

DETROIT CHARTER REVISION COMMISSION

PROPOSAL/ISSUE REVIEW SUMMARY

ISSUE NUMBER: GDS 103

ISSUE CATEGORY: Government Department & Services

SOURCE: Mayor Bing Administration
Letter, dated December 20, 2010

RELATED CHARTER SECTIONS: §7-702 (Sidewalk Maintenance)

RELEVANT ORDINANCE SECTION:

RELEVANT LAW(S):

ISSUE/PROPOSAL STATEMENT: Remove requirement that ordinance contain “appropriate hardship protections for abutting property owner.” Remove ability to place a lien on relevant property. Various grammatical and clarification changes.

ARTICLE 7. THE EXECUTIVE BRANCH: PROGRAMS, SERVICES, AND ACTIVITIES

CHAPTER 7. PUBLIC WORKS

Sec. 7-702. Sidewalk maintenance.

The ~~public works~~ Department of Public Works may repair sidewalks after first giving the owner, occupant, or party in interest of the premises in front of or adjacent to which such sidewalk or driveway is located notice and an opportunity to repair as prescribed by ordinance the Detroit City Code. ~~Any such ordinance adopted shall provide for appropriate hardship protections for the abutting property owner.~~

~~The cost of any sidewalk repairs performed by The Department of Public Works shall collect, with interest, shall be collected~~ the cost of any sidewalk repair that is performed by the department from the owner, occupant, or party in interest of the premises in front of or adjacent to which such sidewalk or driveway is located ~~through a special assessment or shall, not less than one (1) year following the date on which sidewalk repairs performed by the department of public works were completed, at the election of the public works department, be a lien of the City upon the premises in front of or adjacent to which such sidewalk or driveway is located~~. The procedures for the recovery of the cost of sidewalk repairs performed by the Department of Public Works shall be prescribed by ordinance and may include collection of such cost through a special assessment. The decision by the ~~public works~~ Department of Public Works to repair a defective sidewalk shall not release the owner from responsibility or liability for that condition.

RATIONALE: *“These changes will make the section commensurate with state law and with Article 8, Chapter 6, of the 1997 Detroit City Charter.”*-Mayor Bing Administration, Letter, Rec’d December 21, 2010.

ANALYSIS:

DISPOSITION/COMMISSION ACTION:

NOTES: