Emergency Manager of the City of Ecorse
(Directive No. 055)

ORDER OF THE EMERGENCY MANAGER OF THE CITY OF ECORSE, COUNTY OF WAYNE, STATE OF MICHIGAN, HAVING MOVED PROPOSED ORDINANCE AMENDMENTS AND ADDITIONS TO FIRST READING, SECOND READING, HELD A PUBLIC HEARING, NOW ORDER THE EMERGENCY ENACTMENT OF SAID ORDINANCE AMENDMENTS AND ADDITIONS AND AUTHORIZE THEIR PUBLICATION.

WHEREAS, under the Local Government and School District Fiscal Accountability Act, Act 4, Public Acts of Michigan, 2011, as amended ("Act 4") and a Contract (the "Contract") between the State of Michigan and Joyce A. Parker, dated October 30, 2009, Joyce A. Parker has been appointed as the Emergency Manager (the "EM") of the City of Ecorse, County of Wayne, Michigan (the "City") and charged with the power and authority to take all actions necessary to develop and implement financial and operational plans to regulate expenditures, investments and the provision of services for the City of Ecorse in conformity with and using the powers set forth in Act 4; and

WHEREAS, pursuant to Act 4 and the Contract, the EM, as the Chief Administrative Officer of the City, is authorized to, among other things, make, approve or disapprove any appropriation, contract, expenditure, or loan for the City, as well as, exercise the authority and responsibilities of the chief administrative officer and governing body concerning the adoption, amendment, and enforcement of ordinances or resolutions affecting the city as she may deem necessary, within her sole discretion, to accomplish the purposes of Act 4; and.

WHEREAS, it is in the best interests of the City to enact and establish new and amended Ordinances to more adequately respond to Ecorse's issues of blight, dangerous buildings, public nuisances, the City's abatement costs, the reimbursement to the City of unpaid abatement costs, and providing civil infraction enforcement as a remedy for certain identified violations rather than charging as a criminal misdemeanor.

WHEREAS, emergency conditions exist both financially and physically requiring the immediate enactment of these ordinance amendments and additions to provide the City with all the tools necessary to immediately and effectively address its issues of blight, dangerous buildings, public nuisances, and the recoupment of the City's abatement costs and the reimbursement to the City of unpaid abatement costs through its tax collection process.

WHEREAS, in furtherance of the enactment of the afore referenced City Ordinance amendments and additions, pursuant to Chapter IX, Section 1 and all other pertinent provisions of the City of Ecorse Charter the Emergency Manager directed all Ordinance amendments and additions to first reading, provided a summary of the anticipated additions and changes in an April 27, 2011 Staff Meeting, providing the full text of said proposed ordinances and the changes contemplated to City Council members on April 29, 2011 for review and comment, including at the Tuesday, May 3, 2011 City Council meeting.

WHEREAS, to allow the community an opportunity to comment and ask questions on the proposed new and amended City Ordinances a public hearing was held on Tuesday, June 14, 2011 at 7:00pm pursuant to the publication regarding said ordinance changes and the public hearing were appropriately publicized in the Telegram News according to the provisions and requirements of the Ecorse City Charter.

This Directive and Order is necessary in order to carry out the duties and responsibilities required of the Emergency Manager as set forth in Public Act 4, the contract between the Local Emergency Financial Assistance Loan Board and the Emergency Manager and, additionally, is considered necessary to implement the financial plan.

RESOLVED, IT IS HEREBY ORDERED BY THE EMERGENCY MANAGER OF THE CITY OF ECORSE, PURSUANT TO PUBLIC ACT 4 OF 2011 AND THE CONTRACT, THAT:

1. The following new and amended Ordinance provisions are hereby adopted and enacted into law :

Section 2-16 ENFORCEMENT OF ORDINANCES BY ISSUANCE OF APPEARANCE TICKETS BY AUTHORIZED PERSONNEL

To identify and authorize certain City positions to enforce ordinances by writing appearance tickets and civil infraction tickets. The City Attorney, with assistance from appropriate personnel and approval by Emergency Manager (EM) or Council, develops list of employee positions, including Ordinance Enforcement Officer, who are so authorized.

Section 2-26 Appointment (Health Officer)

Repeal authority of Council to appoint a "health officer"; a position that no longer exists.

Section 2-27 POWERS AND DUTIES OF ORDINANCE ENFORCEMENT OFFICERS

Provides authority to declare public nuisances, ability for City to be reimbursed its direct and indirect costs for abatement, and allows City to simultaneously take more than one action against ordinance violators.

Section 7-127 BLIGHT

Declares blight a nuisance, mandates that it is the duty of the property owner to prevent blight and clarifies the notice that the City shall provide for said violations. It provides for reimbursement of direct, indirect and administrative costs incurred in the City's abatement of blight, changing a charged violation from a misdemeanor to a civil infraction with graduated penalties with each successive violation in a 1 year period. Additionally provides that the City may place unpaid costs and fees on the property owner's taxes for collection by the City in the usual manner.

Section 7-134 DANGEROUS BUILDINGS HEARING OFFICER, QUALIFICATIONS, APPOINTMENT PROCESS

The hearing officer shall be appointed pursuant to a specific process which will result in a recommendation from a committee who will 'vet' the candidates according to appropriate criteria.

Section 7-137 FAILURE TO DEMOLISH; CITY DEMOLITION; LIEN; CITY REMEDIES

When the City has been unsuccessful in obtaining reimbursement for abatement or demolition through the collection of taxes in certain instances, this allows the City to institute a lawsuit against a property owner at the City's discretion.

Section 7-137a COST RECOVERY FOR CITY DEMOLITION, ABATEMENT OF DANGEROUS BUILDING CONDITIONS AND ABATING IMMEDIATE HAZARDS

Sets forth financial responsibility of property owner to abate dangerous building or immediate hazard conditions, the scope of the direct costs plus indirect and administrative costs the City can charge and the ability to collect its reimbursable costs for abatement by placing them on the property owner's taxes for collection in the City's usual manner.

Section 7-139 DANGEROUS BUILDINGS CIVIL INFRACTION PENALTIES

Changing a property owner's violation of this article from a criminal misdemeanor to a civil infraction, providing for certain time lines after notice and opportunity to be heard for civil infraction violation and graduated costs for repeated failure to abate, allowing the City additional remedies, including abatement with all costs incurred charged to the property owner and collected as a lien against the property where owner fails to reimburse the City.

Section 16-7 NOXIOUS WEEDS

Expanding the definition and declaring all to be a public nuisance. Repealing the "Notice To Cut" language in this section.

Section 16-8 NUISANCES

Declaring blight, growth of vegetation, including grass, to height over 12 inches a public nuisance and declaring it to be the duty of the property owner to prevent all kinds of public nuisances and abate same when they occur. Providing the City with public nuisance violation remedies including repeatedly charging civil infractions with graduated penalties and abatement of public nuisances, recovering direct and indirect costs from the property owner directly or through taxes and setting forth minimum fees the City will charge for the abatement of grass over 12 inches tall which begins at $150.00 for the first abated violation. It also sets forth the types of notices required for public nuisances including the language to be used for the publication notice for grass and weed abatement.

2. The Emergency Manager finds that emergency conditions both financially and in the physical condition of the City exist, therefore, pursuant to Chapter IX, Section 2 (b) of

the City Charter, these ordinance amendments and additions are, on this date, adopted and enacted and shall take immediate effect, said emergency enactment is necessary for the immediate preservation of the public peace, property, health and safety and for the financial support of the related daily department operations.

3. The summary of the adopted and enacted ordinance changes and additions shall twice be publicized, in accordance with City Charter provision Chapter IX, Section 3, in Telegram newspaper publications, the first to appear within ten (10) days of the execution of this Directive/Order adopting and enacting the ordinance amendments and additions, with the full text of the enacted ordinances available to the public in the Office of the City Clerk and two (2) other places in the City of Ecorse.

4. Repeal. All orders of the EFM, resolutions of the City Council of the City and parts of resolutions or orders in conflict with this Order are hereby repealed to the extent of such conflict.

IT IS SO ORDERED this 23nd day of June, 2011.

Joyce A. Parker
Emergency Manager
City of Ecorse