

**CITY OF DEARBORN HEIGHTS
ORDINANCE NO. H-14-02**

AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT CHAPTER 2 OF THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY ADDING ARTICLE IX, SECTION 2-901 REGARDING THE DEPARTMENT OF ORDINANCE ENFORCEMENT, AND PROVIDING FURTHER THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS BE AMENDED BY AMENDING SECTION 1-9 REGARDING AUTHORITY TO ISSUE APPEARANCE TICKETS.

THE CITY OF DEARBORN HEIGHTS ORDAINS THAT THE CODE OF ORDINANCES OF THE CITY OF DEARBORN HEIGHTS, MICHIGAN, IS HEARBY AMENDED BY ADDING A NEW SECTION, TO BE NUMBERED 2-901, WHICH SHALL READ AS FOLLOWS AND THAT SECTION 1-9 OF THE CODE OF ORDINANCES OF THE CITY OF DEARBORN HEIGHTS, MICHIGAN IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION I.

Sec. 2-901. Department of Ordinance Enforcement.

(a) *In general.* There shall be a Department of Ordinance Enforcement (hereafter referred to in this Section as the “Department”) that shall be charged with the responsibility of assisting in the enforcement of all of the following chapters under this Code: Chapter 3 Advertising; Chapter 5 Amusements and Entertainments; Chapter 6 Animals; Chapter 7 Buildings and Building Regulations; Chapter 8 Business Licensing; Chapter 9 Cable Television; Chapter 12 Exercising Club or Salon; Chapter 13 Fences; Chapter 15 Flood Damage Prevention; Chapter 16 Food and Food Handlers; Chapter 17 Garbage, Rubbish and Litter; Chapter 19 Massage; Chapter 20.5 Parking Lots; Chapter 22 Peddlers and Solicitors; Chapter 25 Secondhand Goods; Chapter 26 Signs; Chapter 28 Streets, Sidewalks and Other Public Places; Chapter 30 Swimming Pools; Chapter 33 Vegetation; Chapter 34 Vehicles for Hire; Chapter 35 Water and Sewers; Chapter 36 Zoning; Chapter 37 Right-of-Way Management; Chapter 38 Electric and Gas Supply Franchises; and Chapter 39 Stormwater Management. In addition, the Department’s responsibility of assisting in the enforcement of the above-referenced chapters extends to enforcement activities relative to any property maintenance code, plumbing code, mechanical code, residential code, building code, electrical code, or other code related to any of the above-referenced chapters whether adopted by reference, adopted by summary, otherwise adopted by the City, or otherwise within the City’s authority to enforce under State law. The Department shall not invade or supplant the duties or functions of other departments, offices, or commissions that are charged with administration and/or enforcement of any of the above-referenced chapters. Instead, the

Department shall assist in enforcement activities as more fully described at Subsection (c) below.

(b) *Authority and purpose for creation of the Department.* The Department is created pursuant to Section 5.12 of the Charter. The Council believes that the proper administration of the business of the City and the interests of the City require the Department to exist. Among other things, the Council believes that violations and potential violations of the above-referenced chapters can be addressed most efficiently and most effectively by way of a department dedicated to assisting in the enforcement of all of the above-referenced chapters.

(c) *Enforcement activities.* The Department shall assist in the enforcement of all of the above-referenced chapters by engaging in activities including, but not necessarily limited to, the following: reviewing City records in order to discover violations and potential violations; receiving and investigating complaints about violations and potential violations; interacting with residents, witnesses, offenders, City officials, and others relative to violations and potential violations; issuing warnings, notices of violations, and/or appearance tickets relative to violations and potential violations; appearing at court to testify relative to violations and potential violations; assisting Corporation Counsel in actions pertaining to administrative search warrants and/or orders relative to violations and potential violations; assisting Corporation Counsel in actions pertaining to the prosecution of violations and potential violations; serving and/or posting legal notices in any way related to the above-referenced chapters; assisting other departments, offices, or commissions that are charged with administration and/or enforcement of any of the above-referenced chapters relative to their enforcement activities; and otherwise engaging in activities related to the enforcement of the above-referenced chapters.

(d) *Limitations on enforcement activities.* The Department shall not invade or supplant the duties or functions of other departments, offices, or commissions that are charged with administration and/or enforcement of any of the above-referenced chapters. Among other things, the Department shall not have the authority to issue permits, licenses, certificates, or other similar official documents that are issued in the administration of any of the above-referenced chapters. For purposes of illustration, and not as a limitation on what is stated in the preceding sentence, the Department, for example, cannot issue business licenses under Chapter 8 of the Code. Further, even if an individual in the Department has an appropriate license or certificate to do so, the Department shall not engage in activities that are necessarily and exclusively part of the duties or functions of any other department, office, or commission by virtue of any of the above-referenced chapters. For purposes of illustration, and not as a limitation on what is stated in the preceding sentence, the Department, for example, cannot undertake actions that must be undertaken by the “building official” under the Michigan Building Code. Moreover, no one in the Department shall engage in any enforcement action or activity of any type or nature for which he or she does not possess a legally required license or certificate.

(e) *Supervision of the Department.* The head of the Department shall be a department head appointed by the Mayor pursuant to Section 5.15 of the Charter who shall report to the Mayor as provided in the Charter. However, in his or her sole discretion, the Mayor may delegate the day-to-day supervision of the head of the Department to the head of another department for purposes of administrative convenience, efficiency, and/or effectiveness. Further, in his or her sole discretion, the Mayor may at any time change the department head to whom such authority is delegated or may revoke such authority entirely.

Sec. 1-9. Authority to issue appearance tickets.

(a) This section only pertains to the authority of non-police employees, officials, agents, and representatives of the City to issue appearance tickets. The authority of police employees, officials, agents, and representatives to arrest and/or to issue appearance tickets continues to exist to the fullest extent of the law.

(b) Pursuant to Section 764.9c of the Michigan Compiled Laws, as may be amended, the following officials are designated as public servants who are specifically authorized to issue and serve appearance tickets for misdemeanors, civil infractions, and municipal civil infractions relative to the following:

(1) Building and Engineering Department. The Director, Deputy or Assistant Director (if any), Inspectors of any sort, Ordinance Officers (if any), and Code Enforcement Officers (if any) may issue appearance tickets relative to any offense under the following chapters of the City Code: Chapter 3 Advertising; Chapter 5 Amusements and Entertainments; Chapter 6 Animals; Chapter 7 Buildings and Building Regulations; Chapter 8 Business Licensing; Chapter 13 Fences; Chapter 17 Garbage, Rubbish and Litter; Chapter 26 Signs; Chapter 28 Streets, Sidewalks and Other Public Places; Chapter 30 Swimming Pools; Chapter 33 Vegetation; Chapter 36 Zoning; and Chapter 37 Right-of-Way Management. In addition, said public servants may issue appearance tickets relative to any offense under any property maintenance code, plumbing code, mechanical code, residential code, building code, electrical code, or other code involving building and/or engineering adopted by reference, adopted by summary, otherwise adopted by the City, or otherwise within the City's authority to enforce under State law.

(2) Fire Department. The Fire Chief, Deputy Fire Chief, Fire Marshal, Fire Inspectors of any sort, and Emergency Management Coordinator may issue appearance tickets relative to any offense under Chapter 14 Fire Prevention and Protection of the City Code. In addition, said public servants may issue appearance tickets relative to any offense under any fire code adopted by reference, adopted by summary, otherwise adopted by the City, or otherwise within the City's authority to enforce under State law. Moreover, said officials shall have all authority and powers specifically granted by State law, even if the exercise of those powers is in excess of the limits set forth in this Section.

(3) Animal Control Officers may issue appearance tickets relative to any offense under City Code Chapter 6 Animals.

(4) Dearborn Heights Tax Increment Finance Authority. Subject to the limitations of this paragraph, any employee, agent, official, representative, or other public servant of the Dearborn Heights Tax Increment Finance Authority may issue appearance tickets to the same extent that the City's Department of Ordinance Enforcement employees or representatives are authorized to do so at Section 1-9(b)(5) below. To be so authorized, the Mayor must consent in writing to any such public servant affiliated with the Dearborn Heights Tax Increment Finance Authority having the authority to issue appearance tickets. In addition, the authority of such a public servant affiliated with the Dearborn Heights Tax Increment Finance Authority may be revoked at any time by the Mayor. Further, the authority of such a person shall end immediately upon the termination of that person's affiliation with the Dearborn Heights Tax Increment Finance Authority.

(5) Department of Ordinance Enforcement. The Director, Deputy or Assistant Director (if any), Ordinance Officers, and Code Enforcement Officers (if any) may issue appearance tickets relative to any offense under the following chapters of the City Code: Chapter 3 Advertising; Chapter 5 Amusements and Entertainments; Chapter 6 Animals; Chapter 7 Buildings and Building Regulations; Chapter 8 Business Licensing; Chapter 9 Cable Television; Chapter 12 Exercising Club or Salon; Chapter 13 Fences; Chapter 15 Flood Damage Prevention; Chapter 16 Food and Food Handlers; Chapter 17 Garbage, Rubbish and Litter; Chapter 19 Massage; Chapter 20.5 Parking Lots; Chapter 22 Peddlers and Solicitors; Chapter 25 Secondhand Goods; Chapter 26 Signs; Chapter 28 Streets, Sidewalks and Other Public Places; Chapter 30 Swimming Pools; Chapter 33 Vegetation; Chapter 34 Vehicles for Hire; Chapter 35 Water and Sewers; Chapter 36 Zoning; Chapter 37 Right-of-Way Management; Chapter 38 Electric and Gas Supply Franchises; and Chapter 39 Stormwater Management. In addition, said public servants may issue appearance tickets relative to any offense under any property maintenance code, plumbing code, mechanical code, residential code, building code, electrical code, or other code involving ordinance enforcement adopted by reference, adopted by summary, otherwise adopted by the City, or otherwise within the City's authority to enforce under State law.

(6) Department of Public Works. The Public Service Administrator, Deputy or Assistant Director (if any), Supervisor, Ordinance Officers (if any), and Code Enforcement Officers (if any) may issue appearance tickets relative to any offense under the following chapters of the City Code: Chapter 33 Vegetation; Chapter 35 Water and Sewers; and Chapter 39 Stormwater Management. In addition, said public servants may issue appearance tickets relative to any offense under any property maintenance code, plumbing code, mechanical code, residential code, building code, electrical code, or other code involving the department of public works adopted by reference, adopted by summary, otherwise adopted by the City, or otherwise within the City's authority to enforce under State law.

(7) Non-police employees, officials, agents, and representatives of the City may also issue appearance tickets for ordinance violations where the ordinance setting forth the ordinance violation states that any such public servants have the authority to enforce the ordinance. This authority is in addition to the authority granted in this Subsection (b) at paragraphs (1), (2), (3), (4), (5), and (6) above.

SECTION II.

CODIFICATION DIRECTIVES

Sections 2-806 through 2-899 are deemed to be added and reserved.

Article IX. Department of Ordinance Enforcement, and Section 2-901 Department of Ordinance Enforcement are deemed to be added to the Code.

SECTION III.

REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

SECTION IV.

SEVERABILITY

Should any section, subsection, clause, or phrase of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

SECTION V.

EFFECTIVE DATE

This ordinance shall become effective upon publication as provided by law.

SECTION VI.

AUTHENTICATION

This is to certify that the undersigned do hereby authenticate the foregoing record of the ordinance herein set forth.

DANIEL S. PALETKO, Mayor

WALTER J. PRUSIEWICZ, Clerk

SECTION VII.

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of this ordinance adopted by the Council for the City of Dearborn Heights at a regular meeting of the Council held on the 25th day of February, 2014, and became effective by publication in the official newspaper of the City of Dearborn Heights on the 12th day of March, 2014.

WALTER J. PRUSIEWICZ, Clerk

Publication Date: March 12, 2014.