



<b>Series</b> 200 Operations	<b>Effective Date</b> TBD	<b>Review Date</b> <i>Three Years</i>	<b>Directive Number</b>  <b>204.8</b>
<b>Chapter</b> 201 - Patrol Operations			
<b>Reviewing Office</b> <i>Planning, Research, and Accreditation</i>			<input type="checkbox"/> <b>New Directive</b> <input checked="" type="checkbox"/> <b>Revised</b> <small>Revisions in <i>italics</i></small>
<b>References</b>			

## ENVIRONMENTAL ORDINANCES

### 204.8 - 1 PURPOSE

The purpose of this policy is to establish clear guidelines and procedures for the investigation and prosecution of environmental crimes within the City of Detroit. This policy aims to protect public health and safety, preserve the environment, and ensure compliance with all applicable environmental laws and ordinances.

### 204.8 - 2 POLICY

The Detroit Police Department (DPD) will enforce environmental laws and ordinances to protect community well-being and environmental integrity. Recognizing the detrimental impact of environmental crimes such as blight and illegal dumping on public health, safety, and quality of life, the DPD will investigate these violations in collaboration with city agencies and stakeholders to ensure accountability and deter future offenses contributing to a cleaner, safer Detroit.

### 204.8 - 3 DEFINITIONS

**204.8 - 3.1 Commercial Solid Waste** - *solid waste resulting from the operation of commercial establishments and construction solid waste but does not include domestic solid waste. (Section 42-1-2 of the 2019 Detroit City Code)*

**204.8 - 3.2 Construction Solid Waste** - solid waste from buildings construction, alteration, demolition or repair, and dirt from excavations. *(Section 42-1-2 of the 2019 Detroit City Code)*

**204.8 - 3.3 Courville Containers** - receptacles which are 100, 300, or 400 gallons in capacity; are the property of the City; *and* provided by the Department of Public Works for use at residential structures and commercial establishments and are mechanically emptied. *(Section 42-1-2 of the 2019 Detroit City Code)*

**204.8 - 3.4 Domestic Solid Waste** - *Solid waste resulting from the usual routine of housekeeping but does not include commercial solid waste. (Section 42-1-2 of the 2019 Detroit City Code)*

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**204.8 - 3.5 Garbage** - *rejected food wastes including waste accumulation of animal, fruit, or vegetable matter, used or intended for food or that attends the preparation, use, cooking, dealing in, or dealing with the storing of meat, fish, fowl, fruit, or vegetable matter. (Section 42-1-2 of the 2019 Detroit City Code and MCL 324.11503 of the Michigan Natural Resources and Environmental Act)*

**204.8 - 3.6 Graffiti** - *Any drawing, lettering, illustration, inscription, design, or other marking that is etched, painted, sprayed, drawn, or otherwise caused to be displayed on the exterior of any building, premises or structure, but does not mean an art mural or sign. (Section 8-15-6 of the 2019 Detroit City Code)*

**204.8 - 3.7 Litter** - *all rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, debris, or other foreign substances when the amount is under five-cubic feet. (Section 42-1-4 Detroit of the 2019 City Code and MCL 324.8901(a)(i) of the Michigan Natural Resources and Environmental Act))*

**204.8 - 3.8 Owner or Operator** - any person, whether owner, occupant, tenant, lessee, agent or other person who:

1. Has legal or equitable title to any facility, private property, or water; or
2. Has charge, care or control of any facility, private property, or water; or
3. Is in possession of any facility, private property or water or any part thereof; or
4. Is entitled to control or direct the management of any facility, private property, or water.

(Sec 42-1-4 of the 2019 Detroit City Code)

**204.8 - 3.9 Rubbish** – *non-putrescible solid waste, excluding ashes, consisting of both combustible and noncombustible waste, including paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, or litter of any kind that may be a detriment to the public health and safety. (Sec 42-1-6 of the 2019 Detroit City Code and MCL 324.11505 of the Michigan Natural Resources and Environmental Act)*

**204.8 - 3.10 Solid Waste** - *Food waste, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludges, solid commercial waste, solid industrial waste, and animal waste. (MCL 324.11506 of the Michigan Resources and Environmental Protection Act)*

**204.8 - 4 PROCEDURE**

**204.8 - 4.1 Enforcement**

Given the complexity of local and state laws related to blight violations and environmental crimes, only specially trained members shall investigate and enforce violations of this nature. The specially trained member is commonly referred to as a Blight Enforcement

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Officer (BEO). BEO's will receive training and access to the Blight Enforcement Tracking System (BETS), which is designed for entering, *generating, processing and assigning hearing dates for Blight Violation Notices (BVNs)*. BVNs are issued to property owners or those in control of property that violate the City's anti-blight ordinances. *BVNs are formally adjudicated at the Department of Administrative Hearings (DAH), where compliance and any penalties are determined.*

#### **204.8 - 4.2 Blight Violation Notice**

There are 3 types of blight code violations that a blight enforcement officer may cite based upon specific Detroit City Code chapters:

- a. Property Maintenance Code (*Chapter 8*);
- b. Solid Waste and Illegal Dumping Ordinance (*Chapter 42*) and
- c. Zoning Ordinance (*Chapter 50*).

*Each BVN must specifically cite only one alleged blight code violation. Violations shall be issued under the City ordinance and not state law. BEOs shall ensure complete and accurate information is entered into BETS. The Best practice is to enter tickets in batches to BETS as this will increase the likelihood the assigned hearing dates are on the same day.*

#### **204.8 - 4.3 Issuing of Violation Notices**

1. *Violation notices entered into BETS will generate the ticket number and hearing date. Information inputted into the notes section of the ticket in BETS is visible to the public. Once the ticket has been written, the ticket will be printed in triplicate and distributed as follows:*

- a. By US mail to the property owner
- b. Posted on the property (not to be placed in a mailbox)
- c. Issuing *police officer* for adjudication at the DAH by *Hearing Officers*.

2. If the violation is a repeated violation, the "Repeat Violation" section on the ticket must be checked and state that the *amount of the fine* increased.

#### **204.8 - 4.4 Department of Administrative Hearings (DAH)**

1. *To support the City's allegations of a violation, evidence of the conditions underlying the ticket and property ownership should be presented at the hearing. Evidence may include photos (traditional or BWC), videos, oral testimony, and/or documents. Evidence should be preserved in accordance with DPD retention policies, 101.11 Record Retention Schedule. Judgments not appealed or set aside within the designated appeal periods are final.*
2. *If at the hearing, the owner is found responsible, by the Hearings Officer they have 28 days to appeal to the Wayne County Third Circuit Court.*
3. *If the owner is found responsible by default (failure to appear on the designated date and time), they have 21 days to file a motion with DAH to set aside the default*

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*judgment. If the motion is granted, a rehearing date will be scheduled. The member will be added to the docket and receive an email informing them that a motion to set aside was granted.*

**204.8 - 4.5 Removing of Vehicle from Private Property**

*If a property owner has violated Sections 50-14-286(3) or 8-15-110 of the 2019 Detroit City Code, the member shall issue a violation. Prior to the scheduled hearing date, the member shall conduct an inspection of the site for the purpose of determining whether the vehicle has been removed or otherwise lawfully parked, so the member may inform the court of the current status of the violation.*

*If the property owner is found responsible for violating Sections 50-14-286(3) or 8-15-110 of the 2019 Detroit City Code, in addition to the judgment, an Order of Compliance may be generated by DAH. If issued, members shall post the notice on the vehicle. If the violator has not complied with the order after a 24-hour period, the member shall impound the vehicle through GovTow. The tow type shall be "Abandoned Vehicle."*

**204.8 - 7 MISDEMEANOR COMPLAINT ORDINANCE "V"****TICKETS**

*BEOs may also issue "V" tickets. V-tickets are a key tool for enforcing blight reduction and upholding neighborhood standards. (Citation: Detroit City Code §§ 8-15-81, 8-15-82, 50-14-286; Detroit Code Enforcement Guide, City of Detroit DAH.) Examples of commonly used "V" ticket violations that BEOs may cite based upon specific Detroit City Code chapters are:*

- a. Sign, Lighting, and Display Ordinance (Chapter 4);
- b. Animal Control Ordinance (Chapter 6) or Michigan State Law M.C.L. 287.261 – 395; and
- c. License Ordinance (Chapter 28).

**204.8 - 7.1 Writing and Issuing "V" Tickets**

1. "V" tickets shall be written in numerical order. If a member issues a ticket on scene and is unable to obtain the owner's information, members can obtain the information from the Register of Deeds website. Once the ticket has been written, the tickets will be distributed as follows:
  - a. *The Beige ticket* and the white *ticket* shall be sent to 36<sup>th</sup> District Court;
  - b. *The Yellow ticket* shall be issued to the defendant; and
  - c. *The Green ticket* shall be *retained by* the member issuing the violation.
2. Members shall submit a copy of each written ticket by the end of their shift. The officer-in-charge shall be responsible for reviewing the ticket for accuracy.

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**204.8- 7.2 Court Hearings - 36<sup>th</sup> District Court**

*All court hearings will be held at 36<sup>th</sup> District Court.* Members will receive a subpoena indicating the set trial date. Pictures are not required for the hearing but would be more beneficial for the prosecution of the case along with proof of property ownership from the Register of Deeds.

**Related Policies:**

- Directive 201.1 – Patrol
- Directive 204.2 – Traffic and Ordinance Violations
- *Directive 101.11 – Record Retention Schedule*