



AGENDA
Committee on Public Safety
Thursday, October 3, 2019 @ 3:30 p.m.
City Council Conference Room, 10th Floor

Council Member Wood, Chair
Council Member Spitzley, Vice Chair
Council Member Hussain, Member

1. Call to Order

2. Roll Call

3. Minutes

- September 19, 2019

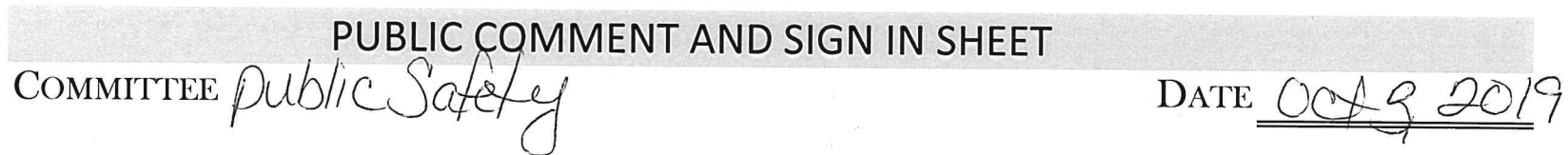
4. Public Comment on Agenda Items

5. Discussion:

- A.) DISCUSSION – Ingham County 911 Dispatch Director
- B.) DISCUSSION – Committee Report On Ordinance Amendments to Chapter 404, Section 404.13 Parking
- C.) DISCUSSION – Correction Notice Fees and Fines
- D.) DISCUSSION - Ordinance on Relocation Assistance
- E.) DISCUSSION – CPTED- Crime Prevention through Environmental Design
- F.) DISCUSSION – Ordinance on Fines for City Staff Man-Hours on Continual Offenders/Landlords of Rental Properties

6. Other

7. Adjourn



COMMITTEE

Public Safety

DATE OCT 9 2019

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MINUTES

**Committee on Public Safety
Thursday, September 19, 2019 @ 3:30 p.m.
City Council Conference Room, 10th Floor**

CALL TO ORDER

The meeting was called to order at 3:30 p.m.

ROLL CALL

Council Member Carol Wood, Chair
Council Member Patricia Spitzley, Vice Chair
Council Member Adam Hussain, Member

OTHERS PRESENT

Sherrie Boak, Council Staff
Joseph Abood, Chief Deputy City Attorney
Scott Sanford, Code Compliance
Lisa Hagen, Council Legal Analyst
Amanda O'Boyle, Assistant City Attorney
Greg Venker, Assistant City Attorney
LPD Chief Green
Steve Swan, Building Official
Mary Ellen Purificato
Jim Smiertka, City Attorney - arrived at 3:38 p.m.

Public Comment

No public comment at this time.

MINUTES

MOTION BY COUNCIL MEMBER SPITZLEY TO APPROVE THE MINUTES FROM AUGUST 27, 2019 AS PRESENTED.

Ms. O'Boyle asked that the minutes reflect the OCA recommendation against the zoning at the September 27, 2019 meeting.

MOTION CARRIED 3-0.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE MINUTES FROM THE SEPTEMBER 5, 2019 MEETING AS PRESENTED. MOTION CARRIED 3-0.

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DISCUSSION/ACTION

ORDINANCE – Chapter 1300 Amendments

Council Member Wood recapped one change the Committee had requested which was a 500' buffer setback from parks with the removal of the play equipment, however the Planning Board recommendation was to leave it at the 1,000' and after the Committee individually spoke to the Mayor, the proposed ordinance reflects the 1,000'. The Committee then reviewed a bullet point listed from the OCA on the highlighted changes to the ordinance.

Council Member Wood noted for the record the public hearing will be held September 30, 2019 and Council will be asked to take action the same night so they can be adopted and in effect by November 1, 2019.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE ORDINANCE FOR THE CHAPTER 1300 AMENDMENTS. MOTION CARRIED 3-0.

DISCUSSION - Parking Ordinance Amendments – Chapter 404 Section 404.13

Council Member Wood distributed a memo from the Mayor that the Council offices received shortly before this meeting. She then highlighted past meetings, which included the attendance of the Administrations staff, however she added, the Mayor informed her he was not aware the Committee was working on an ordinance, along with no knowledge his staff was making recommendations. Therefore, at this point he was submitted a memo outlining his concerns. Council Member Wood then recommended to the Committee that at this point, they stop any work or action on the ordinance because of the Mayor's outstanding concerns. At the October 3, 2019 meeting, the Committee will write a report to the rest of Council outlining the work they have done and why they have stopped. Council Member Spitzley spoke in frustration on the timing of the memo and his statement that he was not aware the Committee was working on something, after years and efforts. Council Member Wood informed the Committee that she had directed Council staff to forward the ordinance and all Committee minutes on the subject to the Mayor and at this time directed Council staff to forward to the other Committee members as well. Council Member Hussain provided examples where emergency vehicles cannot get to emergencies because of street parking and limited access.

DISCUSSION – City Attorney Update – 3801 Walton

Mr. Smiertka updated the Committee on an inspection that was performed on September 12, 2019 with himself, the building official, LPD Officer Colby, the property owner and the property maintenance staff. At the prior visit there were issues with lack of working smoke detectors, and that was resolved this visit. As for the "calls for service" as of 9/19/2019 for the last 3 months, Mr. Smiertka noted nothing remarkable and his office had not received any calls either. He was then asked if he had spoken to Officer Colby about her earlier statements that tenants are not filing complaints or calling LPD because they informed her that they were told if they complained they would be evicted. Mr. Smiertka confirmed he has spoken to Officer Colby but had not heard that statements, and added that in his conversation with her he was informed she had the current tenant list. He then continued on other pending items, including a working camera but still not current monitor to watch the videos, but the owner will get one. All communications have been verbal with no deadlines, so Mr. Smiertka stated he would follow up. Mr. Swan then confirmed at the visit on September 12, 2019 he went through his correction notice and the large issue of smoke detectors has been remedied, however even though they are all installed and working they are having issues with the tenants disarming them and he noted he even witnessed a tenant destroy on while he was there. The maintenance employee did replace immediately and did show him a storage room full of replacement. Mr. Swan concluded his statement by acknowledging that the owner is making

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improvements that are not required and if there, any other outstanding issues they are not life threatening. Mr. Smiertka assured the Committee he would follow up with Officer Colby on the alleged threats by the landlord and on the monitor to watch the videos. In conclusion, Mr. Smiertka stated that all tenants' lists have been provided to Officer Colby, the code issues are corrected, and there are no major issues with the call for service. Council Member Hussain asked to review the list on call for service, and after review determined that, there was not pattern on the service calls. Council Member Spitzley asked for an update on other complaints such as bed bugs. Mr. Swan acknowledged he was not aware of those complaints, but that would not be a building issue. Council Member Wood noted her frustration of years, manhours with LPD, OCA and Building Safety, and being continually told there is not enough for a nuisance case to go to court. Therefore, she asked those departments to provide their time spent on the property and situations so Committee can determine it is well over the amount of a normal rental property review. Mr. Smiertka confirmed they cannot recoup costs based on what had already been done, but he personally would continue to monitor the property, and follow up on the tenant list. Council Member Spitzley asked if there was an ordinance that would allow the City to recoup the fees for repeat offenders, and if not it needs to be researched as an option. Council Member Wood pointed out in the past the City has addressed difficult properties with a 6-12 month timeline and it was determined to still to be unresolved the City pursued a determination of an unfit landlord. Mr. Smiertka stated if there were health issues at the property the Courts could pursue that. Council Member Spitzley asked the Committee to pursue having the City implement fines on repeat offenders, and create a mechanism to show landlords that the City is responding to its residents. Mr. Smiertka confirmed that the City of Rochester and Buffalo have a point system, and once a certain level is met it becomes a nuisance and fines are issued. Council Member Spitzley asked for a further discussion by the Committee in order to implement fines. Council Member Hussain agreed to the discussion, and asked for it to include all rentals, including single family and to look at the threshold that makes someone a "problematic landlord". Council Member Wood asked the OCA, LPD and Code to look at what is currently out there, and proposed options, but if there is no movement by the end of the year the Council could consider and AD HOC Committee to address the option moving forward. Mr. Smiertka acknowledged the request and noted they could look at amending the rental ordinance to address it. Mr. Swan was asked to inform the OCA when the next rental inspection would be for 3801 Walton and to coordinate that with his office.

DISCUSSION – Correction Notice Fees

Mr. Smiertka referenced the document in the packet, noting that some of the fees noted were actually fines, noting there is a difference because resolution sets fees and there is an ordinance on civil infractions fines. Council Member Wood clarified that the question was initiated by the Committee because there are some fines, such as trash, grass and weeds that have been set at \$75 for over 10 years so the Committee had inquired into why it was not increased, and if they chose to increase what would those suggested fees be. The Committee is aware that there needs to be an evaluation of what the cost is to do the work. Mr. Smiertka stated to Mr. Sanford that his department would need to do an assessment of the hourly wage, the overhead cost and fringe benefits. The overhead cost would include offices, electronics and vehicles. Once that is determined it would need to be taken into consideration with the time it takes to do the task and then set the fee. Mr. Smiertka attempted to review each item on the document, however Council Member Spitzley asked that they create a separate document for fines and one for fees. She also stated to the Committee that as part of their Council Budget Priorities for the FY2020/2021 Budget they need to consider adding a statement that all fees be reviewed and brought up to update. Council Member Wood asked the OCA and Code, when reviewing the fees and fines and doing the determination, it should be noted who will receive the funds and at what percentage. There was brief discussion by Council Member Wood, Mr. Smiertka and Mr. Sanford on a City Violations Bureau in the

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Treasurer's office that handled all of the infractions. Council Member Spitzley asked that when the discussion returns to the Committee that the City Treasurer be included.

DISCUSSION- Ordinance on Crime Prevention through Environmental Design (CPTED)

The Committee briefly spoke about past practices and attempts to address crime prevention with design, including working with MSU with research. Ms. Hagen confirmed she has researched the ordinance from Grand Rapids, where it only applies to certain types of businesses, so currently the OCA has additional questions and will reach out to the Grand Rapids attorney. Chief Green offered MSU Professor Linda Nuboni who currently works with the LPD on grants and safety at parks, and stated she had an interest in reviewing the document. Council Member Spitzley supported the research in to the program, but did not want the LPD overburdened with the enforcement. Council Member Wood noted that if they used Grand Rapids as a template, that ordinance enforces through a permit and zoning, and an officer would have to initiate a violation if they wanted to be enforce. Chief Green added that more than likely it would be the code officers, corridor enforcement and community officers that would actively be in involved in tracking and distinguishing a violation. Council Member Wood asked Ms. Hagen for the update on an ordinance on social clubs along with the impact of this on the social clubs, at which Ms. Hagen stated she did not start anything yet but will be working with Ms. Bowen in the OCA office on something.

Other

Council Member Spitzley asked for an update on past discussions with Animal Control. Council Member Wood stated that Animal Control will be at a neighborhood meeting on Tuesday, 9/24/2019. Council Member Hussain added that he was made aware that the department asked for additional funds in their budget for after-hours enforcement.

Council Member Spitzley congratulated Ms. Hagen on her recent jury trial win in court.

Council Member Hussain asked Ms. Hagen the status of the research and draft ordinance he requested which would hold the landlords accountable to assist with housing when tenants are evicted due to unhealthy and unsafe living conditions. Ms. Hagen did not have a document at this time and stated she is rewriting something.

ADJOURN

Adjourned at 4:28 p.m.

Submitted by Sherrie Boak,

Recording Secretary

Lansing City Council

Approved as presented: _____

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**Material Not Available at the time the
packet was published.
Please continue to check back for
updates on this document**

CODE COMPLIANCE ACTIVITY FEES

(Effective July 1, 2016)

RENTAL HOUSING REGISTRATION

New Registration	\$400.00
Change of Owner	\$200.00

RENTAL HOUSING INSPECTIONS

Base fee per building is **\$215.00** for 1 & 2 family structures; **\$150.00** for multiple family structures, townhouses or condos plus:

Single Family Dwelling	\$25.00 per unit
Duplex	\$25.00 per unit
Townhouses or Condos	\$25.00 per unit
Multiple Dwellings (per unit cost)	\$18.00 per unit
No Show Fee	\$65.00
Appointments made by Certified Mail	\$35.00
Rental Re-Inspections (2 nd , 3 rd , & 4 th re-inspection)	\$50.00, \$100.00, \$150.00

ADMINISTRATIVE SERVICES FEES

LANDLORD FAILURE TO COMPLY NOTICE (follow up)	\$100.00
ADMINISTRATIVE FEE-FAILURE TO REGISTER RENTAL PROPETY	\$150.00
LATE FEE (30 DAYS) RENTAL HOUSING INSPECTION-SINGLE FAMILY	\$120.00
LATE FEE (60 DAYS) RENTAL HOUSING INSPECTION-SINGLE FAMILY	\$120.00
LATE FEE (30 DAYS) RENTAL HOUSING INSPECTION –MULTI-FAMILY	\$75.00
LATE FEE (60 DAY) RENTAL HOUSING INSPECTION-MULTI-FAMILY	\$150.00

Second Notice Fees

Second and subsequent premise violations (trash, grass and disabled, abandoned motor vehicles) in the same calendar year are subject to an administrative fee of	\$75.00
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Red Tag Monitoring fees

Properties that have been red tagged and required monitoring by the City of Lansing are subjected to a monthly administrative fee of	\$150.00
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Trash and Grass Abatement Fees

This service fee does not include cleanup and mowing costs charged by the contractor	\$265.00
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Emergency Board-up Fees

A residential structure that is found to be open and accessible (not capable of being secured) is considered to be an attractive nuisance and shall be boarded. This service fee does not costs assessed by the contractor for time and materials.	\$265.00
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<u>Demolition Fees</u>	\$4,000.00
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Properties entered into the "Make Safe or Demolish" process that are eventually demolished by the City of Lansing are subject to an administrative fee. **This administrative fee is broken down in ½ with the owner being billed \$2,000.00 after it leaves the Demolition Board and the following \$2,000.00 if an when the city demolishes the property.** These figures do not include demolition and removal costs charged by the contractor.

ORDINANCE NO. 2019-02

An ordinance amending Chapter 14 of the City of Jackson, Michigan Code of Ordinances, to provide safe replacement housing for tenants displaced from their homes as a result of the dwelling being declared unfit for human habitation by the Chief Building Official pursuant to Section 14-47 of the Code ~~provision establishing property owner obligations with respect to tenants displaced from dwellings that have been vacated by Chief Building Official, due to violations of Chapter 14 of the Jackson Code of Ordinances.~~

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose.

The City Council adopts this Ordinance to create a provision establishing property owner obligations with respect to tenants displaced from dwellings that have been vacated by Chief Building Official due to violations of Chapter 14 of the Jackson Code of Ordinances.

Section 2. That Chapter 14 be amended to add an article providing for relocation assistance for displaced tenants as follows:

Article VII – RELOCATION ASSISTANCE FOR DISPLACED TENANTS

Sec. 14-500 – Title.

This article shall be known as the “Relocation Assistance for Displaced Tenants Ordinance.”

Sec. 14-501 – Findings and Purpose.

The city council finds that tenants who are required to vacate structures rented for residential purposes due to a Notice to Vacate issued pursuant to Chapter 14, Article II, Division 2, often encounter difficulty in finding suitable or affordable, temporary or replacement housing due to the short notice necessitated by the Notice to Vacate. Such difficulties create a financial hardship for said tenants and may result in homelessness. The city council also finds that those property owners who do not properly maintain non-owner occupied residential properties and who allow said dwellings to become unsafe or hazardous should bear responsibility for the hardships their actions create for their tenants. Additionally, the city will often spend time and resources assisting tenants displaced by a Notice to Vacate. These costs and expenses are not reimbursed by the property owner. Therefore, the city council finds and declares it necessary to enact this chapter to protect the public health, safety and welfare and to permit the city to seek reimbursement for the costs and expenses incurred. Nothing herein shall limit or preclude other remedies available to tenants under Michigan law.

Sec. 14-502 – Definitions.

Unless the context indicates otherwise, the following words used in this article shall have these meanings:

Landlord means an owner, lessor or sublessor or any other person entitled to receive rent for the use and occupancy of any rental unit, or the agent, representative, predecessor or successor of any of the foregoing.

Lease means an agreement, whether oral or written, or implied, between a landlord and a tenant for use or occupancy of a rental unit and for housing services.

Property means all rental units on a parcel or lot or contiguous parcels or contiguous lots under common ownership.

Relocation assistance means a relocation payment and the right of first refusal to reoccupy a residential structure.

Relocation payment means:

(1) The payment of one month's fair market value rent for a unit of comparable size, as established by the most current Federal Department of Housing and Urban Development schedule of fair market rents, or one month of the tenant's actual rent at the time of relocation, or total rent due for one month to the landlord under Section 8 of the Housing Act of 1937, whichever is greater, for a maximum of three months' rent payments, paid in monthly installments as is necessary, or other arrangements of equal benefit which are agreeable to the tenant as evidenced by a written agreement between the tenant and the property owner. Such agreement shall at a minimum contain each of the following components:

- (a) The names of the current occupants of the rental unit being vacated, and an indication of who is considered the head of the household therein;
- (b) The address and the number of the unit from which the tenant is being displaced;
- (c) A statement indicating the amount of relocation payment to which the tenant is entitled, according to the most current Federal Department of Housing and Urban Development schedule of fair market rent for the size of the subject unit;
- (d) A statement that the tenant has waived the right to such relocation payment, and describing what, if any, alternative arrangements of equal benefit the landlord has agreed to provide the tenant, which is acceptable to the tenant in lieu of relocation payment; and
- (e) The address, if known, of the location to which the tenant plans to move.

(2) A relocation payment shall be a separate requirement and obligation in addition to the refund of any security deposit pursuant to Michigan law.

(3) The relocation payment must include the actual costs associated with the tenant's moving expenses, in an amount not to exceed \$1,000.00.

(4) A relocation payment shall also include an additional amount consisting of any administrative costs incurred by the city including but not limited to, the hourly rate of any city employees that took any action in connection with assisting a tenant under this article, any inspection fees incurred pursuant to Sec. 14-43 for the property plus the costs incurred by the city related to the issuance of the notice to vacate of the rental unit.

Rental unit means any building, structure or part thereof, and land appurtenant thereto, or any other rental property rented or offered for rent for residential purposes together with all housing services connected with use or occupancy of such property, such as common areas and recreational facilities held out for use by the tenant.

Right of first refusal means the right of a tenant to reoccupy a residential structure on the site formerly occupied by said tenant, once the residential structure is repaired and becomes habitable, or once housing is redeveloped on the site.

Tenant means a tenant, subtenant, lessee, sublessee or any other person entitled under the terms of a lease to the use or occupancy of any rental unit.

Sec. 14-503 – Relocation Assistance Requirements.

(1) **Relocation Payment Due.** A landlord of a rental unit rented pursuant to a lease shall provide to the tenant a relocation payment as defined in Sec. 14-502 as follows unless one of the exceptions described in Sec. 15-504 applies: within one week of the notice to vacate or prior to the time the tenant vacates the unit, whichever occurs first, for any order requiring a tenant to vacate any rental unit due to unsafe or hazardous living conditions or due to illegal use of the structure as a residence.

(2) **Proof of Compliance.** In order to provide proof of compliance by the landlord with the relocation payment requirements of this code, the landlord shall make the payment to the city, at the Department of Neighborhood and Economic Operations; or a copy of the written agreement executed by the landlord and the tenant providing for and describing alternative arrangements shall be provided to the Chief Building Official and the director of the Department of Neighborhood and Economic Operations within five days of the date that the unit is vacated by the tenant. The landlord may make the rental payment directly to the owner of the alternative rental unit but must provide proof of such payment to the director of the Department of Neighborhood and Economic Operations.

(3) **Action by the City.** The city will make reasonable efforts to locate suitable alternative rental unit of the same or similar type, size, and location as to the vacated rental unit whether or not the landlord has provided the relocation payment, and which is acceptable to the tenant. The alternative rental unit shall be in a condition acceptable to the Chief Building Official and satisfy the minimum room requirements contained in Section R304 of the Michigan Residential Code. Upon the request of the city, the landlord is required to provide the following information: the address of each rental unit being displaced, the number of bedrooms and bathrooms of each unit, the names of the tenant(s) and the other members occupying the rental unit and the amount of the monthly payments due under the lease and the length of the rental term. The city will locate temporary housing

and pay the first five days' worth of rental for a suitable alternative rental unit and such payment shall be reimbursed by the landlord within ten days after issuance of an invoice by the city to the landlord. After the first five days after the vacating of the unit, the landlord shall be responsible for locating a suitable alternative rental unit of the same or similar type, size and location as the vacated unit.

- (4) Right of First Refusal. Any tenant evicted or required to vacate any rental unit pursuant to the provisions of this chapter shall be given the right of first refusal to reoccupy a rental unit on the site once said property becomes habitable, or once housing is redeveloped on the site.
- (a) The landlord shall, at the time the tenant vacates, provide written notice advising the tenant of the right of first refusal. Said notice shall include a current address and telephone number which can be used by the tenant to contact the owner.
- (b) It shall be the tenant's responsibility to provide the landlord with contact information consisting of the tenant's current address and/or telephone number to be used for future notification, and to provide updated contact information to the owner upon change of said information.
- (c) Thereafter, when the rental unit, or a redeveloped structure on the property, becomes habitable, the landlord shall give written notice to the tenant advising said tenant that the structure is ready for occupancy. Said written notice shall be made by certified mail, return receipt requested. Proof of compliance under this subsection must be provided by the landlord to the Director of Neighborhood and Economics Operations.
- (d) If the landlord cannot locate a previous tenant after two attempts over a period of two weeks, the landlord shall be deemed to have complied with the right of first refusal provision of this chapter, and the tenant's right of first refusal shall thereafter be forfeited. The landlord must provide notice to the Neighborhood and Economics Operations in the event that it is the landlord's determination that the tenant's right of first refusal has been forfeited.

Sec. 14-504 – Exceptions.

(1) Any tenant evicted or required to vacate as a result of unsafe or hazardous living conditions or illegal use, who refused to vacate after the provision of the relocation payment is made, or who the Chief Building Official has determined has caused or substantially contributed to the condition(s) giving rise to the abatement or whose guest or invitee has caused or substantially contributed to the condition(s) giving rise to the abatement, shall not be entitled to receive relocation assistance from the landlord.

(2) Landlords are not required to provide relocation assistance to any tenant evicted or required to vacate a rental unit that becomes unsafe or hazardous as a result of a natural disaster, fire, flood, or civil disturbance.

(3) The Chief Building Official or his or her designee may make a determination as to whether any of the exceptions provided in subsections (1) or (2) are applicable and the Director of Neighborhood and Economic Operations may waive the landlord's obligations as to the specific tenant only for good cause shown.

(4) If the landlord has already provided a suitable alternative rental unit of the same or similar type, size, and location as to the vacated rental unit to the tenant, and such replacement unit was accepted by the tenant as evidenced by a written agreement described in this article, and the landlord has agreed to pay the actual costs associated with the tenant's moving expenses, in an amount not to exceed \$1,000.00, the relocation payment shall no longer be required.

(5) Landlords are not required to provide relocation assistance to any tenant who has been served with an order of eviction requiring the tenant to move from the rental unit.

(6) Landlords are not required to provide relocation assistance to a tenant if the tenant and the landlord have entered into a consent judgment filed with the Court requiring the tenant to move from the rental unit.

Sec. 14-505 – No Waiver Permitted.

No landlord shall attempt to secure from a tenant any waiver of any provision of this Article. Any agreement, whether written or oral, whereby any provision of this Article is waived, is against public policy and is void. No person shall intentionally secure a waiver of any of the provisions, rights or benefits of this ordinance from a tenant by false pretenses or fraud. A violation of this section shall be punishable against the landlord as a misdemeanor.

Sec. 14-506 – Violation and Penalty.

Any violation of this Article, other than Sec. 14-505, is subject to the remedies and penalties provided in Chapter 2.5 of this Code and an administrative civil penalty of up to \$1,000.00 per day may be assessed for each day during which a landlord fails to provide relocation assistance required by Sec. 14-503 following issuance of a written order or notice of violation by the city, in addition to the hourly rate of any city employees that took any action in connection with the property under this article, plus the city's reasonable attorney's fees and court costs. Nothing herein shall limit the right of a tenant to enforce the obligations provided herein by civil action or by any other legal remedy which may be available to said tenant.

Sec. 14-507 – Severability.

If any provision of this article is determined to be unenforceable by a court, the remainder of this article shall be deemed severable and is to remain in full force and effect.

Section 3. This Ordinance takes effect thirty (30) days from the date of adoption.

Adopted: The foregoing Ordinance 2019-02 was adopted by the Jackson City
Council on January 29, 2019 and a summary was published on February 3,
2019.

Andrea Muray, City Clerk

Derek J. Dobies, Mayor

AN ORDINANCE TO ADD CHAPTER 175 ENTITLED "CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)" TO TITLE IX POLICE REGULATIONS OF THE CODE OF THE CITY OF GRAND RAPIDS

ORDINANCE NO. 2019-__

THE PEOPLE OF THE CITY OF GRAND RAPIDS DO ORDAIN:

Section 1. That Chapter 175, Title IX of the Code of the City of Grand Rapids be added, to read as follows:

"CHAPTER 175 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED) ORDINANCE

ARTICLE 1 TITLE, PURPOSE, AND SCOPE.

Section 9.929. Title.

These regulations shall be known as the "CPTED" Ordinance of the City of Grand Rapids, Michigan.

Section 9.930. Purpose and Intent.

- A. Crime Prevention through Environmental Design, known as CPTED (pronounced "sep-ted"), is a philosophy of crime prevention that utilizes a multidisciplinary approach to the built environment that is intended to deter criminal behavior, foster improved quality of life, assist in achieving community-policing goals, and facilitate self-policing by the community. CPTED draws on passive strategies incorporated into the normal planning, design, and management of the built environment. This ordinance focuses on goals that relate to the physical built environment and generally addresses the following key elements of CPTED philosophy:
1. Natural access management for the physical guidance of people and vehicles;
 2. Natural surveillance to promote and maximize visibility;
 3. Territorial reinforcement to delineate space and express a positive sense of ownership; and
 4. Physical maintenance and management for the general upkeep of a building or area.
- B. CPTED enhances community-policing, self-policing by the community, and collaboration between property owners, businesses, residents and neighborhoods in the following ways:

1. The creation of a safe environment, both real and perceived, is coupled with place-making to foster community belonging and ownership that discourages criminal behavior.
2. In healthy and safe communities, people are able to generate and implement practical solutions to neighborhood issues because residents are able to coordinate and communicate when not under environmental stress.
3. Human-scaled, pedestrian-oriented environments allow for face-to-face social interaction, relationship building, the self-management of behaviors and community accountability.
4. A relationship-based community can help encourage and maintain community self-policing efforts to reduce the need for City resources and police intervention in places that may be sensitive to a police presence.

C. These provisions are intended to maintain and enhance the attractiveness and economic vitality of business districts and commercial areas by providing a comprehensive approach focused on establishments that sell tobacco, alcohol for off-premises consumption, and marijuana; ~~therapeutic massage facilities~~ bodyworks facilities and those potentially engaged in the illicit ~~massage-adult sexual services~~ industry; and businesses that are open past midnight, subject to certain conditions, in the implementation of CPTED principles to create a safe environment for Grand Rapiadians in the following ways:

Alignment of Provisions with CPTED Principles					
Ordinance Provisions	Elements	Access Management	Natural Surveillance	Territorial Reinforcement	Property Maintenance
Visibility	Window coverage, interior fixtures, window transparency, security devices, parking lots, cash register viewing window, video surveillance		X		
	Customer entrances	X			
Lighting	Sharp cut-off lighting, architectural lighting		X		
	Exterior doors and parking area	X	X	X	
Property Maintenance	Trash, litter, graffiti			X	X
	Vegetation maintenance to maintain vision, lighting, removal, maintain safe passage for pedestrians and vehicles	X	X	X	X

- D. The provisions of this Chapter are deemed to be the minimum requirements necessary for the promotion of the public health, safety and general welfare of the people of Grand Rapids. In addition to the standard requirements of this ordinance, enhanced measures are also provided to reduce recurring issues on sites of chronic non-compliance.
- E. These regulations should be used in conjunction with the associated relevant chapters of City Code, including the Zoning Ordinance, Nuisance Code, and Building Maintenance Code.

Section 9.931. Definitions.

The following definitions shall apply for purposes of this Chapter. Terms not defined in this Chapter shall be given their ordinary and common meaning. Where not otherwise evident, terms shall have the meaning given in the latest edition of Merriam Webster's Collegiate Dictionary.

ACCENT LIGHTING

Lighting which serves to provide visual emphasis and attract attention rather than illuminate space for human activity.

ALCOHOL RETAIL SALES

A retail establishment licensed by the State of Michigan for the sale of beer, wine, liquor and other alcoholic beverages (also known as package goods) for consumption off-premises holding a Specially Designated Merchant (SDM) or Specially Designated Distributor (SDD) license. Restaurants shall be exempt from the requirements of this Ordinance.

BODYWORKS

Any personal service that is not licensed by the State of Michigan and uses one or more of the following practices: the use of touch, words, or directed movement to deepen awareness of patterns of movement in the body (including the Feldenkrais method and the Trager approach); the affectation of the human energy system or acupoints or qi meridians of the human body (including polarity therapy, Asian bodywork therapy, Reiki, and Shiatsu); reflexology; or structural integration. Bodyworks does not include massage therapy.

CASH REGISTER VIEWING WINDOW.

A window through which the cash register for a convenience or package goods store shall be clearly visible from the street. The viewing window shall have a contiguous area of at least twenty (20) square feet of clear glass, minimum dimension of three (3) feet on any side, and have an unobstructed view into the store.

CHRONIC NUISANCE ESTABLISHMENT

An establishment that has been the subject of four (4) compliance letters, orders, or citations for violations of any state or local law issued by the City within any one-hundred eighty (180) day period or, within a twenty-four (24) month period data demonstrates that the establishment contributes to impaired safety within the immediate vicinity which necessitates the deployment of additional city resources.

CLEAR GLASS

Clear or lightly tinted glass in windows, doors, and display windows with a glass that meets Visible Light Transmittance (VLT) and Visible Light Reflectance (VLR) standards. See TRANSPARENCY.

CONVENIENCE STORE

A retail establishment with a limited sales area which may be a freestanding use or associated with another principal use.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

Architectural design, site design, and landscape design principles and standards intended to reduce the fear and incidence of crime, and to improve quality of life.

CUSTOMER ENTRANCE

The doorway into a building used for customers or patrons of the business establishment.

ESTABLISHMENT

A place of business that is licensed by the State of Michigan for tobacco, alcohol (off-premises consumption) and marijuana; provides "bodyworks" personal services; and businesses engaged in retail sales and assembly uses that have hours that extend past midnight.~~business that is licensed by the State of Michigan for tobacco, alcohol (for off-premises consumption), marijuana; provides therapeutic massage or "bodyworks"; businesses that have hours that extend past midnight for retail sales and assembly uses;~~ or businesses where repeated zoning, nuisance, building and other public safety issues arise that may benefit from the application of CPTED provisions. Retail businesses that are greater than 25,000 square feet in size ~~with assigned security personnel~~ shall be exempt from the requirements of this Ordinance.

EXTERIOR DOORS

Doorways that allow ingress to or egress from a building.

GLARE

The condition that results from insufficiently shielded light sources or areas of excessive light within the field of view.

GRAFFITI

Any inscription, design, word, figure, or mark of any type drawn, marked, painted, tagged, etched, scratched, or written upon any building, bridge, fence, gate, rock, structure, tree, wall, or other property that defaces, damages, or destroys any public or private, real or personal property, without the privilege to do so.

IES

Illuminating Engineering Society.

MARIJUANA PROVISIONING CENTER OR MARIJUANA RETAIL SALES

An establishment licensed by the State of Michigan for the sale of medical marijuana or adult-use marijuana.

MESSAGE ~~BUSINESS~~THERAPY

~~Any business that provides massage services, including massage establishments licensed by the State of Michigan for therapeutic massage or those that purport to provide "bodyworks" services. Full-service salons that include hair, makeup and nails open to the general public shall be exempt from the requirements of this Ordinance.~~ Message Therapy means the "practice of massage therapy" as that term is defined and regulated in the Public Health Code, Public Act 368 of 1978, Part 179A, MCL 333.17951 et seq. Only state-licensed massage therapists shall conduct massage therapy.

PARKING AREA, PARKING LOT

A paved area not within the right-of-way of any public or private street dedicated to vehicular ingress and egress, off-street parking, parking aisles, internal travel ways, fire lanes, and other areas dedicated to vehicular use, but not including vehicular storage or display areas.

RESPONSIBLE PERSON

Any person or persons related ~~of to~~ the use or development of the land, including participating, assisting, directing, creating, causing, or maintaining a condition that results in a violation of this Chapter. The responsible person may include the property or land owner, tenant or occupant, agent, or any other person who has control over, or responsibility for, the property. Synonymous with responsible party.

RETAIL SALES

Establishments primarily engaged in the sale of goods and materials to the general public.

RIGHT-OF-WAY

Any public street or other public place used for street or sidewalk purposes, including the area between the sidewalk and curb line.

SECONDARY LOCATION

A secondary business operation of the holder of an SDM license that has a primary building of 25,000 square feet or larger and an ancillary gas station as the secondary business, located on the same lot or adjacent lots, shall be considered as one integrated development and exempt from this Ordinance so long as the businesses remain under common ownership; including as a subsidiary or affiliate.

SIGN

Any name, number, symbol, identification, description, display, illustration, object, graphic, sign structure, or part thereof, whether permanent or temporary, which is affixed to, painted on, represented directly or indirectly upon, or projected onto a building, structure, lot, or other device, whether mobile or affixed to the ground, and which directs attention to any object, product, place, activity, person, institution, organization, or business.

TRANSPARENCY

The ability to see through with clarity. An opening in the building wall allowing light and views between interior and exterior. Measured as clear glass areas for buildings and as open areas for parking structures. Compare to CLEAR GLASS.

WINDOW SIGN

Any sign affixed to or within twelve (12) inches of the interior or exterior of a window and which is intended to be seen by the public from the outside.

Section 9.932. Administration.

The City Manager or designee is responsible for the administration of this Chapter.

Section 9.933. Severability.

If any provision of this Chapter or application thereof to any person or circumstance is held invalid by any court, other provisions or applications of the Ordinance which can be given effect without the invalid provision or applications shall not be affected, and to this end the provisions of the Ordinance.

Section 9.934. Fees.

Fees associated with the administration of this Chapter shall be set from time to time by resolution of the City Commission.

ARTICLE 2 - GENERAL REQUIREMENTS APPLICABLE TO ESTABLISHMENTS THAT SELL TOBACCO, ALCOHOL, AND MARIJUANA; MESSAGE BUSINESSES; AND ESTABLISHMENTS OPEN LATER THAN MIDNIGHT.

Section 9.935. Applicability.

The requirements of this Article apply to a place of business that is licensed by the State of Michigan for tobacco, alcohol (off-premises consumption) and marijuana; provides ~~therapeutic massage or~~ "bodyworks" personal services; and businesses engaged in retail sales and assembly uses that have hours that extend past midnight. Businesses where repeated zoning, nuisance, building and other public safety issues arise that meet this Chapter's criteria of a chronic nuisance and where the public would benefit from the application of this Ordinance for reasons of health, safety and welfare shall also be considered eligible.

Section 9.936. Contact Information.

Establishments meeting the requirements of this Ordinance shall provide 24-hour contact information to the City of Grand Rapids Planning Department. This information shall contain the contact name of the responsible party for the business, legal identification, mailing address, email and phone number. This information shall be updated annually.

Section 9.937. Visibility.

- A. Purpose and Intent. The following regulations employ natural surveillance, natural access management, and territorial reinforcement techniques to establish a safe and comfortable environment. These regulations are intended to facilitate a clear, unobstructed view into and out of establishments, ensure customers can see and be seen when entering and leaving the premises, provide physical orientation and a

pedestrian-friendly environment, and to discourage would-be offenders by making noncompliance obvious.

B. Effective date.

1. All existing windows shall comply with window coverage, interior fixture, window treatment, transparency, entrance identification, and security device requirements of this Section after the effective date of this Ordinance.
2. Improvements to customer entrances and parking areas, as described in this Section, shall be installed within three (3) years after the effective date of this Ordinance. Glass replacement at customer entrances in order to meet transparency requirements shall comply after the effective date of this Ordinance.

C. Identification. Customer entrances shall be clearly identifiable by means of signage, architectural features, awnings, lighting, or other means, as otherwise permitted by other City codes and ordinances.

D. Window Coverage. The view from outside of the building through windows, doors or other transparent surfaces shall not be obstructed or blocked by more than twenty-five percent (25%) by any painted, stenciled, applied sign or film; bars or other security device; interior display, shelving, cooler, furniture; or other solid fixtures or covering, separately or in combination, except as outlined below. Window panes separated by muntins shall not be counted separately as windows but shall be included in the cumulative total square footage of window area.

E. Interior fixtures. Movable fixtures including but not limited to interior displays, shelving, coolers, furniture, or other solid, movable fixtures above three (3) feet in height located on the interior of the establishment shall be set back a minimum of five (5) feet from the window. Interior fixtures closer than five (5) feet from the window shall be considered window coverage.

F. Window treatments. Shades, blinds, curtains or other window treatments shall allow visibility into the establishment from the outside during business hours but may be used to temporarily filter or block direct sunlight during hours of operation.

G. Transparency.

1. Glass in ground floor windows, doors, and display windows shall be transparent or lightly tinted, maintain a visible light transmittance measurement of at least sixty-eight percent (68%), and have a reflectivity value of no greater than twelve percent (12%) from both inside and outside. Mirrored or darkly tinted glass is not permitted.

1.2. The area of the front and sides of a building between two (2) and eight (8) feet above the sidewalk (or ground level adjacent to the building if a sidewalk is not present) shall be used to measure transparency.

G.H. Customer Entrance.

1. Doors used for customer entry and exit shall be transparent or contain a transparent viewing window. The viewing window shall be located in the upper half of the door, be at least thirty percent (30%) of the area of the door and be situated in a manner that promotes visibility from both sides of the door. Completely solid or opaque doors are not permitted.
2. The primary building entrance shall be in the front façade parallel to the street and readily visible from the public right-of-way. At least one (1) main building entrance shall be located on the primary street.

H.I. Security Devices.

1. Steel barriers, shutters, hurricane curtains and other similar security devices are not permitted on the exterior of the building. If located inside the building, they may not be visible from the public sidewalk or right-of-way during business hours.
2. Security bars or other similar devices are permitted, subject to Section B, above. Security bars count against window coverage.

I.J. Parking area. A parking area abutting and associated with an establishment shall be readily viewed from inside the building by means of either a camera part of a functioning video surveillance system, or by a transparent window of at least six (6) square feet in area for every forty (40) linear feet or portion thereof of the wall(s) of a building that faces the parking area.

J.K. Administrative Departures.

1. An administrative departure may be granted for interior fixtures where minimum building transparency requirements listed in Building Elements tables of Articles 5, 6 and 7 of the Zoning Ordinance are satisfied.
2. An administrative departure may be granted from window coverage, window treatment, or transparency requirements for non-compliant existing windows if another existing window is increased in size, or a new window is added, on the building façade commensurate with the area of the existing window that shall remain covered or non-transparent due to the operating needs of the business.
3. An administrative departure may be granted for the placement of the customer entrance door if the building entrance is located within five (5) feet of a front corner of the building so long as the corner area of the entrance is at least sixty percent (60%) transparent on the street-facing side and situated in a manner that promotes visibility from the public right-of-way.

Section 9.938. Lighting.

- A. Purpose and Intent. The following regulations are intended to establish lighting standards based on IES-recommended best practices to promote safety, utility, security, productivity, commerce, and meet energy constraints with the following CPTED-related objectives: facilitate the visual ability of those performing security or enforcement functions; provide a clear view of an area from a distance, and enable anyone moving in or immediately around it to be easily seen and recognized; remove potential hiding places; permit identification and create the perception that those in the area are identifiable; complement other security devices; provide deterrence and aid in apprehension; and maintain visibility by minimizing and controlling the amount and type of lighting that tends to create glare.
- B. Effective date.
 - 1. All outdoor lighting installed after the effective date of this Ordinance shall comply with these requirements. This includes, but is not limited to, new lighting, replacement lighting, or any other lighting whether attached to structures, poles, the earth, or any other location, including lighting installed by any third party.
 - 2. Existing outdoor lighting installed prior to the effective date of this Ordinance that does not comply with these requirements shall be improved to within three (3) years after the effective date of this Ordinance in a sufficient manner to meet the intent of this Section.
- C. Conformance with All Applicable Codes. All outdoor lighting shall be installed in conformance with the provisions of this Ordinance, applicable Electrical and Energy Codes, and applicable sections of the Building Code.
- D. Hours of Operation. All lighting regulated by this Section shall operate from dusk to dawn.
- E. General Standards.
 - 1. Lighting types. All outdoor lighting regulated by this Ordinance shall be full cut-off and fully shielded as defined by IES and directed downward to prevent off-site glare and illumination. No portion of the lamp, reflector, lens, or refracting system may extend beyond the housing or shield, with the exception of pedestrian walkway ground lighting. The use of barn lights, non-shielded wall packs, floodlights, or lights not aimed downward is prohibited.
 - 2. Solid-state luminaires (high-intensity discharge or LED modules) shall be used in an effort to maintain a unified lighting standard.
 - 3. Uniformity Ratios. To maintain uniformity in light levels and prevent or minimize dark areas, the ratio of maximum to minimum lighting levels on a given lot is measured in footcandles at ground level and shall not exceed a ratio of fifteen-to-

one (15:1). Parking lots shall maintain the same uniformity ratios as the main building or principal use served.

4. Intensity. The intensity of light within a site shall not exceed ten (10) footcandles within any part of the site and one (1) footcandle at any lot line, except where it abuts or faces a Residential Zone District or residential use, a maximum of 0.5 footcandles is permitted.
5. Interior Lighting. Any establishment in which the interior of the premises remains visually unobstructed after the close of business shall be illuminated with a low-level night light or equipped with a motion detector sensor.
6. Automatic Switching Requirements. Any lighting required by this Chapter shall be equipped with controls that automatically extinguish all outdoor lighting when sufficient daylight is available.
7. Illumination of recessed areas. Alcoves and other recessed areas of buildings or property that are capable of human concealment shall be illuminated during the hours of darkness.
8. Accent Lighting.
 - a) Unshielded decorative lighting that causes glare, including, but not limited to luminous tube (neon), string, rope, tape, LED, fluorescent, or other similar lighting, is prohibited.
 - b) Landscaping lighting shall not generate excessive light levels, cause glare, or direct light beyond the landscaping intended to be featured.
 - c) Holiday lighting, or decorative lighting approved by the Planning Director, may be allowed in accordance with the Zoning Ordinance.
9. Exterior Doors. Each exterior door shall be illuminated so that entry and exit activity is made clearly visible.
10. Parking Area. A parking area abutting and associated with an establishment shall be illuminated in its entirety at an intensity of at least two (2) foot-candles per square foot at eighteen (18) inches as measured horizontally at the surface on which the light is mounted. Lighting reduction requirements of the Zoning Ordinance for parking areas containing a minimum of four (4) light poles apply.

Section 9.939. Property Maintenance.

- A. Purpose and Intent. Regular property upkeep expresses ownership, communicates a space is cared for and protected, and allows for the continued use of a space for its intended purpose. Furthermore, proper maintenance promotes natural surveillance by minimizing the likelihood of landscaping obscuring views of outdoor areas from inside of the structure, enhances wayfinding and orientation, and serves as an additional expression of territoriality and ownership.
- B. Effective date. The properties of all establishments shall comply with the property maintenance requirements of this Section after the effective date of this Ordinance.

C. General.

1. All exterior areas of a property shall remain sanitary and free of trash, garbage and litter.
2. A trash receptacle shall be provided within five (5) feet of the exterior of the customer entrance, except if a business district trash receptacle is provided within ten (10) feet of the customer entrance.
3. Commercial waste receptacles and enclosures shall not allow for easy concealment, nor create blind spots or hiding areas.
4. Graffiti shall be removed within twenty-four (24) hours of its appearance on any surface on the subject property.
5. The establishment and property shall be in compliance with all state, local and city ordinances.

D. Vegetation.

1. Views of windows, building address numbers, walkways and the line of vision to the establishment from the public right-of-way shall not be obstructed by vegetation.
2. Reasonable pruning, trimming, or other suitable and acceptable methods shall be used to control vegetation. Vegetation and landscape areas shall be maintained substantially debris-free, neat and orderly in appearance, and in healthy growing condition. Dead vegetation shall be removed or replaced.
3. Vegetation shall not interfere or obstruct any lighting required by this Chapter.
4. The passage or movement of pedestrians or vehicles on any sidewalk, driveway, parking lot, or any other area intended for the use of pedestrians or vehicles shall not be obstructed or interfered with by vegetative overgrowth.

Section 9.940. Rules Pertaining to ~~Massage-Bodyworks~~ Businesses.

- A. Purpose and Intent. Increased access, improved visibility, and operations requirements for ~~massage-bodyworks~~ establishments can reduce or prevent sex trafficking, commercial sexual exploitation, and labor trafficking/exploitation. In addition to the provisions of this Chapter, the following rules are intended to deter illicit ~~massage-adult sexual services~~ businesses.
- B. Effective date. All ~~massage-bodyworks~~ establishments shall comply with the rules of this Section after the effective date of this Ordinance in addition to all other provisions contained herein.

- C. Hours of operation. ~~Massage Bodyworks~~ businesses shall maintain reasonable hours of operation; operating hours may begin at 7am and conclude by ~~9~~10pm. Twenty-four-hour operations are prohibited.
- D. Customer entry. Customer access to the building entry shall only be through the front door of the primary building entrance facing the public right-of-way.
- E. Occupancy and doors. No person or persons shall be permitted to reside on the premises of a ~~massage bodyworks~~ business. Interior doors, other than those for restrooms, customer records and fire doors, shall not contain locks or locking mechanisms. ~~The residency prohibition in this section shall not apply to a Massage Business operating under a home occupation license issued under Chapter 61 of this Code.~~
- F. Licensure. Only licensed massage therapists shall be allowed to operate as a massage business within the City of Grand Rapids. All valid, unexpired licenses shall be displayed at the front ~~entry~~entrance of the business for each massage therapist employed. To verify that a massage therapist is licensed, an establishment shall produce the employee, legal identification and therapist's State of Michigan license for inspection. An establishment is not a bodyworks establishment where the principal use is to provide massage therapy by a licensed massage therapist, in compliance with Chapter 61 of the City Code, Zoning Ordinance. Bodyworks, as defined in this Ordinance, is considered to be a separate use for personal services and is not designated or implied to be massage or massage therapy.

ARTICLE 3 ENHANCED MEASURES FOR COMMERCIAL CHRONIC NUISANCE ESTABLISHMENTS.

Section 9.941. Purpose.

Business establishments that accumulate several violations are particularly resource intensive on City departments and deleterious to the neighborhood surrounding the property. It is the determination of the City Commission that additional enforcement remedies are necessary to address the public health, safety, and welfare issues created by establishments with chronic incidents in a coordinated way. Corrective measures that protect these establishments' employees, their customers, and the neighborhoods in which they are located can assist in reducing adverse impacts the quality of life for neighboring businesses and residents.

Section 9.942. Applicability.

One of the following shall constitute the finding that an establishment is a chronic nuisance. Declaration of the establishment as a public nuisance shall subject it to the requirements of this Article.

- A. The establishment has been the subject of four (4) compliance letters, orders, or citations for violations of any state or local law issued by the City within any one-hundred eighty (180) day period (calendar days), ~~and which letters, orders or citations remain uncorrected.~~
- B. Data indicators within a twenty-four (24) month period demonstrate that the establishment contributes to ~~an increase in~~ criminal incidents (e.g. assaults, robberies) within the immediate vicinity resulting in increased calls for service, additional deployment of police resources for the protection of persons and property or investigations, and disinvestment or failure to thrive of nearby properties.

Section 9.943. Procedure.

- A. The City Manager may declare the property is a nuisance, as defined in this Chapter, by issuing a Notice.
- B. Notice to the ~~property owner or principal operator~~responsible person/s shall include:
 - 1. Street Address or a legal description sufficient for identification of the property;
 - 2. Declaration that the City Manager or designee has declared the property a nuisance with a concise statement specifying the conditions which constitute the nuisance;
 - 3. Demand that the ~~owner and principal operator~~responsible person respond to the City Manager or designee within seven days of service of the notice to discuss a course of action to correct the conditions; and
 - 4. Notice that, if the responsible person ~~in charge~~ does not respond to the City Manager or designee as required in this section, or if the matter is not voluntarily corrected satisfactorily, the City may file an action to abate the property as a chronic nuisance property pursuant to this Chapter or take any other legal action against the ~~property or person in charge~~responsible person.
- C. When a notice is issued pursuant to this section to a ~~principal operator~~responsible person, other than an owner or owner's agent, who has permitted a property to become a chronic nuisance property, a copy of which notice shall also be sent by first-class mail or personally served on the owner of the property, and a copy shall be sent by certified mail.
- D. If either of the following occurs, the City Manager may refer the matter to the City Attorney for initiation of proceedings pursuant to Article 5 of this Ordinance:
 - 1. The agreed course of action does not result in the abatement of safety violations to the satisfaction of the City Manager or designee within 30 days of issuance of the notice or within such longer period as permitted in writing; or
 - 2. The person fails to respond as required by the notice.

Section 9.944. Abatement and Enhanced Measures.

A. Pursuant to the issuance of a notice as described in Article 4, the City Manager or his/her designee may require a chronic nuisance establishment to engage in one or more corrective actions. Enhanced measures to ensure public safety, reduce unlawful incidents, and facilitate compliance are identified below. A written Correction Agreement, as provided in this Ordinance, may be used as a tool to implement corrective actions and ensure all requirements are met.

1. CPTED Plan. Develop a CPTED Plan in coordination with City staff and, accordingly, implement recommendations of the Plan; agree to a final inspection of the property to ensure compliance.
2. Good Neighbor Plan. Produce and implement a Good Neighbor Plan, a written program relative to litter control, property and landscape maintenance, and neighborhood communication. Good Neighbor Plan requirements are contained in Article 12 of the Zoning Ordinance.
3. Cash register viewing window. Install a window that allows a clear and unobstructed view of the cash register and sales transaction area from outside the building and in a normal line of sight. The viewing window shall be at least twenty (20) square feet in size, minimum dimension of three (3) feet on any side, and consist of clear glass. No signs shall be posted on the viewing window.
4. Age verification ID scanner. Utilize an age verification identification scanner for age-restricted sales and uses.
5. Surveillance system. Install and maintain a functioning video surveillance system capable of recording and retrieving a digital image to assist in offender identification and apprehension. Cameras associated with the system shall be positioned to capture images of alcohol display areas, the cash register; the customer entrance, and all exterior sides of the building. Enroll in the Police Department Security Camera Registration Program.
6. Maximum display shelving height. Limit shelving height to five (5) feet on the sales floor when not located alongside a perimeter wall.
7. Height markers at the entrance. Locate markers which display height measures at customer exit doors.
8. Silent alarm. Equip the establishment with a functioning silent alarm to law enforcement or a private security agency, unless an application for an exemption is made to and granted by the City.
9. Drop safe/depository safe. Utilize a drop safe or depository safe and limit the amount of cash kept on the premises after 11:00 p.m.

10. Crime prevention training plan. The ~~owner or principal operator~~responsible person of ~~a retail establishment~~the business shall prepare and submit a crime deterrence and safety training prevention plan for approval by the City. The establishment's manager and point of sale employees shall be trained on the curriculum within sixty (60) days of employment. Existing employees shall receive training within six (6) months of the ~~effective date of this ordinance~~date of notice.
11. Sales training plan. The ~~owner or principal operator of an establishment engaged in the sale of tobacco, alcohol and/or marijuana~~responsible person of the business shall prepare and submit a training curriculum covering laws regarding sales, identification verification, declining sales, conflict de-escalation and addressing customer behavior issues for approval by the City. The establishment's manager and point of sale employees shall receive training within sixty (60) days of employment. Existing employees shall receive training within six (6) months of the ~~effective date of this ordinance~~date of notice.

- B. The remedies available in this section are in addition to any other remedies available in this Chapter. Any other measure reasonably related to abate the chronic nuisance, when done as part of a Correction Agreement shall be permitted. Items related to the unique circumstances associated with the property and neighborhood in which it is situated, including in a Good Neighbor Plan, may be included.

Section 9.945. Correction Agreement.

A Correction Agreement is a contract between the City and the responsible person ~~in charge~~ of the chronic nuisance establishment in which such person agrees to promptly take all lawful and reasonable actions, which shall be set forth in the agreement to abate the nuisance conditions within a specified time and according to specified conditions. The agreement shall be signed by the ~~principal operator~~responsible person and, if different, the owner. The agreement shall be executed by the City Manager or designee in a form approved by the City Attorney. In no case shall the term of a Correction Agreement exceed one year. The agreement shall include the following:

- A. The name and address of the responsible persons ~~in charge~~ of the property;
- B. The street address or a description sufficient for identification of the property, building, structure, or land upon or within which the nuisance is occurring;
- C. A description of the nuisance conditions;
- D. The necessary corrective action to be taken, and a date or time by which correction must be completed;
- E. An agreement by the responsible person ~~in charge~~ that the City may inspect the property as may be necessary to determine compliance with the correction agreement;

- F. An agreement by the responsible person ~~in charge~~ that the City may abate the nuisance and recover its costs and expenses and monetary penalties pursuant to this Chapter from the responsible person ~~in charge~~ for the nuisance if the terms of the correction agreement are not met; and
- G. When a ~~principal operator~~ responsible person, other than an owner or an owner's agent, has permitted a property to be a chronic nuisance property, an agreement by the owner to promptly take all acts and pursue all remedies requested by the City Manager or designee.
- H. An agreement that the City will not engage in any Additional Enforcement Remedies as long as the parties remain compliant with the terms and conditions of the Correction Agreement.
- I. An agreement that the terms and conditions contained in a Correction Agreement are not subject to appeal.

Section 9.946. Certificate of Compliance.

A Certificate of Compliance shall be provided once the conditions of the Correction Agreement are satisfied. The compliance period shall be good for two (2) years during which the establishment shall be considered under probation and subject to bi-annual inspections. Failure to perform during that period may result in a revocation of the Certificate of Compliance and the creation of a new Correction Agreement or the commencement of enforcement activities.

ARTICLE 4 – ENFORCEMENT PROCEDURES AND APPEALS.

Sec. 9.947. Enforcement Process.

- A. Reasonable Entry. Upon presentation of proper credentials and when permission is granted by a person who represents he or she has authority to grant permission, inspections may be conducted within the business, premises or accessory structures during reasonable hours. Entry without consent of an owner or an occupant shall require an administrative search warrant or order issued by a court of competent jurisdiction.
- B. Access. Every occupant of a building, premises or accessory structure shall give the ~~owner~~ Inspector access to any part of the building, premises or accessory structure thereto at all reasonable times for the purposes of making an inspection and any ~~building alterations or repairs~~ documentation, such as licenses, as are necessary to comply with the Ordinance.
- C. Basis of Inspections. Inspections shall be made to obtain and maintain compliance with the provision of this Chapter for one (1) or more of the following purposes:
 - 1. To determine conformity with a permit, zoning approval, or other approval provided in this Chapter, as well as any special conditions imposed.
 - 2. To determine compliance with a notice or an order issued by the City.

3. To verify a complaint received by the City, indicating that there is a violation of the provisions of this Chapter.
 4. To verify an observation by the City of a violation of the provisions of this Chapter or to investigate compliance with the provisions of this Chapter.
 5. To determine if an emergency is observed or reasonably believed to exist.
 6. To fulfill a request for an inspection made by the owner or responsible person.
 7. To inspect a designated area where all dwellings, accessory building, yards, and/or signs are to be inspected uniformly or intensively or for specific violations.
- D. Content of Written Notices of Violation. Written notices of violation authorized by this Chapter shall include the following information:
1. A description of the real estate and/or project name sufficient for identification.
 2. A statement of the violation or violations.
 3. A correction order allowing a reasonable time to correct the violation and bring the property into compliance. If the written notice is a Notice to Abate, the notice shall indicate that the City may act to abate the violation if not brought into compliance.
 4. A statement that failure to comply with the Notice may result in further enforcement action.
 5. A statement that a fee shall be charged for the issuance of the Notice. If the written notice is a Notice to Abate, the cost of City action to abate the violation shall be a personal debt of the owner, which may be assessed as a lien against the property until paid.
 6. A description of the right to appeal, as applicable.
- E. Method of Service. The written notice of violation shall be deemed to be properly served in one (1) of the following ways:
1. Delivered personally;
 2. Sent by first-class mail addressed to the last known address of the responsible person; or
 3. Any other method authorized for the service of process by court rule or State statute.
- F. Posting. After issuing a written notice of violation, the City, at its discretion, may post a copy of the written notice and/or a placard on the property.
- G. Administrative Extension. A request may be submitted by the property owner for an administrative extension to correct violations cited in a written notice of violation. The extension period shall be determined by the designated enforcement officer, but

shall not exceed ~~two-six~~ (62) months. An extension may be considered under the following circumstances.

1. The extension will not adversely affect adjacent properties nor pose a health or safety hazard to the occupants or others.
2. The owner or responsible person is making significant progress in correcting the violation(s); or
3. There are clearly established extenuating circumstances delaying compliance which are beyond the control of the owner or responsible person.

Section 9.948. Enforcement Appeals.

Except as otherwise provided in this Chapter, any person issued a notice by the City in the course of enforcing the provisions of this Chapter may appeal the decision or interpretation made by the City.

A. Written Notice. An appeal of a written notice, order or ruling regarding a violation shall be made in writing within twenty (20) days of the date of the notice, order or ruling. However, if a notice, order, or ruling requires the correction of a cited violation within a shorter period of time, the appeal must be made within such shorter period.

B. Prohibited Appeals. Appeals governed by this Chapter of the following orders, notices or rulings are prohibited:

1. A determination that an emergency or hazard is present.
2. A ruling, decision, opinion or action of the City Attorney or imposed by a Court of Law, or a civil infraction ticket.
3. Conditions attached to an approved permit.
4. A Correction Agreement.

5. A Declaration of Nuisance and/or a Notice to Abate.

5-6. State licensure definitions, requirements and rules.

C. The ~~Building—Maintenance~~Crime Prevention Through Environmental Design (CPTED) Appeals Board is authorized to hear and decide appeals concerning the application or interpretation of the provisions of this Chapter:

1. All appeals shall be filed, heard and decided in accordance with the provisions set forth in Chapter 135, Article 5.
2. No other extensions or further extensions from that allowed for under an Administrative Extension shall be permitted except by order of the ~~Building Maintenance~~CPTED Appeals Board for good cause.

3. Extensions may be granted no more than three (3) times the length of time provided with the original Notice. The Board shall not permit more than one (1) extension.
4. Extensions may be allowed when the Board finds that the time allowed is unreasonable, circumstances have prevented a good faith effort to comply, or substantial work has been completed and additional time is warranted.
5. In making its determination, The ~~Building Maintenance~~CPTED Appeals Board shall read the Purpose and Intent of this Chapter and any associated articles that reflect on intent prior to making its decision.

Section 9.949. Transfer of Ownership.

An owner or responsible person transferring ownership of a property notified as being in violation of a provision of this Chapter shall notify the City in writing within ten (10) days of the transfer with the name, address and telephone number of the new owner and the effective date of the transfer of ownership. The City shall issue a new Notice of Violation to any person assuming the ownership or the status of responsible person for any condition, building or structure which has been cited in a Notice of Violation.

ARTICLE 5 – VIOLATIONS, PENALTIES, AND REMEDIES.

Section 9.950. Violations.

Except as otherwise provided in Section 9.951(E)(3), a violation of this Chapter shall be a municipal civil infraction punishable by a fine as established in Chapter 170 of the City Code for the first offense. All subsequent offenses shall be a misdemeanor punishable by a fine of up to \$500, or imprisonment for up to 90 days, or both such fines and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense and a separate violation subject to enforcement action.

Section 9.951. Enforcement Powers.

- A. The City may use any lawful remedy or enforcement powers against the owner or responsible person for any violation of this Chapter, including, without limitation, one (1) or more of the actions of this Section. Remedies may be pursued simultaneously or sequentially and the pursuit of a single remedy does not foreclose the simultaneous or subsequent pursuit of other remedies. The remedies are cumulative and the City shall have all power granted from time to time under all applicable federal, state and local laws, rules and regulations:
- B. Uncorrected Violations.
 1. Withhold Permit. The City may deny or withhold any and all permits or other forms of authorization from an applicant on any property where there is an uncorrected violation of a provision of this Chapter or a condition or stipulation of approval for a permit or other authorization previously granted by the City. This

enforcement provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question.

2. Permit Approved with Conditions. In addition to denying or withholding a permit or other authorization, the City may grant any permit or other authorization subject to the condition that the violation ~~be~~is corrected.

C. License Revocation.

1. The City may institute an action to suspend, revoke, deny, or not renew any city license required by City Code.
2. Revocation, denial, or nonrenewal of State licensing may be sought for noncompliance of a recognized chronic nuisance establishment. The City reserves the right to notify the Michigan Liquor Control Commission (MLCC), Michigan Department of Licensing and Regulatory Affairs (LARA) and any other appropriate state agency required to engage with the subject business.
3. Action taken under this subsection is not subject to appeal.

D. Court Order. The City Attorney may bring and prosecute an action in any court of competent jurisdiction to:

1. Enjoin the owner or responsible person from continuing operations of the business establishment; and/or
2. Comply with the requirements of this Chapter.

E. Municipal Civil Infraction and Misdemeanor Penalties.

1. Municipal Civil Infractions. Enforcement of violations and application of Municipal Civil Infraction fees shall follow the procedures and schedule of fines established in Chapters 67 and 170 of the City Code, respectively.
2. Except as provided in E.1., above, a violation of this Chapter shall, until the fourth offense, constitute a Municipal Civil Infraction, which upon an admission or finding of responsibility shall result in fines established in Chapter 170 Municipal Civil Infractions of the City Code.
3. A fourth offense shall be a misdemeanor punishable by a fine of up to five-hundred dollars (\$500.00), or imprisonment for up to ninety (90) days, or both.
4. Proceedings may be instituted pursuant to Chapter 170 of the City Code. In addition, anyone pleading or found responsible shall pay the costs of enforcement and prosecution.
5. In addition to civil fines, the District Court shall have equitable jurisdiction to enforce any judgment, writ or order necessary to enforce any provision of this Chapter, including but not limited to order the abatement or correction of the offending action or condition or by granting injunctive relief.

F. Declaration of Nuisance and Notice to Abate.

1. A violation of this Chapter is a nuisance per se and the City may institute appropriate actions or court proceedings to correct, or abate any violation of the provisions of this Chapter. If the owner or responsible person fails to abate a violation, the City may take action to abate the violation.
2. The abatement may be performed by the City, by a contract vendor, or by other means determined by the City, the actual cost which shall include an administrative fee, shall be a personal debt of the owner, and may be assessed as a lien against the property until paid.
3. Upon observing a violation of the provisions of this Chapter, the City may issue a Notice to Abate. The Notice to Abate shall include:
 - a) The nature and location of the violation.
 - b) The time within which the violation must be abated.
 - c) Notice that the City may act to abate the violation if it is not abated by the owner or ~~principal operator~~ responsible person within a reasonable time stated in the Notice, but which may not exceed fifteen (15) days. If physical alterations of a building structure are required, the abatement period may be extended through the use of a correction agreement.
 - d) Notice that the cost of such action by the City, plus an administrative fee, shall be a personal debt of the owner, which may be assessed as a lien against the property until paid.
 - e) Notice that any refusal to allow the City to abate an uncorrected violation shall be a separate violation under this Code.

Section 9.952. Commencement of Legal Action.

Upon referral by the City Manager, the City Attorney may initiate an action in any court of competent jurisdiction to abate violations of this article, to impose penalties pursuant to this chapter, to seek alternative remedies under city or state laws and seek any other relief authorized by law.

Section 9.953. Lien.

All of the costs of Code enforcement activities provided for in this Code and incurred by the City shall be billed to the ~~owner of the property, principal operator, or other~~ responsible person, and shall be paid within 30 days of mailing. All costs for abatement-related and Code enforcement activities shall be a personal debt owed to the City by the person billed for the public nuisance and, if the public nuisance is attributable to the use, occupancy, care, control, dominion or ownership of any land or premises, shall also, in addition to being a personal debt, be charged against such premises and the owner thereof and shall be a lien on the property until paid.

Section 9.954. Remedies Severable.

Any action taken by the City to abate any public nuisance under the provisions of this Chapter, or any other provision of the City Code, shall not affect the right of the City to institute other legal or administrative proceedings against the person committing, creating, permitting or maintaining any public nuisance for violation of this Chapter nor affect the imposition of the penalty or remedy prescribed or imposed for such violation. Upon application by the City to any court of competent jurisdiction, the court may order the public nuisance abated and/or the violation or threatened violation restrained and enjoined.”



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