

**CITY OF TRENTON
REGULAR MEETING
JANUARY 4, 2021**

After the Pledge of Allegiance to the Flag, a moment of silence was held for Chuck Howey, Pat Andrews, Brad O'Connor, Wayne County Sheriff Benny Napoleon and Dearborn Heights Mayor Dan Paletko. The Regular Meeting of the City Council of Trenton, Michigan, was called to order by Mayor Rzeppa, at 7:08 p.m. on the above date in the Council chambers.

Present on roll call by City Clerk Debra Devitt: Councilpersons Timber Baun-Crooks, Richard Benedetti, Scott Cabauatan, Wendy Pate, Nelson Perugi and Mayor Steven Rzeppa.

Absent: Councilman William LeFevre.

Moved by Councilwoman Baun-Crooks, seconded by Councilman Benedetti, to excuse the absence of Councilman LeFevre.

There being a quorum present, the Council was declared in session.

Other Officers Present: Scott Church, City Administrator.

Other Officers Present via Zoom: Alan Ackerman, City Attorney; John Laub, Human Resources Director; John Dahlquist, City Assessor; Mike McCullough, City Treasurer; Jill Cooper, Deputy City Treasurer; Karen Sall, City Controller; Paul Haley, Emergency Management Coordinator; Bill Hogan, City Engineer; Kevin Sargent, DPS Superintendent; Theresa Monthei, I.T. Administrator; Joann Gonyea, Parks and Recreation Director; Dean Creech, Fire Chief; and Todd Scheffler, Police Chief.

MINUTES

Moved by Councilwoman Pate, seconded by Councilman Benedetti, to approve the minutes of the Regular Meeting of December 14, 2020.

Carried unanimously.

COMMUNICATIONS AGENDA

GENERAL

H-1. 33rd District Court: Fines, Costs, Fees, October and November 2020

DEPARTMENT HEADS AND OFFICIALS

- J-1. City Attorney: Ordinance to Amend Chapter 18, Dangerous Buildings and Demolition (2nd Reading)
- J-2. City Administrator: Extension of Audit Services provided by Plante & Moran, PLLC
- J-3. City Controller: FY 2022 Budget Timeline

COMMUNICATIONS

H-1
33rd District Court
Fines, Costs, Fees, October and November 2020

Moved by Councilwoman Baun-Crooks, seconded by Councilman Cabauatan, to receive and place on file the Fines, Costs, Fees, submitted by the 33rd District Court, showing the City of Trenton owing \$11,879.10 for October 2020, and the City of Trenton owing \$15,693.80 for November 2020.

Carried unanimously.

J-1
City Attorney
Ordinance to Amend Chapter 18, Dangerous Buildings and Demolition (2nd Reading)

**CITY OF TRENTON
ORDINANCE NO. 803**

**AN ORDINANCE TO AMEND CHAPTER 18 OF THE CODE OF ORDINANCES
RELATING TO DANGEROUS BUILDINGS AND DEMOLITION.**

THE CITY OF TRENTON, COUNTY OF WAYNE ORDAINS AS FOLLOWS:

**DIVISION 5 – DANGEROUS BUILDINGS of Trenton, Michigan IS HERBY ADDED TO
READ AS FOLLOWS:**

Sec. 18-212. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dangerous building means any building or structure which has any or all of the conditions or defects described in this definition, which shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property, or safety of the public or its occupants are endangered:

- (1) Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size, or is not so arranged as to provide safe and adequate means of exit in case of fire or panic;
- (2) Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than 1½ times the working stress or stresses allowed in the state construction code for new buildings of similar structures, purpose or location;
- (3) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the state construction code for new buildings of similar structure, purpose or location;
- (4) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property;
- (5) Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof, is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in the state construction code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the state construction code for such buildings;
- (6) Whenever any portion thereof has wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction;
- (7) Whenever the building or structure above or below the ground, or any portion thereof because of:
 - a. Dilapidation, deterioration, or decay;
 - b. Faulty construction;
 - c. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building;
 - d. The deterioration, decay or inadequacy of its foundation; or
 - e. Any other cause;is likely to partially or completely collapse.
- (8) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used;
- (9) Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base;

- (10) Whenever the building or structure, exclusive of the foundation, shows 33 percent cent or more damage or deterioration of its supporting members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings;
- (11) Whenever the building or structure has been so damaged by fire, wind, earth- quake, or flood, or has become so dilapidated or deteriorated as to:
 - a. Become an attractive nuisance to children;
 - b. Enable persons to resort thereto for the purpose of committing unlawful acts;
- (12) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this city, as specified in the state construction code, or any law or housing code, or any law or ordinance of this state or city relating to the condition, location, or structure of buildings;
- (13) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinance, has in any nonsupporting part, member or portion, less than 66 percent of the:
 - a. Strength;
 - b. Fire or weather-resisting qualities or characteristics required by law in the case of a new constructed building of like area, height and occupancy in the same location;
- (14) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease;
- (15) Whenever any building or structure above or below the ground level, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard;
- (16) Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence;
- (17) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public; or
- (18) Whenever any building or structure shall be unoccupied and unsecured. Any such building or structure shall be deemed unsecured when the building or structure can be entered by trespassers without breaking either a state statute or municipal ordinance for unlawful entry. Any such building or structure shall be deemed secured when all its exterior openings are intact and locked.

Substandard buildings means any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the building is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof, which shall be deemed and hereby is declared to be a substandard building:

- (1) *Inadequate sanitation.* Inadequate sanitation shall include, but not be limited to, the following:
 - a. Lack of, or improper water closet, lavatory, bathtub or shower in a dwelling unit.
 - b. Lack of, or improper water closets, laboratories, and bathtubs or showers per number of guests in a hotel.
 - c. Lack of, or improper kitchen sink.
 - d. Lack of hot and cold running water to plumbing fixtures in hotel.
 - e. Lack of hot and cold running water to plumbing fixtures in a dwelling unit.
 - f. Lack of adequate heating facilities.
 - g. Lack of, or improper operation of required ventilating equipment.
 - h. Lack of minimum amounts of natural light and ventilation required by the housing code.
 - i. Room and space dimensions less than required by the housing code.
 - j. Lack of required electrical lighting.
 - k. Dampness of habitable rooms.
 - l. Infestation of insects, vermin or rodents as determined by the health officer.
 - m. General dilapidation or improper maintenance.
 - n. Lack of connection to required sewage disposal system.
 - o. Lack of adequate garbage and rubbish storage and removal facilities as determined by the health officer.
- (2) *Structural hazards.* Structural hazards shall include, but not be limited to, the following:
 - a. Deteriorated or inadequate foundations.
 - b. Defective or deteriorated flooring or floor supports.
 - c. Flooring or floor supports of insufficient size to carry imposed loads with safety.
 - d. Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.
 - f. Members of ceiling, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration.
 - g. Members of ceilings, roofs, ceiling and roof supports or other horizontal members that are insufficient size to carry imposed loads with safety.
 - h. Fireplaces or chimneys which list, bulge, or settle, due to defective material or deterioration.
 - i. Fireplaces or chimneys which are insufficient size or strength to carry imposed loads with safety.
- (3) *Nuisance.* Any nuisance as defined in this Code.
- (4) *Hazardous wiring.* All wiring, except that which conformed with applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner.

- (5) *Hazardous plumbing.* All plumbing, except that which conformed with all applicable laws in effect at the time of installation, and which has been maintained in good condition and which is free of cross connections and siphonage between fixtures.
- (6) *Hazardous mechanical equipment.* All mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition.
- (7) *Faulty weather protection.* Faulty weather protection shall include, but not be limited to, the following:
 - a. Deteriorated, crumbling, or loose plaster.
 - b. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations, or floors, including broken windows or doors.
 - c. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
 - d. Broken, rotted, split, or buckled exterior wall coverings or roof coverings.
- (8) *Fire hazard.* Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation which, in the opinion of the chief of the fire department or his deputy, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.
- (9) *Faulty materials of construction.* All materials of construction, except those which are specifically allowed or approved by this Code and the state construction code, and which have been adequately maintained in good and safe condition.
- (10) *Hazardous or unsanitary premises.* Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials or conditions constitute fire, health or safety hazards.
- (11) *Inadequate maintenance.* Any building or portion thereof which is determined to be an unsafe building in accordance with the state construction code.
- (12) *Inadequate exits.* All buildings or portions thereof not provided with adequate exit facilities as required by the state construction code, except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy. When an unsafe condition exists through lack of or improper location of exits, additional exits may be required to be installed.
- (13) *Inadequate fire protection or firefighting equipment.* All buildings or portions thereof which are not provided with the fire resistive construction or fire extinguishing systems or equipment required by the International Fire Code, except those buildings or portions thereof which conformed with all applicable law at the time of their construction and whose fire resistive integrity and fire extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.
- (14) *Improper occupancy.* All buildings or portions thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such occupancies.

Sec. 18-213. Purpose and scope.

(a) *Purpose.* It is the purpose of the provisions of this article to provide a just, equitable, and practicable method, to be cumulative with and in addition to any other remedy provided by the city's adopted codes, concerning buildings, structures, housing or construction, and related regulations and ordinances, whereby buildings or structures which, from any cause, endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants, may be required to be repaired, vacated, or demolished. Such provisions are intended to be cumulative with and in addition to any other remedy provided by the city's adopted codes concerning buildings, structures, housing or construction and related regulations and ordinances.

(b) *Scope.* The provisions of this article shall apply to all dangerous buildings, as defined in this article, which are now in existence or which may hereafter become dangerous in this city.

Sec. 18-214. Rights of action; penalties for violation.

Any violation of this article concerning dangerous buildings shall constitute a municipal civil infraction. The foregoing shall not preclude the city from making application to a court of competent jurisdiction for equitable or injunctive relief.

Secs. 18-215-1 - SUBDIVISION I ADMINISTRATION AND ENFORCEMENT

Sec. 18-215-1-1. Generally.

(a) *Administration.* The building official is hereby authorized to enforce the provisions of this Code.

(b) *Inspections.* The fire marshal and the building official are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this Code.

Sec. 18-215-1-2. Inspection of unoccupied building; initiation of proceedings.

When an unoccupied and secured building, as defined in section 10-61, continues to exist in such unoccupied and secured condition for a period of six months, the building official or his delegate shall make inspection of such building, entering such building in accordance with the provisions of the city ordinance, and if the building official finds that the building violates any of the provisions of this article, he shall initiate proceedings against the owner of such building as required pursuant to this ordinance.

Sec. 18-215-1-3. Inspection of work.

All buildings or structures within the scope of this article and all construction or work for which a permit is required shall be subject to inspection by the building official in accordance with and in the manner provided by this article and the state construction code.

Sec. 18-215-1-4. Building Code Board of Appeals.

In order to provide for final interpretation of the provisions of this article and to hear appeals, there is created a Building Code Board of Appeals. The Building Code Board of Appeals shall follow the same procedures for meetings and hearings.

Secs. 18-215-1-5. Reserved.

18-215-2 - SUBDIVISION II- ABATEMENT

Sec. 18-215-2. Abatement of dangerous buildings.

All buildings or portions thereof which are determined after inspection by the building official, to be dangerous, as defined in this article, are hereby declared to be public nuisances and dangerous building and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in this ordinance and as indicated by the building official in writing.

Sec. 18-215-2-1. Violations.

No person, whether as owner, lessee, sublessee, or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause or permit such work to be done, contrary to or in violation of any of the provisions of this article or any order issued by the building official under this article. Any person violating the provisions of this section shall be responsible for a municipal civil infraction.

Sec. 18-215-2-2. General procedure.

(a) *Commencement of proceedings.* Whenever the building official has inspected or caused to be inspected any building and has found and determined that such building is a dangerous building, the building official shall commence proceedings to cause the repair, vacation, or demolition of the building.

(b) *Notice and order.* The building official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain.

- (1) The street address and a legal description sufficient for identification of the premises upon which the building is located.
- (2) A statement that the building official has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of this ordinance.
- (3) A statement of the action required to be taken as determined by the building official:
 - a. If the building official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefor and the work physically commenced within 30 days from the date of the order and completed within the time limits of the building permit, which limits, for dangerous buildings, shall be determined by the building official, taking into account the condition of the building or structure, but not to exceed one year.
 - b. If the building official has determined that the building or structure must be vacated, the order shall require such vacation within a reasonable time certain from the date of the order.
 - c. If the building official determines the building must be demolished (removed) the order shall state the date by which removal must be accomplished.

(c) *Noncompliance.* Where an order under this section is not complied within the time specified, the city shall institute proceedings to repair or demolish (remove) the structure. The proceedings shall be as follows:

- (1) A hearing before the Building Code Board of Appeals shall be scheduled.
- (2) Notice of the hearing shall be sent by certified mail to all owners shown on the tax assessment records, the holder of a recorded mortgage, a tenant under any written lease which has been recorded, any principal occupant and any owner otherwise known to the city, such as land contract vendors and vendees (also called "interested persons" in this section). The notice shall specify the time and place of the hearing, and notify all interested persons that they shall have the opportunity to show cause why the structure should not be demolished or repaired. The notice shall be mailed at least ten days before the hearing date. Personal service may be used in lieu of certified mail. In all cases a

copy of the notice shall be posted upon a conspicuous part of the structure and shall constitute notice to all interested persons.

(d) *Notice, hearings.* The notice shall specify the time and place of the hearing on the condition of the building or structure at which time and place the person to whom the notice is directed shall have the opportunity to show cause why the building or structure shall not be ordered to be demolished, secured and thereafter demolished, secured and thereafter repaired, or otherwise made safe. The hearing shall be held before the Building Code Board of Appeals of the city and the building official shall file a copy of the notice of the dangerous and unsafe conditions with the Building Code Board of Appeals. All notices shall be in writing and shall be served upon the person to whom they are directed personally or, in lieu of personal service, may be mailed by certified mail, return receipt requested, addressed to such owner or party in interest at the address shown on the tax records at least ten days before the hearing described in the notice. If any person to whom a notice is directed is not personally served in addition to mailing a notice, a copy thereof shall be posted upon a conspicuous part of the building or structure and shall constitute notice to all occupants and all interested parties.

Sec. 18-215-2-3. Hearings.

(a) *Building Code Board of Appeals hearing.* The Building Code Board of Appeals shall take and record testimony of the inspection personnel, the owner of the property and any interested party. The Building Code Board of Appeals shall make written findings of fact and conclusions concerning the applicability of this article and render its decision, either dismissing the proceedings, ordering the building to be demolished or providing for an opportunity to repair or demolition.

- (1) If it is determined by the Building Code Board of Appeals that the building or structure should be demolished, it shall so order, recommending a time to comply after city council final action. The Building Code Board of Appeals may enter a conditional order giving an opportunity to repair, simultaneously ordering demolition if repairs are not timely accomplished.
- (2) A copy of the findings and order of the Building Code Board of Appeals shall forthwith be served on the owner and other interested parties in the manner set forth in section 18-232.
- (3) Following such determination by the board, it shall file a written report of its findings and its order with the city council and request that the city council review and concur

with its decision.

- (4) If demolition is ordered, or if the interested party or parties fail to comply with the requirements of an opportunity to repair, the city shall issue a notice giving the date and time the matter is to be heard by the city council and serve same on all interested parties at least ten days prior to the hearing and in the manner provided in section 18-232.

(b) *City Council hearing.* At the city council hearing, the owner or other interested persons shall be given the opportunity to show cause why the structure should not be demolished but repaired, and the city council shall either approve, disapprove or modify the order of the Building Code Board of Appeals.

- (1) After the hearing, the order of the city council shall be served on the owner and all interested parties.
- (2) The city council may require a deposit of funds adequate for demolition if it allows an interested person to repair, and it may determine and attach any conditions to the permit.
- (3) Any permit issued by the city in a dangerous building case shall be limited in time for completion during a period reasonably determined by the city, taking into account the condition of the building or structure, but not to exceed one year.
 - (1) If the owner or other interested parties fail to comply with the order of the city council within the time limited or as conditioned, the city may cause the building or structure to be demolished or repaired, first utilizing any funds deposited. The cost (in excess of the deposit) of the demolition or repair shall be collected by the city in the manner following: An interested party shall be notified of the amount of such costs by first class mail; if he fails to pay within 30 days after the mailing of the notice, the city may recover the costs from the owner, owners or person interested as a personal obligation by filing an action for recovery in the courts. The city may further, or alternatively, add the premises to the next tax roll of the city and collect the costs in the same manner in all respects as provided by law for the collection of taxes. Defendants in the personal action, if any, shall receive credit for all amounts collected through the tax collection procedure, but shall be liable for any uncollected amounts. If the city collects through the personal action any amount of the costs incurred, the tax lien shall be thus reduced.

Sec. 18-215-2-4. Emergency proceedings.

(a) Whenever any building or structure shall be unoccupied and unsecured as defined in in this ordinance, and when, in such event, the building official shall deem such structure an immediate hazard or danger to trespassers, the building official shall notify the record owner of such structure as shown by the last local tax assessment records by certified mail, return receipt requested, at the address as shown on the local tax assessment records, that unless such structure is made secure as defined in this ordinance within seven days following the mailing of such notice, the structure shall be made secure at the owner's cost and expense.

(b) Whenever any building or structure shall be found to be in immediate danger of collapse because of fire, natural disaster, neglect of maintenance or repair, or because of cessation of demolition, the building official shall notify the record owner of any such structure as shown by the last local tax assessment records by certified mail, return receipt requested, at the address shown on the local tax assessment records that, unless such structure is demolished and removed within five days following the mailing of such notice, the structure will be demolished and removed at the owner's costs and expense.

(c) In the event the owner or other interested parties shall fail to comply with the order of the city council within the time limited therein, the city may cause the building or structure to be demolished, secured or made safe, and in such event, the cost of the demolition, securing or making the building safe shall be collected by the city in the manner following: The owner or party interested in whose name the property appears upon a last local tax assessment record shall be notified of the amount of such costs by first class mail at the address shown on the records; if he fails to pay such costs within 30 days after the mailing of the notice, the city may recover the costs from the owner, owners or parties interested as a personal obligation by filing an action for recovery in the courts. The city may further add the premises to the next tax roll of the city and collect the costs in the same manner in all respects as provided by law for the collection of taxes. Any defendants in the personal action, if any, shall receive credit for all amounts collected through the tax collection procedure, but shall be liable for any uncollected amounts. In the event the city collects through the personal action any amount of the costs incurred, the tax lien shall be thus reduced and the amounts received applied to any obligation of the city arising from corresponding tax anticipation payments.

Sec. 18-215-2-5. Appeals.

An owner or interested person aggrieved by any final decision or order of the city council may appeal the decision or order to the circuit court for the county by filing a petition for an order of superintending control within 21 days from the date of mailing of the city council decision. The order of the city council shall be stayed pending the outcome of all court proceedings if a petition is timely filed.

Sec. 18-215-2-6. Annual registration of vacant building and registration fees.

(a) *Purpose.* The purpose of this section requiring the registration of all vacant buildings, including dwellings that are subject to this chapter as referenced below, and the payment of registration fees is to assist the city government, particularly the department of public safety (DPS) and planning departments in protecting the public health, safety, and welfare, to monitor the number of vacant buildings in the city, to assess the effects of the condition of those buildings on nearby businesses and the neighborhoods in which they are located, particularly in light of fire safety hazards and unlawful, temporary occupancy by transients, including illicit drug users and traffickers, and to require of the owners of such vacant buildings their registration and the payment of related fees, and to promote substantial efforts to rehabilitate such vacant buildings. The provisions of this section are applicable to the owners of such vacant buildings as set forth herein and are in addition to and not in lieu of any and all other applicable provisions of this chapter, the health and sanitation code, and any other applicable provisions of this Code.

(b) *Definitions and applicability; registration statement and fees.*

(1) *Definitions.* For purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them as follows:

Boarded. A building or structure subject to the provisions of this section shall be deemed to be "boarded" if in place of one or more exterior doors, other than a storm door, or of one or more windows, there is a sheet or sheets of plywood or similar material covering the space for such door or window.

Exterior maintenance and major systems. The phrase "exterior maintenance and major systems" shall mean the safe and lawful maintenance of the facade, windows, doors, roof, and other parts of the exterior of the building and the maintenance of its major systems consisting of the roof, the electrical and plumbing systems, the water supply system, the sewer system, the sidewalk, and driveway (if any) area of the lot, as applicable and as enforced by the DPS, particularly in connection with sections of this ordinance (inspection of unoccupied building; initiation of processing) and (abatement of dangerous buildings).

Occupied. Any building or structure shall be deemed to be occupied if one or more persons actually conducts a lawful business or resides in all or any part of the building as the licensed business-occupant, or as the legal or equitable owner/occupant or tenant on a permanent, non-transient basis, or any combination of the same. For purposes of this section, evidence offered to prove that a building is so occupied may include, but shall not be limited to, the regular receipt of delivery of regular mail through the U.S. Postal Service; proof of continual telephone, electric,

gas, heating, water, and sewer services; a valid city business license, or the most recent federal, state, or city income tax statements indicating that the subject property is the official business or residence address of the person or business claiming occupancy; or proof of pre-rental inspection.

Open. A building or structure subject to the provisions of this section shall be deemed to be open if any one or more exterior doors other than a storm door is broken, open, closed but without a properly functioning lock to secure it, if one or more windows is broken or not capable of being locked and secured from intrusion, or any combination of the same.

Owner. An owner of the freehold of the premises or any lesser estate therein, a mortgagee, a vendee-in-possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person that is directly or indirectly in control of a building subject to the provisions of this section, and as set forth below.

Seasonal residence. A legal residential structure that has been used as a residence by the owner for a period of at least three consecutive months within the previous nine months and the same owner intends to resume residing at the property. A non-owner-occupied home does not qualify as a seasonal residence.

Vacation home. A secondary legal residential dwelling used by the owner or one or more immediate member of the owner's family, such as a son or daughter, for a period less than three consecutive months out of the previous nine months but still has verifiable occupancy periods spread throughout the year. If the home is rented or leased, it does not qualify as a vacation home.

Vacant. A building or structure shall be deemed to be vacant if no person actually, currently conducts a lawfully licensed business, or lawfully resides or lives in any part of the building as the legal or equitable owner or tenant-occupant, or owner-occupants, or tenant on a permanent, non-transient basis, unless the structure is legally being used for storage purposes. Such storage use must be a legally allowed principal use of the zoning district where the structure is located and the use must be in compliance with all appropriate provisions of city ordinances and building and fire codes pertaining to the storage use.

Vacancy date. The date when the building or structure became vacant. This is not the same as the date the property was purchased/sold.

- (2) *Applicability.* The requirements of this section shall be applicable to each owner of any building that is not a dwelling that shall have been vacant for more than 90 consecutive days and to each owner of residential property consisting of one or more vacant

dwellings that shall have been vacant for more than 90 consecutive days, unless the dwelling is a seasonal home. All seasonal homes must be registered with the department of public safety. Each such owner shall cause to be filed a registration statement, which shall include the street address and parcel number of each such vacant building, the names and addresses of all owners, as hereinafter described, and any other information deemed necessary by the city. The registration fees as required by subsection (b)(3) of this section shall be billed annually by the city and shall be paid within 30 days of the invoice date. For purposes of this section, the following shall also be applicable:

- a. If the owner is a corporation or a limited liability corporation, the registration statement shall provide the names and residence addresses of all officers, directors and/or members and shall be accompanied by a copy of the most recent annual tax report filed with the state;
 - b. If an estate, the name and business address of the executor of the estate;
 - c. If a trust, the name and address of all trustees, grantors, and beneficiaries;
 - d. If a partnership, the names and residence addresses of all partners with an interest of ten percent or greater;
 - e. If any other form of unincorporated association, the names and residence addresses of all principals with an interest of ten percent or greater;
 - f. If an individual person, the name and residence address of that individual person.
- (3) *Registration statement and fees; local agent.* If none of the persons listed, as above, are shown at an address within the state or the home is a qualified vacation home or seasonal residence, the registration statement also shall provide the name and address of a person who resides within the state and who is authorized to accept service of process on behalf of the owners and who shall be designated as a responsible, local part or agent, both for purposes of notification in the event of an emergency affecting the public health, safety or welfare and for purposes of service of any and all notices or registration statements as herein authorized and in connection herewith. Registration shall be required for all vacant buildings, whether vacant and secure, vacant and open, or vacant and boarded, and shall be required whenever any building has remained vacant for 90 consecutive days or more, except in the case of seasonal homes. All seasonal homes must be registered with the department of public safety. In no instance shall the registration of a vacant building and the payment of registration fees be construed to exonerate the owner, agent or responsible party from responsibility for compliance with any other state construction code requirement. The owner of the vacant property, at the time of billing, shall be responsible for the payment of the nonrefundable registration fee. Said fee shall be billed annually by the city and based on the duration of the vacancy as determined by the master fee resolution.
- (4) *Appeal rights.* The owner shall have the right to appeal the imposition of the registration fees to the Building Code Board of Appeals, upon filing an application in writing with the applicable \$50.00 nonrefundable filing fee to the Building Code Board of Appeals office no later than 30 calendar days after the date of the billing statement. On appeal, the owner shall bear the burden of providing satisfactory objective proof of occupancy.
- (5) *Waiver of registration fee.* A one-time waiver of the registration fee may be granted by

the Building Code Board of Appeals upon application of the owner, if all taxes and fees, such as, but not limited to, property taxes, mowing charges, past vacant building registration fees, landlord registrations, business registrations, utilities and any other applicable charges, have been paid prior to application for the waiver. If the owner:

- a. Demonstrates with satisfactory proof that he is in the process of demolition, rehabilitation, or other substantial repair of the vacant building; and
- b. Objectively demonstrates the anticipated length of time for the demolition, rehabilitation, or other substantial repair of the vacant building; or
- c. Provides satisfactory proof, such as sales contract with realtor, advertisement for sale, etc., that he was actively attempting to sell or lease the property during the vacancy period.

Upon the issuance of a certificate of occupancy, the committee appointed by the city administrator may waive vacant building fees attributable to a prior owner if the certificate of occupancy is issued within 12 months of the applicant's acquisition of ownership. The committee may waive up to ten years of vacant building registration fees. All other taxes and fees must be paid in full prior to the application being considered.

(6) *Two-year waiver.*

- a. Upon application by the owner and satisfaction of subsection (b)(5) of this section, the committee appointed by the city administrator may grant a two-year waiver of the registration fee if the owner meets the criteria for nonprofit organizations as defined by section 501(c)(3) of the Internal Revenue Code.
- b. Upon application by the homeowner who is temporarily residing in a medical care facility, or a legal representative of the homeowner, the committee may grant a renewable two-year waiver of the registration fee. To be eligible for a two-year waiver of fee, satisfactory proof must be provided that the structure will only be temporarily vacant and the property and structures must remain in good repair and free of any enforcement actions by city departments. Should the structure or property not be properly maintained, or be in violation of City Code, the waiver may be revoked by the appeal committee.
- c. Upon application by the homeowner or a legal representative, the committee may grant a two-year waiver of the registration fee. To be eligible for a two-year waiver of fee, satisfactory proof that the structure will only be temporarily vacant due to property being in probate court, being actively rehabbed to City Code so it may become occupied, or the structure is in good repair (per zoning code for allowable uses), and free of any enforcement actions by city departments. Should the structure or property not be properly maintained or in violation of City Code, the waiver may be revoked by the appeal committee.

(7) *Delinquent registration fees as a lien.* After the owner is given notice of the amount of the registration fee due, except for those owners that have properly perfected an appeal pursuant to subsection (b)(4) of this section, and the owner fails to pay the amount due, said amount shall constitute a debt due and owing to the city, and the city may commence a civil action to collect such the unpaid debt. The city shall have a lien upon the premises for said unpaid debt, which lien shall have priority over all other liens or encumbrances except taxes, assessments, or mortgages recorded previous to the existence of such lien. Such lien may be enforced by levy as in the case of real property taxes, by personal action, or by judicial foreclosure. The lien shall be effective on the date billed by the city.

a. *Duty to amend registration statement.* If the status of the registration information changes during the course of any calendar year, it is the responsibility of the owner, responsible party, or agent for the same to contact the building official within 30 days of the occurrence of such change and advise the department in writing of those changes. Valid seasonal residences or vacation homes, as defined by this section, are not required to notify the city of changes in occupancy status.

b. *Exceptions.* The fees imposed by this section shall not apply to any legitimate vacation or seasonal residence, as defined by this section, or any building owned by the United States, the State of Michigan, or a governmental entity. Any fees billed prior to their ownership are a lien against the property, unless extinguished by operation of law. Notwithstanding a waiver of the fee, registration of all structures outlined in this section is still required.

c. *Violations; penalties.* The failure or refusal for any reason of any owner or agent of an owner acting on behalf of the owner to register a vacant building within 30 days the registration is due shall constitute a violation punishable upon conviction thereof by a fine in the amount of not less than \$100.00 and not more than \$500.00 for each failure or refusal to register. In such cases, whenever the minimum fine of \$100.00 is imposed, it shall not be subject to suspension or reduction for any reason.

Sec. 18-215-2-7. Reserved.

Sec. 18-216- DEMOLITION

Sec. 18-216-1. Violations.

Any person demolishing or causing the demolition of a structure in violation of the standards of this article shall be responsible for a municipal civil infraction.

Sec. 18-216-2. Demolition to comply with existing codes.

All demolition of buildings in the city shall be accomplished using procedures and complying with the standards of all codes in force at the time of demolition.

Sec. 18-216-3. Protection of property and free passage.

Structures shall be demolished in such manner as to avoid hazards to persons and property, interference with the use of adjacent buildings, and interruption of free passage to and from such buildings.

Sec. 18-216-4. Dust control.

During the demolition of any building or structure the work shall be kept thoroughly wetted down to prevent the spread of dust. The owner or contractor shall provide water and necessary connections therefor. The building official may require in appropriate cases, a suitable fence to be constructed around the work site, where conditions indicate that the safety of the public requires such fence.

Sec. 18-216-5. Removal of materials.

(a) All buildings and structures to be demolished shall be completely razed and all materials shall be removed from the site, and disposed of in accordance with all applicable laws and regulations. All materials, including, without limitation, every installation, part of a building or accessory building or other improvement on the premises, whether above or below grade, shall be completely removed from the site. No part of any basement or infrastructure below grade shall remain.

(b) Under unusual and extraordinary circumstances and upon written request of the landowner, the city manager may waive all or part of the above requirement regarding removal of below grade materials or infrastructure. Upon approval of the waiver, the landowner shall execute and record with the county register of deeds a notice indicating to future owners of the property that underground materials or infrastructure remains on the property.

Sec. 18-216-6. Explosives prohibited; exception.

Explosives shall not be used for demolition except by prior written permission of the city and after the owner and contractor have obtained and exhibited all necessary permits therefor.

Sec. 18-216-7 Disposal of debris and materials.

All debris, combustible and non-combustible, hazardous materials of any kind and all other materials shall be disposed of in accordance with all applicable statutes, ordinances and regulations of the United States, the state, or any local ordinance, rule or regulation, including those of locations where the materials are deposited or transported for disposal.

Sec. 18-216-8. Fill of below grade spaces.

All below grade spaces, depressions or excavations, including, without limitations, former basements, cellars, septic tanks, pits, wells and any other excavation, shall after removal of all installations and materials, be filled with clean sand, except for the top three inches, which shall be filled with black dirt, seeded with grass seed.

Sec. 18-216-9. Inspection and certification.

No excavation hole or depression shall be filled until an authorized representative of the city has inspected and certified that all existing material located below grade has been removed.

Sec. 18-216-10. Removal of sidewalk openings.

Sidewalk openings and the covers of all sidewalk openings such as coal holes, vaults or stairwells connected with buildings or premises in the demolition area shall be removed and the openings filled with approved material tamped level with the sidewalk. An approved installation of the resulting sidewalk surface shall be installed with city approval.

Sec. 18-216-11. Obstruction of traffic.

The contractor shall not close or obstruct any street, sidewalk, alley or passageway unless specifically authorized by the city. No material whatsoever shall be placed or stored in any such area. The owner or contractor shall not interfere with the use of roads, streets, alleys, driveways, passageways, sidewalks or other travel facilities.

Sec. 18-216-12. Cleanup.

The owner or contractor shall remove all debris and equipment and dispose of all material, as above required, and leave the ground clear of all materials, rubbish or debris.

Sec. 18-216-13. Burning prohibited.

No burning shall be permitted within the project area.

Sec. 18-216-14. Permits.

Demolition permits must be obtained from the building official of the city. Fees for such permit shall be determined by resolution.

Secs. 18-216-15. Reserved.

Secs. 18-217 – 18-220 Reserved

Section 2. Savings Clause. Nothing in this Ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 3. Severability. Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such work, sentence, phrase or any portion of the Ordinance held to be so invalid shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

Section 4. Conflicting Ordinances. All prior existing ordinances adopted by the City of Trenton inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

Section 5. Readings. This Ordinance shall be given a first reading on December 14, 2020, shall be enacted on January 4, 2021.

ADOPTED, APPROVED AND PASSED by the City Council of the City of Trenton this 4th of January, 2021.

Moved by Councilwoman Baun-Crooks, seconded by Councilwoman Pate, to approve the second reading of Ordinance No. 803, to amend Chapter 18 of the Code of Ordinances relating to dangerous buildings and demolition.

Carried unanimously.

J-2
City Administrator
Extension of Audit Services provided by Plante & Moran, PLLC

Moved by Councilwoman Baun-Crooks, seconded by Councilman Perugi, to concur with the recommendation of the City Administrator and extend the agreement with Plante & Moran, PLLC, to provide the City's annual audit of financial statements and related federal awards programs for all fiscal years ending June 30, 2021 through June 30, 2025, with funding from account #101-101-808.000.

Carried unanimously.

J-3
City Controller
FY 2022 Budget Timeline

Move to receive and place on file the proposed budget schedule for the 2022 fiscal year.

Carried unanimously.

DISBURSEMENTS AND STATEMENTS

Moved by Councilman Benedetti, seconded by Councilman Cabauatan, to approve the Authorized Disbursements, January 4, 2021, in the amount of \$895,776.50.

Carried unanimously.

REPORTS

Moved by Councilman Benedetti, seconded by Councilwoman Pate, to approve the Board of Review Minutes, December 2020.

Carried unanimously.

COMMENTS FROM THE COUNCIL AND OFFICIALS

- | | |
|---------------------------|--|
| Mayor Rzeppa | * Happy New Year and hope everyone had a great holiday. Covid-19 update: 998 cases; 20 fatalities. Happy belated birthday to Treasurer Mike McCullough. |
| Councilwoman Pate | * Happy New Year. |
| Councilman Cabauatan | * Happy New Year. |
| Councilwoman Baun-Crooks | * Moment of silence for Chuck Howey, Pat Andrews and Brad O'Connor; all have done great things for the community and will be missed; best wishes to their families. |
| Councilman Benedetti | * Happy New Year. Shout out to Kevin Sargent; thanks for quick response to getting things taken care of. Police Department received large donation; gave to Fire Department charities to help residents. |
| City Clerk Devitt | * Next Regular Council Meeting Tuesday, January 19, 2021 at 7:00 p.m. |
| City Treasurer McCullough | * Thanked everyone for the birthday wishes. Happy New Year. |

MOTION TO ADJOURN by Councilwoman Baun-Crooks, seconded by Councilman Benedetti, at 7:26 p.m.

Carried unanimously.

RECORD OF CITY COUNCIL PROCEEDINGS
CITY OF TRENTON, MICHIGAN
HELD ON THE 4TH DAY OF JANUARY 2021

APPROVED BY:

STEVEN J. RZEPPA, MAYOR

DEBRA R. DEVITT, CITY CLERK

MINUTES PREPARED BY: Eric J. Hoshaw, Deputy City Clerk

APPROVED ON: _____