



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

47450 Woodward Avenue
Pontiac, Michigan 48342
Telephone: (248) 758-3133
Fax: (248) 758-3292

Dated: August 12, 2013

ORDER NO. S-310

RE: Adopt ordinance to amend Chapter 22, Article VI, Division 2, Subdivision IV of the Code of Ordinances to establish demolition specifications.

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.

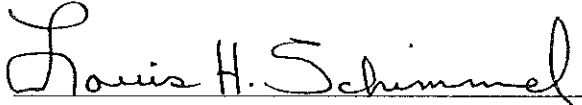
It is hereby ordered:

1. That the attached Ordinance No. 2303, an ordinance to amend Chapter 22, Article VI, Division 2, Subdivision IV of the Code of Ordinances to establish demolition specifications, 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. 2303

An ordinance to amend Chapter 22, Article VI, Division 2, Subdivision IV of the Code of Ordinances to establish demolition specifications.

The City of Pontiac ordains:

Section 1. Amendments.

Chapter 22, Article VI, Division 2, Subdivision IV (Demolition) of the Code of Ordinances shall be amended to read as follows:

A. Section 22-536 shall be amended to read as follows:

22-536 PURPOSE

It is the intent of these demolition specifications to insure that all demolitions within the City of Pontiac are performed in a manner that provided the highest level of public health and safety for its residents and property owners and further that the overall welfare of the community as a whole is served. It is also understood that it is in the best interest of the City of Pontiac to require (100%) one hundred percent removal of all foreign materials from demolition sites and that these materials be removed from the site and properly disposed of in accordance with all local, state, and federal requirements. It is also understood that all demolition sites be vegetated when completed to avoid the future erosion of soil and to control run off to adjacent properties.

It is understood that sites and properties may have environmental concerns that would affect the ability to remove one hundred percent of the impervious surfaces. In these cases, if an owner wishes to only partially remove the hard surfaces from a site, the owner/applicant, at time of application must provide the City of Pontiac with, at minimum, the results of an ASTM (E1527 and E1903) Phase 1 and Phase 2 Environmental Assessments which have been filed and disclosed to the Michigan Department of Environmental Quality showing that the property or portion of a property is contaminated as described in PA 451 of 1994 the Natural Resources and Environmental Protection Act.

B. Section 22-537 shall be amended to read as follows:

22-536 PERMIT APPLICATION DOCUMENTATION

All demolition(s) require a permit. The application for permit shall include:

1. A complete application form from the City of Pontiac with site plan (signed by the owner of the property).
2. Proof of electric service disconnect.
3. Proof of gas service disconnect.
4. Proof of telephone service disconnect.
5. Proof of cable television/Internet disconnect.
6. Proof of soil erosion permit.
7. Proof of water service disconnect.
8. Proof of sewer service disconnect.

9. Proof of right-of-way permit from City of Pontiac and Michigan Department of Transportation, if applicable.
10. MDEQ asbestos survey.
11. EPA 10-day notice.
12. Bonds as required by this article.

C. Section 22-538 shall be amended to read as follows:

22-538 DESCRIPTION OF DEMOLITION WORK

Unless directed otherwise the contractor shall:

- A. Completely remove and properly dispose of all structures, trash, rubbish, basement walls, floors, foundations, sidewalks, steps, and driveways from the specified parcel.
- B. Completely remove any fuel tanks, outdoor toilets and septic tanks, cisterns, and meter pits, and plug or abandon wells.
- C. Completely remove the materials from the demolition site in accordance with federal, state, and local regulations.
- D. Completely remove and dispose of appliances and other items that may contain refrigerants in accordance with 40 CFR, Part 82. Appliances and other items that may contain refrigerants include, but are not limited to, refrigerators, freezers, dehumidifiers, and portable or central air conditioners.
- E. Completely remove and legally dispose of mercury-containing materials including fluorescent, high pressure sodium, mercury vapor, metal halide light bulbs, and thermostats containing a liquid filled capsule. PCB-containing materials include capacitors, ballasts, and transformers where the component is contained within a metal jacket and does not have a specific, legible label stating no PCBs are present.
- F. Provide disconnect letters from all applicable utilities with application for permit before demolition, and/or obtain utility disconnect permits from the City of Pontiac and allow for inspection of disconnect of any private utilities.
- G. Perform site clearance, grading, and restoration.
- H. Complete the demolition work in accordance with the plans and these technical specifications and any special provisions included in the approved demolition permit document.
- I. Post all bonds determined in accordance with this Code.

D. Section 22-539 shall be amended to read as follows:

22-539 PROTECTION OF THE PUBLIC AND PROPERTIES

A. Littering Streets:

1. The contractor shall be responsible for removing any demolition debris or mud from any street, alley, or right-of-way resulting from the execution of the demolition work. Any cost incurred by the City of Pontiac in cleaning up any litter or mud shall be charged to the contractor and be deducted from the maintenance and completion bond.
2. Littering of the site shall not be permitted.

3. All waste materials shall be promptly removed from the site.
- B. Street Closure:
1. If it should become necessary to close any traffic lanes, it shall be the contractor's responsibility to acquire the necessary obstruction permits and to place adequate barricades and warning signs as required by the City of Pontiac or Michigan Department of Transportation.
 2. Street or lane closures shall be coordinated with the City of Pontiac Department of Public Works.
- C. Protection of the Public by the Contractor:
1. Sidewalks: The contractor shall be responsible for any damage to public sidewalks abutting or adjacent to the demolition properties resulting from the execution of the demolition work. The cost of repair or replacement shall be considered incidental to the work and the contractor shall obtain all permits and pay any fees. Failure to repair the public property after notice will result in the City of Pontiac having the work completed and the cost taken from the maintenance and completion bond.
 2. Pedestrian Access: The contractor shall be responsible to place and construct the necessary warning signs, barricades, fencing, and temporary pedestrian sidewalks, as directed by the City of Pontiac, and to maintain alternate pedestrian access for sidewalks around the demolition site. The cost of these items shall be considered incidental to the work.
 3. Temporary Fence: Temporary fence shall be erected around all excavation and dangerous building(s) or structure(s) to prevent access to the public. Such fence shall be at least four feet high, consistently restrictive from top to grade, and without horizontal openings wider than two inches. The fence shall be erected before demolition and shall not be removed until the hazard is removed.
- D. Demolition Hours:
1. The contractor shall comply with the City of Pontiac nuisance ordinance as it relates to working hours.
 2. The contractor shall comply with all applicable ordinances and restrictions.
- E. Noise Pollution: All construction equipment used in conjunction with this project shall be in good repair and adequately muffled. The contractor shall comply with the noise pollution requirements of the City of Pontiac.
- F. Dust Control: The contractor shall comply with applicable air pollution control requirements of the City of Pontiac, the County of Oakland, and the State of Michigan. The contractor shall take appropriate actions to minimize atmospheric pollution. To minimize atmospheric pollution, the aforementioned governmental entities or their designated representatives shall have the authority to require that reasonable precautions be taken to prevent particulate matter from becoming airborne. Such reasonable precautions shall include, but not be limited to:
1. The use of water or chemicals for control of dusts in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land. If using a hydrant for dust control, a permit is required and can be obtained from the Oakland County Water Resources Commission.

2. Covering at all times when in motion open-bed trucks transporting materials likely to give rise to airborne dusts.
- G. Requirements for the Reduction of Fire Hazards:
1. Removal of Material: Before demolition of any part of any building, the contractor shall remove all volatile or flammable materials, such as gasoline, kerosene, benzene, cleaning fluids, paints, thinners, and similar substances.
 2. Fire Extinguishing Equipment: The contractor shall be responsible for having and maintaining the correct type and class of fire extinguisher on site. When a cutting torch or other equipment that might cause a fire is being used, a fire extinguisher shall be placed close at hand for instant use.
 3. Fires: No fires of any kind shall be permitted in the demolition work area.
 4. Hydrants: No material obstructions or debris shall be placed or allowed to accumulate within fifteen feet of any fire hydrant. All fire hydrants shall be accessible at all times.
 5. Debris: Debris shall not be allowed to accumulate on roofs, floors, or in areas outside of and around any structure being demolished. Excess debris and materials shall be removed from the site as the work progresses.
 6. Telephone Service: The contractor shall arrange for access to and use of, during working hours, one or more telephones land lines or cell phones in the vicinity of the work site for the purposes of making calls in case of fire or other emergencies. The contractor's foreman or at least one regular member of each shift shall be charged with the responsibility of promptly calling emergency services when necessary. The same person shall be required to inspect the building and the site frequently for possible fires or fire producing conditions and to apply appropriate corrective action, particularly at the close of work each working day.
- H. Protection of Public Utilities: The contractor shall not damage existing fire hydrants, street lights, traffic signals, power poles, telephone poles, fire alarm boxes, wire cables, pole guys, underground utilities, or other appurtenances in the vicinity of the demolition sites. The contractor shall pay for temporary relocation of utilities which are relocated at the contractor's request for his convenience.
- I. Protection of Adjacent Property:
1. The contractor shall not damage or cause to be damaged any public right-of-way, structures, parking lots, drives, streets, sidewalks, utilities, lawns, or any other property adjacent to the demolition. The contractor shall provide such sheeting and shoring as required to protect adjacent property during demolition. Care must also be taken to prevent the spread of dust and flying particles.
 2. The contractor shall restore existing agricultural drain tiles or roadway sub-drains that are cut or removed to parcels released for demolition whether or not the property is scheduled for, including drainable backfill, to original condition. Repairs shall be subject to approval by the property owner where applicable, and by the City of Pontiac.

E. Section 22-540 shall be amended to read as follows:

22-540 SPECIAL CONDITIONS AND MAINTENANCE BONDS

- A. A special conditions bond shall be placed by the owner of the property when special conditions exist that would require that all or part of the property would not be completely removed as part of the demolition. These conditions shall be part of the approved demolition permit. The City realizes that not all demolitions would require complete demolition of a structure and its appurtenances. A redevelopment soon after demolition could have a site plan approved in advance of the demolition or be speculative. A subsurface contamination issue could cause a site to need to keep all or part of the impervious surfaces(s) for an extended period until remediation could be accomplished. A bond covering one hundred twenty percent of the portion of cost of the demolition that would not be completed shall be posted to assure that if the redevelopment does not occur or that a site plan is not approved that the City of Pontiac could use the bond to complete the demolition if necessary. If a cash bond is held by the City and later returned, such bond shall be returned without interest.
- B. A maintenance and guarantee bond shall be placed by the owner of the property for installed seed or sod areas for a period of one year from final inspection and approval to assure that all planting areas have established vegetation both for compliance with the zoning ordinance and State law. If a cash bond is held by the City and later returned, such bond shall be returned without interest. Value shall be determined by the Building Official.

F. Section 22-541 shall be amended to read as follows:

22-541 MAINTENANCE AND COMPLETION BONDS

- A. A maintenance and completion bond is required before any permit is issued for demolition. This bond is in addition to any bond required for soil erosion. The bond is to assure that all of the requirements found this article are adhered to. If the contractor fails to follow this article, the building official may declare an emergency, and after posting the unsafe condition for 24 hours may use the bond money to assure compliance with this article. Demolitions that are contracted by the City of Pontiac are exempt from the bond requirements. After \$25,000 in cash has been posted for any demolition bond, the balance can be posted using an insurance surety bond with the understanding that in addition to the emergency measures stated above, the City of Pontiac may also use the cash portion of the bond to pay any necessary legal or administrative expenses associated with gaining compliance with the surety company. Unused bonds shall be returned without interest after final inspection.
- B. Bonds shall be charged as follows:
 - 1. **One and Two family Residential Demolitions Bond:** (per unit) - \$500.00;

2. **Multi Family Residential - Commercial - Industrial Demolition Bond,** minimum \$5,000.00, and \$0.10 per Sq Ft for each additional Sq Ft up over 5,000 up to 100,000 Sq Ft; \$0.05 Per Sq Ft for each additional Sq Ft up over 100,000 to 250,000 Sq Ft; \$0.02 Per Sq Ft for each additional Sq Ft over 250,000 up to 999,999 Sq Ft; \$0.01 Per Sq Ft for each Sq Ft over 999,999 Sq Ft.

EXAMPLE 250,000 Sq Ft building demolition bond

Minimum	\$ 5,000.00
.10 x 95,000 =	9,500.00
.05 x 150,000 =	<u>7,500.00</u>
Total Bond Amount	\$ 22,000.00

- C. Soil erosion, if covered by a separate SESC bond, shall not be a requirement for final inspection.

- G. Section 22-542 shall be amended to read as follows:

22-542 VACATING OF BUILDINGS

The structures identified in the permit documents shall be vacated before proceeding with demolition. In case the contractor finds that any structure is not vacated, the contractor shall immediately notify the City of Pontiac and shall not begin demolition or site clearance operations on such property until approved and directed by the City of Pontiac.

- H. Section 22-543 shall be amended to read as follows:

22-543 PERMITS, FEES AND BONDS

The contractor shall obtain all the necessary permits and pay all permit fees and post all bonds that are required by the City of Pontiac in conjunction with the demolition work.

- I. Section 22-544 shall be amended to read as follows:

22-544 DEMOLITION SCHEDULE

The contractor shall be responsible for providing the City of Pontiac with a minimum of 24 hours advance notification prior to beginning the execution of demolition of any structure. The contractor shall be responsible for providing the City of Pontiac with a minimum of 24 hours advance notification when calling for inspection.

J. Section 22-545 shall be amended to read as follows:

22-545 SALVAGE OF DEMOLITION MATERIALS

- A. The contractor shall be allowed to salvage demolition materials only from property owned by the contractor. The property ownership will be shown in the permit application documents.
- B. No salvage will be permitted on privately owned property unless authorized by the property owner in writing or as directed by the Courts.
- C. The contractor may salvage demolition materials on City owned properties only if authorized in writing by the City in demolition contract as long as demolition is completed within the completion provisions included in the approved demolition schedule. All buildings, building materials, and equipment resulting from this work shall become the property of the contractor, and shall be removed from the premises at once. Salvaged material shall be removed immediately from the premises, right-of-way, streets, or alleys.

K. Section 22-546 shall be amended to read as follows:

22-546 DEMOLITION AND REMOVALS

- A. Structural Parts of Buildings:
 - 1. No wall or part thereof shall be permitted to fall outwardly from any building except through chutes or by other controlled means or methods, which will ensure safety and minimize dust, noise, and other nuisance.
 - 2. Subject to site restrictions, outside chimneys or outside portions of chimneys shall be raised in advance of general demolition of each building. Any portion of a chimney inside a building shall be razed as soon as it becomes unsupported by reason of removal of other parts of the building.
 - 3. Any part of a building, whether structural, collateral, or accessory, which has become unstable through removal of other parts, shall be removed as soon as practicable and no such unstable part shall be left free-standing or inadequately braced against all reasonably possible causes of collapse at the end of any working day.
- B. Basements and Foundation Walls: All basement floors, footings, and foundations shall be completely removed from the site unless specifically stated in the special provisions of the approved demolition permit. The basement area is to be inspected and approved by the City of Pontiac before backfilling is started. The contractor shall ensure that no basement excavation will remain open and exposed for more than 24 hours. The contractor shall contact the City of Pontiac when removal is complete to schedule this basement inspection. Failure to do so may result in re-excavation of the basement area at the contractor's expense.
- C. Concrete Slabs: The contractor shall remove all concrete slabs, asphalt, surface obstructions, masonry slabs, and appurtenances.

- D. Retaining Walls: Retaining walls or curbs near the perimeter of parcels shall be removed unless otherwise indicated in the approved demolition permit. The contractor shall employ hand labor or other suitable tools and equipment necessary to complete the work without damage to adjacent public or private property. Where such retaining walls or curbs are removed, the embankment shall be graded to a slope of not greater than 3:1 horizontal: vertical or as directed by the City of Pontiac.
- E. Partially Buried Objects: All piping, posts, reinforcing bars, anchor bolts, railings, and all other partly buried objects protruding from the ground shall be removed. The remaining void shall be filled with soil and compacted in accordance with these specifications.
- F. Vegetation: The contractor shall remove all dead trees, trees identified for removal, stumps, all trees which are not an asset to the property, bushes, vegetation, brush, and weeds, whether standing or fallen, unless specifically stated otherwise by the City. The contractor shall protect all trees not removed from damage by the demolition operation. In the event that the contractor damages a tree, the tree shall be repaired or removed by the contractor as directed by the City of Pontiac.
- G. Fences: Fences, guardrails, bumpers, signs, clotheslines, and similar facilities shall be completely removed from the site, except fences on the apparent boundary between a contract parcel and an improved non-contract parcel shall not be removed unless specifically stated in the special provisions. All posts for support shall be pulled out or dug up so as to be entirely removed.
- H. Fuel Tanks: Fuel tanks, above or below ground, shall be carefully removed and disposed of in a safe manner in accordance with the State Fire Marshal's regulations and those of the Michigan Department of Natural Resources.
 - 1. Fuel tanks, above or below the ground, or tanks which have been used for storage of gasoline, kerosene, benzene, oils or similar volatile materials shall be carefully removed and disposed of in a safe manner. The time, place and manner of disposal will be as set forth in the demolition schedule.
 - 2. All other tanks or receptacles shall be pumped out or emptied in a safe manner, and then shall be flushed out immediately with water, carbon dioxide, or nitrogen gas until they are gas-free when checked with a "Explosimeter" or another equally efficient instrument, before the work of removal is begun. Checking with the "Explosimeter" shall be done in the presence of the City of Pontiac by competent personnel.
- I. Outdoor Toilets and Septic Tanks: Outdoor toilets and septic tanks shall be pumped out by a licensed hauling company. The toilet building or septic tank shall be demolished and removed from the site. The excavation or pit shall be backfilled and compacted in accordance with these specifications. Septic tanks shall be broken up and removed from the site and the excavation filled in accordance with the requirements of the City of Pontiac.
- J. Cisterns and Meter Pits: Cisterns and meter pits shall be demolished and removed. The excavations shall be backfilled and compacted in accordance with these specifications.

L. Section 22-547 shall be amended to read as follows:

22-547 WELL PLUGGING AND ABANDONMENT

All wells shall be plugged and abandoned in accordance with the State of Michigan and County of Oakland regulations. The abandoned water well plugging record shall be filed upon completion of the well abandonment.

M. Section 22-548 shall be amended to read as follows:

22-548 DISPOSAL OF DEMOLITION DEBRIS AND SOLID WASTE

- A. Debris: All materials, rubbish, and trash shall be removed from the demolition area leaving the basements and demolition area free of debris. Any cost incurred by the City of Pontiac in cleaning up such materials and debris left behind shall be deducted from funds due the contractor from their maintenance and clean up bond.
- B. Tires: The contractor shall assure no tires have been abandoned on site.
- C. Disposal of Demolition Debris and Solid Waste: All debris and solid waste shall be delivered by the contractor to an approved disposal facility licensed in accordance with state and/or local regulations, laws, and zoning.
- D. Asbestos Abatement: The handling of asbestos material is subject to all applicable state and federal mandates. The contractor shall comply with applicable regulations regarding its handling and disposal. Asbestos shall be removed by a licensed abatement contractor in accordance with state and federal law. In the event that asbestos is discovered on a property during demolition, the contractor shall notify the City of Pontiac and the asbestos shall be removed by a licensed abatement contractor.
- E. Demolition of Structures with Transite Siding: The contractor shall be responsible for the proper handling of transite siding, and all demolition debris from these structures shall be disposed of in accordance with state and federal law.
- F. Freon Removal and Disposal: The handling of freon-containing appliances is subject to all applicable state and federal mandates and regulations. The contractor shall be responsible for the identification, removal, and disposal of the material in accordance with applicable regulations.
- G. PCB and Mercury Removal and Disposal: The handling of any fluorescent lighting fixtures and ballasts containing PCB or mercury is subject to all applicable state and federal mandates and regulations. The contractor shall be responsible for the removal and disposal of the material in accordance with applicable regulations.

N. Section 22-549 shall be amended to read as follows:

22-549 BACKFILL, GRADING, AND CLEAN UP

- A. Backfill: When site conditions permit, as determined by the Community Development Director or his designee, on-site soil may be used as backfill

material. The top nine to twelve inches of topsoil shall be stripped and stockpiled on site for use as final topsoil and grading material. If adequate topsoil is not available on site, the contractor shall bring in enough topsoil from off-site to place a minimum four-inch cover on the entire site. Excess excavation materials shall be removed from the site. Topsoil material shall not be permitted as deep fill material. Any borrow or fill material shall be approved by the Community Development Director or his designee or an approved third party engineer before and during the placing of the material. All depressions on the property shall be filled, compacted to ninety-five percent capacity, and graded to a uniform slope with adequate drainage.

- B. **Compaction:** All excavations shall be backfilled with acceptable material and compacted to ninety-five percent capacity.
 - C. **Additional Fill Material:** All additional fill material shall be of equal quality to the soil adjacent to the excavation and free of rubble or organic matter. The contractor shall provide for a minimum depth of four inches of topsoil over the excavated area.
 - D. **Hand Labor:** The contractor shall use hand labor where the use of power machinery is unsafe or unable to produce a finished job. Hand labor shall also be used to clean the site of any debris.
 - E. **Grading:** The site shall be graded to conform to all surrounding areas and shall be finished to have a uniform surface that shall not permit ponding of water. The contractor shall grade and shape the site to drain, complete fine grading, and final clean up.
 - F. **Final Clean Up:** Before final approval of the demolition permit, the contractor shall remove all unused material and rubbish from the site of the work, remedy any objectionable conditions the contractor may have created on private property, and leave the right-of-way in a neat and presentable condition. The contractor shall not make agreements that allow salvaged or unused material to remain on private property. All ground occupied by the contractor in connection with the work shall be restored. Restoration shall include appropriate smoothing to its original condition and include seeding with mulch of the area. Sod must be used in place of seed and mulch on all right-of-way areas. On demolition sites where seeding will be delayed because of the allowable seeding dates, the contractor shall complete fine grading and shaping of the site to leave the site in a neat and presentable condition subject to the soil erosion permit and approval of the City's applicable regulations.
- O. Section 22-550 shall be amended to read as follows:

22-550 SANITARY SEWER AND WATER SERVICE DISCONNECTIONS

- A. **Sanitary Sewer Service Disconnection:** All sanitary sewer services shall be disconnected and plugged by a licensed plumber who has secured the necessary permits. This cut and cap must be inspected and approved by the City's Plumbing Inspector when the cap is left on private property subject to special provisions on the permit or by the City's Department of Public Works when cut in the public

right of way, prior to demolition or excavation. Contractor shall also follow any requirements established by the Oakland County Water Resources Commission.

B. **Water Service Disconnection:** All water services and stubs for the buildings or properties within the demolition work shall be disconnected in conformance with City of Pontiac regulations by a licensed plumber who has secured the necessary permits. This cut of the water service(s) must be inspected and approved by the City's Plumbing Inspector when the cap is left on private property subject to special provisions on the permit or by the City's Department of Public Works when cut in the public right of way, prior to demolition or excavation. Contractor shall also follow any requirements established by the Oakland County Water Resources Commission.

C **Backfill and Compaction within City Right-of-Way:**

1. **Streets:** Unless stipulated otherwise the contractor shall backfill, compact, and patch the surface of all excavations made in streets. This shall be completed to the satisfaction of the Department of Public Works.
2. **City Right-of-way:** All areas within the City right-of-way (including parking and sidewalk areas) shall be compacted to the satisfaction of the Department of Public Works.

P. Section 22-551 shall be amended to read as follows:

22-551 SAFETY AND FENCING

- A. **Safety:** The contractor shall comply with all applicable current federal, state, and local safety and health regulations.
- B. **Safety Fencing:** The contractor shall furnish and place a safety fence around the site of the work adequate to secure the demolition site, including any resulting debris or excavation, and to prevent pedestrian access. The safety fence shall remain in place until the demolished materials are removed from the site and all holes or excavated areas are backfilled. The fencing material shall remain the property of the contractor.

Q. Section 22-552 shall be amended to read as follows:

22-552 SEEDING

All disturbed areas associated with the work shall be seeded and mulched or have sod placed, weather permitting. Seeding must conform, of the current edition of the Urban Standard Specifications for Public Improvements except as modified by this Code. The contractor shall provide seed mixtures in accordance with the specification; however, the seed shall be applied at 133% of the specified rate for the type of mixture specified.

R. Section 22-553 shall be amended to read as follows:

22-553 AUTHORIZED WORKERS

Only the contractor and its employees are allowed to demolish, dismantle, detach, or dispose of any part of the demolition structure or its contents.

S. Section 22-554 shall be amended to read as follows:

22-554 DAILY CLEAN-UP OF RIGHT-OF-WAY AND PRIVATE PROPERTY

At the end of each workday, the contractor shall clean sidewalks, streets, and private property of any debris caused by the demolition operation.

T. Section 22-555 shall be amended to read as follows:

22-554 VARIANCES

Upon payment of the appropriate fee established from time to time by the City Council, any person aggrieved by the regulations in this Article may file an application with the Building Official and have their position heard by the Board of Appeals. The decision of the Board of Appeals 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 for all demolition permits applied after September 30, 2013.