

SUMMARY

This Ordinance amends Chapter 8, *Building Construction and Property Maintenance*, of the 2019 Detroit City Code, Article XV, *Property Maintenance Code*, Division 4, *Property Maintenance Requirements*, by adding Subdivision C, *Certificate of Registration of Waterbody Barrier* to include Section 8-15-521, *Purpose*; Section 8-15-522, *Definitions*; Section 8-15-523, *Applicability; exceptions*; Section 8-15-524, *Registration of Waterbody Barrier; application*; Section 8-15-525, *Issuance of registration; renewal*; Section 8-15-526, *Establishment, approval, publication, and payment of fees*; Section 8-5-527, *Inspections required; timing*; Section 8-15-528, *Registry; Effect of sale or transfer of property*; Section 8-15-529, *Enforcement; revocation of Certificate of Registration of Waterbody Barrier*; 8-15-530, *Notice of Emergency Conditions; requirements*; Section 8-15-531, *Reporting requirements*; Section 8-15-532, *Promulgation of rules*; and Section 8-15-533, *Standards; inspections and guidelines*; to set forth the purpose of the subdivision; to add definitions; to set forth the applicability of the subdivision and relevant exceptions; to establish registration, application and renewal procedures; to require a registry of waterbody barriers; to set forth the effect of sale or transfer of property on a certification of registration of waterbody barrier; to require inspections and set forth the timing of such inspections; to establish fees; to establish enforcement and revocation protocols; to require notice of emergency conditions and set forth requirements; to add reporting requirements; and to establish the promulgation of rules and guidelines.

1 **BY COUNCIL MEMBER _____** :

2 **AN ORDINANCE** to amend Chapter 8, *Building Construction and Property*
3 *Maintenance*, of the 2019 Detroit City Code, Article XV, *Property Maintenance Code*, Division
4 *4, Property Maintenance Requirements*, by adding Subdivision C, *Certificate of Registration of*
5 *Waterbody Barrier* to include Section 8-15-521, *Purpose*; Section 8-15-522, *Definitions*; Section
6 8-15-523, *Applicability; exceptions*; Section 8-15-524, *Registration of Waterbody Barrier;*
7 *application*; Section 8-15-525, *Issuance of registration; renewal*; Section 8-15-526,
8 *Establishment, approval, publication, and payment of fees*; Section 8-5-527, *Inspections required;*
9 *timing*; Section 8-15-528, *Registry; Effect of sale or transfer of property*; Section 8-15-529,
10 *Enforcement; revocation of Certificate of Registration of Waterbody Barrier*; 8-15-530, *Notice of*
11 *Emergency Conditions; requirements*; Section 8-15-531, *Reporting requirements*; Section 8-15-
12 532, *Promulgation of rules*; and Section 8-15-533, *Standards; inspections and guidelines*; to set
13 forth the purpose of the subdivision; to add definitions; to set forth the applicability of the
14 subdivision and relevant exceptions; to establish registration, application and renewal procedures;
15 to require a registry of waterbody barriers; to set forth the effect of sale or transfer of property on
16 a certification of registration of waterbody barrier; to require inspections and set forth the timing
17 of such inspections; to establish fees; to establish enforcement and revocation protocols; to require
18 notice of emergency conditions and set forth requirements; to add reporting requirements; and to
19 establish the promulgation of rules and guidelines.

1 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT**

2 **THAT:**

3 **Section 1.** Chapter 8, *Building Construction and Property Maintenance*, of the 2019
4 Detroit City Code, Article XV, *Property Maintenance Code*, Division 4, *Property Maintenance*
5 *Requirements*, be amended by adding Subdivision C, *Registration of Waterbody Barrier*,
6 containing Sections 8-15-521 through 18-5-533 to read as follows:

7 **Chapter 8. BUILDING CONSTRUCTION AND PROPERTY MAINTENANCE**

8 **ARTICLE XV. PROPERTY MAINTENANCE CODE**

9 **DIVISION 4. PROPERTY MAINTENANCE REQUIREMENTS**

10 **Subdivision C. *Registration of Waterbody Barriers***

11 **Sec. 8-15-521. Purpose.**

12 The purpose of this subdivision is to enhance the health, safety and general welfare of the
13 public and protect our natural resources by requiring property owners to obtain and maintain a
14 Certificate of Registration of Waterbody Barrier. These regulations facilitate preventative
15 maintenance planning and regular inspections to reduce the occurrence of waterbody barrier
16 compromise or failure, as well as protocols to guide appropriate emergency response activities.
17 Identifying waterbody barriers and monitoring their structural integrity to identify potential issues
18 prior to catastrophic failures will protect the health and safety of the public, reduce negative
19 impacts on the environment, and preserve the stability of our drinking water supply.

20 **Sec. 8-15-522. Definitions.**

21 For purposes of this subdivision, the following words and phrases shall have the meaning
22 respectively ascribed to them by this section:

1 Breach means any opening, breakthrough, structural failure, or complete or partial collapse
2 of a waterbody barrier.

3 Bulk storage means properties where operations that involve “tank storage of bulk oil or
4 gasoline” as described in the Detroit Zoning Ordinance or “bulk solid material facilities” as
5 defined in the Section 42-1-1 of the Code.

6 Certificate of Compliance means a certificate issued by the Buildings, Safety
7 Engineering, and Environmental Department, which states that a building, premises or structure,
8 geotechnical report when required or a portion thereof, complies with the requirements of this
9 chapter.

10 Certificate of Registration of Waterbody Barrier means a certificate issued by the
11 Buildings, Safety Engineering, and Environmental Department, which states that a waterbody
12 barrier complies with the requirements of this article.

13 Contaminant means, but is not limited to, any element, hazardous substance, compound,
14 or mixture, including disease causing agents, which after release into the environment and upon
15 exposure, ingestion, inhalation, or assimilation into any organism, either directly from the
16 environment or indirectly by ingestion through food chains, will or may reasonably be
17 anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation,
18 physiological malfunctions (including malfunctions in reproduction) or physical deformations,
19 in such organisms or their offspring.

20 Department means the Buildings, Safety Engineering, and Environmental Department and
21 its authorized agents.

22 Detroit Health Department means the City of Detroit Health Department and its authorized
23 agents.

1 DHSEM means the City of Detroit Department of Homeland Security and Emergency
2 Management and its authorized agents.

3 DPW means the City of Detroit Department of Public Works and its authorized agents.

4 DWSD means the Detroit Water and Sewerage Department and its authorized agents.

5 Environmental contamination means the release of a contaminant, or the potential release
6 of a discarded contaminant, in a quantity which is, or may become, injurious to the environment
7 or to the public health, safety, or welfare.

8 Environmental investigation means any health, safety or environmental site assessment,
9 investigation, study, review, audit, or compliance review conducted at any time concerning any
10 Real Property or the business operations or activities of any Company or Affiliate of any Company,
11 including, without limitation:

12 (1) Air, soil, groundwater or surface water sampling and monitoring;

13 (2) Repair, cleanup, remediation, or detoxification;

14 (3) Preparation and implementation of any closure, remedial, spill, emergency or other
15 plans; and

16 (4) Any health, safety or environmental compliance audit or review.

17 Facility means any area, place, parcel or parcels of property, or portion of a parcel of
18 property where a contaminant in excess of the concentrations that satisfy the cleanup criteria for
19 unrestricted residential use has been released, deposited, stored, disposed of, or otherwise has
20 come to be located.

21 Geotechnical report means a report used to define and evaluate the existing geotechnical
22 condition of the property including the stability and suitability for its current or proposed use,

1 conducted by a licensed professional engineer or licensed professional geologist with relevant
2 experience and expertise.

3 GLWA means the Great Lakes Water Authority and its authorized agents.

4 Hazardous substance means one or more of the following:

5 (1) As likewise defined in the Comprehensive Environmental Response,
6 Compensation, and Liability Act (CERCLA), being 42 U.S.C. § 9601 et seq.; and

7 (2) As likewise defined in Section 2-6-1 of this Code, any chemical or other material
8 defined as a hazardous substance under Part 201 of the Michigan Natural
9 Resources and Environmental Protection Act, being MCL 324.20101 et seq., and
10 any rules promulgated thereunder.

11 Impacted resident means any resident in the affected area whose water supply may be
12 compromised.

13 NELAP means the National Environmental Laboratory Accreditation Program.

14 NREPA means the Michigan Natural Resources and Environmental Protection Act, being
15 MCL 324.101 et seq.

16 Operations with heavy equipment utilization means operations that utilize heavy
17 construction or earth-moving equipment or that includes docks or wharves, waterway
18 shipping/freighters.

19 Person means an individual, partnership, firm, company, corporation, association, sole
20 proprietorship, limited liability company, joint venture, estate, trust, or any other legal entity.

21 Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging,
22 injecting, escaping, leaching, dumping, or disposing of a contaminant into the environment.

1 Response activity means, as likewise defined in Section 20101(1) of NREPA, being MCL
2 324.20101(1), evaluation, interim response activity, remedial action demolition, providing an
3 alternative water supply, or the taking of other actions necessary to protect the public health,
4 safety or welfare, or the environment or the natural resources, and includes health assessments
5 or health effect studies carried out under the supervision or with the approval of the Department
6 of Community Health and enforcement actions related to any response activity.

7 Seawall report means a report prepared by a licensed professional civil engineer with
8 relevant experience and expertise, to provide data on the structural integrity of the seawall above
9 and below the water. The underwater portion of the assessment may be completed by camera,
10 drone, diver, or other methods determined appropriate by a licensed professional civil engineer.

11 Substantial Number of Limited English Speaking Persons means persons who are members
12 of a population that constitutes at least five percent or 10,000 residents who speak a shared
13 language other than English, as those languages are determined based on a variety of relevant
14 sources, including, but not limited to, United States Census data, intake data collected by City
15 departments, and data on telephonic language translation service requests or usage.

16 Threat of release means any circumstance that may reasonably be anticipated by
17 determination of a Department inspector to cause a release.

18 Waterbody means any surface water of the state, as likewise defined in the Michigan
19 Administrative Code R 323.1044(u), and includes:

20 (1) The Great Lakes and their connecting waters;

21 (2) All inland lakes;

22 (3) Rivers;

23 (4) Streams;

1 (5) Impoundments;

2 (6) Open drains;

3 (7) Wetlands; and

4 (8) Other surface bodies of water within the confines of the state.

5 Drainage ways and ponds used solely for wastewater conveyance, treatment, or control are
6 expressly excluded from this definition.

7 Waterbody barrier means human-placed material including but not limited to dikes,
8 seawalls, riprap, and other shoreline embankments used to armor shorelines, streambeds, bridge
9 abutments, pilings, and other shoreline structures against scour, water, and wave or ice erosion.

10 Waterbody property means any real property that abuts any portion of a Waterbody.

11 **Sec. 8-15-523. Applicability; exceptions.**

12 (a) Subject to Subsections (b) and (c) of this section, all owners of waterbody property
13 shall obtain a Certificate of Registration of Waterbody Barrier and are subject to the requirements
14 set forth in this subdivision.

15 (b) The following are exempt from the requirements of this subdivision:

16 (1) Single or two-family residential dwellings; and

17 (2) Publicly owned recreation properties.

18 (c) The registration requirements set forth in this subdivision shall be in addition to,
19 and not in lieu of any other laws, rules or regulations of the City related to licensing and permitting
20 requirements.

21 (d) The requirements of this subdivision do not supersede requirements or regulations
22 set forth by any federal department or agency, including but not limited to the United States
23 Environmental Protection Agency or its subsidiaries or agencies; or requirements or regulations

1 set forth by the State of Michigan or its subsidiaries or agencies.

2 (e) The issuance of any registration pursuant to this subdivision does not create an
3 exception, defense or any other immunity for any potential liability any person may have in the
4 operation and use of waterbody property.

5 **Sec. 8-15-524. Registration of Waterbody Barrier required; application.**

6 (a) A person that owns a waterbody property with a waterbody barrier shall register
7 such property with the Department and obtain a Certificate of Registration of Waterbody Barrier
8 as provided for in this subdivision.

9 (b) The application for the Certificate of Registration of Waterbody Barrier shall be
10 made on a form provided by the Department and shall contain, at minimum, the following
11 information:

12 (1) The location and use of the waterbody property;

13 (2) The name, address, telephone number, email address and, if an individual, the
14 driver's license number or state identification number of the waterbody property
15 owner, and, if a corporation or other legal entity, the name and address, telephone
16 number, and email address of the resident agent;

17 (3) Information listed in Subsection (b)(2) of this section for each partner, corporate
18 officer, or any other person having any interest in the waterbody property;

19 (4) The names, addresses, email addresses and telephone numbers of any persons or
20 firms, other than the owner or operators, who are responsible for property
21 maintenance;

22 (5) Detailed description of the waterbody barrier including size, location, material, age,
23 and whether it is used to access the property;

1 (6) An seawall report addressing the structural integrity of the waterbody barrier
2 conducted by a licensed professional engineer within the preceding three months
3 which shall include, but not be limited to, the following information:

4 a. The presence of a breach;

5 b. Specific identification of any structural issues with respect to the use or
6 intended use of the property;

7 b. Structural issues which necessitate immediate repair;

8 c. Structural issues which necessitate repair within five years from the date of
9 inspection; and

10 d. Lack of maintenance and sufficiency of the barrier which negatively impact
11 the barrier's ability to prevent a breach or threat of release.

12 (7) The maintenance and repair schedule for any structural issues identified in the
13 report required under Subsection (b)(6) of this section.

14 (8) Whether the waterbody property is a facility or has known soil or groundwater
15 contaminants in excess of appropriate generic cleanup criteria/Risk Based
16 Screening Levels (RBSL) as established in Part 201 and Part 213 of the NREPA.

17 (9) Any and all environmental documentation of any remedial investigation that has
18 occurred on the property, as well as any associated remedial response actions that
19 were undertaken to clean up the contamination or prevent exposure to
20 contaminants. This environmental documentation shall include any corresponding
21 Michigan Department of Environment, Great Lakes, and Energy (EGLE), United
22 States Environmental Protection Agency (EPA) or U.S. Army Corps of Engineers
23 (USACE) responses.

1 (10) A geotechnical report as provided in Section 8-15-527(b)(2) of this Code.

2 (c) Any information provided in accordance with Subsections (a) and (b) of this section
3 shall be supplemented in writing to the Department within ten business days of a change of
4 circumstances that would render false or incomplete the information that was previously
5 submitted.

6 **Sec. 8-15-525. Issuance of registration; renewal.**

7 (a) Upon payment of applicable fees, approval of the complete application by the
8 Department, and upon receipt of all other required approvals and inspections set forth in this
9 Code, a Certificate of Registration of Waterbody Barrier shall be issued.

10 (b) Prior to the expiration of a current Certificate of Registration of Waterbody
11 Barrier, the property owner shall submit a complete application and pay the applicable fees for
12 the renewal of the certificate.

13 **Sec. 18-15-526. Establishment, approval, publication, and payment of fees.**

14 (a) A non-refundable fee shall be charged and collected in accordance with Section
15 6-503 of the Charter for the processing, registration, and renewal of a Certificate of Registration
16 of Waterbody Barrier under this subdivision. Based upon the cost of issuance and administration
17 of this subdivision, the Director of the Department shall establish these fees, which are subject
18 to approval by the City Council through adoption of a resolution.

19 (b) After adoption of a resolution by the City Council and approval of the resolution
20 by the Mayor, the fees that are provided for in Subsection (a) of this section shall be:

21 (1) Published in a daily newspaper of general circulation and in the Journal of the
22 City Council;

1 (2) Made available at the Buildings, Safety Engineering, and Environmental
2 Department and at the Office of the City Clerk; and

3 (3) Reviewed by the Director of the Department at least once every two years.

4 (c) The non-refundable fees charged pursuant to Subsection (a) of this section shall
5 be charged to each new applicant, a property owner who applies to renew an existing certificate,
6 or a property owner applying for a certificate at another location.

7 **Sec. 8-15-527. Inspections required; timing.**

8 (a) The Department shall conduct an inspection of vacant, private, and publicly owned
9 property, with the exception of property zoned R1 (Single-Family Residential) and R2 (Two-
10 Family Residential) that contains a waterbody barrier every two years, upon receipt of a complaint,
11 or occurrence of an emergency condition as set forth in Subsection 8-15-530(a) of this Code.

12 (b) A private property owner shall be responsible for obtaining the following reports
13 and shall provide such reports to the Department:

14 (1) A seawall report, as provided in Section 8-15-522 of this Code, shall be submitted
15 at a maximum every five years from the date of the submission of the original
16 report, but may be waived at the discretion of the Director of the Buildings, Safety
17 Engineering, and Environmental Department.

18 (2) A geotechnical report shall be submitted with the initial application for Waterbody
19 Barrier, and every five years thereafter where operations include bulk storage,
20 heavy equipment utilization, where remediation, restoration, construction or
21 redevelopment activities are taking place, or when the seawall or waterbody barrier
22 report deem it necessary, except when the original geotechnical report has been
23 approved by BSEED and the site is in full compliance, the owner and/or operator

1 may submit in the place of the geotechnical report, a Status Update Report prepared
2 by a licensed professional civil engineer , and which shall include at a minimum
3 the following:

4 a. Recommendation for the maximum tonnage, pile size, height, side angle,
5 and setback from the shoreline at the site;

6 b. Verification that the structural integrity of the site supports the intended use;
7 and

8 c. Verification that there were no significant changes to the condition of the
9 site.

10 **Sec. 8-15-528. Registry; Effect of sale or transfer of property.**

11 (a) The Department shall maintain a registry of property owner and waterbody barriers
12 governed by this subdivision and shall make the registry available on the City's website.

13 (b) Where waterbody property with a waterbody barrier required to be registered under
14 this subdivision is sold or otherwise transferred, the Certificate of Registration of Waterbody
15 Barrier issued to the previous property owner shall expire on the date of sale or transfer.

16 (1) Within 30 days following the date of sale or transfer, the new property owner shall
17 apply for a Certificate of Registration in the manner prescribed in Section 8-15-524
18 of this Code; and

19 (2) Where waterbody property requiring a seawall report is sold or transferred, the
20 seawall report remains valid for the remaining time identified in this subdivision,
21 however, at the expiration of the five-year period or upon a change in use of the
22 property, the new property owner shall submit an updated seawall report as required
23 by this subdivision.

1 **Sec. 8-15-529. Enforcement; Revocation of Certificate of Registration of Waterbody Barrier.**

2 (a) This subdivision shall be enforced as set forth in Article XV, *Property Maintenance*
3 *Code, Division 2, Administration and Enforcement, of this Chapter. These enforcement efforts*
4 *shall include, but not be limited to, issuance of blight violation notices and corresponding fines,*
5 *issuance of criminal citations and penalties, issuance of cease and desist orders or notices to vacate*
6 *premises for repeated violations or emergency conditions.*

7 (b) Failure to comply with the requirements of this Chapter shall result in the
8 revocation of the Certificate of Registration and the issuance of any necessary violations and fines.

9 **Sec. 8-15-530. Notice of Emergency Conditions; Requirements.**

10 (a) In the event of a shoreline breach, flooding, release, threat of release, structural
11 failure, right of way compromise, environmental contamination, receipt of a seawall or
12 geotechnical report identifying failure from a waterbody barrier, or failure to comply with this
13 subdivision on a waterbody property, but not including a permitted discharge approved by the
14 State of Michigan or the Department of Water and Sewerage, the owner and the operator of the
15 property, in addition to any notification requirements under applicable federal or state law or
16 regulation, shall notify, at a minimum, the Buildings, Safety Engineering, and Environmental
17 Department and Homeland Security in accordance with process set forth in Subsection (g) of this
18 section.

19 (b) Immediate notice. Upon discovery of an emergency condition set forth in
20 Subsection (a) of this section, the property owner shall immediately notify, by both telephone and
21 email and shall include, at a minimum, the following information:

- 22 (1) Name, address, telephone number and email address of the owner and the operator
23 of the property;

- 1 (2) Address of the property at issue;
- 2 (3) A description and photodocumentation of the emergency condition, including the
3 date and time of occurrence;
- 4 (4) Whether it was a single event or is an ongoing emergency condition;
- 5 (5) The cause of the event and the extent of the threat or damage;
- 6 (6) A description of the actions being taken by the owner and the operator of the
7 property to repair the waterbody barrier, including the timeline for such repairs;
- 8 (7) A description of the actions being taken by the owner and the operator of the
9 property to ensure that no contaminant is released from the property into the
10 waterbody;
- 11 (8) Whether any contaminant has been or is being released from the property and the
12 extent of any such release;
- 13 (9) A description of any initial or interim response actions or mitigation to be
14 undertaken to clean up the contamination or prevent exposure to contaminants;
- 15 (10) A description and photodocumentation of any physical changes to the property or
16 waterbody barrier following the emergency condition; and
- 17 (11) A description of how any impacted right of way areas have been secured and made
18 safe, including but not limited, to proper barricading and road closures.
- 19 (c) Preliminary Report. Not more than 48 hours after the emergency notice required
20 in Subsection (b) of this section, the property owner and operator of the property shall submit a
21 preliminary report, in writing, via email transmission to the Department which shall include, at
22 minimum, the following:
 - 23 (1) Update on any information provided in the emergency notice;

1 (2) Detailed description of any groundwater, surface water, and soil testing performed
2 by the owner and the operator of the property to determine if any contaminant is
3 being or was released from the property into any waterbody, including the locations
4 of any testing and the contaminants that were tested for;

5 (3) A copy of any original analytical results and subsequent re-testing as new data
6 becomes available, of any groundwater, surface water, and soil testing, as well as
7 tabulated data with comparison to state generic non-residential cleanup criteria for
8 previous investigations as follows:

9 a. Raw data shall be submitted as soon as it becomes available; and

10 b. All preliminary data reports and analysis shall be submitted within three
11 weeks of the breach.

12 (4) Detailed description of any measures currently being implemented by the owner
13 and the operator of the property to prevent release of any contaminant into any
14 waterbody;

15 (5) The owner and the operator of the property shall contract for an environmental
16 investigation sufficient to determine if contamination above the appropriate generic
17 cleanup criteria/RBSL is present. Initiation of such investigation shall occur not
18 more than three days after the event of the release;

19 (6) Detailed description of additional measures that the owner and the operator of the
20 property plan to implement to prevent release of any contaminant into any
21 waterbody; and

22 (7) Any additional information requested by the City.

1 (d) Supplemental Report(s). After submission of the preliminary report required
2 pursuant to Subsection (c) of this section, and upon receipt of all updated information regarding
3 the incident requiring emergency notice as identified in Subsection (a) of this section, the owner
4 and the operator of the property shall submit supplemental reports, in writing, which shall provide
5 the following updated information:

6 (1) Results of sample testing;

7 (2) Any additional inspections or results of geotechnical surveys;

8 (3) Actions to be taken to clean up the contamination or prevent exposure to
9 contaminant;

10 (4) A description and photodocumentation of any physical changes to the property or
11 waterbody barrier; and

12 (4) Any additional information requested by the City.

13 The City shall review the information provided in the supplemental report(s) to determine whether
14 additional response activities are warranted or the response strategy needs to be modified based
15 upon the new data.

16 (e) Required Emergency Response Actions of the Owner of and the Operator of the
17 Waterbody Property. Upon the occurrence of an emergency condition triggering the notice and
18 reporting requirements identified in Subsection (a) of this section, the property owner and the
19 operator shall:

20 (1) Test for any contaminant that may have been released from the property into any
21 waterbody at any drinking water intake downstream of the property or at any entry
22 point to a distribution system that is downstream of the property. The property

1 owner may secure independent water testing or hire the services of DWSD, GLWA,
2 or other NELAP agency to perform such testing;

3 (2) Provide the results of the tests identified in Subsection (e)(1) of this section to the
4 City;

5 (3) Be responsible for the following costs in full if any contaminant migrates from the
6 property where the emergency condition occurred and is detected at concentrations
7 exceeding any state drinking water standard in the potable water:

8 a. Removal of the contaminant in the potable water;

9 b. Secure an alternative source of water for all impacted residents that is
10 suitable for drinking, bathing, and cooking. This obligation shall continue
11 until testing results show concentrations of the contaminants in the potable
12 water is below the state drinking water standard;

13 c. Remediation and clean-up costs at the source of the event or emergency
14 condition; and

15 d. Removal of contaminants that remain in the intake, treatment and
16 distribution systems of the public water system after the event or emergency
17 condition has been resolved.

18 (4) Pursuant to Section 43-9-2 of this Code, obtain a permit for the restoration of any
19 impacted right of way. This restoration shall meet City standards set forth under
20 Chapter 43 of this Code, including Section 43-1-2.

21 (f) *Required Emergency Response Actions of the City.* Upon the occurrence of an
22 emergency condition triggering the notice and reporting requirements identified in Subsection (a)
23 of this section, the City shall:

1 (1) Post the results on the City's website within seven days of Departmental review of
2 the report from the property owner or the operator of testing for any contaminant
3 that may have been released from the property into any waterbody at any drinking
4 water intake downstream of the property, and at any entry point to a distribution
5 system that is downstream of the property.

6 (2) Issue a public notice to alert residents that a contaminant may have been released
7 from the property into a waterbody. Such notice shall be posted on the City's
8 website and may be broadcast over local radio or television stations. The notice
9 shall accommodate a Substantial Number of Limited English Speaking Persons and
10 shall include, at minimum, the following:

11 a. Identification of the contaminant(s) that may have been released from the
12 property;

13 b. Information regarding any threat the contaminant may present to the public
14 water system;

15 c. Potential health effects associated with exposure to the contaminant(s);

16 d. Measures residents can take to limit their exposure to the contaminant(s);

17 e. Information regarding the availability of residential tap water testing; and

18 f. Relevant emergency management instructions and guidance.

19 (3) Conduct inspections and perform assessments upon receipt of the emergency notice
20 and as needed to address the event;

21 (4) Post updated information regarding the emergency condition as needed on the
22 City's website; and

1 (5) Notify the public of any negative impact on fish and/or wildlife as well as any
2 potential risks to aquatic recreation.

3 (g) Required notification to City. Contact information for required notification by the
4 property owner and/or operator to the City of Detroit as required under this Subdivision shall be
5 provided on the Certificate of Registration, and shall include emergency contact information for:

6 (1) Buildings, Safety Engineering, and Environmental Department, Environmental
7 Affairs and Property Maintenance Divisions;

8 (2) Department of Homeland Security and Emergency Management;

9 (3) Detroit Water and Sewerage Department;

10 (4) Department of Public Works; and

11 (5) Detroit Health Department.

12 **Sec. 8-15-531. Reporting requirements.**

13 (a) The Department shall provide the City Council and Mayor with a report every two
14 years outlining the state of waterbody barriers in the City. This report shall contain, at minimum,
15 the following information:

16 (1) The number of Certificates of Registration of Waterbody Barriers that were:

17 a. Issued a First Certificate of Registration;

18 b. Renewed or extended the period of validity for a Certificate of Registration;

19 c. Expired where the Certificate of Registration is no longer valid after the two
20 year approval date;

21 d. Closure or vacate the property due to unsafe conditions; and

22 e. Revoked, denied or voided Certificates of Registration.

1 (2) Any structural integrity issues identified in the inspections conducted for a
2 Certificate of Registration of Waterbody Barriers and the repair schedule for
3 correcting such issues.

4 (3) Any emergency notifications received pursuant to Section 8-15-530 of this Code.

5 (4) Number of violations issued and the amount of fines collected.

6 (5) List of waterbody properties that are not in compliance with this subdivision and
7 the Department's efforts to secure compliance for each property.

8 **Sec. 8-15-532. Promulgation of rules.**

9 In accordance with Section 2-111 of the Charter, the Director of the Department shall
10 promulgate procedural rules necessary to effectuate the purpose of this subdivision.

11 **Sec. 8-15-533. Standards; inspections and guidelines**

12 The Department shall also provide standards for seawall inspections and guidelines for
13 engineer seawall reports which shall be made available at the Department and posted on the
14 Department's website.

15 **Secs. 8-15-534 – 8-15-540. Reserved.**

16 **Section 2.** This ordinance is hereby declared necessary to preserve the public peace, health,
17 safety, and welfare of the People of the City of Detroit.

18 **Section 3.** All ordinances, or parts of ordinances, that conflict with this ordinance are
19 repealed.

20 **Section 4.** This ordinance shall become effective January 3, 2022 after publication in
21 accordance with paragraph 3 of Section 4-118 of the 2012 Detroit City Charter.

22 **Section 5.** This ordinance shall not take effect unless the companion ordinance amending
23 Chapter 8, *Building Construction and Property Maintenance*, of the 2019 Detroit City Code,

1 Article XV, *Property Maintenance Code*, Division 1, *In General*, by amending Section 8-15-11 to
2 provide civil penalties for violation of Certificate of Registration of Waterbody Barrier
3 requirements dated May 3, 2021 is enacted.

Approved as to form:

Lawrence T. García

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