, material or practice that meets acceptable industry standards or an apparatus or a method which, by demonstration or test, has proven workable for its intended use.

*Approved containers* means receptacles designated for use in specific areas, or for specific uses by the Director of the Department of Public Works, which are limited to Courville containers, large movable or stationary containers, and portable containers, as defined in this section.

*Authorized local official* means a police officer, or other City employee or agent, who is authorized to issue blight violations in accordance with this article and Section 1-1-10 of the 2019 Detroit City Code that are designated as blight violations.

*Basement* means that portion of a building or structure which is partly or completely below grade.

*Bathroom* means a room containing plumbing fixtures, including a bathtub or shower.

*Bedroom* means any room or space used, or intended to be used, for sleeping purposes.

*Blight violation* means any unlawful act, or any omission or failure to act, which is designated by the 2019 Detroit City Code as a blight violation pursuant to Sections 4l(4) and 4q(4) of the Michigan Home Rule City Act, being MCL 117.4l(4) and 117.4q(4).

*Blight violation determination* means a determination that:

(1) An alleged violator is responsible for one or more blight violations as a result of the admission of responsibility for the allegation in a blight violation notice; or

(2) After an administrative hearing that a person is or is not responsible for one or more blight violations; or

(3) As a result of a decision and order of default for failing to appear as directed by the blight violation notice, or other notice regarding one or more blight violations, at a scheduled appearance at the Blight Administrative Hearings Bureau in accordance with Section 4q(8)(c) of the Michigan Home Rule City Act, being MCL 117.4q(8)(c).

*Blight violation notice* means a written violation notice prepared by an authorized local official, which directs an alleged violator:

(1) To pay the civil fine specified in the notice, including any required fees or costs, for one or more blight violations in accordance with the fines, fees, or costs specified in this article; and

(2) To appear at the Blight Administra-

tive Hearings Bureau regarding the occurrence or existence of one or more blight violations pursuant to Section 4q(8) of the Michigan Home Rule City Act, being MCL 117.4q(8).

*Blight violation proceeding* means an administrative process that results in a blight violation determination.

*Breach* means any opening, break-through, structural failure, or complete or partial collapse of a waterbody barrier and prevents the stabilization of the waterbody barrier but does not include a few rocks falling into the water or other de minimis occurrences.

*Building* means a permanent structure that is constructed or used for a residential or non-residential purpose, or any permanent accessory structure or facility used in conjunction with such use.

*Building Official* means a person who is:

(1) Appointed and employed at the Buildings, Safety Engineering, and Environmental Department;

(2) Charged, as required in Section 202, *Definitions*, and Chapter 35, *Referenced Standards*, MI (Michigan Department of Licensing and Regulatory Affairs), of the 2015 Michigan Building Code, with the administration and enforcement of the Michigan Building Code, the Michigan Electrical Code, the Michigan Mechanical Code, the Michigan Plumbing Code, the Michigan Rehabilitation Code for Existing Buildings, the Michigan Residential Code, and the Michigan Energy Code;

(3) Charged with the administration and enforcement of the Detroit Elevator Code, Detroit Manlifts Code, Detroit Material Hoists Code, Detroit Personnel Hoists Code, and Detroit Powered Platforms Code; and

(4) Registered in accordance with the Michigan Building Officials and Inspectors Registration Act, being MCL 338.2301 through 338.2313.

*Buildings, premises, and structures* means all properties, equipment, and facilities which are part of, or used in conjunction with, any existing residential and nonresidential building, premises, or structure, including any vacant building.

*Bulk storage* means properties where operations that involve "tank storage of bulk oil or gasoline" as described in Chapter 50 of this Code, Zoning, or "built solid material facilities" as defined in the Section 42-1-1 of the Code.

**Sec. 8-15-4. Definitions: C.**

For purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Certificate of Collection Box Maintenance* means a certificate issued by the Buildings, Safety Engineering, and Environmental Department, which states that a collection box complies with the requirements of this article.

*Certificate of Compliance* means a certificate issued by the Buildings, Safety Engineering, and Environmental Department, which states that a building, premises or structure, geotechnical report when required or a portion thereof, complies with the requirements of this article.

*Certificate of Registration of Rental Property* means a certificate issued by the Buildings, Safety Engineering, and Environmental Department, which states that a rental property complies with the requirements of this article.

*Certificate of Registration of Vacant Property* means a certificate issued by the Buildings, Safety Engineering, and Environmental Department, which states that a vacant property has been registered.

*Certificate of Registration of Waterbody Barrier* means a certificate issued by the Buildings, Safety Engineering, and Environmental Department, which states that a waterbody barrier complies with the requirements of this article.

*Certified abatement worker* means an individual who has been trained to perform lead abatement through an accredited training program and who is certified by the Michigan Department of Health and Human Services to perform lead abatement.

*Certified clearance technician* means an individual who has completed an approved training course and is certified by the Michigan Department of Health and Human Services to perform lead-clearance testing on interim controls or non-abatement/renovation projects to ensure that lead dust has been removed.

*Certified lead inspector* means an individual who has been trained by an accredited training program and certified by the Michigan Department of Health and Human Services to conduct lead-based paint inspections for the purpose of identifying lead-based paint and take samples for the purpose of lead-abatement clearance testing.

*Certified renovator* means an individual who has successfully completed a lead hazard renovator course provided by an accredited training program for which the Michigan Department of Health and Human Services, who has been issued a certificate to perform lead hazard renovations, or who directs or subcontracts to others under their supervision to perform lead hazard renovations.

*Certified risk assessor* means an individual who has been trained by an accredited training program and certified by the Michigan Department of Health and Human Services to conduct evaluations, lead-based paint inspections, and risk assessments for lead-based paint hazards, and to take samples for the presence of lead in paint and dust for the purpose of post-remedy inspection and certification.

*Charitable organization* means a benevolent, educational, philanthropic, humane, patriotic, or eleemosynary organization of persons that solicits or obtains contributions from the public for charitable purposes and includes a chapter, branch, area office, or similar affiliate or person soliciting contributions within the state for a charitable organization that has its principal place of business outside the state.

*Clear vision triangle* means the area formed by extending the two curb lines a distance of 45 feet from their point of intersection, and connecting these points with an imaginary line, thereby making a triangle.

*Clearance examination* means an activity conducted following lead-based paint hazard reduction activities to determine that the hazard reduction activities are complete and that no lead-based paint hazards, as defined in this section, exist in the dwelling unit or work site.

*Co-box controller* means any person who owns or otherwise is in control of a collection box used to solicit collections of salvageable personal property.

*Collection box* means any unattended container, receptacle, or similar device that is located outdoors on any parcel or lot of record within the City of Detroit and that is used for soliciting and collecting clothing, household items, or other salvageable personal property, but does not include recycle bins solely used for the collection of recyclable material, garbage receptacles, approved containers, as defined by Section 42-1-1 of this Code, or any collection box enclosed in a building.

*Commercial box servicing* means every 21 days the collection box shall be:

(1) Power washed, both inside and outside, in a manner that disinfects to prevent infestation;

(2) Cleared of all graffiti, tags, and gang markings;

(3) Repaired, which includes the removal of any large dents which change the surface structure of the box, fixing any mechanisms that enable the collection box to stay locked and secured, and replacing the collection box when it cannot be repaired on location; and

(4) Cleaned such that the surrounding area is free of any solid waste, as defined by Section 8-15-9 of this Code, clothes, and any other donated items.

*Community establishments* means all businesses, non-profit organizations, churches, governmental agencies, and other such institutions which cannot be classified as residential structures, as well as residential structures containing five or more household units.

*Commercial solid waste* means:

(1) The solid waste resulting from the operation of commercial establishments; and

(2) Construction solid waste, but does not include domestic solid waste.

*Community residential home* means a location which provides shelter to prisoners placed pursuant to Section 65a of the Michigan Department of Corrections Act, being MCL 791.265a.

*Condemnation* means to determine a structure unfit for occupancy.

*Condominium* means that portion of a condominium conversion or project designed and intended for separate ownership and use, as described in the master deed, regardless of whether intended for residential, office, industrial, business or recreational use, or use as a time share unit, or any other type of use.

*Construction solid waste* means waste from buildings construction, alteration, demolition or repair, and dirt from excavations.

*Containment* means a process to protect workers and the environment by controlling exposure to a dust lead hazard and debris created during lead abatement.

*Contaminant* means, but is not limited to, any element, hazardous substance, compound, or mixture, including disease causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions, including malfunctions in reproduction, or physical deformations, in such organisms or their offspring.

*Correction notice* means a written notice of a violation that, if not cured within the time period stated in the notice, will result in the issuance of a blight violation notice.

*Courville containers* means receptacles which are 100, 300 or 400 gallons in capacity, are the property of the City, are

provided by the Department of Public Works for use at residential structures and commercial establishments, and are mechanically emptied.

**Sec. 8-15-5. Definitions: D – F.**

For purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Debris* means the remains of an item broken down or destroyed.

*Designated transitional housing* means housing which is defined by the United States Department of Housing and Urban Development, in 24 CFR 577.5 as "transitional housing" or in 24 CFR 583.5 as "supportive housing."

*Deteriorated paint* means paint or other surface coating that is cracking, flaking, chipping, peeling, or otherwise damaged or separating from the substrate of a building component, unless the deteriorated paint surfaces total no more than:

(1) Twenty square feet on exterior surfaces;

(2) Two square feet in any one interior room or space; or

(3) Ten percent of the total surface area on an interior or exterior type of component with a small surface area.

*Domestic solid waste* means the solid waste resulting from the usual routine of housekeeping, but does not include commercial solid waste.

*Dust-lead hazard* means surface dust in a residential dwelling that contains a concentration of lead at or in excess of levels identified by the EPA pursuant to Section 403 of Title IV of the Toxic Substances Control Act, being 15 USC 2683, or as otherwise defined by rule.

*Dwelling or dwelling unit* means a single unit providing complete, independent living facilities occupied, or intended to be occupied, in whole or in part, by one or more persons, including permanent space and provisions for living, cooking, eating, sanitation, and sleeping.

*Emergency* means any condition in a building, premises, or structure that reasonably constitutes a threat to the public interest, safety, or welfare.

*Emergency shelter* means a facility which provides congregate-style temporary lodging either with or without meals and ancillary services on the premises to primarily the homeless for more than four weeks in any calendar year but does not provide such lodging to any individual:

(1) Who is required because of age, mental disability or other reason to reside either in a public or in a private institution; or

(2) Who is imprisoned or otherwise detained pursuant to either federal or state law, and excludes an adult foster care facility, designated transitional housing, home for the aged, a nursing home, a temporary emergency shelter, and a warming center.

*Encapsulant* means an ASTM compliant coating that forms a barrier between lead-based paint and the environment using a liquid-applied coating, with or without reinforcement materials, or an adhesively bonded covering material.

*Encapsulation* means the application of an encapsulant.

*Enclosure* means the use of rigid, durable construction materials that are mechanically fastened to the substrate in order to act as a barrier between lead-based paint and the environment.

*Environmental contamination* means the release of a contaminant, or the potential release of a discarded contaminant, in a quantity which is, or may become, injurious to the environment or to the public health, safety, or welfare.

*Environmental investigation* means any health, safety or environmental site assessment, investigation, study, review, audit, or compliance review conducted at any time concerning any Real Property or the business operations or activities of any Company or Affiliate of any Company, including, without limitation:

(1) Air, soil, groundwater or surface water sampling and monitoring;

(2) Repair, cleanup, remediation, or detoxification;

(3) Preparation and implementation of any closure, remedial, spill, emergency or other plans; and

(4) Any health, safety or environmental compliance audit or review.

*EPA RRP Certification* means the Lead Safe Certification for Renovation, Repair, and Painting certification as provided by the United States Environmental Protection Agency.

*Evaluation* means a risk assessment, a lead-hazard screen, a lead-based paint inspection, paint testing, or a combination of these to determine the presence of lead-based paint hazards or lead-based paint.

*Exterior property* means the open space on the premises and on adjoining premises or property under the control of owners or operators of such premises and property.

*Extermination* means the control and elimination of insects, rats or other pests by eliminating their harborage places, or by removing or making inaccessible materials that serve as their food, or by

fumigating, poisoning, spraying, trapping or any other approved pest elimination method, or by a combination thereof.

*Facility* means any area, place, parcel or parcels of property, or portion of a parcel of property where a contaminant in excess of the concentrations that satisfy the cleanup criteria for unrestricted residential use has been released, deposited, stored, disposed of, or otherwise has come to be located.

*Final decision and order* means a final decision by an administrative hearings officer that a blight violation does or does not exist and constitutes a judgment for purposes of judicial review which may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

*Friction surface* means an interior or exterior surface that is subject to abrasion or friction, including, but not limited to, certain window, floor, and stair surfaces.

**Sec. 8-15-6. Definitions: G – K.**

For purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Garbage* means, as defined by Section 11503 of the Michigan Natural Resources and Environmental Act, being MCL 324.11503, rejected food wastes including waste accumulation of animal, fruit, or vegetable matter used or intended for food or that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit, or vegetable matter.

*Geotechnical report* means a report used to define and evaluate the existing geotechnical condition of the property including the stability and suitability for its current or proposed use, conducted by a licensed professional engineer or licensed professional geologist with relevant experience and expertise.

*Good repair* means to be properly installed, safe, stable, and maintained sufficiently free of defects or deterioration so as to be functional for current use.

*Graffiti* means any drawing, lettering, illustration, inscription, design, or other marking that is etched, painted, sprayed, drawn, or otherwise caused to be displayed on the exterior of any building, premises or structure, but does not mean an art mural or sign as defined in Section 4-1-1 of this Code, building identification under Section 8-15-202 of this Code, any sign permitted by the Chapter 50 of this Code, *Zoning*, or any decoration that is part of the architectural design of the building entrance.

*Guard* means a building component, or

a system of building components, located at or near the open sides of elevated walking surfaces that minimize the possibility of a fall from the walking surface to a lower level.

*Habitable space* means space in a structure for living, eating, cooking or sleeping, but does not mean bathrooms, closets, halls, storage or utility spaces, toilet rooms, or similar areas.

*Hazard reduction* means measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods, including interim controls or abatement or a combination of the two.

*Hazardous condition* means a condition which may result in the death, injury, or illness of a person or in severe damage to a building, premises, or structure.

*Hazardous substance* means one or more of the following:

(1) As likewise defined in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), being 42 U.S.C. § 9601 *et seq.*; and

(2) As likewise defined in Section 2-6-1 of this Code, any chemical or other material defined as a hazardous substance under Part 201 of the Michigan Natural Resources and Environmental Protection Act, being MCL 324.20101 *et seq.*, and any rules promulgated thereunder.

*Homeless* means an individual who, or family which, lacks a fixed, regular and adequate nighttime residence, or whose primary nighttime residence is:

(1) A supervised publicly or privately operated shelter designed to provide temporary living accommodations; or

(2) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

*Hotel* means any building containing guest rooms, which are intended or designed to be used, rented, or hired out by transient persons or by a transient family.

*Household units* means the individual residences of the residents of the City.

*HUD Visual Assessment Certification* means the Lead Based Paint Visual Assessment Certification as provided by the United States Department of Housing and Urban Development.

*Imminent danger* means a condition which could cause serious or life-threatening injury, or death, to persons at any time due to the maintenance, or lack of maintenance, of a building, premises, or structure.

*Impact surface* means an interior or

exterior surface that is subject to damage by repeated sudden force, such as certain parts of door frames.

*Impacted resident* means any resident in the affected area whose water supply may be compromised.

*Infestation* means the presence of insects, rats, vermin or other pests within, or contiguous to, a building, premises, or structure.

*Interim controls* means a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, including, but not limited to, specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs.

**Sec. 8-15-7. Definitions: L – O.**

For purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Labeled* means appliances, devices, equipment, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization that is concerned with product evaluation and maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

*Large movable or stationary containers* means receptacles which are two cubic yards, three cubic yards, six cubic yards or larger in capacity and are mechanically emptied.

*Lead-based paint* means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or more than 0.5 percent by weight.

*Lead-based paint hazard* means any of the following conditions:

(1) Any lead-based paint on a friction surface, or on an impact surface, such as windows or doors, unless they are replacement items that were manufactured after 1978, or unless a lead inspection is performed by a certified lead inspector or risk assessor to verify that the surfaces do not contain lead-based paint; or

(2) Any lead-based paint on a friction surface, or on an impact surface, such as windows or doors, where the lead dust levels on the nearest horizontal surface are equal to or greater than the dust-lead hazard levels identified in rules promul-

gated under the Michigan Lead Abatement Act, being MCL 333.5451 *et seq.*; or

(3) Any damaged or otherwise deteriorated lead-based paint on an impact surface that is caused by impact from a related building component; or

(4) An interior or exterior surface painted with lead-based paint that a young child can mouth or chew and includes an "accessible surface" as defined in Section 4851b(2) of the Residential Lead-Based Paint Hazard Reduction Act, being 42 USC 4851 *et seq.*, provided, that hard metal substrates and other materials, which cannot be dented by the bite of a young child, are not considered chewable; or

(5) Any other deteriorated lead-based paint in or on any residential building or child-occupied facility; or

(6) Surface dust in a residential dwelling or child-occupied facility that contains lead in a mass-per-area concentration equal to or exceeding the levels established by rules promulgated under the Michigan Lead Abatement Act, being MCL 333.5451 *et seq.*; or

(7) Bare soil on residential rental property that contains lead equal to or exceeding levels established by rules promulgated under the Michigan Lead Abatement Act, being 333.5451 *et seq.*; or

(8) A porch that is found to contain more than 40 ug. per square foot of leaded dust.

*Lead clearance* means:

(1) A residential dwelling that has undergone interim controls or abatement to reduce or control lead-based paint hazards, and the owner has received a post-remedy clearance report from a certified clearance technician or, for interim controls only, a certified inspector or risk assessor; or

(2) The owner of a residential rental property has received report from a certified lead inspector or risk assessor that lead paint exists on the rental property, but there are no lead-based paint hazards on the rental property; or

(3) The owner of a residential rental property has received a report from a certified lead inspector or risk assessor that lead-based paint does not exist on the rental property.

*Lead inspection* means a surface-by-surface investigation to determine the presence of lead paint and the provision of a report explaining the results of the investigation.

*Let* means to permit, provide or offer possession or occupancy of a dwelling,

dwelling unit, rooming unit, building, premises, or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

*Litter* means, as defined by Section 8901 of the Michigan Natural Resources and Environmental Protection Act, being MCL 324.8901, all rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, debris, or other foreign substances.

*Loft* means a dwelling unit in a building originally constructed for other than residential use containing one or more rooms or enclosed floor spaces arranged for living, eating, sleeping, and/or a home occupation, which contains bathroom and kitchen facilities, subject to the conditions specified in Chapter 50 of the 2019 Detroit City Code, *Zoning*.

*Motel* means a building, or a group of buildings, on a single zoning lot, that contains rooming or dwelling units which may or may not be independently accessible from the outside, designed for or primarily occupied by transients and may include any such building or building group that is designated as a hotel, motor lodge, motor inn, or any other name intended for identification as providing lodging for compensation, and that is with or without a general kitchen and public dining room for use by the occupants.

*Motor vehicle* means any vehicle that is self-propelled and used for transportation of persons or goods.

*Multiple dwelling* means any building containing three or more rooming or dwelling units.

*Multiple-use building* means any building containing two or more areas or spaces of different occupancies.

*Noxious weeds* means plants such as Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (charlock, black mustard and Indian mustard, species of *Brassica* or *Sinapis*), wild carrot (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchus arvensis*), hoary alyssum (*Bertiera incana*), giant hogweed (*Heraclium mantegazzianum*), ragweed (*Ambrosia elatior* 1.) and poison ivy (*Rhus toxicodendron*), poison sumac (*Toxicodendron vernix*), or other plant which, in the opinion of the Public Health Director, is regarded as a common nuisance.

*Nursing home* means a facility which provides organized nursing care and medical treatment to seven or more unre-

lated individuals suffering or recovering from illness, injury or infirmity, and which is not a unit in a correctional facility that is operated by the Michigan Department of Health and Human Services.

*Occupancy* means the purpose for which a building or structure is utilized or occupied.

*Occupant* means any individual living or sleeping in a building or structure, or having possession of a space within a building or structure.

*Openable area* means that part of a window, skylight, or door which is available for unobstructed ventilation and which opens directly to the outdoors.

*Operations with heavy equipment utilization* means operations that utilize heavy construction or earth-moving equipment or that includes docks or wharves, waterway shipping/freighters.

*Operator* means any person who is in charge, or has the care or control of a building, premises or structure, which is let, offered or rented for occupancy.

*Owner* means any person, agent, operator, firm or corporation having a legal or equitable interest in the building, premises or structure, or is recorded in the official records of the state, the County, or the City as holding title to the building, premises or structure, or otherwise has the legal responsibility for the control and maintenance of the building, premises or structure, including the conservator or guardian of the estate of any such person, the executor or administrator of the estate of such person where ordered to take possession of a building, premises, or structure by a court, or is the taxpayer of record. **Sec. 8-15-8. Definitions: P – R.**

For purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Permanent* means an expected design life of at least 20 years.

*Person* means an individual, partnership, firm, company, corporation, association, sole proprietorship, limited liability company, joint venture, estate, trust, or any other legal entity.

*Portable containers* means receptacles which are not more than 30 gallons in capacity and are manually emptied.

*Post-remedy clearance report* means a report from a certified clearance technician, for interim controls only, or a certified lead inspector or certified risk assessor that:

- (1) Identifies the lead-based paint hazards in the rental property; and
- (2) Certifies that the lead-based paint

hazards have been abated or reduced by interim controls pursuant to standards under the Michigan Lead Abatement Act, being MCL 333.5451 *et seq.*

*Premises* means a lot, plot or parcel of land, including any buildings or structures thereon.

*Property* means real property, including attachments and fixtures.

*Public Health Director* means the Director and Health Officer of the Detroit Health Department.

*Rat control* means the distribution of rat poison or the setting of rat traps or fumigation or such other methods of rat eradication as may be approved by the Public Health Director.

*Rat harborage* means any condition under which rats may find shelter or protection.

*Ratproof or ratproofing* means a form of construction which will prevent the ingress or egress of rats to or from a given space or buildings, or will prevent rats from gaining access to food, water or harborage and consists of closing and keeping closed by the use of material impervious to rat gnawing of every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk openings and other places that may be reached and entered by rats by climbing, burrowing or other methods.

*Reduction or reduce* means measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods, including, but not limited to, interim controls and abatement.

*Release* means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of a contaminant into the environment.

*Rental property* means a non-owner-occupied dwelling unit or dwelling units that:

(1) Is or are let or occupied by persons, including a family member of the owner, pursuant to an oral or written rental contract, or lease, or other oral or written agreement or understanding for occupation, with or without monetary compensation; or

(2) Will be offered for occupancy under an oral or written rental contract or lease, or other oral or written agreement or understanding for occupation, with or without monetary compensation to any person; or

(3) Is or are contained within a building with two or more dwelling units that are not occupied by the owner; or

(4) Has or have been advertised to the public or previously registered with the City as rental property.

*Repeat offense* means a second, or any subsequent, blight violation determination regarding a blight violation notice that is made within one year for the same blight violation, except for a determination by an administrative hearings officer that a person is not responsible for a blight violation for the first or subsequent violation.

*Residential structure* means the household units of the residents of the City.

*Response activity* means, as likewise defined in Section 20101(1) of NREPA, being MCL 324.20101(1) evaluation, interim response activity, remedial action demolition, providing an alternative water supply, or the taking of other actions necessary to protect the public health, safety or welfare, or the environment or the natural resources, and includes health assessments or health effect studies carried out under the supervision or with the approval of the Department of Community Health and enforcement actions related to any response activity.

*Retaliatory action* means any action that materially alters the terms of the tenancy of the premises such as an increase in rent, termination of a lease or tenancy, or interference with the tenants' occupancy or use of the premises.

*Risk assessment* means both of the following:

(1) An on-site investigation conducted by a certified risk assessor to determine the existence, nature, severity, and location of a lead-based paint hazard; and

(2) The provision of a report by the person conducting the risk assessment explaining the results of the investigation and options for reducing the lead-based paint hazard.

*Rooming house* means a building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

*Rooming unit* means any room, or group of rooms, that form a single habitable unit occupied, or intended to be occupied, for sleeping or living, but not for cooking purposes.

*Rubbish* means, as defined by Section 11505 of the Michigan Natural Resources and Environmental Act, being MCL 324.11505, non-putrescible solid waste, excluding ashes, consisting of both combustible and noncombustible waste, including paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, or litter of any kind that may be a detriment to the public health and safety.

**Sec. 8-15-9. Definitions: S – Z.**

For purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Sanitary condition* means a clean condition which guards against disease, illness or infection, or the growth of harmful bacteria.

*Seawall report* means a report prepared by a licensed professional civil engineer with relevant experience and expertise, to provide data on the structural integrity of the seawall above and below the water. The underwater portion of the assessment may be completed by camera, drone, diver, or other methods determined appropriate by a licensed professional civil engineer.

*Secured by other than normal* means a building secured in a manner other than one used in the construction, design, or approved plans for the building, or other than as required by Section 8-15-113 of this Code.

*Shelter* means either an emergency shelter or a shelter for victims of domestic violence.

*Shelter for victims of domestic violence* means a residential facility which provides temporary accommodation and support to victims of domestic violence either with or without their minor children, and which is operated by a non-profit, charitable, or a religious agency that meets the precontract standards of the Michigan Domestic Violence Prevention and Treatment Board, but does not include an adult foster care facility, a community residential home, or a substance abuse service facility.

*Solid waste* means any material defined as a solid waste within the meaning of Section 11506 of the Natural Resources and Environmental Protection Act, being MCL 324.11506, and includes debris, garbage, litter, and rubbish, as defined by this section.

*Structure* means that which is built or constructed.

*Substance abuse service facility* means an establishment which is used on an outpatient basis for the dispensing of compounds or prescription medicines directly to persons that have drug or alcohol abuse problems, but excludes a generally recognized pharmacy or licensed hospital that dispenses prescription medicines.

*Substantial number of limited English-speaking persons* means persons who are members of a population that constitutes at least five percent or 10,000 residents who speak a shared language other than English, as those languages are

determined based on a variety of relevant sources, including, but not limited to, United States Census data, intake data collected by City departments, and data on telephonic language translation service requests or usage.

*Temporary Certificate of Compliance* means a certificate issued by the Buildings, Safety Engineering, and Environmental Department stating that a building, premises, or structure, or a portion thereof, has been found to be safe for its intended purpose and use, is in substantial compliance with this article, and provides for an expiration date of less than six months from the date of issuance that is conditionally extendable in writing by the Building Official.

*Temporary emergency shelter* means a building which is opened on an urgent basis to provide shelter for the homeless from the elements for not more than four weeks in any calendar year, including those operated in concert by churches and other religious organizations that permit the homeless to utilize their facilities as a place of lodging on a weekly rotating basis.

*Tenant* means a person, corporation, partnership or group, whether or not the legal owner of record, who or which occupies a building or structure.

*Threat of release* means any circumstance that may reasonably be anticipated by determination of a City department inspector to cause a release.

*Toilet room* means a room containing a water closet or urinal, but not a bathtub or shower.

*Townhouse* means a single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with no side yards except end units which have one side yard.

*Vacant building* means a building or structure that is unoccupied for more than 30 days, is unsecured, is secured by other than normal means, as defined in this section, is illegally occupied, or poses an imminent danger to the health and safety of surrounding residents and properties or to the general public by being unsafe as determined by an authorized local official, including, but not limited to, the existence of a fire hazard, a collapsed or dilapidated portion, the loss of a utility, or an unsanitary condition.

*Ventilation* means the natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

*Vermis* means small animals, such as mice, and insects, such as bedbugs and

lice, that tend to occur in great numbers, are difficult to control, and are offensive as well as injurious.

*Violation* means any condition that is a violation of this article, or any act that is prohibited or made or declared to be a blight violation by any section of this article, and any omission or failure to act where the act is required by any section of this article.

*Violator* means a person who is responsible for a blight violation.

*Warming center* means a facility which is not designed for lodging and is operated for the purpose of sheltering the transient homeless from the elements for brief intervals during any 24-hour period.

*Waterbody* means any surface water of the state, as likewise defined in the Michigan Administrative Code R 323.1044(u), and includes:

(1) The Great Lakes and their connecting waters;

(2) All inland lakes;

(3) Rivers;

(4) Streams;

(5) Impoundments;

(6) Open drains;

(7) Wetlands; and

(8) Other surface bodies of water within the confines of the state. Drainage ways and ponds used solely for wastewater conveyance, treatment, or control are expressly excluded from this definition.

*Waterbody barrier* means human-placed material including but not limited to dikes, seawalls, riprap, and other shoreline embankments used to armor shorelines, streambeds, bridge abutments, pilings, and other shoreline structures against scour, water, and wave or ice erosion.

*Waterbody property* means any real property that abuts any portion of a Waterbody, set forth by the State of Michigan or its subsidiaries or agencies.

*Workmanlike* means constructed or repaired in a skilled professional manner, for example, work that is generally plumb, level, square, in line, undamaged and without marring adjacent work and generally in compliance with any applicable requirements of the Michigan Construction Codes enacted pursuant to Section 4 of the Stille-DeRossett-Hale Single State Construction Code Act, being MCL 125.1504.

*Yard* means an unobstructed open space on the same lot with a building or structure.

## DIVISION 6. WATERBODY BARRIERS

### Sec. 8-15-551. Purpose.

The purpose of this division is to

enhance the health, safety and general welfare of the public and protect our natural resources by requiring property owners to obtain and maintain a Certificate of Registration of Waterbody Barrier. These regulations facilitate preventative maintenance planning and regular inspections to reduce the occurrence at waterbody barrier compromise or failure, as well as protocols to guide appropriate emergency response activities. Further, climate change poses a serious threat to the economic well-being, public health, natural resources, and infrastructure in the City. Identifying waterbody barriers and monitoring their structural integrity to identify potential issues prior to catastrophic failures will protect the health and safety of the public, reduce negative impacts on the environment, protect against the additional stress of climate change on City infrastructure, and preserve the stability of our drinking water supply.

### Sec. 8-15-552. Applicability; exceptions.

(a) Subject to Subsections (b) and (c) of this section, all owners of waterbody property shall obtain a Certificate of Registration of Waterbody Barrier and are subject to the requirements set forth in this division.

(b) The following are exempt from the requirements of this division:

(1) Single or two-family residential dwellings; and

(2) Publicly-owned recreation properties.

(c) The registration requirements set forth in this division shall be in addition to, and not in lieu of, any other provisions of this Code related to licensing and permitting requirements.

(d) The requirements of this division do not supersede requirements or regulations set forth by any federal department or agency, including, but not limited to, the United States Environmental Protection Agency, or requirements or regulations set forth by the State of Michigan or its departments or agencies.

(e) The issuance of any registration pursuant to this division does not create an exception, defense or any other immunity for any potential liability any person may have in the operation and use of waterbody property.

### Sec. 8-15-553. Registration of waterbody barrier required; application.

(a) A person who owns a waterbody property with a waterbody barrier shall register such property with the Buildings, Safety Engineering, and Environmental Department and obtain a Certificate of Registration of Waterbody Barrier as provided for in this division.

(b) The application for the Certificate of Registration of Waterbody Barrier shall be made on a form provided by the Department and shall contain, at minimum, the following information:

(1) The location and use of the waterbody property;

(2) The name, address, telephone number, email address and, if an individual, the driver's license number or state identification number of the waterbody property owner, and, if a corporation or other legal entity, the name and address, telephone number, and email address of the resident agent;

(3) Information listed in Subsection (b)(2) of this section for each partner, corporate officer, or any other person having any interest in the waterbody property;

(4) The names, addresses, email addresses and telephone numbers of any persons or firms, other than the owner or operators, who are responsible for property maintenance;

(5) A detailed description of the waterbody barrier including size, location, material, age, and whether the barrier is used to access the property;

(6) A seawall report addressing the structural integrity of the waterbody barrier conducted by a licensed professional engineer within the preceding three months which shall include, but not be limited to, the following information:

a. The presence of a breach;

b. Specific identification of any structural issues with respect to the use or intended use of the property;

c. Structural issues which necessitate immediate repair;

d. Structural issues which necessitate repair within five years from the date of inspection; and

e. Lack of maintenance and sufficiency of the barrier which negatively impact the barrier's ability to prevent a breach or threat of release.

(7) The maintenance and repair schedule for any structural issues identified in the report required under Subsection (b)(6) of this section.

(8) Whether the waterbody property is a facility or has known soil or groundwater contaminants in excess of appropriate generic cleanup criteria/Risk Based Screening Levels as established in Part 201 and Part 213 of the Michigan Natural Resources and Environmental Protection Act, being MCL 324.101 *et seq.*;

(9) Any and all environmental documentation of any remedial investigation that has occurred on the property as well

as any associated remedial response actions that were undertaken to clean up the contamination or prevent exposure to contaminants. This environmental documentation shall include any corresponding response from the Michigan Department of Environment, Great Lakes and Energy, the United States Environmental Protection Agency, or the U.S. Army Corps of Engineers.

(10) A geotechnical report as provided in Section 8-15-556(b)(2) of this Code.

(c) Any information provided in accordance with Subsections (a) and (b) of this section shall be supplemented in writing to the Buildings, Safety Engineering, and Environmental Department within ten business days of a change of circumstances that would render false or incomplete the information that was previously submitted.

**Sec. 8-15-554. Issuance of registration; renewal.**

(a) Upon payment of applicable fees, approval of the complete application by the Buildings, Safety Engineering, and Environmental Department, and upon receipt of all other required approvals and inspections set forth in this Code, a Certificate of Registration of Waterbody Barrier shall be issued.

(b) Prior to the expiration of a current Certificate of Registration of Waterbody Barrier, the property owner shall submit a complete application and pay the applicable fees for the renewal of the certificate.

**Sec. 18-15-555. Establishment, approval, publications and payment of fees.**

(a) A non-refundable fee shall be charged and collected in accordance with Section 6-503 of the Charter for the processing, registration, and renewal of a Certificate of Registration of Waterbody Barrier under this division. Based upon the cost of issuance and administration of this division, the Director of the Buildings, Safety Engineering and Environmental Department shall establish these fees, which are subject to approval by the City Council through adoption of a resolution.

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

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

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

(3) Reviewed at least once every two

years by the Director of the Buildings, Safety Engineering, and Environmental Department.

(c) The non-refundable fees charged pursuant to Subsection (a) of this section shall be charged to each new applicant, a property owner who applies to renew an existing Certificate, or a property owner applying for a Certificate at another location.

**Sec. 8-15-556. Inspections required; timing.**

(a) The Buildings, Safety Engineering, and Environmental Department shall conduct an inspection of vacant, private and publicly-owned property, with the exception of property zoned R1 (Single-Family Residential) and R2 (Two-Family Residential) that contains a waterbody barrier every two years, upon receipt of a complaint, or occurrence of an emergency condition as set forth in Section 8-15-559(a) of this Code.

(b) A private property owner shall be responsible for obtaining the following reports and shall provide such reports to the Buildings, Safety Engineering, and Environmental Department:

(1) A seawall report, as defined in Section 8-15-9 of this Code, shall be submitted at a maximum every five years from the date of the submission of the original report, but may be waived at the discretion of the Director of the Buildings, Safety Engineering, and Environmental Department.

(2) A geotechnical report shall be submitted with the initial application for waterbody barrier, and every five years thereafter where operations include bulk storage or heavy equipment utilization, where remediation, restoration, construction or redevelopment activities are taking place, or when deemed necessary by the seawall or waterbody barrier report, except, when the original geotechnical report has been approved by Buildings, Safety Engineering, and Environmental Department and the site is in full compliance, the owner and/or operator may submit, in the place of the geotechnical report, a Status Update Report prepared by a licensed professional civil engineer, which shall include at a minimum the following:

a. A recommendation for the maximum tonnage, pile size, height, side angle and setback from the shoreline at the site;

b. Verification that the structural integrity of the site supports the intended use; and

c. Verification that there were no significant changes to the condition of the site.

**Sec. 8-15-557. Registry; effect of sale or transfer of property.**

(a) The Buildings, Safety Engineering, and Environmental Department shall maintain a registry of property owner and waterbody barriers governed by this division and shall make the registry available on the City's website.

(b) Where waterbody property with a waterbody barrier required to be registered under this division is sold or otherwise transferred, the Certificate of Registration of Waterbody Barrier issued to the previous property owner shall expire on the date of sale or transfer.

(1) Within 30 days following the date of sale or transfer, the new property owner shall apply for a Certificate of Registration in the manner prescribed in Section 8-15-524 of this Code; and

(2) Where waterbody property requiring a seawall report is sold or transferred, the seawall report remains valid for the remaining time identified in this division, however, at the expiration of the five-year period or upon a change in use of the property, the new property owner shall submit an updated seawall report as required by this division.

**Sec. 8-15-558. Enforcement; revocation of Certificate of Registration of Waterbody Barrier.**

(a) This division shall be enforced as set forth in Division 2 of this article, *Administration and Enforcement*. These enforcement efforts shall include, but not be limited to, issuance of blight violation notices and corresponding fines, issuance of criminal citations and penalties, issuance of cease and desist orders or notices to vacate premises for repeated violations or emergency conditions.

(b) Failure to comply with the requirements of this article shall result in the revocation of the Certificate of Registration and the issuance of any necessary violations and fines.

**Sec. 8-15-559. Notice of emergency conditions; requirements.**

(a) In the event of a shoreline breach, flooding, release, threat of release, structural failure, right of way compromise, environmental contamination, receipt of a seawall or geotechnical report identifying failure from a waterbody barrier, or failure to comply with this division on a waterbody property, but not including a permitted discharge approved by the State of Michigan or the Water and Sewerage Department, the owner and the operator of the property, in addition to any notification requirements under applicable federal or state law or regulation, shall notify, at a

minimum, the Buildings, Safety Engineering and Environmental Department and the Homeland Security and Emergency Management Department in accordance with process set forth in Subsection (g) of this section.

(b) *Immediate notice.* Upon discovery of an emergency condition set forth in Subsection (a) of this section, the property owner shall immediately notify, by both telephone and email, and shall include, at a minimum, the following information:

(1) Name, address, telephone number and email address of the owner and the operator of the property;

(2) Address of the property at issue;

(3) A description and photo documentation of the emergency condition, including the date and time of occurrence;

(4) Whether a singular event or an ongoing emergency condition;

(5) The cause of the event and the extent of the threat or damage;

(6) A description of the actions being taken by the owner and the operator of the property to repair the waterbody barrier, including the timeline for such repairs;

(7) A description of the actions being taken by the owner and the operator of the property to ensure that no contaminant is released from the property into the waterbody;

(8) Whether any contaminant has been or is being released from the property and the extent of any such release;

(9) A description of any initial or interim response actions or mitigation to be undertaken to clean up the contamination or prevent exposure to contaminants;

(10) A description and photo documentation of any physical changes to the property or waterbody barrier following the emergency condition; and

(11) A description of how any impacted right-of-way areas have been secured and made safe including, but not limited, to proper barricading and road closures.

(c) *Preliminary report.* Not more than 48 hours after the emergency notice required in Subsection (b) of this section, the property owner and operator of the property shall submit a preliminary report, in writing, via email transmission to the Buildings, Safety Engineering, and Environmental Department, which shall include, at minimum, the following:

(1) An update on any information provided in the emergency notice;

(2) A detailed description of any groundwater, surface water, and soil testing performed by the owner and the oper-

ator of the property to determine if any contaminant is being or was released from the property into any waterbody, including the locations of any testing and the contaminants that were tested for;

(3) A copy of any original analytical results and subsequent re-testing as new data becomes available, of any groundwater, surface water, and soil testing, as well as tabulated data with comparison to state generic non-residential cleanup criteria for previous investigations as follows:

a. Raw data shall be submitted as soon as it becomes available; and

b. All preliminary data reports and analysis shall be submitted within three weeks of the breach.

(4) A detailed description of any measures currently being implemented by the owner and the operator of the property to prevent release of any contaminant into any waterbody;

(5) The owner and the operator of the property shall contract for an environmental investigation sufficient to determine if contamination above the appropriate generic cleanup criteria/Risk Based Screening Levels are present. Initiation of such investigation shall occur not more than three days after the event of the release;

(6) A detailed description of additional measures that the owner and the operator of the property plan to implement to prevent release of any contaminant into any waterbody; and

(7) Any additional information requested by the City.

(d) *Supplemental reports.* After submission of the preliminary report required pursuant to Subsection (c) of this section, and upon receipt of all updated information regarding the incident requiring emergency notice as identified in Subsection (a) of this section, the owner and the operator of the property shall submit supplemental written reports, which shall provide the following updated information:

(1) Results of sample testing;

(2) Any additional inspections or results of geotechnical surveys;

(3) Actions to be taken to clean up the contamination or prevent exposure to contaminant;

(4) A description and photo documentation of any physical changes to the property or waterbody barrier; and

(5) Any additional information requested by the City.

The City shall review the information provided in the supplemental reports to determine whether additional response

activities are warranted or the response strategy needs to be modified based upon the new data.

(e) *Required emergency response actions of owner and operator of the waterbody property.* Upon the occurrence of an emergency condition triggering the notice and reporting requirements identified in Subsection (a) of this section, the property owner and the operator shall:

(1) Test for any contaminant that may have been released from the property into any waterbody at any drinking water intake downstream of the property or at any entry point to a distribution system that is downstream of the property. The property owner may secure independent water testing or hire the services of Water and Sewerage Department, the Great Lakes Water Authority, or other National Environmental Laboratory Accreditation Program agencies to perform such testing;

(2) Provide the results of the tests identified in Subsection (e)(1) of this section to the City;

(3) Be responsible for the following costs, in full, if any contaminant migrates from the property where the emergency condition occurred and is detected at concentrations exceeding any state drinking water standard in the potable water;

a. Removal of the contaminant in the potable water;

b. Secure an alternative source of water for all impacted residents that is suitable for drinking, bathing, and cooking. This obligation shall continue until testing results show concentrations of the contaminants in the potable water is below the state drinking water standard;

c. Remediation and clean-up costs at the source of the event or emergent condition; and

d. Removal of contaminants that remain in the intake, treatment and distribution systems of the public water system after the event or emergency condition has been resolved.

(4) Pursuant to Section 43-9-2 of this Code, obtain a permit for the restoration of any impacted right of way. This restoration shall meet City standards set forth under Chapter 43 of this Code, *Streets, Sidewalks, and other Public Places*, including Section 43-1-2 of this Code.

(f) *Required emergency response actions of City.* Upon the occurrence of an emergency condition triggering the notice and reporting requirements identified in Subsection (a) of this section, the City shall:

(1) Post the results on the City's web-

site within seven days of the Building, Safety Engineering, and Environmental Department's review of the report from the Property owner or the operator of testing for any contaminant that may have been released from the property into any waterbody at any drinking water intake downstream of the property, and at any entry point to a distribution system that is downstream of the property.

(2) Issue a public notice to alert residents that a contaminant may have been released from the property into a waterbody. Such notice shall be posted on the City's website and may be broadcast over local radio or television stations. The notice shall accommodate a substantial number of limited english speaking persons, as defined in Section 8-15-9 of this Code, and shall include, at minimum, the following:

a. Identification of any contaminant that may have been released from the property;

b. Information regarding any threat the contaminant may present to the public water system;

c. Potential health effects associated with exposure to the contaminants;

d. Measures residents can take to limit their exposure to the contaminants;

e. Information regarding the availability of residential tap water testing; and

f. Relevant emergency management instructions and guidance.

(3) Conduct inspections and perform assessments upon receipt of the emergency notice and as needed to address the event;

(4) Post updated information regarding the emergency condition as needed on the City's website; and

(5) Notify the public of any negative impact on fish and/or wildlife as well as any potential risks to aquatic recreation.

(g) *Required notification to City.* Contact information for required notification by the property owner and/or operator to the City of Detroit as required under this division shall be provided on the Certificate of Registration, and shall include emergency contact information for:

(1) Buildings, Safety Engineering and Environmental Department, Environmental Affairs and Property Maintenance Divisions;

(2) Department of Homeland Security and Emergency Management;

(3) Water and Sewerage Department;

(4) Department of Public Works; and

(5) Detroit Health Department.

#### **Sec. 8-15-560. Reporting requirements.**

(a) The Buildings, Safety Engineering, and Environmental Department shall provide the City Council, the Office of Sus-

tainability, and the Mayor with a report every two years outlining the state of waterbody barriers in the City. This report shall contain, at minimum, the following information:

(1) The number of Certificates of Registration of Waterbody Barriers that were:

a. Issued a First Certificate of Registration;

b. Renewed or extended the period of validity for a Certificate of Registration;

c. Expired where the Certificate of Registration is no longer valid after the two year approval date;

d. Closure or vacate the property due to unsafe conditions; and

e. Revoked, denied, or voided Certificates of Registration.

(2) Any structural integrity issues identified in the inspections conducted for a Certificate of Registration of Waterbody Barriers and the repair schedule for correcting such issues.

(3) Any emergency notifications received pursuant to Section 8-15-559 of this Code.

(4) Number of violations issued and the amount of fines collected.

(5) List of waterbody properties that are not in compliance with this division and the Buildings, Safety Engineering, and Environmental Department's efforts to secure compliance for each property.

**Sec. 8-13-561. Promulgation of administrative rules.**

In accordance with Section 2-111 of the Charter, the Director of the Buildings, Safety Engineering, and Environmental Department shall promulgate procedural rules necessary to effectuate the purpose of this division.

**Sec. 8-15-562. Standards; inspections and guidelines.**

The Buildings, Safety Engineering, and Environmental Department shall also provide standards for seawall inspections and guidelines for engineer seawall reports, which shall be made available at the Department and posted on the Department's website.

**Secs. 8-15-563 – 8-15-580. Reserved.**

**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 1, *In General*, by amending Section 8-15-11 to provide civil penalties for violation of Certificate of Registration of Waterbody Barrier requirements is enacted.

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JANICE M. WINFREY  
City Clerk