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DIVISION 2. BLIGHT VIOLATION NOTICES

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Sec. 8.5-2-11. Authorization to issue blight violation notices; warning notice by authorized local official permitted prior to issuance of blight violation notice in certain circumstances.

- (a) A city employee who is designated pursuant to this Code is hereby deemed to be an authorized local official to issue a blight violation notice that directs an alleged violator to appear at the department.
- (b) Prior to the issuance of a blight violation notice, an authorized local official is permitted to issue a warning notice of a potential blight violation where:
 - (1) The potential violation is the first violation for the owner;
 - (2) The potential violation is not the result of an eviction; and
 - (3) The solid waste is less than ten (10) cubic yards.

(Ord. No. 23-04, § 1, 7-2-04; Ord. No. 19-09, § 1, 10-13-09)

Sec. 8.5-2-12. Contents of a blight violation notice.

A blight violation notice shall contain:

- (1) The name and address of the alleged violator;
- (2) The address of the Department where the alleged violator shall appear at as a result of the blight violation notice;
- (3) The telephone number of the Department;
- (4) The hours that the Department is open;
- (5) The date and time by which the appearance shall be made;
- (6) The blight violation(s) alleged and the action(s) to be taken to abate the violation(s);

- (7) The maximum amount of the civil fine(s) that are scheduled for the alleged violation(s);
- (8) The consequences for failure to appear, or to admit responsibility, or to pay the scheduled civil fine within the required time;
- (9) A notice to inform the alleged violator that he or she may do one (1) of the following regarding the blight violation notice;
 - a. Before or by the date and the time specified for appearance, admit responsibility for the blight violation(s) by mail, or in person, or by representation; or
 - b. Admit responsibility with explanation or deny responsibility for the blight violation(s) by appearance at the Department on the hearing date that is contained on the blight violation notice;
- (10) A warning in boldfaced type that the failure of the alleged violator to appear within the time specified on the blight violation notice may result in entry of decision and order of default; and
- (11) Any applicable fees imposed by law or rule.

(Ord. No. 23-04, § 1, 7-2-04)

Sec. 8.5-2-13. Commencement of blight violation proceeding.

A blight violation proceeding may be commenced by an authorized local official for violation of one (1) or more provisions of this Code designated as a blight violation upon the issuance of a blight violation notice that directs the alleged violator to appear at the Department.

(Ord. No. 23-04, § 1, 7-2-04)

Sec. 8.5-2-14. Issuance of a blight violation notice.

- (a) Each blight violation shall be issued only by an authorized local official as follows:
 - (1) An authorized local official may issue a violation notice to a person where:
 - a. The violation has occurred in the presence of the authorized local official and the violation notice contains the following statement immediately above the date and signature of the official: "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief."; or
 - b. Based upon investigation of a complaint by someone who allegedly witnessed the person commit a blight violation, the authorized local official has reasonable cause to believe that the person is responsible for a blight violation and the Corporation Counsel, or a designated assistant corporation counsel, provides written approval for issuance of the blight violation notice;
 - (2) A blight violation notice that is signed by an authorized local official shall be deemed to be made under oath where the violation(s) alleged in the blight violation notice occurred in the presence of such official and the blight violation notice contains the following statement immediately above the date and signature of the official: "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief";
 - (3) An authorized local official who witnesses a person commit a blight violation shall prepare and subscribe, as soon and as completely as possible, the requisite blight violation notice;
 - (4) The date and time for appearance contained within a blight violation notice shall be within the requisite period after issuance as specified by the rules and regulations

adopted by the Department in accordance with [section 2-111](#) of the 1997 Detroit City Charter, provided, that the hearings shall not be scheduled earlier than fourteen (14) days after the service of the blight violation notice on the violator, unless one (1) or more blight violation(s) constitutes an emergency as defined in [Section 8.5-1-1](#) of this Code; and

- (5) The date of appearance shall be the date of the hearing and shall be noted on the blight violation notice.
- (b) Where a landlord has registered a rental property in accordance with the City's rental inspection program in order to rent premises for residential purposes, the City shall not issue a blight violation notice during, or as a result of, an inspection of the registered rental premises unless either of the following occurs:
 - (1) The landlord is given a written correction notice for the blight violation(s) and a reasonable opportunity to correct the circumstances before a reinspection of the premises or a date specified in the notice; or
 - (2) The violation is a direct result of the landlord's action or inaction and creates an emergency, as defined in [section 8.5-1-1](#) of this Code, that presents an immediate risk of harm to people or damage to property including, but not limited to, a flooded basement or premises without heat.

(Ord. No. 23-04, § 1, 7-2-04)

Sec. 8.5-2-15. Service of blight violation notice.

Each blight violation notice shall be served by an authorized local official as follows:

- (1) Except as provided for in subsection (2) of this section.
 - a. By personally serving a blight violation notice upon the alleged violator; or;
 - b. By sending a blight violation notice by certified mail, return receipt requested, and delivery restricted to the addressee. Service is made when the violator acknowledges receipt of the mail. A copy of the return receipt signed by the violator must be filed with the Department by the enforcing department in accordance with the rules and procedures adopted under [section 2-111](#) of the 1997 Detroit City Charter.
- (2) Where the blight violation notice involves the use or occupancy of land or of a building or other structure, the blight violation notice may be served upon the owner or occupant of the land, building, or structure:
 - a. By posting a blight violation notice on the land or by attaching a blight violation notice to the building or structure; and
 - b. By sending a blight violation notice by first class mail to the owner of the land, building, or structure at his or her last known address.

(Ord. No. 23-04, § 1, 7-2-04)

Sec. 8.5-2-16. Admission of responsibility with explanation, or denial of responsibility, for blight violation notice.

In the event that an alleged violator desires to admit responsibility "with explanation," or denies responsibility, the violator must appear at the Department on the date indicated on the blight violation notice. On such date, the Department shall conduct an administrative hearing pursuant to this Chapter and in accordance with its rules of procedure.

(Ord. No. 23-04, § 1, 7-2-04)

Sec. 8.5-2-17. Failure to appear for blight violation notice.

In the event that an alleged violator fails to appear or admit responsibility by mail at the Department by the date cited on the blight violation notice issued by an authorized local official, the Department shall issue a decision and order of default in accordance with its rules and procedures.

(Ord. No. 23-04, § 1, 7-2-04)

Sec. 8.5-2-18. Enforcement of final decisions and orders; collection of defaults in payment for blight violation notices; attachment, garnishment, and writs of execution.

In accordance with Section 4r(7) of the Michigan Home Rule Cities Act, being MCL 117.4r(7), where a violator defaults in the payment of a civil fine, fee, costs, or sanctions ordered by the Department regarding a blight violation notice brought by the City for a violation of this Code, the City may collect the fine, fee, costs, or sanctions by the means authorized for the enforcement of a final decision and order or judgment under Chapter 40 of the Michigan Revised Judicature Act, being MCL 600.4001 et seq., including attachment or garnishment, or Chapter 60 of the Michigan Revised Judicature Act, being MCL 600.6001 et seq., including the issuance of writs of execution.

(Ord. No. 23-04, § 1, 7-2-04)

Sec. 8.5-2-19. Blight violation notice involving land, buildings, or structures; failure to pay civil fines; liens; notice of liens; enforcement and discharge; priority; action for collection of civil fines; period of lien.

- (a) In accordance with Section 4r(1) of the Michigan Home Rule Cities Act, being MCL 117.4r(1), where a violator fails to pay a civil fine, fee, costs, or sanctions ordered by a hearings officer regarding a blight violation notice brought by the City for one (1) or more violations concerning the use or occupation of land or a building or other structure, the City may obtain a lien against the land, building, or structure by recording a copy of the final decision and order with the County of Wayne Register of Deeds.
- (b) In accordance with Section 4r(2) through (6) of the Michigan Home Rule Cities Act, being MCL 117.4r(2) through (6):
 - (1) The final decision and order shall not be recorded unless a legal description of the property is incorporated into, or attached to, the final decision and order;
 - (2) The lien is immediately effective upon the recording of the final decision and order with the County of Wayne Register of Deeds;
 - (3) The final decision and order that is recorded with the County of Wayne Register of Deeds shall constitute notice of the pendency of the lien;
 - (4) The City shall send written notice of the lien by first class mail to the owner of record of the land, of the building, or of the structure at his or her last known address;
 - (5) The lien may be enforced and discharged by the City in a manner prescribed by the 1997 Detroit City Charter, by this Code, and by the Michigan General Property Tax Act, being MCL 211.1 through MCL 211.157, with the exception that such property is not subject to forfeiture, foreclosure, or sale under Sections 78 to 79a of the Act, being MCL 211.78 to 211.79a, for nonpayment of a civil fine ordered by a hearings officer under this chapter unless the property is also subject to forfeiture, foreclosure, and sale under Sections 78 to 79a of the Act, being MCL 211.78 to 211.79a, for delinquent property

taxes;

- (6) The lien has priority over any other lien unless one (1) or more of the following apply:
 - a. The other lien is a lien for taxes or for special assessments;
 - b. The other lien is created before May 1, 1994;
 - c. Federal law provides that the other lien has priority;
 - d. The other lien is recorded before the lien created under Chapter 87 of the Michigan Revised Judicature Act, being MCL 600.8731, is recorded.
- (7) The lien shall not continue for more than ten (10) years after a copy of the court order imposing the civil fine is recorded unless an action to enforce the lien is commenced during the ten (10) year period; and
- (8) An attempt by the City through commencement of an action in a court of competent jurisdiction to collect the civil fines, fees, costs, and sanctions imposed by a decision and order does not invalidate or waive the lien upon the land, the building, or the structure.

(Ord. No. 23-04, § 1, 7-2-04)

Sec. 8.5-2-20. Appeals of final decisions and orders.

- (a) Pursuant to section 4q(17) of the Michigan Home Rule Cities Act, being MCL 117.4q(17), within twenty-eight (28) days after entry of a decision and order by the hearing officer, either party may file an appeal in accordance with the administrative rules promulgated by the Department pursuant to [section 2-111](#) of the 1997 Detroit City Charter.
- (b) Pursuant to Section 4q(17) of the Michigan Home Rule Cities Act, being MCL 117.4q(17), the appeal of the final decision and order of an administrative hearing officer is to the Wayne County Circuit Court.

(Ord. No. 41-04, § 1, 11-17-04)

Secs. 8.5-2-21—8.5-2-30. Reserved.