

ORDINANCE NO. 09-15

ORDINANCE NO. 09-15**CHAPTER 18****ARTICLE XII**

AN ORDINANCE to amend Chapter 18, Article XII of the 1984 Detroit City Code, by amending Division 1, "Generally", by adding Section 18-12-15, and by amending Division 7, "Special Assessments for Snow Removal, Mosquito Abatement, and Security Services", by amending Subdivision A, "General Matters", to add Section 18-12-124; by amending Subdivision B, "Petition", to amend Section 18-12-127, and by amending Subdivision C, "Establishment of District and Assessment", to amend Section 18-12-130, to clarify that the provisions of other divisions of Article XII shall control in the event of conflict or difference with the provisions of Division 1 of Article XII, to specify that a special assessment district shall not be established under Division 7 if the amount of unpaid general city taxes or special assessments is 40% or more of the total in the district (rather than the 20% threshold that would otherwise apply under Section 18-12-3), to require that the petition to establish the district include a statement that the unpaid taxes and special assessments are not 40% or more of the total, and requiring the Administering Department to confirm the same in its report to City Council verifying the validity of a petition to establish a special assessment district under Division 7.

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

Section 1. Chapter 18 of the 1984 Detroit City Code, titled "Finance and Taxation," Article XII, titled "Improvements and Assessments," is amended by adding Section 18-12-15 and Section 18-12-124, and by amending Section 18-12-127 and Section 18-12-130, to read as follows:

CHAPTER 18.**FINANCE AND TAXATION****ARTICLE XII.****IMPROVEMENTS AND ASSESSMENTS
DIVISION 1. GENERALLY****Sec. 18-12-15. Conflicting provisions.**

Where the provisions of this division conflict with or differ from the provisions within any other division of this article, the provisions of the other division shall control.

Secs. 18-12-16 — 18-12-24. Reserved.**DIVISION 7.****SPECIAL ASSESSMENTS FOR SNOW
REMOVAL, MOSQUITO ABATEMENT,
AND SECURITY SERVICES****Subdivision A — General matters****Section 18-12-124. Special Assessment Districts not to be created in areas where unpaid city general taxes or special assessments equal 40% or more of total.**

No SAD shall be created under this division where the amount of unpaid general city taxes equals 40% or more of the total tax assessments in such district or where the amount of delinquent special assessments in such district amount to 40% or more of the total special assessments therein. The Board of Assessors, or other applicable City agency or department, shall provide this information to a DNIO for inclusion in the petition submitted under Section 18-12-127 and to the Administering Department for its report submitted pursuant to Section 18-12-130.

Subdivision B — Petition**Section 18-12-127. Submission of completed petition.**

(a) A DNIO seeking to establish a SAD pursuant to this division shall submit the completed petition to the City Clerk. A completed petition may consist of multiple signed counterparts. The Administering Department may require the DNIO to submit on a form provided by the Administering Department a summary of the petition, to include such items as the number of exempt, nonexempt, and total Tax Parcels in the SAD, the area of land in the SAD, the number of signatures, the total area of the Tax Parcels whose Record Owners signed the petition, a statement confirming that the amount of unpaid general city taxes within the SAD does not equal 40% or more of the total tax assessments therein and that the amount of delinquent special assessments in the SAD does not amount to 40% or more of the total special assessments therein, and the percentage of the land comprising the SAD receiving signatures. To be complete, and in compliance with MCL 117.5i, the petition must be signed by the Record Owners of not less than 51% of the land within the geographic boundaries of the proposed SAD.

(b) If pursuant to Section 18-12-128, the Administering Department finds that a petition lacks sufficient signatures or is deficient in any other manner, a DNIO may submit to the City Clerk a supplemental petition containing additional signatures or otherwise correcting the deficiencies.

(c) For purpose of the calculation in subsection (a), the identities of the Record Owners of Tax Parcels within a SAD and the validity of the signatures on a petition shall be determined as of the records existing on the date a DNIO submits a petition to the City Clerk in accordance with the definition of "Record Owner" under Section 18-12-121.

(d) The City Clerk shall report receipt of the petition to the City Council, file the original petition and any supplemental petitions in its records, and forward a copy of the petition and any supplemental petitions to the Administering Department.

Subdivision C — Establishment of District and Assessment

Section 18-12-130. Report from Administering Department; tentative assessment roll.

If, pursuant to Section 18-12-128, the Administering Department determines that the petition and any supplemental petitions meet the requirements of this division, it shall submit a report to the City Council verifying the validity of the petition, containing a statement confirming that the amount of unpaid general city taxes within the SAD does not equal 40% or more of the total tax assessments therein and that the amount of delinquent special assessments in the SAD does not amount to 40% or more of the total special assessments therein, and including such other information as the Administering Department shall deem appropriate. The Administering Department shall obtain from the Board of Assessors a ten-

tative assessment roll for the proposed SAD, which it shall include with its report to City Council. The Administering Department shall provide the DNIO that submitted the petition a copy of the report and tentative assessment roll.

Section 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed.

Section 3. This ordinance is declared necessary for the preservation of the public peace, health, safety, and welfare of the people of the City of Detroit.

Section 4. If this ordinance is passed by a two-thirds (2/3) majority of City Council members serving, it shall be given immediate effect and shall become effective upon publication in accordance with Section 4-118 of the 2012 Detroit City Charter; if passed by less than a two-thirds (2/3) majority of City Council members serving, it shall become effective no later than thirty (30) days after publication in accordance with Section 4-118 of the 2012 Detroit City Charter; if this ordinance specifies a certain date to become effective, it shall become effective in accordance with the date specified therein, subject to the publication requirement in Section 4-118 of the 2012 Detroit City Charter.

(J.C.C. Page): February 3, 2015
 Passed: March 3, 2015
 Approved: March 12, 2015
 Published: April 28, 2015
 Effective: April 28, 2015
 JANICE M. WINFREY
 City Clerk