



City Council Special Meeting

Study Session Agenda

November 23, 2020

7:00 PM

1. **Roll Call**
2. **Agenda - Motion to accept Study Session Agenda as presented**
3. **Discussion: Amendment of Section 8-20 of the City Code of Ordinance**
4. **Public Comment**
5. **Adjournment - Motion to adjourn the Special Meeting**



MEMORANDUM

To: Honorable City Council
From: Ellen L. Craig-Bragg, City Clerk
Date: November 23, 2020
Re: SPECIAL / STUDY SESSION MEETING

Robert McCraight, Director of Building and Safety, has requested a Special Meeting – Study to be held on Monday November 23, 2020 at 7:00pm to discuss amendment to Section 8-20 of the City Code of Ordinance

This meeting will be held electronically using the Zoom Meeting application. To join the meeting, see the following:

Topic: Special Meeting-Study Session
Time: Nov 23, 2020 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting <https://us02web.zoom.us/j/2230778573>

Meeting ID: 223 077 8573

Join by Phone

Dial: 1-646-558-8656, Meeting ID 223 077 8573, followed by the # sign.

From: [Godell, Ginny](#)
To: [Craig-Bragg, Ellen](#); [Hockenhull, D'Sjonaun](#)
Cc: [McCraight, Robert](#); [Wojtylko, Julie](#); [Lambert, Jill](#)
Subject: CC agenda 11//23 - study session and 1st reading
Date: Monday, October 12, 2020 3:43:41 PM
Attachments: [City Ordinance amendment - Section 8-20.pdf](#)

Good afternoon Ellen: please schedule a 15 minute study session and 1st reading for a City Code of Ordinance amendment to Section 8-20 for the CC meeting of 11/23/20.

The proposed amendment will allow for the Building Department to decide if a civil infraction or misdemeanor ticket will be issued for continued non-compliances with our codes and ordinances (see attachment).

Bob will be in attendance to answer questions.

Should you have any questions, please contact this office. Thank you for your assistance.

Ginny Godell, DPS Adm. Asst.

City of Romulus

Department of Public Services

12600 Wayne Road

Romulus MI 48174

ggodell@romulusgov.com

734-942-7550

Godell, Ginny

From: McCraight, Robert
Sent: Tuesday, June 09, 2020 3:30 PM
To: Godell, Ginny
Cc: Wojtylko, Julie
Subject: FW: Amendment to Ordinance Section 8-20
Attachments: Ltr to McCraight re am of Ordinance 8-20 dtd 2-4-2020.pdf

Ginny, please get me on the schedule for a 15 minute study session for this language change.

Thank you,
Bob

From: Steve Hitchcock [mailto:sjh@gmhlaw.com]
Sent: Tuesday, June 09, 2020 1:33 PM
To: McCraight, Robert <rmccraight@romulusgov.com>
Subject: FW: Amendment to Ordinance Section 8-20

Bob,
If Council adopts the attached as amendment to the existing ordinance this will allow for your department to decide if a civil infraction or misdemeanor ticket will be issued.

From: Joan Peters <jpeters@gmhlaw.com>
Sent: Tuesday, February 4, 2020 3:03 PM
To: McCraight, Robert <rmccraight@romulusgov.com>
Cc: Steve Hitchcock <sjh@gmhlaw.com>
Subject: Amendment to Ordinance Section 8-20

Good afternoon,

Please see the attached. If you have any questions, let us know.

Thank you,

Joan Peters
Legal Assistant to:
John C. Clark, Stephen J. Hitchcock, Anthony K. Chubb,
Michael L. Bosnic, and Karie Miller
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GMH GIARMARCO, MULLINS & HORTON, P.C.

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Of Counsel
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David G. Gorcyca
Albert Taylor Nelson, Jr
Peter J. Sarkesian
Lawrence F. Schiller

February 4, 2020

Mr. Robert McCraight, Director
Department of Building and Safety
11111 Wayne Road
Romulus, MI 48174

RE: Amendment to City Ordinance Section 8-20

Dear Bob:

Enclosed is a proposed amendment to Article 8, Section 8-20 of the City Ordinances relating to enforcement of Michigan Building Code. State statute allows the City, as the enforcing agency, to provide by local ordinance for civil infraction or misdemeanor violations.

I have amended Section 8-20 to make it clear the City has authority to issue misdemeanor tickets as well as a civil infraction tickets in the discretion of the enforcing agency.

If you have any questions, please let me know.

Very truly yours,

GIARMARCO, MULLINS & HORTON, P.C.



Stephen J. Hitchcock

SJH/jmp
Enclosure

Sec. 8-20. - Enforcement and penalty.

The chief legal officer (corporate counsel and/or its designees) of the city may authorize a complaint and obtain a warrant for violations of the Public Act No. 230 of 1972 (MCL 125.1501 et seq.) or the Michigan Building Code and prosecute the violation with the same power and authority in prosecuting all other ordinance violations. Violation of the Act or Michigan Building Code, as adopted by the Code of Ordinances, is either a municipal civil infraction and the city may issue a citation for a municipal civil infraction for such violation pursuant to chapter 87 of the Revised Judicature Act of 1961 (MCL 600.8701 et seq.) or a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment for not more than 90 days or both, by issuance of a ticket, in the discretion of the enforcing agency under authority of MCL 125.1523. Each day a violation continues shall be deemed a separate violation. The enforcing agency for the city shall be the director of building and safety or his designee, the police department, and/or the ordinance department

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Sec. 8-212 – Interactional Property Maintenance Code

Regardless of the language of Section 106.3 of the International Property Maintenance Code, the enforcing office for violation of this code may either issue a municipal civil infraction violation or a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment for not more than 90 days or both, by issuance of a ticket, in the discretion of the enforcing agency under authority of MCL 125.1523. Each day a violation continues shall be deemed a separate violation. The enforcing agency for the city shall be the director of building and safety or his designee, the police department, and/or the ordinance department.

Sec. 8-230(a) – Vacant and Abandoned Structures

A person who violates or fails to comply with the requirements of this Division may be issued either a municipal civil infraction for such violation pursuant to Chapter 87 of the Revised Judicature Act of 1961 (MCL 600. 8701.et. seq) or or a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment for not more than 90 days or both, by issuance of a ticket, in the discretion of the enforcing agency under authority of MCL 125.1523. Each day a violation continues shall be deemed a separate violation. The enforcing agency for the city shall be the director of building and safety or his designee, the police department, and/or the ordinance department.

Sec. 8-246. – Penalty

Any person who violates this or fails to comply with this requirement or Article VIII may be issued either a municipal civil infraction violation for such violation or or a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment for not more than 90 days or both, by issuance of a ticket, in the discretion of the enforcing agency under authority of MCL 125.1523. Each day a violation continues shall be deemed a separate violation. The enforcing agency for the city shall be the director of building and safety or his designee, the police department, and/or the ordinance department.