



CITY OF PONTIAC
OFFICE OF THE EMERGENCY MANAGER
LOUIS H. SCHIMMEL

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Dated: August 12, 2013

ORDER NO. S-315

RE: Adopt ordinance to amend various sections of Chapter 22 of the Code of Ordinances concerning buildings and building regulations.

TO: Sherikia Hawkins, City Clerk
Charles Smith, Project Manager, Wade Trim

The Local Financial Stability and Choice Act (Act 436 of 2012/MCL 141.15411, et. seq.) in Section 10 empowers an Emergency Manager to issue orders to the appropriate local elected and appointed officials and employees, agents, and contractors of the local government a Manager considers necessary to accomplish the purposes of the Act and any such orders are binding on the local elected and appointed officials and employees, agents, and contractors of the local government to whom they are issued.

Section 12(1) of the Act provides that “[a]n emergency manager may take 1 or more of the following additional actions with respect to a local government that is in receivership, notwithstanding any charter provision to the contrary: (dd) [e]xercise solely, for and on behalf of the local government, all other authority and responsibilities of the chief administrative officer and governing body concerning the adoption, amendment, and enforcement of ordinances....”

WHEREAS, Emergency Manager Schimmel introduced the attached ordinance at a public meeting on August 1, 2013; and,

WHEREAS, the proposed ordinance was distributed to each member of the Council and the Mayor by the Clerk; and,

WHEREAS, a summary of the proposed ordinance and time and place of consideration by the Emergency Manager was published in the Oakland Press on August 9, 2013; and,

WHEREAS, the Emergency Manager at a public meeting on August 12, 2013 announced that he is adopting the proposed ordinance.

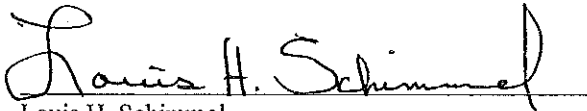
It is hereby ordered:

1. That the attached Ordinance No. 2308, an ordinance to amend various sections of Chapter 22 of the Code of Ordinances concerning buildings and building regulations, is adopted.
2. That the City Clerk shall take all actions required under the law to reflect the attached ordinance changes on the City books and records, including publication of the adopted ordinance.

The Order shall have immediate effect.

Copies of the documents referenced in this Order are to be maintained in the offices of the City Clerk and may be reviewed and/or copies may be obtained upon submission of a written request consistent with the requirements of the Michigan Freedom of Information Act and subject to any exemptions contained in that state statute and subject to any exemptions allowed under that statute (Public Act 442 of 1976, MCL 15.231, et. seq.).

This order is effective as indicated and is necessary to carry out the duties and responsibilities required of the Emergency Manager as set forth in the Local Financial Stability and Choice Act (Act 436 of 2012/MCL 141.15411, et. seq.) and the contract between the Local Emergency Financial Assistance Loan Board and the Emergency Manager.

A handwritten signature in cursive script that reads "Louis H. Schimmel". The signature is written in black ink and is positioned above a horizontal line.

Louis H. Schimmel
City of Pontiac
Emergency Manager

cc: State of Michigan Department of Treasury
Mayor Leon B. Jukowski
Pontiac City Council

Ordinance No. 2308

An ordinance to amend various sections of Chapter 22 of the Code of Ordinances concerning Buildings and Building Regulations.

The City of Pontiac ordains:

Section 1. Amendments.

- a. Section 22-40 of the Code of Ordinances shall be amended to read as follows:
All contractors shall register their work with the City before work is commenced. Registration shall be renewed each license year. This fee shall not be prorated. The City Council shall from time to time by resolution establish the annual registration fee for Residential Builder, Maintenance and Alteration Contractor, and an administration fee for registration.
- b. Section 22-65 of the Code of Ordinances shall be amended to read as follows:
Every electrical contractor shall register his license with the City before work is commenced. Registration shall be renewed each license year. The fee shall not be prorated. The City Council shall from time to time by resolution establish the annual registration fee for Electrical Contractor, Sign and Alarm Contractor, and Sign and Alarm Specialist.
- c. Section 22-425 of the Code of Ordinances shall be amended to read as follows:

22-425 Right of appeal; procedure.

- (a) When litigation is not pending before any court of competent jurisdiction on the subject matter, any owner or person who is aggrieved with the ruling or decision of the housing official in any matter relative to the interpretation or enforcement of any of the provisions of the housing code may appeal the decision or interpretation.
 - (b) The appeal provided for under subsection (a) shall be filed with the housing official, in writing, within 30 days of the date of the rendition of the decision of interpretation along with the appropriate fee established from time to time by the City Council.
 - (c) Appeals shall be heard and decided by the Board of Appeals under this article. A hearing shall be held at a reasonable time as determined by the Director of Community Development, not more than 30 days after the appeal is filed, and may be adjourned from time to time at the discretion of the Board.
 - (d) The appellant shall have the right to appear in person or by agent or attorney and present any relevant, oral or documentary evidence. The housing official shall also have the right to present oral or documentary evidence.
 - (e) At the conclusion of the hearing, a decision shall be rendered in accordance with the majority vote of the Board of Appeals present and voting.
- d. Section 22-920 of the Code of Ordinances shall be amended to read as follows:
Registration, inspection and certificate of compliance fees applicable to this article shall be recommended by the Finance Director and Department of Building Safety and established by resolution of the City Council upon adoption of the annual budget and may be amended from time to time by formal resolution of the City Council. If a vacant

property was registered within the previous 365 days and is being converted to a registered rental property, then the City Council may establish a special fee for the conversion to be charged in lieu of the fees charged for rental registration and inspection. The payment of all fees is secured by a lien against the property, which may be placed on the tax roll for collection in the same manner and subject to the same interest and penalties applicable to delinquent special assessments.

e. Chapter 22, Article VI, Division 9, Pre-Sale Housing Inspection, shall be added to read as follows:

22-820 Pre-Sale Housing Inspection Required in Neighborhood Enterprise Zone

Before a structure containing a dwelling unit in an established Neighborhood Enterprise Zone shall be sold, the owner of said structure shall pay the appropriate inspection fees established from time to time by resolution of the City Council and apply for, obtain, and pass a property maintenance inspection. Such inspection shall follow the same standards as used by the City in the inspection of a rental dwelling. Upon passage of the inspection, the Director of Community Development or his designee shall issue the appropriate certificate of compliance. Any owner aggrieved by the results of such inspection may, upon paying the appropriate fee established from time to time by resolution of the City Council, request a hearing before the Board of Appeals, the decision of which shall be final.

Section 2. Severability.

If any section, clause, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal, or ineffective by any Court of competent jurisdiction, such section, clause, or provision declared to be unconstitutional, void, or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 3. Saving Clause.

A prosecution which is pending on the effective date of this ordinance and which arose from a violation of an ordinance repealed by this ordinance, or a prosecution which is started within one (1) year after the effective date of this ordinance arising from a violation of an ordinance repealed by this ordinance and which was committed prior to the effective date of this ordinance, shall be tried and determined exactly as if the ordinance had not been repealed.

Section 4. Repealer.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 5. Publication.

The Clerk shall publish this Ordinance in a newspaper of general circulation.

Section 6. Effective Date.

This Ordinance shall be effective ten days after date of adoption.