



**CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1387**

AN ORDINANCE TO AMEND CHAPTER 1 “GENERAL PROVISIONS” OF THE YPSILANTI CITY CODE, BY AMENDING SECTION 1-14 “ENFORCEMENT AUTHORITY FOR THE CODE” TO INCLUDE PLANNING AND DEVELOPMENT DEPARTMENT PERSONNEL; AND TO AMEND CHAPTER 17 INSPECTION AND CONTROL OF CERTAIN BUILDINGS TO ALLOW FOR THREE YEAR CERTIFICATES IN CERTAIN CIRCUMSTANCES AND CALCULATE HOW CERTIFICATES ARE ISSUED; AND TO AMEND CHAPTER 71 “ADMINISTRATIVE HEARINGS BUREAU”, SECTION 71-2 “DEFINITIONS”, TO ADD A DEFINITION FOR AUTHORIZED LOCAL OFFICIAL FOR THE PURPOSE OF ALLOWING PLANNING AND DEVELOPMENT DEPARTMENT PERSONNEL TO ISSUE BLIGHT VIOLATIONS.

THE CITY OF YPSILANTI HEREBY ORDAINS:

Section 1: Amendments, additions, and deletions to the Code of Ordinances, City of Ypsilanti, Michigan.

That Chapter 1 of the Ypsilanti City Code, entitled “General Provisions”, is hereby amended by amending Section 1-14 “Enforcement authority for Code”, which Section shall read as follows:

Sec. 1-14. - Enforcement authority for Code.

(a) All law enforcement officers as defined in MCL 28.602, as amended, with jurisdiction to act as law enforcement officers within the City of Ypsilanti, including police officers sworn in by the City of Ypsilanti, Washtenaw County Sheriff Department Deputies, and the following nonpolice personnel are hereby authorized to serve appearance tickets for all ordinance violations and are otherwise authorized to enforce the ordinances of the city:

- (1) City fire chief.
- (2) Fire inspector.
- (3) Fire marshal.
- (4) Chief building inspector.
- (5) Assistant building inspector.
- (6) Ordinance enforcement officer.
- (7) Housing officials.
- (8) Parking meter enforcement personnel.
- (9) Planning and Development Department personnel.

(b) The law enforcement officers and city officials listed in subsection (a) of this section are hereby given enforcement authority pursuant to Act No. 366 of the Public Acts of Michigan of 1984 (MCL 764.9c, 764.9f.

That Chapter 18 of the Ypsilanti City Code, entitled “Certificate of Compliance”, is hereby amended by amending Section 18-151 “Expiration and reinspection procedures which Section shall read as follows:

Certificates of compliance shall expire two years after the date issued unless earlier suspended by the building department, or if the structure(s) are eligible for a three year certificate of compliance, as outlined below. The date of issuance, date of expiration and certificate period shall be indicated on the certificate. Certificate periods shall begin on the beginning of the month of the first full inspection.

A three-year certificate of compliance can be issued for a rental property if all of the following requirements are met:

- a) There are no apparent health and safety violations
- b) There are less than 5 non-health and safety violations in the unit and have been corrected within the first re-inspection
- c) There are no outstanding fees or fines owed on the property
- d) The property owner has obtained all required permits for work within the building.
- e) The owner or owner’s agent has requested a recertification inspection at least 60 days prior to expiration of the current certificate

At least three months before the current, valid certificate of compliance expires, it is the duty of the owner of the property to arrange for the inspection necessary for the issuance of a new certificate prior to the expiration of the previous certificate. If the owner does not timely schedule the inspection, the building inspection department will schedule the inspection and send out a notice to the owner or the owner's agent. The building inspection department will schedule all necessary subsequent inspections following the initial scheduled inspection, whether or not the inspection was performed, and send out notices to the owners or the owners' agents for those re-inspections.

That Chapter 71 of the Ypsilanti City Code, entitled “Administrative Hearings Bureau”, is hereby amended by amending Section 71-2 “Definitions”, to add a definition for “Authorized local official”, which Section shall read as follows:

Sec. 71-2. - Definitions.

The following words and phrases as used in this chapter shall have the meaning set forth in this section unless a different meaning is clearly required by the context:

Authorized local official means a police officer, or other personnel of the city, including but not limited to, City fire chief, Fire inspector, Fire Marshal, Chief building inspector, Assistant building inspector, Ordinance enforcement officer, Housing officials, and Planning and Development Department personnel.

Blight means a condition that impairs, destroys, or deteriorates the property because of its decay, improper storage, or effect on property or quality of life including but not limited to such things as garbage, junk, noxious weeds, inoperative vehicles, and waste. The proper storage of materials or equipment incidental to and necessary for the carrying out of any business or occupation lawfully being carried out on the property in question is not the cause of blight or a blighting factor if all applicable city ordinances are satisfied. The piling and storage of firewood in a neat orderly manner for consumption by the property residents is not blight.

Blight violation means an act or omission regarding zoning, building or construction, building or property maintenance or condition in buildings or on the premises; fire prevention as designated; illegal dumping, disposal of solid waste; noxious weeds, and abandoned or inoperative vehicles, that is prohibited by this code or any ordinance of the city and designated a blight violation, including but not limited to those violations designated as blight violations in chapters 18, [42](#), 50, [86](#), [110](#), and [122](#).

Building materials means any material or equipment used in the restoration, renovation or construction of any structure or surface, including but not limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts and equipment, shingles, mortar, concrete, cement, nails, screws, ladders, scaffolding, or tools.

Formal AHB hearing means a hearing before an administrative hearings officer where either respondent or the city or both are represented by an attorney.

Garbage includes all animal and vegetable wastes resulting from the handling, preparation, cooking, consumption, or decomposition of food.

Informal AHB hearing means a hearing before an administrative hearings officer where neither respondent nor the city are represented by an attorney.

Junk includes any abandoned, discarded, stored, unused object or equipment, regardless of viability of use or value, stored in the open, including but not limited to motor vehicle parts, machinery, furniture, appliances, bottles, boxes, cartons, crates, or remnants of cloth, wood, metal, rubber, or other cast-off materials.

Refuse includes garbage, rubbish, trash, debris, junk, ashes, incinerator ash or residue, street cleaning, industrial sludge, solid commercial and industrial waste, animal waste, inoperable household appliances, or broken or damaged stuffed furniture, but does not include human body waste, liquid or other waste regulated by statute, or ferrous or nonferrous scrap possessed by a commercial scrap metal processor or a commercial re-user of ferrous or nonferrous products.

Waste includes any litter, garbage, trash, rubbish, or refuse that is a useless or worthless by-product of any industrial, biological, or other such process and tends to create a danger to public health, safety, and welfare.

2. Severability. If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of

this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

3. Repeal. All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

4. Savings Clause. The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

5. Copies to be available. Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

6. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published according to Section 11.13 of the City Charter. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS 5th DAY OF April, 2022.

Andrew Hellenga, City Clerk

Attest

I do hereby confirm that the above Ordinance No. 1387 was published according to Section 11.13 of the City Charter on the 14th day of April, 2022.

Andrew Hellenga, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the 5th day of April, 2022.

Andrew Hellenga, City Clerk

First Reading: March 15, 2022

Second Reading: April 5, 2022

Published: April 14, 2022

Effective Date: May 5, 2022