

ORDINANCE NO. 2023-9
CHAPTER 9

AN ORDINANCE to amend Chapter 9 of the 2019 Detroit City Code, *Car Washes*:

(1) By renaming the chapter from “Car Washes” to “Car Washes and Motor Vehicle Service Businesses”;

(2) By creating Division 1, *Generally*, to include current Section 9-1-1, *Definitions*, current Section 9-1-2, *Misdemeanor violation; continuing violation; penalties for conviction thereof*, current Section 9-1-3, *Responsibility of owner or operator*, and current Section 9-1-4, *Hours of operation*;

3) By amending Section 9-1-1, *Definitions*, 9-1-3, *Responsibility of owner or operator*, and Section 9-1-4, *Hours of operation*, to define the terms “light-duty vehicle repair establishment”, “light-duty vehicle service establishment”, “medium/heavy-duty vehicle or equipment repair establishment,” and “motor vehicle service business”; to provide that the owner or operator of a motor vehicle service business has a duty to prevent excessive noise, to maintain peace, order, and safety on the premises, and to keep the premises free from solid waste, including litter; and to establish that the hours of operation for motor vehicle service business are to be commensurate with the hours of operation for car washes; and

(4) By adding Division 2, *Motor Vehicle Service Businesses*, consisting of 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 Subdivision B, *License*, containing 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 Engi-*

neering, 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 motor vehicle service businesses doing business in the City of Detroit be regulated and obtain a City business license.

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

Section 1. Chapter 9 of the 2019 Detroit City Code, *Car Washes*, be amended by renaming the chapter from “Car Washes” to “Car Washes and Motor Vehicle Service Businesses”; by creating Division 1, *Generally*, to include current Sections 9-1-1, 9-1-2, 9-1-3, and 9-1-4; by amending Sections 9-1-1, 9-1-3, and 9-1-4; and by adding Division 2, *Motor Vehicle Service Businesses*, consisting of Subdivision A, *Generally*, containing Sections 9-1-21, 9-1-22, 9-1-23, and Subdivision B, *License*, containing Sections 9-1-31, 9-1-32, 9-1-33, 9-1-34, 9-1-35, 9-1-36, 9-1-37, 9-1-38, 9-1-39 and 9-1-40, to read as follows:

**CHAPTER 9. CAR WASHES
AND MOTOR VEHICLE SERVICE
BUSINESSES
DIVISION 1. GENERALLY**

Sec. 9-1-1. Definitions.

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

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

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

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

Medium/heavy-duty vehicle or equipment repair establishment means, as likewise defined in Chapter 50 of this

Code, *Zoning*, an establishment that performs any type of service or repair of vehicles with gross vehicle weight ratings over 10,000 pounds, regardless of whether such service or repair is typically completed on a same-day basis or requires overnight on-site storage of such vehicles.

Motor vehicle service business means a business engaged in activities defined in this chapter as "light-duty vehicle repair establishment", "light-duty vehicle service establishment" or "medium/heavy-duty vehicle or equipment repair establishment."

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

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

(1) To prevent excessive noise in accordance with Chapter 16, Article I, of this Code, *Noise*;

(2) To maintain peace, order, and safety on the premises in accordance with Chapter 31, Article V, of this Code, *Offenses Against Public Peace*; and

(3) To keep the premises free of solid waste, including litter, in accordance with Chapter 42 of this Code, *Solid Waste and Illegal Dumping*.

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

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

Secs. 9-1-5 — 9-1-20. Reserved.

DIVISION 2. MOTOR VEHICLE SERVICE BUSINESSES

Subdivision A. Generally

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

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

(1) Entirely inside an enclosed building; and

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

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

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

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

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

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

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

Secs. 9-1-24 — 9-1-30. Reserved.

Subdivision B. License

Sec. 9-1-31. Required.

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

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

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

(1) Where the applicant is an individual:

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

b. The applicant's current mailing address and e-mail address; and

c. Written proof of age in the form of a driver's license, or a picture identification document containing the applicant's date of birth issued by a governmental agency, or a copy of a birth certificate accompanied by a picture identification document issued by a governmental agency;

(2) Where the applicant is a partnership:

a. The legal name and any other name used by the partners during the preceding five years; and

b. The current mailing address and e-mail address for the business;

(3) Where the applicant conducts business under a trade or assumed name:

a. The complete and full trade or assumed name;

b. The county where and date that the trade or assumed name was filed;

c. The name of the person doing business under such trade or assumed name, the manager, and other person in charge; and

d. The current mailing address and e-mail address for the business;

(4) Where the applicant is a corporation:

a. The full and accurate corporate name;

b. The state and date of incorporation;

c. The full names and addresses of officers, directors, managers, and other persons with authority to bind the corporation; and

d. The current mailing address and e-mail address for the business;

(5) The name, business address, and telephone number of the business; and

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

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

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

(a) A non-refundable fee shall be charged and collected in accordance with Section 6-503(13) of the Charter for the processing and issuance of a license under this division. Based upon the cost of issuance and administration of the licensing regulations, the Director of the Buildings, Safety Engineering, and Environmental Department shall establish this fee, which is 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 by the Director of the Buildings, Safety Engineering, and Environmental Department at least once every two years.

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

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

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

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

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

(1) *Land use.* The business meets the requirements of Chapter 50 of this Code, *Zoning*, including verification that the spe-

cific land use for its intended location has been established by the City in the respective zoning district and, where the premises is governed by a zoning grant, has obtained a valid annual certificate of maintenance of zoning grant conditions;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. Chapter 19 of this Code, *Food*, which, in Section 19-1-1, adopts by reference the provisions of the Michigan Food Law of 2000, being MCL 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 subdivision 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 the Charter to determine whether any property tax, income tax, personal tax or special assessments are unpaid, outstanding or delinquent to the City.

(b) A license shall not be issued or renewed by the Buildings, Safety Engineering, and Environmental Department Business License Center until the Chief Financial Officer has given written confirmation that the applicant is not in arrears to the City for taxes or assessments that are delineated in Subsection (a) of this section.

Sec. 9-1-37. Buildings, Safety Engineering, and Environmental Department Business License Center to take action upon application.

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

Sec. 9-1-38. Posting required; non-transferable.

(a) Upon issuance by the Buildings, Safety Engineering, and Environmental Department Business License Center and after receipt by the applicant, a Motor Vehicle Service Business License shall be posted at all times by the licensee inside the licensed premises in a conspicuous location near the entrance.

(b) All Motor Vehicle Service Business Licenses that are issued under this article shall not be transferable.

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

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

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

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

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

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

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

Secs. 9-1-41 — 9-1-50. 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. In the event this ordinance is passed by two-thirds majority of City Council Members serving, it shall be given immediate effect and become effective upon publication in accordance with Section 4-118(1) of the 2012 Detroit City Charter. Where this ordinance is passed by less than a two-thirds majority of City Council Members serving, it shall become effective on the 30th day after publication in accordance with Section 4-118(2) of the 2012 Detroit City Charter.

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JANICE M. WINFREY
City Clerk

