

ORDINANCE NO. 2023-23
CHAPTER 42
ARTICLE I

AN ORDINANCE to amend Chapter 42 of the 2019 Detroit City Code, *Solid Waste and Illegal Dumping*, Article I, *Generally*, by amending Section 42-1-22, *Civil fines for violation of Sections 42-2-22, 42-2-23, 42-2-26(b), 42-2-47, 42-2-53, 42-2-54, 42-2-80, and 42-2-101 of this Code*; cost of removal incurred by City, to provide civil fines for violation of Section 42-2-21 of this Code, *Improperly stored or separated solid waste*, to provide that a person who violates Section 42-2-21 is responsible under Section 42-1-21 of this Code for the cost of removal by the City, and to provide that each day a violation of Section 42-2-21 continues constitutes a separate violation for which the violator is subject to a civil fine.

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

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

**CHAPTER 42. SOLID WASTE AND ILLEGAL DUMPING
ARTICLE I. GENERALLY**

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

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

(b) A person who violates Section 42-2-21, 42-2-22, 42-2-23, 42-2-26(b), 42-2-47, 42-2-53, 42-2-54, 42-2-80, or 42-2-101 of this Code is responsible for a blight violation and is subject to a civil fine of \$300.00 for the second offense and, in accordance with Section 42-1-41 of this Code, is responsible for the cost of removal by the City.

(c) A person who violates Section 42-

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

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

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

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 enactment, in accordance with Section 4-118(2) of the 2012 Detroit City Charter.

(J.C.C. Page) : April 25, 2023
Passed: June 6, 2023
Approved: June 12, 2023
Published: June 15, 2023
Effective: June 15, 2023

JANICE M. WINFREY
City Clerk

