

ORDINANCE NO. 1236

AN ORDINANCE TO AMEND ESCANABA CITY ORDINANCE, CHAPTER 6 – BUILDING AND BUILDING REGULATIONS BY ADDING A NEW ARTICLE VIII – DEMOLITION OF BUILDINGS

Short Title: This section shall be known as and may be cited as the “City of Escanaba Building Demolition Ordinance.”

The City of Escanaba Ordains:

Chapter 1. New Article VIII. – Demolition of Buildings is hereby adopted as follows:

Section 6-115 – Demolition to comply with existing codes; permit required.

All demolition of buildings in the city shall be accomplished using procedures and complying with the standards of all codes in force at the time of demolition. Prior to work beginning, demolition permits must be obtained through Delta County Building & Zoning, which must include proof of damage deposits/waiver authorization as outlined in Section 6-116.

Section 6-116 – Damage deposits; waivers.

- A. All abandonments of sewer lateral and water service connections and repair of work done on public property shall be the financial responsibility of the property owner and will be charged against damage deposits collected prior to permit issuance.
- B. Abandonment of Water/Sewer Lines
 - 1. All physical abandonments of the water service within the City's right-of-way (ROW) shall be performed by the City of Escanaba.
 - 2. All physical abandonments of the wastewater lateral within the City's ROW shall be performed by either the City of Escanaba or a private contractor who has obtained an Excavation/ROW permit from the City. All work and restoration must be completed to City specifications and must be inspected by the Wastewater Superintendent or their representative before burial. If the lateral is shared with a neighbor, the abandonment must not terminate or cause damage to the other lateral or affect its connection to the city sewer. Said abandonment shall be in close proximity to the neighbor's lateral. All such abandonments must be approved by the Wastewater Superintendent before excavation begins.
- C. Repair Of Work Done On Public Property
 - 1. If the demolition or abandonment of any building, sewer connection or water connection requires the removal and/or replacement of hard and/or soft surfaces (i.e. asphalt, cement, grass, etc.), the City of Escanaba will inspect and approve all repairs to ensure workmanship and quality of installation standards are met.
 - 2. In the event repairs must be made by the City of Escanaba, all labor, material, etc. shall be applied against the deposit. Should this type of restoration be conducted by a private contractor, a final Inspection must be conducted and approved by the City Engineer or their representative.
- D. Should costs exceed the amount of the deposits, the property owner or responsible person shall be responsible for all excess costs. The City of Escanaba shall provide an itemized invoice of costs to the property owner and/or responsible person and will provide a refund of any excess deposit.
- E. For any proposed demolition project not involving potential damage to water/sewer lines or other city property, the property owner may request a waiver on any or all of the above-required deposits. City Department Heads will review the project scope and approve/deny the waiver request.

Section 6-117 – Protection of property and free passage.

Structures shall be demolished in such manner as to avoid hazards to persons and property, interference with the use of adjacent buildings, and interruption of free passage to and from such buildings. The city may require, in appropriate cases, a suitable fence to be constructed around the work site, where conditions indicate the safety of the public requires such fence.

Section 6-118 – Obstruction of traffic.

The contractor shall not close or obstruct any street, sidewalk, alley, or passageway unless specifically authorized by the City. No material whatsoever shall be placed or stored in any such area. The owner or contractor shall not interfere with the use of roads, streets, alley, driveways, passageways, sidewalks, or other travel facilities.

Section 6-119 – Dust control.

During the demolition of any building or structure, the work shall be kept thoroughly wetted down to prevent the spread of dust. The owner or contractor shall provide water and necessary connections.

Section 6-120 – Explosives prohibited.

Explosives shall not be used for demolition.

Section 6-121 – Removal of materials.

- A. All building and structures to be demolished shall be completely razed and all materials shall be removed from the site and disposed of in accordance with all applicable laws and regulations. All materials, including, without limitation, every installation, part of a building or accessory building or other improvement on the premises, whether above or below grade, shall be completely removed from the site. No part of any basement or infrastructure below grade shall remain.
- B. Under unusual or extraordinary circumstances and upon written request of the landowner, the City Manager may waive all or part of the above requirement regarding removal of below-grade materials or infrastructure. Upon approval of the waiver, the landowner shall execute and record with the County Register of Deeds a notice indicating to future owners of the property that underground materials or infrastructure remains on the property.

Section 6-122 – Disposal of debris and materials.

All debris, combustible and noncombustible, hazardous materials of any kind, and all other materials shall be disposed of in accordance with all applicable statutes, ordinances, and regulations of the United States, this state, or any local ordinance, rule, or regulation, including those of locations where the materials are deposited or transported for disposal.

Section 6-123 – Fill of below grade spaces.

All below grade spaces, depressions, or excavations, including, without limitations, former basements, cellars, septic tanks, pits, wells, and any other excavation, shall after removal of all installations and materials, be filled with clean fill and compacted, except for the top three inches, which shall be filled with black dirt and seeded with grass seed.

Section 6-124 – Inspection and certification.

No excavation hole or depression shall be filled until an authorized representative of the City has inspected and certified that all existing materials located below grade have been removed.

Section 6-125 – Removal of sidewalk openings.

Sidewalk openings and the covers of all sidewalk openings such as coal holes, vaults or stairwells connected with buildings or premises in the demolition area shall be removed and the openings filled with approved material tamped level with the sidewalk. An approved installation of the resulting sidewalk surface shall be installed with approval from the City.

Section 6-126 – Burning prohibited.

No burning shall be permitted within the project area.

Section 6-127 – Cleanup.

The owner or contractor shall remove all debris and equipment and dispose of all material, as above required, and leave the ground clear of all materials, rubbish, or debris.

Section 6-128–Allotted time.

The completion of the demolition project from start to finish should be accomplished within 30 (thirty) days of the permit being issued for single family residential, duplex or

multi-family rentals small motel buildings or similar structures. Larger commercial building demolitions requiring longer time lines may request an extension of 30 days, to a maximum of 60 (sixty) days total. Such request shall be first reviewed and approved by the City Manager, the City Code Official and the City's utility Department Heads.

Section 6-129– Violations.

Any person demolishing or causing the demolition of a structure in violation of the standards of this article shall be responsible for a municipal civil infraction subject to payment of a civil fine of not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500.00) plus costs and other sanctions for each infraction. Increased civil fines may be imposed for repeated violations by a person of any requirement of this Code. As used in this section, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provisions (i) committed by a person within any six-month period (unless some other period is specifically provided by this Code or any ordinance) and (ii) for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense which is a first repeat offense shall be no less than two hundred fifty dollars (\$250.00), plus costs. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than five hundred dollars (\$500.00), plus costs. Each day on which any violation of this Code continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense. The owner of any building or premises, or part thereof where any conditions in violation of this Ordinance exist or shall be created, and any architect, builder, contractor, agent, corporation or person employed in connection therewith, and who has assisted knowingly in the commission of any such violation shall each be guilty of a separate offense and upon conviction thereof shall be liable to the fines as provided.

CHAPTER 2. SAVINGS CLAUSE

If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed this Ordinance, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

CHAPTER 3. CONFLICTING ORDINANCES REPEALING CLAUSE

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

CHAPTER 4. EFFECTIVE DATE

This Ordinance shall be in full force and effect ten (10) days after its passage and publication.

APPROVED:

APPROVED:

John M. A. Bergman
City Attorney

Marc D. Tall
Mayor

Date Approved: August 6, 2020
Date Published: August 10, 2020

Attest

Phil DeMay
City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the City Council of the City of Escanaba, County of Delta, Michigan, at a Regular Virtual Meeting held on the 6th day of August, 2020, and was published in the Daily Press, a newspaper of general circulation in the City of Escanaba on Monday, August 10, 2020, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Phil DeMay
City Clerk