

ORDINANCE NO. 1652

AN ORDINANCE TO AMEND THE CITY CODE BY ADDING A NEW CHAPTER 106, DEMOLITION REGULATIONS, TO TITLE VIII, BUILDING REGULATIONS.

THE CITY OF SOUTHFIELD ORDAINS:

THE CODE OF THE CITY OF SOUTHFIELD IS HEREBY AMENDED BY ADDING A NEW CHAPTER 106, DEMOLITION REGULATIONS, TO TITLE VIII, BUILDING REGULATIONS, WHICH NEW CHAPTER SHALL READ AS FOLLOWS:

SECTION 1.

Sec. 8.801 Purpose.

It is the intent of this ordinance to ensure that all demolitions of any structure or building within the City of Southfield are performed in a manner that provides the highest level of public health and safety for its residents and property owners and, further, that the overall welfare of the community as a whole is served. The City does further determine that any and all materials resulting from or in connection with the demolition must be completely removed from the property and properly disposed of in accordance with all local, state, and federal requirements and that the property must be vegetated following completion of demolition in order to avoid the future erosion of soil and to control runoff to adjacent properties.

Sec. 8.802 Permit Application.

All demolition(s) require a permit from the City Building Department. The application for permit shall include:

- (1) A complete application on the City of Southfield's form, and shall include a site plan of the building or structure to be demolished;
- (2) Unaltered copy of the demolition contract signed by the property owner and the person/entity performing the demolition work (evidencing that the property owner has authorized the demolition of the structure(s) on the property);
- (3) Proof of electric service disconnect;
- (4) Proof of gas service disconnect;
- (5) Proof of telephone service disconnect;
- (6) Proof of cable television/Internet disconnect;
- (7) Soil erosion permit pursuant to Chapter 49 of the City Code;

- (8) Proof of water service disconnect. Disconnection and capping thereof shall be performed by a licensed plumber who has secured all necessary permits, and shall be subject to inspection and approval by the City;
- (9) Proof of sewer service disconnect. Disconnection shall be performed by a licensed plumber who has secured all necessary permits, and shall be subject to inspection and approval by the City;
- (10) Proof of right-of-way permit from the City of Southfield and Michigan Department of Transportation, if applicable;
- (11) MDEQ asbestos survey, and U.S. Environmental Protection Agency ten-day notice;
- (12) Payment of all permit fee(s);
- (13) Submission of all bonds as required by this Chapter; and
- (14) If demolition is intended to be undertaken by implosion, the provisions of Section 8.810 shall apply.

Sec. 8.803 Demolition Work.

Unless directed otherwise by the City in writing, the demolition of all structures and buildings within the City shall be undertaken in accordance with the following requirements:

- (a) Notice. The City and adjoining property owners shall be provided with a minimum of 48 hours' advance notice prior to commencement of the demolition of any structure.
- (b) Structural Parts of Buildings.
 - (1) No wall or part thereof shall be permitted to fall outwardly from any building except through chutes or by other controlled means or methods, which will ensure safety and minimize dust, noise, and other nuisance.
 - (2) Subject to site restrictions, outside chimneys or outside portions of chimneys shall be razed in advance of general demolition of each building. Any portion of a chimney inside a building shall be razed as soon as it becomes unsupported by reason of removal of other parts of the building.

- (3) Any part of a building, whether structural, collateral, or accessory, which has become unstable through removal of other parts, shall be removed as soon as practicable and no such unstable part shall be left freestanding or inadequately braced against all reasonably possible causes of collapse at the end of any working day.
- (c) Basements and Foundation Walls. All basement floors, footings, and foundations shall be completely removed from the site unless specifically stated in the special provisions of the approved demolition permit. The basement area is to be inspected and approved by the City before backfilling is started. No basement excavation shall remain open and exposed for more than 24 hours. Failure to have the basement area inspected and approved by the City prior to backfilling will result in re-excavation of the basement area.
- (d) Concrete Slabs. All concrete slabs, asphalt, surface obstructions, masonry slabs, and appurtenances shall be removed.
- (e) Retaining Walls. All retaining walls or curbs shall be removed unless otherwise indicated in the approved demolition permit. Where such retaining walls or curbs are removed, the embankment shall be graded to a slope of not greater than 3:1 horizontal: vertical or as directed by the City.
- (f) Partially Buried Objects. All piping, posts, reinforcing bars, anchor bolts, railings, and all other partly buried objects protruding from the ground shall be removed. The remaining void shall be filled with soil and compacted in accordance with this Chapter; no objects are permitted to be buried.
- (g) Vegetation. All dead trees, trees or other vegetation identified for removal, stumps, brush, and weeds, whether standing or fallen, unless specifically stated otherwise by the City shall be removed. All trees and bushes not to be removed as part of the demolition operations shall be adequately protected from damage or injury.
- (h) Fences. Fences, guardrails, bumpers, signs, clotheslines, and similar facilities shall be completely removed from the site; however, fences on the apparent boundary between a parcel upon which the demolition is intended and an improved noncontract parcel shall not be removed unless specifically stated in the special provisions. All posts for support shall be pulled out or dug up so as to be entirely removed.

- (i) Fuel Tanks. Fuel tanks, above or below ground, shall be carefully removed and disposed of in a safe manner in accordance with the State Fire Marshal's regulations and those of the Michigan Department of Natural Resources. Fuel tanks, above or below the ground, or tanks which have been used for storage of gasoline, kerosene, benzene, oils or similar volatile materials shall be pumped out or emptied in a safe manner, and then shall be flushed out immediately with water, carbon dioxide, or nitrogen gas until they are gas free when checked with an "Explosimeter" or another equally efficient instrument, before the work of removal is begun. Inspection of the "Explosimeter" results shall be undertaken by competent personnel of the person or entity performing the demolition work and shall be done in the presence of designated City personnel. The time, place and manner of disposal will be as set forth in the demolition schedule.
- (j) Outdoor Toilets and Septic Tanks. Outdoor toilets and septic tanks shall be pumped out by a licensed hauling company. The outdoor toilet or septic tank shall be demolished and removed from the site. The excavation or pit shall be backfilled and compacted in accordance with this Chapter. Adequate quantities of lime shall be added to the backfill material. Septic tanks shall be broken up and removed from the site and the excavation filled in accordance with the requirements of the City of Southfield.
- (k) Cisterns and Meter Pits. Cisterns and meter pits shall be demolished, removed, and properly disposed of and the excavations resulting therefrom shall be backfilled and compacted in accordance with this Chapter.
- (l) Well plugging and abandonment. All wells shall be plugged and abandoned in accordance with the State of Michigan and County of Oakland regulations. The abandoned water well plugging record shall be filed with the City upon completion of the well abandonment.
- (m) Appliances. Appliances and other items that may contain refrigerants, or Freon, including, but not limited to, refrigerators, freezers, dehumidifiers, and portable or central air conditioners, shall be removed from the property and properly disposed of in accordance with all applicable federal, state or local laws and regulations.
- (n) Mercury containing materials. any mercury containing materials including fluorescent, high pressure sodium, mercury vapor, and metal halide light bulbs, and thermostats containing a liquid filled capsule and PCB containing materials include capacitors, ballasts, and transformers where the component is contained within a metal jacket and does not have a specific, legible label stating no PCBs are present, shall be completely removed and disposed of in accordance with applicable federal, state or local laws and regulations.
- (o) The property upon which the demolition occurs shall be backfilled, graded, and restored in accordance with Section 8.809 hereof.

- (p) All demolition work shall be undertaken and completed in accordance with the approved plans, technical specifications, and any special provisions included in the approved demolition permit document.

Sec. 8.804 Protection of the public and properties.

(a) Littering Streets.

- (1) All demolition debris, litter, dirt, and/or mud resulting from or in connection with the execution of the demolition work shall be promptly removed from any street, alley, or right-of-way. If it is not so removed, the City shall have the right to undertake the removal thereof, and the cost incurred by the City in cleaning up any such debris, litter, dirt and/or mud shall be charged to the person or entity performing the demolition work and be deducted from the Demolition Completion bond.
- (2) Littering of the property and any adjacent properties shall not be permitted and shall be promptly collected and removed as it is generated.
- (3) All waste materials shall be promptly removed from the site.

(b) Street Closure.

- (1) If it should become necessary to close any street, road, and/or traffic lanes, applicable permits shall be obtained from the City of Southfield (Public Works Department), the Oakland County Road Commission, or Michigan Department of Transportation, depending on which entity has jurisdiction of the roadway or lanes to be closed, and adequate barricades and warning signs as required by such entity shall be installed and maintained.

(c) Protection of the Public Property.

- (1) Sidewalks. The person or entity performing the demolition work shall be responsible for any damage or injury to any public sidewalk, street, water or sewer facilities, fire hydrants, street lights, traffic signals, power poles, telephone poles, fire alarm boxes, wire cables, underground utilities, or other appurtenances or other public property of any kind, resulting from or in connection with the execution of the demolition work. Failure to repair the public property after notice will result in the City of Southfield undertaking to have the work completed and the cost thereof will be deducted from the Demolition Completion bond.

- (2) Pedestrian Access. Appropriate warning signs, barricades, temporary fencing around all excavation and demolition areas, and temporary pedestrian sidewalks to maintain alternate pedestrian access for sidewalks around the demolition site, shall be installed as directed by the City, and shall be maintained in place until all demolition work has been completed in accordance with this Chapter. The temporary fencing around the demolition and excavation areas shall be at least four feet in height, consistently restrictive from top to grade, and without horizontal openings wider than two inches. The safety fence shall remain in place until the demolished materials are removed from the site and all holes or excavated areas are properly backfilled and graded pursuant to Section 8.809 hereof.
- (d) Demolition Hours.
 - (1) Demolition and related activities shall only be undertaken during such hours as permitted pursuant to Section 9.11 of the City of Southfield City Code. All construction equipment used in conjunction with the demolition work shall be in good repair and adequately muffled.
- (e) Dust Control. All applicable air pollution control requirements of the City of Southfield, the County of Oakland, the State of Michigan, and/or the United States Environmental Protection Agency shall be observed and appropriate reasonable precautions to minimize atmospheric pollution shall be undertaken as may be required by the aforementioned governmental entities or their designated representatives. Such reasonable precautions shall include, but not be limited to:
 - (1) The use of water or chemicals for control of dusts in the demolition of buildings or structures and the grading of excavated areas. If using a hydrant for dust control, a permit is required and must be obtained from the City of Southfield Water Department.
 - (2) Open bed trucks transporting materials likely to give rise to airborne dusts shall be covered at all times when in motion.
- (f) Requirements for the Reduction of Fire Hazards.
 - (1) Removal of Material. Before demolition of any part of any building, all volatile or flammable materials, such as gasoline, kerosene, benzene, cleaning fluids, paints, thinners, and similar substances, shall be removed from the property.
 - (2) Fire Extinguishing Equipment. The correct type and class of fire extinguisher shall be kept on site. When a cutting torch or other equipment that might cause a fire is being used, a fire extinguisher shall be placed close at hand for instant use.

- (3) Fires. No fires of any kind shall be permitted on or in the demolition work area.
- (4) Hydrants. No material obstructions or debris shall be placed or allowed to accumulate within 15 feet of any fire hydrant. All fire hydrants shall be accessible at all times.
- (5) Debris. Debris shall not be allowed to accumulate on roofs, floors, or in areas outside of and around any structure being demolished.
- (6) Telephone Service. Access to and use of, during working hours, one or more telephones, land lines or cell phones in the vicinity of the work site for the purposes of making calls in case of fire or other emergencies shall be maintained.

Sec. 8.805 Special Conditions Bond; Maintenance and Guarantee Bonds.

- (a) It is understood that sites and properties may have environmental or other special concerns that would affect the ability to remove 100 percent of the impervious surfaces at the time of demolition of the structure. A redevelopment soon after demolition could have a site plan approved in advance of the demolition or be speculative. A subsurface contamination issue could cause a site to need to keep all or part of the impervious surfaces(s) for an extended period until remediation could be accomplished. In cases involving environmental related issues, if an owner wishes to only partially remove the hard surfaces from a site, the owner/applicant, at time of application, must provide the City with, at minimum, the results of ASTM (E1527 and E1903) Phase 1 and Phase 2 environmental assessments which have been filed and disclosed to the Michigan Department of Environmental Quality showing that the property or portion of a property is contaminated as described in PA 451 of 1994, the Natural Resources and Environmental Protection Act.

A special conditions bond shall be placed by the owner of the property when special conditions exist that would require that all or part of the structure or its appurtenances not be completely removed as part of the demolition. These conditions shall be part of the approved demolition permit. A bond covering 120 percent of the cost of the demolition that is not intended to be immediately undertaken shall be posted with the City to assure that if the redevelopment does not occur, or a site plan is not approved, or other identified special condition does not occur, that the City of Southfield is entitled to use the special conditions bond to complete the demolition if necessary. If a cash bond is held by the City and later returned, such bond shall be returned without interest.

- (b) A maintenance and guarantee bond shall be placed by the owner of the property for installed seed or sod areas for a period of one year from final inspection and approval to assure that all planting areas have established vegetation both for compliance with the zoning ordinance and State law. If a cash bond is held by the City and later returned, such bond shall be returned without interest. The amount of the bond shall be determined by the Building Official.

Sec. 8.806 Demolition Completion Bond.

- (a) A Demolition Completion Bond is required before any permit is issued for demolition. This bond is in addition to any bonds required for special conditions, maintenance and guarantee, and soil erosion. The bond is to assure that all of the requirements found in this Chapter are adhered to. If the person or entity fails to follow the requirements of this Chapter, the building official may declare an emergency, and after posting the unsafe condition for 24 hours may use the bond money to assure compliance with this Chapter. Demolitions that are contracted by the City of Southfield are exempt from the bond requirements. The first \$25,000.00 of Demolition Completion Bonds shall be posted in cash with the City; after \$25,000.00 in cash has been posted for Demolition Completion Bonds exceeding \$25,000.00 (as calculated below), the balance may be posted using an insurance surety bond. In addition to the compliance measures stated above, the City of Southfield may also use the cash portion of the bond to pay any necessary legal or administrative expenses associated with gaining compliance with the surety company. Unused bonds shall be returned without interest after final inspection.
- (b) The Demolition Completion Bond amount shall be calculated and charged as follows:
 - (1) One and two family residential demolition bond: \$500.00
 - (2) Multifamily residential, commercial, industrial demolition bond: \$5000.00 minimum.
 - 5000 to 100,000 square feet: \$5000.00 plus \$0.10 per square foot
 - 100,001 to 250,000 square feet: \$10,000.00 plus \$0.05 per square foot
 - 250,001 to 1,000,000 square feet: \$12,500.00 plus \$0.02 per square foot
 - Over 1,000,001 square feet \$20,000.00 plus \$0.01 per square foot

Sec. 8.807 Salvage of demolition materials.

- (a) No salvage will be permitted on privately owned property unless authorized by the property owner in writing or as directed by the courts. Salvaged material shall be removed immediately from the premises, right-of-way, streets, or alleys.

Sec. 8.808 Disposal of demolition debris and solid waste.

- (a) Debris. All materials, rubbish, and trash shall be removed from the demolition area leaving the basements and demolition area free of debris. Any cost incurred by the City of Southfield in cleaning up such materials and debris left behind shall be deducted from the Demolition Completion bond.
- (b) Tires. The contractor shall assure no tires have been abandoned on site.

- (c) Disposal of Demolition Debris and Solid Waste. All debris and solid waste shall be delivered by the contractor to an approved disposal facility licensed in accordance with State and/or local regulations, laws, and zoning.
- (d) Asbestos Abatement. The handling of asbestos material is subject to all applicable State and Federal mandates. The person or firm performing the demolition is responsible for compliance with all applicable regulations regarding the handling and disposal of asbestos. Asbestos shall be removed by a licensed abatement contractor in accordance with applicable federal, state and local laws and regulations.
- (e) Demolition of Structures with Transite Siding. Transite sidings shall be properly handled, and all demolition debris from these structures shall be disposed of in accordance with State and Federal law.

Sec. 8.809 Backfill, grading, and cleanup.

- (a) Backfill. When site conditions permit, as determined by the Building Official or the City's designated engineer, on-site soil may be used as backfill material. The top nine to 12 inches of topsoil shall be stripped and stockpiled on site for use as final topsoil and grading material. If adequate topsoil is not available on site, the contractor shall bring in enough topsoil from off site to place a minimum four-inch cover on the entire site. Excess excavation materials shall be removed from the site. Topsoil material shall not be permitted as deep fill material. Any borrow or fill material shall be approved by the Building Official or the City's designated engineer, during the placing of the material. All fill material shall be of equal quality to the soil adjacent to the excavation and free of rubble or organic matter. All depressions on the property shall be filled, compacted to 95 percent capacity, and graded to a uniform slope with adequate drainage.
- (b) Compaction. All excavations shall be backfilled in accordance with Section 8.809 (a) and compacted to 95 percent capacity.
- (c) Grading and Restoration. The site shall be graded to conform to all surrounding areas and shall be finished to have a uniform surface that shall not permit ponding of water. The demolition site shall be restored. Restoration shall include appropriate smoothing to its original condition and include seeding with mulch of the area. Seeding shall conform to the current edition of the Urban Standard Specifications for Public Improvements except as may be modified by this Code. The seed shall be applied at 122 percent of the specified rate for the type of mixture specified. Sod must be used in place of seed and mulch on all right-of-way areas. On demolition sites where seeding will be delayed because of the allowable seeding dates, the contractor shall complete fine grading and shaping of the site to leave the site in a neat and presentable condition subject to the soil erosion permit and approval of the City's applicable regulations.

- (d) Final Cleanup. Before final approval of the demolition permit, all unused material and rubbish shall be removed and all adjacent property and right-of-way impacted by the demolition shall be left in a neat and presentable condition.

Sec. 8.810 Implosion Requirements

If demolition is intended to be undertaken by implosion of all or any portion of a structure and/or its appurtenances, the following requirements shall apply:

- (a) The demolition permit application shall include a project overview which shall expressly identify and describe the following, and which project overview shall be subject to the review and approval of the City:
 - (1) Project time line starting twenty four hours prior to the implosion through the post implosion re-opening of roads and securing of properties;
 - (2) Sequence of intended activities;
 - (3) Name and contact information of the person(s) who will be the overall coordinator for the project;
 - (4) Traffic control plan, including all specific road and/or lane closures;
 - (5) Fencing plan;
 - (6) Crowd control plan;
 - (7) Weather projections and alternate plans due to weather related issues;
 - (8) Quality control and safety measures. These measures shall include loading of explosives, initiation of explosive charge, protection of adjacent private and public properties, who will be allowed to access the site, etc.
 - (9) Identify all third party consultants, including seismic consultant, sound monitoring consultant, safety consultant, etc.
 - (10) Seismic and Air Monitoring plan, including a site map showing the location/placement of all seismic and air monitoring devices, pre and post event summary, etc.
 - (11) Licensing and Permit information, identifying all applicable licenses held by any firm/entity performing any implosion related services, and all permits required by appropriate governmental agencies.
 - (12) Adjacent properties plan, identifying all such adjacent or affected properties and what notification has or will be made with such properties regarding the intended implosion.
 - (13) Local Utilities plan, including notification to all affected utilities (gas, power, telephone, water, sanitation, cable, etc.), review of intended activities and safety checks for both pre and just prior to implosion, and utility termination and disconnection letters where applicable.

(14) Written evidence of the following insurance coverage shall be provided, and shall name the City of Southfield, and its officials, employees, and agents, as additional named insured, and other governmental agencies shall be included as additional named insured as warranted:

(i) Commercial General Liability including coverage for:

- (a) Premises/Operations
- (b) Products/Completed operations
- (c) Independent contractors
- (d) Personal injury
- (e) Contractual liability

(ii) Limits of Liability:

Each Occurrence: \$2,000,000
Personal Injury: \$2,000,000
General aggregate: \$2,000,000
Product/Completed operations: \$2,000,000
Minimum Excess/Umbrella Liability
Each Occurrence - \$25,000,000
General Aggregate - \$25,000,000

(b) On the day of implosion, the following protocol shall be followed:

- (1) All perimeter safety fencing shall have been installed;
- (2) A blast zone, a safety zone, and an extended zone shall be established and enforced;
- (3) Adequate law enforcement, fire department, and/or private security shall be situated at/near the property, and site radios will be provided to assure appropriate communication through the time of implosion;
- (4) Countdown will be as indicated on the time line submitted, including a two hour to implosion check, a one hour to implosion check, ½ hour to implosion check, a twenty minute to implosion check, and a ten minute to implosion check. There will be a 30 second countdown prior to implosion.
- (5) Provisions shall be made to halt the countdown in the event any participant in the implosion process deems it necessary.

SECTION 2.

Should any section, subsection, clause, or paragraph of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same will not affect the validity of the Ordinance as a whole or part thereof other than the part so declared to be invalid.

SECTION 3.

Rights and duties which have matured; penalties which have been incurred; proceedings which have begun and prosecutions for violations of law occurring before the effective date of this Ordinance are not affected or abated by this Ordinance.

SECTION 4.

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

SECTION 5.

This ordinance shall become effective upon passage and publication.

KENSON J. SIVER, Mayor

NANCY L.M. BANKS, City Clerk

Introduced: 12/14/2015

Enacted: 01/25/2016

Published: 02/28/2016