

AGENDA

Committee on Public Safety AGENDA FOR MARCH 7, 2023 AT 3:30 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 Hussain, Chairperson
Council Member Wood, Vice Chairperson
Council Member Kost, Member

1. **Call to Order**
2. **Roll Call**
3. **Minutes**
 - A. February 7, 2023
4. **Public Comment on Agenda Items (Up to 3 Minutes)**
5. **Discussion/Action:**
 - B. RESOLUTION - Setting a Show Cause Hearing on Orders to Make Safe or Demolish to the owners of property located at 651 E. Jolly Rd.
 - C. RESOLUTION - Support of House Bill 4012, regarding updating speed limits in trunklines and municipalities
 - D. UPDATE; Red Tag Updates from OCA and Code
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
Tuesday, February 7, 2023 @ 3:30 p.m.
City Council Conference Room, 10th Floor City Hall

CALL TO ORDER

Council Member Hussain called the meeting to order at 3:30pm

PRESENT

Council Member Adam Hussain, Chair
Council Member Carol Wood, Vice Chair
Council Member Ryan Kost, Member

OTHERS PRESENT

Renee Richmond, Council Staff
Lisa Hagen-Lawrence, OCA
Barb Kimmel, EDP
Walter Allen, Code Compliance
Jim Smiertka, OCA
Chelsea Collar
Cameron Collar
Mitch Rice, Nation Outside
Candy Rice
Belinda Fitzpatrick

MINUTES

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE MINUTES DECEMBER 15, 2022, AS PRESENTED. MOTION CARRIED 3-0.

Councilmember Hussain asked about under Other if anything was received regarding the Britten addresses, Councilmember Wood stated nothing received yet

PUBLIC COMMENT

Councilmember Hussain explained that public comment is typically used for Agenda items but understand that a guest would like to make the Committee aware of something and added each person has up to 3 minutes.

Ms. Collar asked the Committee to consider immediate DEMO of 239 Harris Street as it is in extreme disrepair. She continued that the previous owner Mr. Keener passes away with no will and it is unoccupied, it has had numerous trash violations and vehicle violations, finishing that it is unsafe and was red tagged in September 2022.

Mitch Rise from Nation Outside read a letter encouraging the Committee to move forward a Fair Chance Housing ordinance.

Councilmember Wood stated that the Committee is aware of 239 E Harris, however they cannot supersede the process and until it come through the Demo Board the Committee cannot act. Continuing that the Committee can ask Ms. Kimmel to work with Code and look at it and see if it meets the qualifications. Councilmember Hussain concurred with Councilmember Wood adding that the State statute dictates the cost of repair, and it is a long process.

Councilmember Wood informed Mr. Rice that she has reached out to law and they are researching and when we have additional information it will be brought back to Committee.

DISCUSSION/ACTION ITEMS

DISCUSSION – 567 Tisdale Avenue; Storage/Dumpster onsite

Councilmember Hussain stated the Committee has heard about this address for some time and correspondence indicates it is listed homestead but has a storage/dumpster onsite and asked Code and OCA to speak. Ms. Kimmel stated she believes the property is a commercial property but that aside it has had trash violations, she has not had a chance to speak with Ms. Stachowiak regarding this. Ms. Hagen-Lawrence stated the email went to the City Attorney's general email address, which she reached out to the attorney they were in court, so will reach out again for discussion.

Councilmember Wood indicated that the issue isn't whether they are grandfathered in or not. The trash issue is the most prevalent to deal with, however, she would like the information from law on the criteria for grandfathering and how they can lose status if owners change or not lose it if a relative takes the ownership. Mr. Allen believes this property has used this for storage for many years and is a zone commercial personal property. He continued he has written it four times in five years, the newest on January 25th, submitted on Feb 2nd and they have 10 working days to comply. Councilmember Wood asked if it is the same owners, Mr. Allen replied he inspected it 10 years ago and it was the same owner, held by this family for a long time and clarified it is not a homestead.

Councilmember Kost mentioned he went by the property today and took pictures, which look different than what is in the packet, these are summertime with green trees and a van with flat tires. Councilmember Hussain indicated the pictures in the packet are from a concerned resident not code and concluded that the Committee will leave this on the agenda and discuss further at the next meeting on 2/21 for updates from Code and Law.

DISCUSSION – House Bill No. 4012; regarding updating speed limits in trunklines and municipalities

Councilmember Hussain stated he's been working with Senator Anthony for remedies on MLK to slow down, some issues are speed or environment, as well as, working with MDOT and other legislator's. Continuing that back in 2012 the city asked for a study as there was no uniformity, resulting in rounding up/down to within 5 mph of the 85th percentile. Councilmember Hussain referenced House Bill No. 4012 page 4, lines 11-15 and that it could be set below the 85th percentile if an engineering and safety study demonstrates hazards to the public and are not reflected by the 85th percentile but must not be set below the 50th percentile speed. Councilmember Hussain indicated his hope is to pass a resolution out of Committee in support.

Ms. Hagen-Lawrence said in context if the committee wants to set it at any point below the 85th percentile the traffic study is going to be needed if they want the rounding down more than up. She added she doesn't think the resolution she drafted says anything to what Senator Anthony says but if the committee is ok then this resolution supports the house bill.

Councilmember Hussain finished that he would take it back to Senator Anthony for clarification and bring back to the next meeting on 2/21.

OTHER

Councilmember Wood began by mentioning the property at 810 Beulah Street that just caught fire along with multiple other properties at 1532 Redwood, 2822 Cabot Drive, 920 N Sycamore, 3225 Andrew, and 1407 Massachusetts Ave that all had property tax issues, and an email from Alan Fox. Councilmember Wood then mentioned 1407 had someone as the owner that had no interest in the property and not lived there for 5 years, the person living there thought they were on a land contract but J&ST development trying to evict them and they are not list as owners. Councilmember Wood mentioned an article about a guy that used to live in Lansing (Reggie Jones) and he would find red tagged homes and start a process of land contracts and moving people in illegally.

Councilmember Wood said she reached out to law and asked if this is a misdemeanor and what can they do, adding there has to be a better process and the City needs to do better. Mr. Smiertka stated renting a red tag property is a misdemeanor, need a police report and then sent to OCA to authorize a warrant, not going to find it in Code. Councilmember Hussain asked if LPD was aware of this, and Councilmember Wood stated that neighbors are upset because LPD is telling them if they aren't causing any harm, they can't do anything, and talking to the Captain they don't have a data base to keep track. Mr. Smiertka thinks it could be a simple process and would need to talk with the Chief. Ms. Hagen-Lawrence added that Code does not write reports that way, when a red tag is occupied LPD is dispatched, and this has been a topic they've been addressing for a few months. Councilmember Wood said the owner needs to get the offense, Mr. Smiertka mentioned landlords need to register. Ms. Hagen-Lawrence said once they get the property then they never register. Councilmember Wood said one remedy is they don't get the certification if taxes are owed.

Councilmember Wood asked when code is checking on red tags are they checking that taxes are paid, Mr. Allen indicated that no it is not being done and was informed by Mr. Sanford that it was illegal. Councilmember Wood said it is an Ordinance and not illegal. Councilmember Kost stated he went out and looked at 47 red tagged homes and believed some were occupied. He added that he seen furniture in some homes. Councilmember Wood again referenced the article and scam in renting red tagged homes.

Councilmember Hussain asked about the red tag monitoring within 30-60 days and Ms. Kimmel said it is happening in 90 days and a code officer is going walking the property but they do not enter the home. Mr. Smiertka said it is a \$500 misdemeanor fine and up to 90 days in jail. Ms. Kimmel asked who sets the fine and can it be raised, Ms. Hagen-Lawrence said it is a state statue. Councilmember Wood mentioned that we can ticket but need the judges to follow through and most just want to try for compliance instead of imposing a sentence and fine.

Mr. Allen asked to go back to Councilmember Kost and the 47 houses, asking what time of day because they are allowed in the home Mon-Fri between 8a-5p but have to be working on the home. Councilmember Kost replied he was there on a Sunday. Mr. Allen added that he was with LPD and personally knocking on doors and nobody came to the door and LPD cannot do anything. He continued that some houses are tagged and in NEAT program, maybe raising the fee after 90 days so it has more bite to it. Councilmember Hussain said it has to cover the cost and maybe a fee cost study is needed, Ms. Kimmel asked if other communities have different amounts, Mr. Allen and Councilmember Kost confirmed. Ms. Hagen-Lawrence added it could be a fine instead of a fee, and Mr. Allen added that as soon as they put the red tag on it is getting ripped off. Councilmember Kost added that he spoke with Mr. McGrain and he admitted to being sympathetic to residents, and Councilmember Hussain said he gets it but the city is setting itself up and it is unsafe.

Councilmember Hussain mentioned a press release from the Mayors office and was surprised at the amount of those tagged, continuing things aren't in place or being following through on. Ms. Kimmel appreciated being informed and there are issues to deal with and they need to be consistent.

Councilmember Wood said for the next meeting in two weeks what can the committee expect back, asking law and code to get with the chief and/or captain for a line of communication, maybe a data base, Ms. Kimmel could not commit to a data base in two weeks. Mr. Smiertka agreed to wanting Ms. Kimmel ready and talk with the chief and get his thoughts.

Councilmember Kost asked as a homeowner and a house is red tagged does he need a letter, and Mr. Allen mentioned a sign and return is different. He continued that a red tag could be utilities as well and they will do a sign and return. Mr. Allen requested the addresses again, and Councilmember Wood repeated them.

Councilmember Hussain confirmed the next meeting on 2/21 and this topic of Update on Red Tag on the agenda.

Ms. Fitzpatrick mentioned that people living in red tag house because they're tagging houses that shouldn't be red tagged but understands people taking advantage.

ADJOURN

Adjourned at 4:41pm

Submitted by

Renee Richmond, Recording Secretary

Lansing City Council

Approved by the Committee on

**CITY OF LANSING - DEMOLITION BOARD
REPORT FOR CITY COUNCIL
CASE OVERVIEW SHEET**

ADDRESS:	651 E JOLLY RD
PARCEL NUMBER:	33 01 01 33 484 021

SHOW CAUSE HEARING DATE:	
DEMOLITION CASE FILE #:	2022-D012

LISTED TAXPAYER:	CAROLYN ENGELHARD SMITH LIV'G TRUST
INTERESTED PARTIES:	CAROLYN ENGELHARD SMITH LIV'G TRUST
SEV INFORMATION:	\$47,800.00
LAND VALUE:	\$25,118.00
BUILDING VALUE:	\$70,554.00
LOT SIZE:	71.5 X 200

HOUSING CODE VIOLATION LTR:	12/1/2018
ORIGINAL RED TAG DATE:	12/1/2018
ZONING:	N/A
ESTIMATE OF REPAIRS:	\$75,464.00
PICTURES:	YES
OTHER:	

LEGAL DESCRIPTION:	TH N 200 FT, W 71.5 FT, S 84.75 FT, W 2.5 FT, S'LY 18.25 FT TO A POINT
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ORDER OF DEMOLITION BOARD

DEMOLITION BOARD MEETING DATE:	9/19/2022
ORDER:	MS OR DEMOLISH 11/22/2022
REASON/CONDITIONS:	UNSAFE
HEARING OFFICER:	DAVE MUYLLE

CURRENT PERMIT ACTIVITY

BUILDING:	REQUIRED NOT YET PULLED
ELECTRICAL:	REQUIRED NOT YET PULLED
MECHANICAL:	REQUIRED NOT YET PULLED
PLUMBING:	REQUIRED NOT YET PULLED
DEMOLITION:	REQUIRED NOT YET PULLED

CURRENT CITY COUNCIL ACTIVITY

REQUEST FOR SHOW CAUSE SENT:	1/24/2023
SHOW CAUSE HEARING DATE:	
PUBLIC SAFETY COMMITTEE WILL REVIEW:	

651 E. JOLLY RD.

- Original Red Tag Date

- 12/11/2019

- Submitted Into Make Safe Or Demolish Process

- 08/31/2022

- Property Vacant/Repairs Exceed Building SEV

- Property vacant more than 180 days

- Repairs exceed building SEV

- Title Information

- CAROLYN ENGELHARD SMITH LIV'G TRUST

651 E. JOLLY RD.

Property Value Information

● SEV

● \$47,800.00 (*as of 1/24/2023*)

● Structure

● \$70,554.00 (*as of 1/24/2023*)

● Land

● \$25,118.00 (*as of 1/24/2023*)

● Estimate of Repairs

● \$75,464.00

651 E JOLLY RD.

Housing Code Correction Letters

- Code Compliance Inspection Date

- 12/11/2019

- Code Compliance Letter Written

- 12/21/2019

- Code Compliance Due Date

- 1/20/2020

651 E. JOLLY RD.

Demolition Board Actions

- Demolition Board Show Cause Hearings

- 09/22,2022

- Order by Demolition Board

- MS or D by 11/22/2022

- Request Sent To City Council for Show Cause Hearing

- 1/24/2023

651 E. JOLLY RD.

City Council Actions

- Show Cause Hearing Held

- 00/00/00

- Public Safety Committee Meeting

- 00/00/00

- Resolution passed by City Council

- Extension Requested By Owner

651 E. JOLLY RD.

General Comments

- None of the required permits have been pulled as of 1/24/2023.

RECOMMENDATIONS

● FOR NEW CASES:

- Recommend time frame for MS or D. This requires a resolution be passed by City Council –
 - 60 days for regular demolitions
 - 30 days for fire-damaged demolitions
- Table case – Stays at PS Committee level for future review.

● FOR EXTENSION REQUESTS:

- Grant extension if requested. Requires new resolution be passed by City Council.
- Deny extension requested. Case will proceed in demo process and be sent out to bid for demolition.

● FOR TABLED CASES:

- Recommend time frame for MS or D. This requires a resolution be passed by City Council –
 - 60 days for regular demolitions
 - 30 days for fire-damaged demolitions
- Return case to table – Stays at PS Committee level for future review.

CITY OF LANSING DEMOLITION HEARING BOARD	ORDER TO MAKE SAFE, DEMOLISH OR MAINTAIN BUILDING OR STRUCTURE	FILE NO. D2022-0013
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Matter of the building/structure at 651 E JOLLY RD. which is a ☒ dwelling ☐ garage ☐ other

1. Date of hearing: SEPTEMBER 22, 2022 Hearing Officers: DAVE MUYLLE, JOSEPH VITALE
2. Scott Sanford, Code Compliance MANAGER of the City of Lansing, has filed a copy of a notice that the subject building/structure is dangerous. The copy of the notice is attached.

THE HEARING OFFICER FINDS THAT:

3. Notice of this hearing was properly served on the
☐ rental registration owner(s)
☒ Owner's or party in interest on City tax assessment record
4. The building/structure ☒ is ☐ is not a dangerous building as defined in MCL 125.539, specifically (see attached)
5. ☒ The building/structure has remained unoccupied for 180 consecutive days or more and is not listed for sale, lease or rent with a licensed real estate broker.
6. ☒ The building/structure has been substantially destroyed by ☐ fire ☐ wind ☐ flood
☒ other:
7. The state equalized value of the building/structure is \$46,400.00
8. The cost to repair the building or structure to make it safe is \$75,464.00
9. The real estate is described as follows:

Parcel Number: 33 01 01 33 484 021

COM 33FT N OF SE COR SEC33, TH N 200 FT, W 71.5 FT, S 84.75 FT, W 2.5 FT, S'LY 18.25 FT TO A POINT 73.5 FT W OF E LINE SEC 33, E 2 FT, S 97 FT, E 71.5 FT TO BEG; SEC 33 T4N R2W, City of Lansing

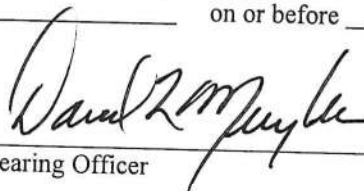
IT IS ORDERED THAT:

10. ☐ The matter is closed.
☒ The building/structure shall be made safe or demolished on or before 11-22-2022
☐ The case be tabled until _____
☐ The building or structure shall be demolished on or before _____ if not made safe as ordered herein.
☐ (If finding #5 is made) The exterior of the building shall be maintained, including
☐ lawns, trees and shrubs ☐ paint on structure ☐ other _____ on or before _____

Date

9/22/22

Hearing Officer





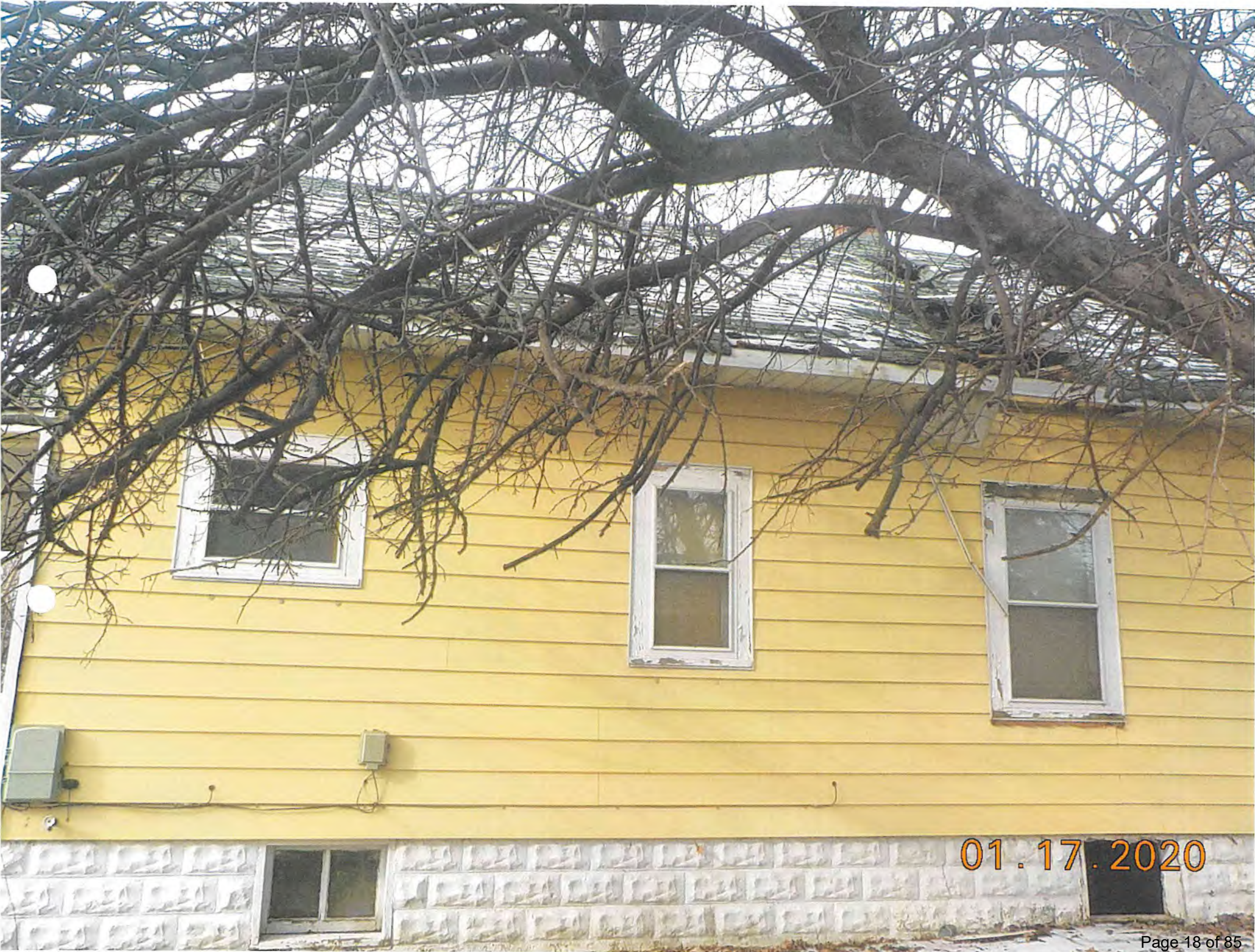
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01.17.2020



01.17.2020



04.05.2022



04.05.2022



04.05.2022



04.05.2022



04.05.2022



04.05.2022



04.05.2022







04.05.2022





04.05.2022



04.05.2022



04.05.2022



04.05.2022





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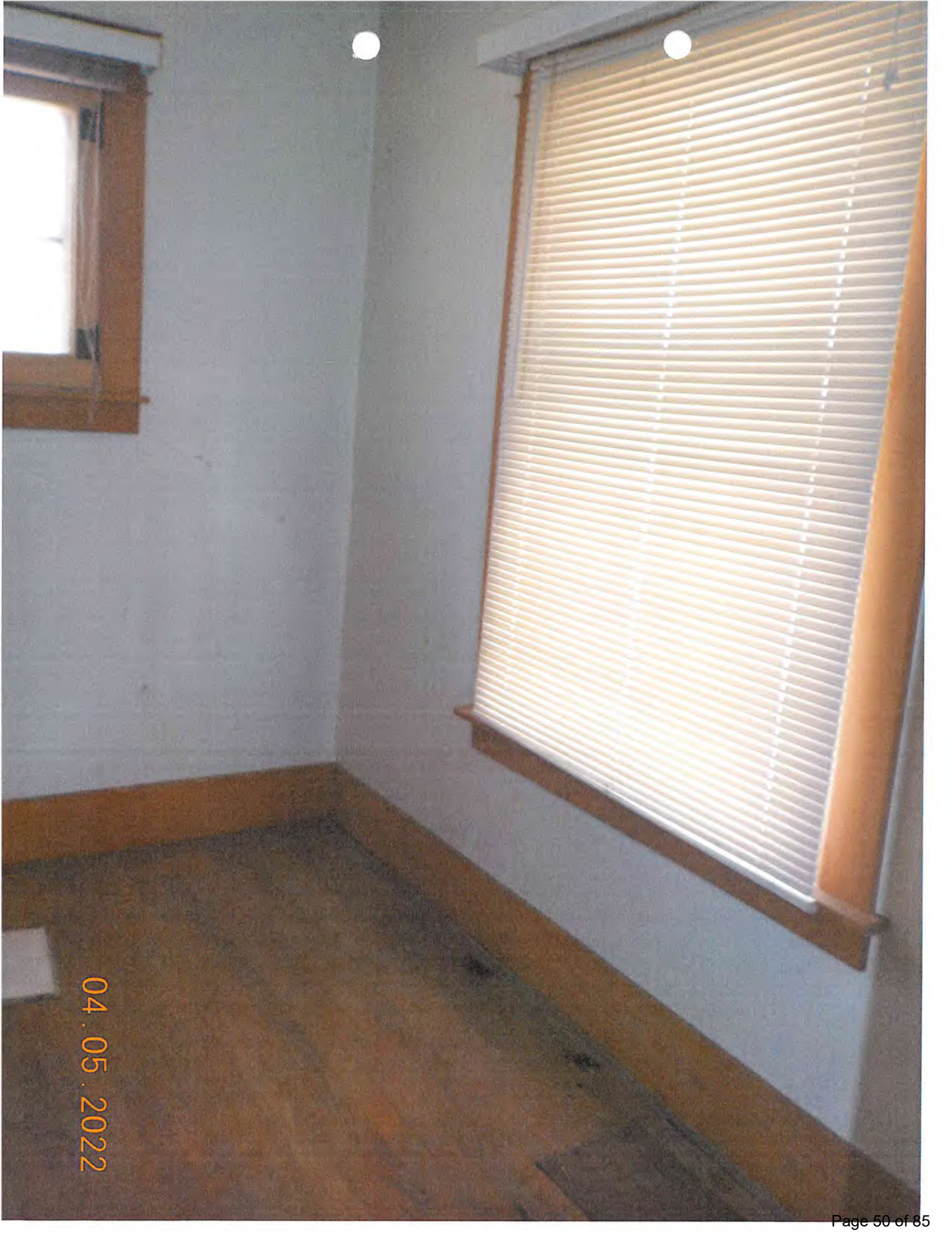
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04.05.2022



02.07.2023





02.07.2023



02.07.2023



02.07.2023



02.07.2023



02.07.2023



02.07.2023



02.07.2023

AFFIDAVIT FOR SEARCH WARRANT

Please type or press hard.

See the other side for instructions.

Police Agency
Report Number: E1811220

Dave Klein, Code Enforcement Officer for City of Lansing

, affiant(s), state that:

1. The person, place, or thing to be searched for and is located at:

651 East Jolly Road, Lansing MI 48910

2. The PROPERTY/PERSON to be searched for and seized, if found, is specifically described as:

The interior of 651 East Jolly Road will be searched for code violations and photographs may be taken of the interior.

3. The FACTS establishing probable cause or the grounds for search are:

Please see attached affidavit.

This affidavit consists of 1 pages.

Review on	2/27/2020
Date	
by	Chris Bayle P81925
Prosecuting official	

CERTIFICATE OF RECORD

I hereby certify that this document is a full and correct copy of the original on file in the 54-A District Court, State of Michigan.

Date

Deputy Clerk, 54-A District Court
(SEAL)

Affiant

Subscribed and sworn to before me

Date

Court

Judge/Magistrate

Bar no.

AFFIDAVIT FOR SEARCH WARRANT

PAGE 1 OF 1 PAGES

1. Affiant Dave Klein is a Code Enforcement Officer with the Department of Economic Development and Planning of the City of Lansing, Michigan.
2. The City of Lansing is a Michigan municipal corporation.
3. The Property Maintenance Code is a part of the Lansing Code of Ordinances and establishes the minimum standards for habitable dwellings within the corporate City limits of Lansing, Michigan. Lansing Code of Ordinances, Section 1460.01, et. seq.
4. 651 East Jolly Road, outlined above, is a single family residential dwelling located within the corporate City limits of Lansing, Michigan.
5. The Property Maintenance Code provides for tagging of a property when a Code Official determines that the structure is unsafe for occupation. Lansing Code of Ordinances, Section 1460.01; IPMC 108.
6. The Property Maintenance Code provides for demolition of a structure if a Code Official determines that that the property is so deteriorated or dilapidated or has become so out of the repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupation. Lansing Code of Ordinances, Section 1460.01; IPMC 110.
7. 651 East Jolly Road was tagged by a Code Official on December 21, 2018 due to large holes in the roof in violation of IPMC 304.1.1.8 (Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is no in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.) .
8. Code Enforcement has reason to believe that steps have not been taken by the owner to correct the violations that resulted in the tagging, which is supported by the fact that no necessary building permits have been obtained from the City of Lansing.
9. Due to lack of progress and continued unsafe conditions, the City of Lansing seeks an administrative search warrant for 651 East Jolly Road purpose of determining the existence of violations of the Property Maintenance Code and determination of whether the structure should be demolished in accordance with the Property Maintenance Code. Lansing Code of Ordinances, Section 1460.01; IPMC 108 and 110.

Affiant attests to the truth of the above statements.

Date: _____

Signature: _____

Judge: _____

Approved, SCAO

02-0227-37
Original warrant - Return to issuing court
1st copy - Prosecutor
2nd copy - Serve
3rd copy - Issuing judge

SEARCH WARRANT

TO THE SHERIFF OR ANY PEACE OFFICER:

Police Agency

Report Number: _____

Dave Klein, Code Enforcement Officer for City of Lansing

, has sworn to the affidavit regarding the following:

1. The person, place, or thing to be searched is described as and is located at:

651 East Jolly Road, Lansing MI 48910

2. The PROPERTY/PERSON to be searched for and seized, if found, is specifically described as:

The interior of 651 East Jolly Road will be searched for code violations and photographs may be taken of the interior.

IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN: I have found that probable cause exists and you are commanded to make the search and seize the described property/person. Leave a copy of this warrant and a tabulation (a written inventory) of all property taken with the person from whom the property was taken or at the premises. You are further commanded to promptly return this warrant and tabulation to the court.

Issued: FEB 27 2020 @ 3:25 p.m.
Date

W. G. Allen 16-471
Judge/Magistrate Bar no.

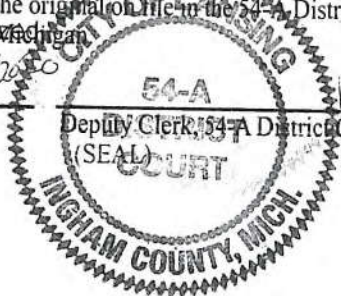
RETURN AND TABULATION

Search was made _____ and the following property/person
Date

CERTIFICATE OF RECORD

I hereby certify that this document is a full and correct copy of the original on file in the 54-A District Court, State of Michigan.

02/27/2020
Date Deputy Clerk, 54-A District Court
(SEAL)



☐ Continued on other side.

Officer _____

Copy of warrant and tabulation served on: _____

Name

Tabulation filed: _____

Date

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing Code Compliance Officer has declared a certain structure at 651 East Jolly Road, Parcel # 33-01-01-33-484-021, legally described as: COM 33 FT N OF SE COR SEC 33, TH N 200 FT, W 71.5 FT, S 84.75 FT, W 2.5 FT, S'LY 18.25 FT TO A POINT 73.5 FT W OF E LINE SEC 33, E 2 FT, S 97 FT, E 71.5 FT TO BEG; SEC 33 T4N R2WBLOCK 2 HUDSONS ADD, to be an unsafe and dangerous building and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, the Code Compliance Officer red tagged the said structure on December 11, 2019, and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, on September 22, 2022, the Lansing Demolition Board held a meeting to consider and make a recommendation on whether to declare the structure a dangerous building, as defined in the Housing Law of Michigan (MCLA 125.539) and the Lansing Housing and Property Maintenance Code (Ord. 1460.01, et seq.), and ordered the property owner to make safe or demolish the structure by November 22, 2022; and

WHEREAS, the Code Compliance Office has determined that compliance with the order of the Lansing Demolition Hearing Board officer has not occurred; and

WHEREAS, the Housing Law of Michigan and the Lansing Codified Ordinances require that a hearing be conducted to give the property owner an opportunity to show cause why a dangerous structure should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED that a show cause hearing for Monday, March 27, 2023 at 7:00 p.m. in Tony Benavides Lansing City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan in consideration of the finding and order of the Lansing Demolition Hearing Board Officer regarding the structure at 651 East Jolly Road, Lansing, as legally described above, to give the owner, or the owner's agent, the opportunity to appear and show cause why the building should not be demolished or otherwise made safe; and to approve, disapprove, or modify the order of the hearing officer to demolish or make safe the subject structure.

BE IT FINALLY RESOLVED that the Lansing City Council requests that the Code Compliance Officer notify the owner(s) of said property of the opportunity to appear and present testimony at the hearing, as required by law.

HOUSE BILL NO. 4012

January 12, 2023, Introduced by Rep. Slagh and referred to the Committee on Transportation, Mobility, and Infrastructure.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 628 (MCL 257.628), as amended by 2016 PA 447.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 628. (1) If the county road commission, the township
2 board, and the department of state police unanimously determine
3 upon the basis of an engineering and traffic investigation that the
4 speed of vehicular traffic on a county highway is greater or less
5 than is reasonable or safe under the conditions found to exist upon

any part of the highway, then acting unanimously they may establish a reasonable and safe maximum or minimum speed limit on that county highway that is effective at the times determined when appropriate signs giving notice of the speed limit are erected on the highway.

A township board may petition the county road commission or the department of state police for a proposed change in the speed limit. A township board that does not wish to continue as part of the process provided by this subsection shall notify in writing the county road commission. A public record of a traffic control order establishing a modified speed limit authorized under this subsection ~~shall~~**must** be filed at the office of the county clerk of the county in which the limited access freeway or state trunk line highway is located, and a certified copy of a traffic control order ~~shall be~~**is** evidence in every court of this state of the authority for the issuance of that traffic control order. As used in this subsection, "county road commission" means the board of county road commissioners elected or appointed under section 6 of chapter IV of 1909 PA 283, MCL 224.6, or, in the case of a charter county with a population of ~~2,000,000~~**1,500,000** or more with an elected county executive that does not have a board of county road commissioners, the county executive.

(2) In the case of a county highway, a township board may petition the county road commission, or in counties where there is no road commission but there is a county board of commissioners, the township board may petition the county board of commissioners for any of the following:

(a) A proposed change in the speed limit without the necessity of a speed study consistent with the methods prescribed for establishing speed limits under section 627.

1 (b) A proposed change in the speed limit consistent with the
2 provisions for establishing speed limits under this section.

3 (c) The posting of an advisory sign or device for the purpose
4 of drawing the attention of vehicle operators to an unexpected
5 condition on or near the roadway that is not readily apparent to
6 road users.

7 (3) The state transportation department and the department of
8 state police shall jointly determine any modified maximum or
9 minimum speed limits on limited access freeways or trunk line
10 highways consistent with the requirements of this section. A public
11 record of a traffic control order establishing a modified speed
12 limit authorized under this subsection ~~shall~~**must** be filed at the
13 office of the county clerk of the county in which the limited
14 access freeway or trunk line highway is located, and a certified
15 copy of a traffic control order ~~shall be~~**is** evidence in every court
16 of this state of the authority for the issuance of that traffic
17 control order.

18 (4) A local road authority shall determine any modified speed
19 limits on local highways consistent with the requirements of this
20 section. A public record of a traffic control order establishing a
21 modified speed limit authorized under this subsection ~~shall~~**must** be
22 filed at the office of the city or village or administrative office
23 of the airport, college, or university in which the local highway
24 is located, and a certified copy of the traffic control order ~~shall~~
25 ~~be~~**is** evidence in every court of this state of the authority for
26 the issuance of that traffic control order.

27 (5) A speed limit established under this section ~~shall~~**must** be
28 determined **in accordance with traffic engineering practices that**
29 **provide an objective analysis of the characteristics of the highway**

~~and by an engineering and safety study and by the eighty-fifth percentile speed of free-flowing traffic under ideal conditions of a section of on the fastest portion of the highway rounded to the nearest multiple segment for which the speed limit is being posted.~~

The speed limit must be in multiples of 5 miles per hour and rounded to a multiple that is within 5 miles per hour of the eighty-fifth percentile speed. A speed limit established under this act shall not be posted at less than the fiftieth percentile speed of free-flowing traffic under optimal conditions on the fastest portion of the highway segment for which the speed limit is being posted.**section may be set below the eighty-fifth percentile speed if an engineering and safety study demonstrates a situation with hazards to public safety that are not reflected by the eighty-fifth percentile speed, but must not be set below the fiftieth percentile speed.**

(6) If a highway segment includes 1 or more features with a design speed that is lower than the speed limit determined under subsection (5), the road authority may post advisory signs.

(7) If upon investigation the state transportation department or county road commission and the department of state police find it in the interest of public safety, they may order township, city, or village officials to erect and maintain, take down, or regulate the speed limit signs, signals, or devices as directed, and in default of an order the state transportation department or county road commission may cause the designated signs, signals, and devices to be erected and maintained, taken down, regulated, or controlled, in the manner previously directed, and pay for the erecting and maintenance, removal, regulation, or control of the sign, signal, or device out of the highway fund designated.

(8) Signs posted under this section ~~shall~~**must** conform to the Michigan manual on uniform traffic control devices.

(9) ~~A person~~**An individual** who violates a speed limit established under this section is responsible for a civil infraction.

(10) As used in ~~this section~~:

~~(a) "County subsections (2) to (9), "county road commission"~~
means any of the following:

~~(a) (i)~~—The board of county road commissioners elected or appointed under section 6 of chapter IV of 1909 PA 283, MCL 224.6.

~~(b) (ii)~~—In the case of the dissolution of the county road commission under section 6 of chapter IV of 1909 PA 283, MCL 224.6, the county board of commissioners.

~~(c) (iii)~~—In the case of a charter county with a population of 1,500,000 or more with an elected county executive that does not have a board of county road commissioners, the county executive.

~~(d) (iv)~~—In the case of a charter county with a population of more than 750,000 but less than 1,000,000 with an elected county executive that does not have a board of county road commissioners, the department of roads.

(11) As used in this section:

~~(a) (b)~~—"Design speed" means that term as used and determined under "A Policy on Geometric Design of Highways and Streets", ~~sixth~~
seventh ed., 2011, ~~or a subsequent edition, 2018~~, issued by the American Association of State Highway and Transportation Officials.

~~(b) (c)~~—"Local road authority" means the governing body of a city, village, airport, college, or university.

~~(c) (d)~~—"Traffic control order" means a document filed with the proper authority that establishes the legal and enforceable

1 speed limit for the highway segment described in the document.

RESOLUTION #2023-XXX

BY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, The Lansing City Council receives concerns from constituents regarding speeding and other reckless driving on City roads, including state trunk lines within the City limits; and

WHEREAS, speed limits of state trunk lines, such as Martin Luther King Blvd. and Cedar St. are set pursuant to MCL 257.628; and

WHEREAS, the speed of traffic on Lansing roadways is a concern for the public safety of the community;

WHEREAS, currently, speed limits are set based on the 85th percentile speed of free-flowing traffic under ideal conditions of a section of the roadway, rounded to the nearest multiple of 5mph; and

WHEREAS, on January 12, 2023 Rep. Bradley Slagh introduced House Bill 4012, which would amend MCL 257.628 and update the way in which speed limits are set on many roadways, including trunk line highways;

WHEREAS, House Bill 4012 would allow the speed limit be established in accordance with traffic engineering practices that provide an objective analysis of the characteristics of the roadway and the 85th percentile speed of free-flowing traffic under ideal conditions on the fastest portion of the highway rounded to a multiple of 5mph that is within 5mph of the 85th percentile speed; and

WHEREAS, House Bill 4012 would further permit a speed limit to be set below the 85th percentile if an engineering and safety study showed a situation with hazards to public safety that is not reflected by the 85th percentile speed;

NOW, THEREFORE BE IT RESOLVED, that the Lansing City Council hereby supports House Bill 4012.

BE IT FURTHER RESOLVED that upon passage of this Resolution, the City Clerk shall forward same to Representative Slagh and the members of the House Committee on Transportation, Mobility, and Infrastructure.

From: Carl Fangboner <carl.fangboner@gmail.com>

Date: February 24, 2023 at 6:26:34 PM EST

To: "Sanford, Scott" <Scott.Sanford@lansingmi.gov>

Cc: "Hussain, Adam" <Adam.Hussain@lansingmi.gov>, Lansing Mayor <Lansing.Mayor@lansingmi.gov>

Subject: [EXTERNAL] Red Tagged Buildings + Concerns

To Whom It May Concern:

We are strongly concerned about the management and oversight by the city and it's employees of red tagged properties in our neighborhood watch area and how the code compliance reps interact with citizens.

We have shared our concerns multiple times over many years with the Code Enforcement Officer of our District 8 and others in email and in person. We also shared them orally and individually on 3x5 cards given to the code compliance representative who was the speaker at the most recent Neighborhood Watch dinner at the South Washington building.. We also shared the same issues 2 summers ago with our same district person at a meet the police officers and Lansing reps gathering at Wainwright school. Despite promises to look into them and report back to us, nothing changed and we get the run around.

This past October our Code Compliance person came to our home to leave off some brochures to give to neighbors in our Neighborhood Watch area. We shared the concerns again with her. She said she would look into them and "get right back" with us. Well, it is now the end of February, and that didn't happen either. Citizens have to trust that city employees have our best interests at heart. That doesn't seem to be the case for us. We get a lot of talk and promises but no action or follow through.

5016 Conners Avenue:

Even before the "fire" this property and related issues with insurance, it was not being cared for. It had rotting eaves and openings for critters, and extra cars, brush, tires, etc. left around the property. Since the fire nothing has been done. Critters still go in and out of the house and into neighboring yards. 15 months ago, after being given years to repair the house, there was a meeting with city representatives about possibly tearing the house down. The owner said at that meeting he would get on it and would have permits in place by January 2022. The house still sits unchanged. The owner recently told a neighbor he had settled with the insurance company and he would be selling the house. We have heard similar statements in the past. We will see.

3413 Lucie Street:

This property is and has been reported as a **neighborhood problem for years and years** no matter who was the tenant and nothing has changed. It's been cited for grass, trash, unfit living conditions, little repair, and no rental certificate. They have continued to park on the lawn. Yet, the owner still seems to be able to have renters even with red tags on the door and windows. The renter kept telling the code rep that they would be out by a certain date. But when that time had come and gone over and over again, nothing happened.

The most recent renter vacated the house over the recent holidays and left stuff all over the yard front and back. The owner has had taken away at least 2 long dumpsters worth of junk from inside the house already. Then about a month ago all cleanup stopped and the dumpster still sits in the driveway and the yard mess remains.

This owner had promised to previous renters, before the latest one, partial money for "rent to buy", or repairs to the interior of the home and nothing was done in either case. City Red Tags were removed and then replaced multiple times but no change again in the situation or the code enforcement.

This property is currently unoccupied and needs a full inspection right now and then again before anyone else is allowed to move in and reside in it!

5017 Conners Avenue:

This rental has had its ups and downs. The last renter, before the current one, didn't arrange for any trash cart and used the garage as a dumpster, often leaving the garage door open. There have been renters that left trash all over the yard front and back. Instead of painting and repairing the trim, garage, etc., the owner used a spray gun and just sprayed everything. Broken window blinds were left up for new renters instead of being repaired or replaced. Once, when asked, the owner told my wife that he had too many properties to take care of them all fully. He doesn't seem to care nor inspect his own properties enough.

All of these homes are either now red tagged or have been. They are all an eyesore and affect the home values of neighbors and reflect poorly on the care the city gives to the quality and appearance of neighborhoods. We can do better.

Problems like these should not be allowed to happen, especially after being reported to the city!

Carl and Jeanne Fangboner
4909 Conners Avenue, Lansing

Sent from my iPad



Submitted
@ mtg



City of Lansing

OFFICE OF THE CITY ATTORNEY

James D. Smiertka, City Attorney

TO: Mayor Andy Schor, Jane DiSessa, Mark Lawrence, Kim Coleman,
Desiree Kirkland, Barb Kimmel

FROM: Office of the City Attorney

DATE: February 14, 2023

SUBJECT: Two issues from law

The following two issues have been opined upon by the City Attorney and at your request, are memorialized in writing as follows:

1. Is it a misdemeanor under City of Lansing ordinances to inhabit a "red tagged" structure?

Answer – Yes, the City of Lansing has adopted the 2015 International Maintenance Property Code and our ordinances specifically state in our adoption that "Any person in violation of Section 108.4.1 or Section 108.5 is responsible for a misdemeanor and subject to the penalties provided in Section 202.99(b) of the Lansing Codified Ordinances and all other penalties and remedies allowed by law."

108.4.1 Placard removal. The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding actions were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

108.5 Prohibited occupancy. Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner, owner's authorized agent or person responsible for the premises who shall let anyone occupy a placarded premises or operated placarded equipment shall be liable for the penalties provided by this code.

The interesting issue relative to enforcement is whether an officer may enter a red tagged structure without a warrant if they have probable cause to believe the structure is inhabited in violation of City laws. Objective factors must be evaluated based upon the totality of the circumstances to determine whether police officers must obtain a warrant before entering abandoned or vacant structures. *People v Taylor*, 253 Mich. App. 399 (2002).

The police are not required to obtain a warrant in emergency situations where they have probable cause to believe that the premises to be searched contains evidence or suspects of a crime. *People v Davis*, 442 Mich 1 (1993)

*Submitted
@ mtg.*

However, the search and seizure of property perceived as abandoned is “presumptively reasonable” because the property owner does not have an expectation of privacy in abandoned property. *People v Rasmussen*, 191 Mich. App. 721 (1991).

2. Is being delinquent as to property taxes owed on a premises sufficient reason to deny a Certificate of Compliance for purposes of our rental registration ordinances?

Answer – Yes, Section 1460.49(a) states in pertinent part, “The Certificate of Compliance shall be issued only after an inspection of the premises has been conducted by the Office of Code Compliance; appropriate fees have been paid; and there are no delinquent real property taxes owed upon the premises.”



City of Lansing

OFFICE OF THE CITY ATTORNEY

James D. Smiertka, City Attorney

February 21, 2023

Adam Hussain
124 W. Michigan Ave., 10th Fl.
Lansing, MI 48933

Re: Public Safety, Red Tags and Discussion for February 21

Adam,

Herein is a summary of responses to your questions.

The NEAT program is an administrative policy that can be shortened or lengthened by the administration.

The term "fee" is a misnomer in its present form and refers to the charge of the cost of inspections. Any change in the charge not justifiable for costs incurred would be impermissible. See *Bolt v. Lansing*.

With respect to renting or allowing the occupancy of a red-tagged dwelling, the Director of Economic Development & Planning, the City Attorney, and the Chief of Police have agreed on a procedure of using the criminal misdemeanor process to charge individuals with either allowing occupancy of a red-tagged building, or actually occupying a red-tagged property.

Another question posed was the offering an incentive to good landlords. Such an incentive already exists in that the landlords may qualify for inspections every three years instead of two, based on favorable inspections, thus saving on inspection fees.

On trash fees, OCA is currently drafting such an ordinance.

Sincerely,

A handwritten signature in blue ink, reading "J D Smiertka".

James D. Smiertka
City Attorney

Public Safety Report

3/7/23

651 E Jolly: No changes to the status of this property.

Current number of red tags: 710

Current number of NEAT properties: 472

Update regarding the ward 1 list: attached

#	Street	Direction	Apt.	Neat Program?	HOO	Area	Inspection Results
1423	Ada St					7	Vacant, Papers on window of what looks like foreclosure from County
1419	Ada St					7	Vacant, Boarded door and window
1412	Ada St						Vacant / tag on building
1811	Bailey St			Complied			
726	Banghart St				XX	2	Occupied / Talked to female at house / retagged
1018	Bensch St				XX	7	Vacant / Secured
916	Bensch St					7	Vacant / Boarded
905	Bensch St					7	Vacant / Secured
810	Beulah St					7	Vacant / Fire Damaged / Secure
1012	Cady Ct					2	Vacant / Retagged / Truck in drive / Lockbox on upper unit
1115	Camp St					2	Vacant / Wrote to DAMV / Retagged / Porch light on
1032	Cedar St	N			XX	2	Occupied / Gave out Info / Retagged
1040	Cedar St	N		Unit 1 Only		2	Vacant / Retagged
1405	Center St				XX		Appears Occupied / Retagged
916	Cleveland St		1	Front Unit Only		2	Appeared Vacant / Retagged
1239	Climax St				XX	7	Vacant / Tag in place
1628	Donora St					7	Vacant / Tag in place / Secured
1022	Eureka St			Complied			
1135	Farrand St					2	Occupied / Permits Pulled / car in back / Retagged
134	Francis Ave	S			XX	3	Vacant / Retagged / sign of past rehab / boarded window
1223	High St	N				2	Vacant / Retagged / Active permits on property
1632	High St	N			XX	2	Vacant / Retagged
2112	High St	N				2	Vacant / No Electric or Gas meter / Truck in Driveway / Retagged
917	Holmes St	S		Complied			
1635	Indiana Ave			Complied		2	Vacant / Retagged / For Sale
616	Isbell St					7	Occupied / Left Paperwork / Dogs in house
506	Jason Ct					7	Vacant / Knocked no answer / Retagged
1004	Johnson Ave				XX	2	Vacant
1019	Johnson Ave						Occupied
2010	Kalamazoo St	E				3	Vacant / Retagged / Reboarded
1415	Kalamazoo St	E	Units	5,7,11			Vacant/ tags in place
1421	Kalamazoo St	E	Units	15,17,18		3	All Vacant / All tags in place
1401	Kalamazoo St	E	Units	5,6,7,8,16,24		3	Untagged 5,7,8 / Ticket to be written to owner for renting without valid Cert
1331	Kalamazoo St	E	Units	11,18,19,12		3	Vacant / All tags in place
1317	Kalamazoo St	E	Units	1,11,2,5,6,9,12,22		3	Vacant / All tags in place
1010	Lake Lansing Rd			Complied			
1209	Lathrop St				XX	7	Vacant / Secured / Tag on Structure

#	Street	Direction	Apt.	Neat Program?	Area	Inspection Results
1536	Linval St					7 Occupied / Retagged / Possible 2 Unit per BWL / Will send FTR
2319	Lyons Ave			Complied		
1820	Lyons Ave		Unit	8		7 Vacant
1712	Lyons Ave					7 Appears Occupied / Mail in Box / Retagged
1436	Lyons Ave			Tagged LRU		7 Vacant / Appears to be being worked on / Tag on Building
700	Magnolia St	S		Garage Tagged Only	XX	3 Garage retagged
1435	Massachusetts Ave					2 Occupied / Retagged left paperwork / inspection scheduled with owner
1816	Massachusetts Ave				XX	2 Occupied / Retagged left paperwork / Left card to have them call to schedule insp
1128	McCullough St					7 Vacant / Retagged
810	McKinley St					2 Occupied / Retagged left paperwork / inspection scheduled with owner
919	Motor Ave				XX	2 Vacant / No sign of any being there / Tag on Building
1434	New York Ave				XX	2 Occupied / Retagged left paperwork / inspection scheduled with owner
1534	New York Ave				XX	2 Vacant / Retagged
727	Pennsylvania Ave	N				2 Occupied / Harry Heplers Maint Man / Retagged
1007	Porter St			In Demo		2 Vacant / 100% Boarded / Fire Damaged building / car in shared drive
717	Quaker Ct					2 Complied was tagged for lack of water / water on untagged by Matt S
1240	Regent St				XX	7 Occupied / Wouldn't answer door / dogs on property
1143	Shepard St					7 Vacant / Boarded window / Retagged
1033	Shepard St				XX	7 Occupied / Dogs / Knocked no answer / lights on /
829	Shiawassee St	E	Unit	11 Only		3 Vacant / Tagged / Neighbors report no activity in unit
217	Thomas St	W				2 Vacant / Work being done with open permits