

AGENDA

Special Meeting-Committee on Public Safety AGENDA FOR JULY 11, 2022 AT 5:15 PM



Lansing City Hall, City Council Conference Room
124 W. Michigan Avenue, 10th Floor

To provide input or ask questions on any item that is listed on the agenda,
members of the public may contact the City Council at city.council@lansingmi.gov or (517) 483-4177 prior to the meeting.

Council Member Wood, Chairperson
Council Member Daniels, Vice Chairperson
Council Member Brown, Member

1. **Call to Order**
2. **Roll Call**
3. **Minutes**
 - A. June 16, 2022
4. **Public Comment on Agenda Items (Up to 3 Minutes)**
5. **Discussion/Action:**
 - B. ORDINANCE - Ordinance to Amend Chapter 1460, Section 1, and the International Property Maintenance Code, adopted by reference, to provide for the issuance of trash, weed, and grass violation notices and compliance orders, declare uncorrected violations, nuisances, provide for appeals process and permit the City to abate uncorrected violations and recover costs
6. **Other**
7. **Adjourn**

Persons with disabilities who need an accommodation to fully participate in these meetings should contact the City Council Office at 517-483-4177 (TTY 711) 24 hour notice may be needed for certain accommodations. An attempt will be made to grant all reasonable accommodation requests.



MINUTES
Committee on Public Safety
Thursday, June 16, 2022 @ 4:00 p.m.
City Council Conference Room, 10th Floor City Hall

CALL TO ORDER

Council Member Wood called the meeting to order at 4:01pm

PRESENT

Council Member Carol Wood, Chair
Council Member Brian Daniels, Vice Chair
Council Member Jeffrey Brown, Member - arrived at 4:33pm

OTHERS PRESENT

Renee Richmond, Council Staff
Mary Bowen, OCA
Randall Hon, LPD
Chris Swope, City Clerk
Ashanti Clayton; 3337 Viking MSD
Mike Tobin, Fire Chief
Mark Burger, Fire Marshal
Brian Sturdivant, Fire Chief LFD
Scott Sanford, Code Enforcement

MINUTES

MOTION BY COUNCIL MEMBER DANIELS TO APPROVE THE MINUTES MAY 19, 2022, AS PRESENTED. MOTION CARRIED 2-0.

PUBLIC COMMENT

No public comment at this time.

Councilmember Wood indicated items on the agenda were going to get moved around to accommodate the attendees.

DISCUSSION/ACTION ITEMS

DISCUSSION – Electric Scooters

Councilmember Wood referenced the previous meeting, Paula Simon requested some information on the electric scooters around the city and the licensing regulations and how they are enforced. Clerk Swope stated he believes there are three companies that are licensed but does not have the number of scooters. The licenses run on a calendar year, and that the Clerk's office has not received any complaints, also that the scooter companies are required to communicate with the Public Service Department. Councilmember Woos asked about the dumping in neighborhoods, sidewalks, etc. and if there is anything in the ordinance about that. Mr. Swope responded as long as they are not impeding traffic. Councilmember Wood asked Officer Hon if he could explain the enforcement to the Committee,

Officer Hon indicated they are enforced like the DMV code, the rider must be 19, not be on a roadway, have a helmet, and also indicated that LPD has not received complaints. Officer Hon did state that data can be requested if one is idle for too long or is used in a crime and have them shutdown. Councilmember Wood asked if the data is something that LPD, Parks, OCA, or Clerk's office can request. Ms. Bowen stated the ordinance references the company shall share with the City like rates, trip odometer, number of scooters, compliance rates, and vandalism to name a few, and Councilmember Wood asked Ms. Bowen to find out who gets the data, she confirmed she would report back.

RESOLUTION – Set Show Cause Hearing in consideration of Order to Make Safe or Demolish to the owners of 1224 Dakin Street

Mr. Sanford stated the building value at \$54,000 and the repair value at \$63,974. Listed owners are John Pierce and Joan Peoples, Mr. Pierce has passed away and Ms. Peoples is just liquidating. He continued there has been no action, no permits pulled and multiple board ups, with outstanding taxes owed to the city and county, his department recommends MSD 60 days.

MOTION BY COUNCILMEMBER DANIELS TO APPROVE THE RESOLUTION TO SET A SHOW CAUSE HEARING IN CONSIDERATION OF ORDERS TO MAKE SAFE OR DEMOLISH TO THE OWNERS OF 1224 DAKIN STREET. MOTION CARRIED 2-0.

RESOLUTION – Set Show Cause Hearing in consideration of Order to Make Safe or Demolish to the owners of 5017 Hughes Road

Mr. Sanford stated the building value at \$52,000 and repair cost at almost \$75,000, no permits or action, the owner is in Nevada and there are outstanding taxes owed, his department recommends MSD 60 days.

MOTION BY COUNCILMEMBER DANIELS TO APPROVE THE RESOLUTION TO SET A SHOW CAUSE HEARING IN CONSIDERATION OF ORDERS TO MAKE SAFE OR DEMOLISH TO THE OWNERS OF 5017 HUGHES ROAD. MOTION CARRIED 2-0.

RESOLUTION – Set Show Cause Hearing in consideration of Order to Make Safe or Demolish to the owners of 5019 PLEASANT GROVE ROAD

Mr. Sanford stated the building value at \$58,335 and repair cost at \$79,000. He continued that furnace and water heater inspection was completed in 2019, but no further action or permits have been pulled, his department recommends MSD 60 days.

MOTION BY COUNCILMEMBER DANIELS TO APPROVE THE RESOLUTION TO SET A SHOW CAUSE HEARING IN CONSIDERATION OF ORDERS TO MAKE SAFE OR DEMOLISH TO THE OWNERS OF 5019 PLEASANT GROVE ROAD. MOTION CARRIED 2-0.

RESOLUTION – Set Show Cause Hearing in consideration of Orders to Make Safe or Demolish to the owners of 3025 Maloney Street

Mr. Sanford stated the building value at \$75,500 and repair cost at \$89,900. This property has been getting a lot of attention, it is owned by Mr. Skopek and the house was gutted and they were burning stuff in the backyard and LPD was called. He continued there are outstanding taxes are owed to the city and county, his department recommends MSD 60 days.

MOTION BY COUNCILMEMBER DANIELS TO APPROVE THE RESOLUTION TO SET A SHOW CAUSE HEARING IN CONSIDERATION OF ORDERS TO MAKE SAFE OR DEMOLISH TO THE OWNERS OF 3025 MALONEY STREET. MOTION CARRIED 2-0.

RESOLUTION – Orders to Make Safe or Demolish to the owners of property located at 3337 Viking Road

Mr. Sanford stated the building value at \$87,000 and repair cost at \$127,960 and went to the demo board on 4/22/2021. The new owner purchased while in demo and requested a hold to not go to Council in June 2021. He continued that since then permits have expired or been cancelled except a mechanical. There are currently outstanding taxes for city and county, his department recommends MSD 60 days.

Mr. Clayton responded that everything was accurate except he was told once he began work on it then it would be held off. He continued that he had some bad contractors, and the basement was flooded when he bought it. Since then, he has had the basement waterproofed and fixed, he has hired a contractor and they can do everything, he has pulled a permit for the garage, and getting the roof done. Mr. Clayton added that he has a siding contract ready for next week as well. Councilmember Wood reiterated the three things required, to show financing, pulled permits, and a timeline, and asked Mr. Clayton when he thought he would have it completed, he responded he believed 90 days.

Mr. Sanford indicated they normally do 60 days and would need shown progress. Councilmember Wood said we could move forward with 60 days and told Mr. Clayton that if he believes he could have it completed in 90 days, that he needs to stay in contact with Mr. Sanford and in 30 days if they see progress, they can review again in 60 days and if enough has been shown and it is being made safe, they could dismiss the demo. Councilmember Daniels asked what would have to be done in 60 days, Councilmember Wood asked for confirmation on half the value, and Mr. Sanford confirmed 50% of the value. Mr. Sanford continued that Mr. Clayton will want to get in touch with Jerry Dunham and Building Safety for the building codes.

MOTION BY COUNCILMEMBER DANIELS TO APPROVE THE RESOLUTION ORDERS TO MAKE SAFE OR DEMOLISH TO THE OWNERS OF PROPERTY LOCATED AT 3337 VIKING ROAD.
MOTION CARRIED 2-0.

DISCUSSION – Mutual Aid; LFD

Councilmember Wood stated the continued discussion is on concerns on how much the city is being used by other areas, Fire Chief Sturdivant if you want to start.

Chief Sturdivant started by stating that Mutual Aid Agreements have evolved, the first were in the 70's and was just with City of Lansing and East Lansing. He continued that there are two different agreements, Mutual Aid – this assist with emergency responses when called upon from other communities, Automatic Aid – the City has with Delhi, and they automatically assist if/when possible. The last four years the biggest strain is on EMS, they fill gaps with OT, and everybody is feeling the same issues as Lansing.

Councilmember Brown arrived at 4:33pm

Chief Sturdivant added LFD should have 7-8 ambulances and they only have 5 as well as personnel shortages. In 2021 LFD responded to 4622 calls and combined fire/EMS mutual aid 148 times with two requests from Delhi. They currently run 25,000 calls with six stations and can get back to back calls, at times when there is a lull, they may get a call to run to DeWitt.

Councilmember Wood commented that hopefully Council will pass ARPA for additional ambulances, then LFD can focus on personnel, then suggested charging for outside calls. Chief Tobin stated if there is a pickup outside the city they are being charged, one option is to have an informal discussion with the Chief in DeWitt to drop contract with Mercy and contract with LFD. The second option is to separate out EMS from Fire Dept. Fire Chief Sturdivant said a third option is to regroup, take a look at and ensure the agreements fit the current landscape and understand our focus, resources, and staffing. Chief Tobin concluded that if they get a call, they have the commanding officer verify coverage for LFD

is first. Councilmember Wood said one question to look at is how many are being paid, her concern of having senior citizens afraid of the bill so they won't call and asked how many in DeWitt/Clinton County and who is paying. Chief Tobin said for 2021 they are at 56% collection rate for DeWitt and for Lansing 31% for billed, and stated DeWitt built new fire stations and our citizens have higher taxes/millage for public safety. Councilmember Daniels asked how long before getting the additional two, Chief Sturdivant said pre-COVID it was approximately 4 ½ months, one was ordered July 2021 and we are still waiting on a chassis, he reiterated getting the personnel to use them is the critical element. He continued that they received notification of 18 candidates in the pipeline, backgrounds started, and things are pressing forward. He concluded by thanking the Committee and allowing them to present.

ORDINANCE – Ordinance to Amend Chapter 1460, Section 1 and the International Property Maintenance Code, adopted by reference, to provide for the issuance of trash, weed, and grass violation notices and compliance orders, declare uncorrected violations nuisances, provide for appeals process and permit the City to abate uncorrected violations and recover costs

Councilmember Wood referenced page 6, lines 3-12, and that she received concerns from people on having the Manager of the Office of Code Compliance responsible for hearing the appeals and making the determination. Councilmember Daniels asked as opposed to who else, and Councilmember Brown asked if the concern is the person would not be biased, Councilmember Wood confirmed the concern and maybe they couldn't be objective and said she didn't know who else would do it. Councilmember Wood asked if something could be put in where there would be a quarterly or six month review of the claim appeals that go to Council for review. Ms. Bowen asked for confirmation of Committee or Council review, Councilmember Wood confirmed Council and asked Ms. Bowen to look into that and report back.

OTHER

Recreational Burning

Mr. Burger indicated they had a recommendation of changing the times to M-TH 8-10 and Fri 8-12 to match Sat/Sun and holiday 8-12 midnight (no change). Councilmember Wood asked Ms. Bowen to look at the burning and fire permit ordinance and at potential to make amendments to that.

City Hall Security

Councilmember Wood discussed security and the fact that someone got through and had mace in their possession and stated that on the 6th floor if you haven't been there you need to look. She continued that the seating for witnesses, defendants, plaintiffs, and prisoners come up the elevators, and family members are around makes for tense situations. Councilmembers Daniels expressed concern over mace getting through the security x-ray machine and the fact that once through they can get to any floor. Councilmember Brown asked about security at the door and are they the back-up, Councilmember Wood said LPD from the jail would be back-up but could take 3-4 minutes and a lot can happen in that amount of time. Councilmember Brown then referenced other government offices have visitor badges or security swipe doors only employees can access. Councilmember Wood gave an example of someone riding in the elevator down to the garage once with her. Councilmember Daniels asked who they talk to, and Councilmember Wood finished that they need to get a clear understanding from the courts, and then go to the Mayor and bring in DK Security about their protocols.

ADJOURN

Adjourned at 5:09pm

submitted by Renee Richmond,

Administrative Assistant, Lansing City Council

Approved by the Committee on

Department of Economic
Development and Planning
Brian McGrain, Director



Code Enforcement Office
Scott Sanford, Manager
316 N. Capitol Avenue, Suite C-1
Lansing, Michigan 48933
PH: 517.483.4361 – FAX: 517.377.0100

MEMORANDUM

TO: Brian McGrain, Director
FROM: Scott Sanford, Manager Code Enforcement
SUBJECT: Proposed Trash Abatement Ordinance
DATE: 4/19/2022

Director,

After reviewing the new proposed trash abatement ordinance with senior staff, I would request that you move this forward in the process to City Council so we can get the current ordinance amended to allow us to abate these types of issues in a timelier manner.

After reviewing the proposed change to the trash and grass ordinance it will really help our office to be able to abate these types of violations in a timelier matter. It will create an Appeal Board within the Code Enforcement office that will cut down on the court time we are currently experiencing with the ticket process. This will also help us to abate violations on properties where the ownership is in transition, or the current owners live in another county and we cannot write a conventional ticket.

Respectfully Submitted,

Scott K Sanford
Manager, Code Enforcement

PASSAGE OF ORDINANCE

An Ordinance of the City of Lansing, Michigan, to amend the Lansing codified ordinances by amending Chapter 1460, Section 1, and the International Property Maintenance Code, adopted by reference, to provide for issuance of trash, weed, and grass violation notices and compliance orders, and that uncorrected violations are nuisances; and to provide an appeals process, and to permit the City to abate uncorrected violations and recover costs.

Is read a second time by its title. The Ordinance was reported from the Committee on Public Safety and is on the order of immediate passage.

COUNCIL MEMBER	YEAS	NAYS
BROWN	☐	☐
DANIELS	☐	☐
GARZA	☐	☐
HUSSAIN	☐	☐
JACKSON	☐	☐
SPADAFORE	☐	☐
SPITZLEY	☐	☐
WOOD	☐	☐
	_____	_____
☐ ADOPTED	☐ FAILED	

ORDINANCE NO. _____

An ordinance of the City of Lansing, Michigan, to amend the Lansing codified ordinances by amending Chapter 1460, Section 1, and the International Property Maintenance Code, adopted by reference, to provide for issuance of trash, weed, and grass violation notices and compliance orders, and that uncorrected violations are nuisances; and to provide an appeals process, and to permit the City to abate uncorrected violations and recover costs.

The City of Lansing ordains:

Section 1. That Chapter 1460 Section 1, of the Code of Ordinances of the City of Lansing, Michigan be and is hereby amended to read as follows:

1460.01. - Property Maintenance Code.

For the purpose of regulating and governing the conditions and maintenance of all premises and any structures thereon; providing standards for supplied utilities and facilities, other physical aspects of structures, and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; and providing a mechanism for condemnation of structures unfit for occupancy and use and the demolition of such structures, the 2015 International Property Maintenance Code ("IPMC") is hereby adopted as if fully set forth herein, with the following additions, deletions, and alterations:

(a)When used in the IPMC:

(1)"[Name of jurisdiction]" and "the jurisdiction" are replaced with "Lansing" or "the City."

(2)"International Building Code" is replaced with "the Building Code, as adopted in Chapter 1420 of the Lansing Codified Ordinances."

(3) "International Mechanical Code" is replaced with "the Mechanical Code, as adopted in Chapter 1426 of the Lansing Codified Ordinances."

(4) "ICC Electrical Code" is replaced with "the Electrical Code, as adopted in Chapter 1424 of the Lansing Codified Ordinances."

(5) "International Zoning Code" is replaced with "the Zoning Code, Title Six of Part Twelve of the Lansing Codified Ordinances."

(6) "International Fire Code" is replaced with "the Fire Code, as adopted in Chapter 1610 of the Lansing Codified Ordinances."

(7) "International Plumbing Code" is replaced with "the Plumbing Code, as adopted in Chapter 1422 of the Lansing Codified Ordinances."

(8) "Department of Property Maintenance Inspection" and "Department" are replaced with "Office of Code Compliance."

(9) "Legal representative of the jurisdiction," "legal officer of the jurisdiction," and "legal counsel of the jurisdiction" are replaced with "City Attorney."

(10) "Appointing authority" and "Chief Appointing Authority" are replaced with "Mayor."

(11) "Appeals Board" is replaced with "Building Board of Appeals."

(12) "Claims Review Committee" is added as created by Resolution 1987-0253 and amended by Resolution 2014-045, consisting of a representative from the following offices: City Attorney, Mayor, and City Council, and shall act as the appeal body for violations of Section 308.

(13) "Manager of the Office of Code Compliance" is added and shall be the final arbiter of any appeal for violations of Section 302.4.

(b) The following language is added to Section 102.6 after the word "designated": By the Federal, State, or local government.

(c) Section 103.2 is deleted.

(d) The text of Section 103.3 is replaced with the following: The Code Official has the authority to appoint Code Compliance Officers and to delegate to any of them any of his or her duties or functions under this Code.

(e) The text of Section 103.5 is replaced with the following: The fees for services performed by the Office of Code Compliance under this Code shall be established by Council Resolution.

(f) The following language is added to the end of Section 104.1: The Office of Code Compliance is responsible for enforcing this Code and acts as the Local Health Department under Part 24 of the Public Health Code, PA 368 of 1978. The Office of Code Compliance may also enforce any provision of the Housing Law of Michigan, PA 167 of 1917.

(g) The following language is added to the end of Section 106.1: Unless otherwise provided, a property's owner is responsible for violations of this Code occurring on the property, even where this Code imposes an additional duty on the occupant or where the owner has imposed responsibility on the occupant by agreement.

(h) The text of Section 106.3 is replaced with the following: The Code Official and all Code Compliance Officers are hereby designated as authorized City Officials for the purpose of issuing municipal civil infraction notices directing alleged violators to appear at the City of Lansing Municipal Ordinance Violations Bureau or a local court of competent jurisdiction.

Unless otherwise provided in this Code or by State law, any person in violation of any provision of this Code is responsible for a municipal civil infraction and subject to a \$500.00 fine and all

1 other penalties and remedies allowed by law. Any person in violation of Section 108.4.1 or
2 Section 108.5, **as provided in subsection (m) of this Section**, is responsible for a misdemeanor
3 and subject to the penalties provided in Section 202.99(b) of the Lansing Codified Ordinances
4 and all other penalties and remedies allowed by law. If a violation of this Code is not corrected
5 as required by the notice of violation given pursuant to Section 107, the Code Official may
6 institute the appropriate proceeding at law or in equity to restrain, correct, or abate such
7 violation; or to require the removal or termination of any unlawful occupancy of the structure.
8 With the exception of the 30 days within which a vacant structure must be closed pursuant to
9 Section 108.2, the Code Official has the authority to grant an extension of the time specified in
10 the notice of violation, upon request by the person responsible for the violation, provided that the
11 person agrees to correct the violation within the extended time period to be granted and the Code
12 Official determines that a condition dangerous to life or property will not be created or
13 perpetuated by granting such extension. No such extension of time for the correction of a
14 violation will extend the time for filing an appeal.

15 (i) Section 106.6 is added, to read as follows: Violations of Section 302.4, **prohibiting weeds**
16 **and long grass**, and violations of Section 308, **prohibiting the accumulation of trash and**
17 **garbage**, are hereby declared to be nuisances and ~~may be abated by the City if not corrected~~
18 ~~within the time provided in the notice given pursuant to Section 107.~~ **must be corrected or**
19 **abated within the time allotted and as directed in the Section 107 notice or as determined in**
20 **an appeal taken under subsection (k). However, if the owner or party in interest whose**
21 **name appears on the City's real property tax assessment records fails or neglects to comply**
22 **with the notice or appeal determination, the City may enter the property and take all**

necessary actions to cause the abatement of the nuisance, including the incurring of costs.

The cost of abating the nuisance includes, but is not limited to, costs of any title search or real property commitment used to determine the parties in interest in the subject property, recording fees for notices and liens filed with the county Register of Deeds, contractor fees, transportation and dumping charges, and costs of the collection of the charges authorized under this Section. The cost of abating the nuisance incurred by the City shall be reimbursed to the City by the owner or party in interest in whose name the property appears on the City's real property tax assessment records. The owner or party in interest whose name the property appears upon the last local tax assessment records shall be notified by the Assessor of the amount of the cost of the nuisance abatement by first class mail at the address shown on the records. ~~Any expense incurred in abating a nuisance pursuant to this section, including an administrative service fee, shall be paid by the owner or party in interest whose name appears on the City's real property tax assessment records. The owner or party in interest whose name appears on the City's real property tax assessment records shall be notified of the amount owed by first class mail at the address shown on the City's real property tax assessment records. After 30 days, any unpaid amount shall be reported to the City Assessor for placement~~ Any cost remaining unpaid after 30 days, shall be placed by the Assessor on the next tax roll of the City and ~~impose imposition of~~ a lien against the property on which the nuisance was located, as permitted by State law.

(j) When used in Section 107.1, "person" is replaced with "person(s)."

(k) In Section 107.2 is modified as follows:

(1) The following language is added to the end of **Section 107.2(4)** ~~number 4~~: For violations of Section 302.4, the notice shall require correction within 7 days.

(2) The following is added as new Section 107.7: Appeals.

(i) When a notice has been issued under this section 107, any person with a legal interest, who receives or has actual or constructive notice, may appeal the violation and compliance order as follows: (a) appeals under Section 302.4 shall be filed in writing to the Manager of the Office of Code Compliance, (b) appeals under Section 308 shall be filed in writing to the Office of the City Attorney, (c) appeals of any other violation are addressed under subsection (h) and (q). The Appeal must be received not more than 3 days after the compliance date ordered as set forth in the notice. Appeals of costs assessed incurred due to abatement by the City of Lansing will handled in accordance with process adopted by the Claims Review Committee and Resolution 2014-045. ~~The text of number 6 is replaced with the following: Inform the property owner that, when permitted by law, a lien may be imposed upon the property.~~

(ii) Except as provided in subsection (vii), the Office of the City Attorney shall transmit the appeal to the Claims Review Committee and schedule the appeal to be heard at the next available meeting of the Claims Review Committee. Notice of the appeal hearing date, time, and place shall be given in the same manner as provided for in Section 107.3, or, in the alternative, by First Class mail addressed to the Appellant's address provided with the appeal, if any.

1 **(iii) Failure to file an appeal within the required time shall constitute a waiver of the right**
2 **to contest the notice and compliance order, and, waive a hearing or adjudication of the**
3 **notice and order, or any portion thereof.**

4 **(iv) Only those matters or issues specifically raised by the Appellant in a written appeal**
5 **shall be considered in the hearing on the appeal.**

6 **(v) The enforcement of the notice violation and compliance order timely appealed shall be**
7 **stayed during the pendency of the appeal.**

8 **(vi) At the appeal hearing, the Appellant shall be given the opportunity to show cause why**
9 **the notice violation and compliance order should not be enforced. The Claims Review**
10 **Committee shall hear and decide the issues raised in the appeal and shall either approve,**
11 **disapprove, or modify the compliance order. If the Claims Review Committee approves or**
12 **modifies the compliance order, it shall determine a new date by which the order of**
13 **compliance shall be completed.**

14 **(vii) If the appeal under subsection (i) is made to contest a grass or weed violation of**
15 **Section 302.4, the written appeal shall be reviewed and determined within 5 days of receipt**
16 **by the Manager of Code Compliance, or the Manager's designee, except that the designee**
17 **shall not be the Code Official who issued the notice. In addition to any other information**
18 **contained in the written appeal, for the appeal to be effective, it must also contain an**
19 **electronic address or telephone number where the results of the appeal determination can**
20 **be transmitted to the appellant or the appellant's agent in message form. The Manager, or**
21 **designee, shall consider the grounds, information and explanation contained in the written**
22 **appeal and based thereon, shall either affirm, modify or rescind the notice and order of**

compliance; and may grant an extension of time, not to exceed 7 days from the date of determination, for compliance. The determination shall be transmitted forthwith in message form to the appellant. Failure of the Appellant or Appellant's agent to personally receive the determination of the appeal shall not affect the time for compliance nor affect the City's ability to abate the violation as provided in Section 1460.01(i).

(l) The following language is added to the end of Section 108.1.1: Any structure that is a "dangerous building" as defined in the Housing Law of Michigan, PA 167 of 1917, is also an unsafe structure.

(m) The text of Section 108.5 is replaced with the following: Any structure condemned and placarded by the Code Official shall be vacated. No person shall occupy any such structure or allow any domestic animal to occupy any such structure. No person shall operate equipment condemned and placarded by the Code Official. Repairs required by a correction order may be made during the hours of 8 am and 5 pm on Mondays through Fridays or at other times for which the Code Compliance Office has granted permission. The Code Compliance Office shall grant permission for repairs to be made at other reasonable times set by Department policy if the person seeking permission has obtained all permits necessary for the work to be done and provides documentation indicating that the work cannot be performed between 8 am and 5 pm on Mondays through Fridays.

(n) Section 108.8 is added, to read as follows: The owner of any structure placarded for more than 90 days pursuant to Section 108.4 is responsible for paying a monthly, non-refundable administrative fee while the placard remains on the structure. The administrative fee shall be established by Council resolution in an amount sufficient to defray the cost incurred by the City

1 to monitor the structure for the purpose of preventing public safety hazards. The owner or party
2 in interest whose name appears on the City's real property tax assessment records shall be
3 notified of the amount owed by first class mail at the address shown on the City's real property
4 tax assessment records. After 30 days, any unpaid amount shall be reported to the City Assessor
5 for placement on the next tax roll of the City and imposition of a lien against the property, as
6 permitted by State law.

7 (o) Section 108.9 is added, to read as follows: The Code Official may request permission to
8 inspect any structure intended to be used as a dwelling when that structure has remained vacant
9 for 180 days. If permission to inspect is denied, the Code Official may seek a warrant from a
10 court of competent jurisdiction.

11 (p) Section 110 is deleted. In its place, MCL 125.538-125.542, with the exception of MCL
12 125.541c, from Article VII of the Housing Law of Michigan, PA 167 of 1917, are hereby
13 adopted by reference. Pursuant to MCL 125.534(6), regardless of whether or not the cost of
14 repair of a structure exceeds its state equalized value, the Code Official may bring a court action
15 to remove or rehabilitate it if (1) it is an unsafe structure pursuant to Section 108.1.1, (2) it
16 remains vacant or boarded, and (3) a significant attempt has not been made to rehabilitate it for a
17 period of 24 consecutive months.

18 (q) Section 111.1 is replaced with the following: Appeal of a decision that a structure is a
19 dangerous building pursuant to MCL 125.542 shall follow the procedures described in the
20 Housing Law of Michigan, PA 167 of 1917, and adopted in subsection (p). **Except for appeals**
21 **as provided under subsection (k)(2),** Any person directly affected by any other decision of the
22 Code Official or notice or order issued under this Code may appeal to the Building Board of

1 Appeals. The Code Official shall be an ex-officio member of the Building Board of Appeals
2 when it hears appeals brought under this Code, but the Code Official shall have no vote on any
3 matter before the Board. Written application for an appeal must be filed within 20 days of
4 service of the decision, notice, or order being appealed. An application for appeal must be based
5 on a claim that the true intent of this Code or the rules legally adopted thereunder have been
6 incorrectly interpreted, the provisions of this Code do not apply, or the purposes of this Code's
7 requirements are adequately fulfilled by other means.

8 (r) Sections 111.2—111.8 are deleted.

9 (s) The following definition replaces that provided in Section 202:

10 *Person.* Any legal entity.

11 (t) The definitions of "cost of such demolition or emergency repairs," "inoperable motor
12 vehicle," and "operator" are deleted.

13 (u) The following definitions are added to Section 202:

14 *Absentee landlord.* Any owner of rental property whose principal residence is located more than
15 forty miles from the corporate limits of the City.

16 *Code Compliance Officer.* Any duly authorized representative of the Code Official.

17 *Dwelling.* Any "dwelling," as defined in the Housing Law of Michigan, PA 167 of 1917.

18 ***Junk.* Any object that is worn-out, unusable because it is deteriorated, broken or**
19 **incomplete, or that has been discarded, or is inoperable, and any parts thereof, including**
20 **but not limited to items such as stoves, refrigerators, appliances, fixtures, boats, campers,**
21 **inoperable or unregistered motor vehicles as defined in this subsection (u) of this Section,**

household goods, furniture, tires, mattresses, batteries, machinery, broken toys and bicycles, broken lawn furniture, remnants of wood and building materials, and equipment.

Leasehold. Any "leasehold" as defined in the Housing Law of Michigan, PA 167 of 1917.

Motor vehicle. Any "motor vehicle" as defined in the Michigan Vehicle Code, PA 300 of 1949.

***Nuisance.* Any public nuisance, known as such at common law or in equity jurisprudence, or that has been included as a nuisance by statutes of the State of Michigan, and whatever is dangerous to human life or detrimental to health. Further, nuisance means any condition or activity which is unwholesome, dangerous, offensive or unhealthy, which constitutes a menace to the health and safety of the public, or any structure which, due to a structural defect or dilapidation, has become dangerous to life or property.**

Rental property. Any premises, dwelling, dwelling unit, or rooming unit which is not occupied on a daily basis by the owner(s), and which is offered to let, to hire, or to assign for a period of more than 30 days to any person(s) for any or no consideration.

***Trash.* Any accumulation of junk, debris, or rubbish as defined in Section 202.**

(v) The following language is added to the end of Section 302.1: No mattresses or indoor furniture shall be kept on exterior property or premises.

(w) The first paragraph of Section 302.4 is replaced with the following: All premises shall be maintained free of weeds and of grass eight inches or more in height.

(x) The text of Section 302.8 is replaced with the following: No motor vehicle that is inoperative, stripped, dismantled, or in a state of major disassembly or disrepair may be kept on any exterior premises. Motor vehicles may be removed from private property in accordance with the towing

regulations established by the State as the "special anti-theft laws" sections of Division II of the Michigan Vehicle Code, MCL 257.252—MCL 257.254.

(y) When used in Section 304.14, "during the period from [date] to [date]" is replaced with "between May and October."

(z) In Sections 602.3 and 602.4, "during the period from [date] to [date]" is deleted.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions are repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment, unless given immediate effect by City Council and shall expire December 31, 2030.

Approved as to form:

City Attorney

Dated: _____