



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

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Pontiac, Michigan 48342
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Dated: August 16, 2013

ORDER NO. S-327

RE: Adopt ordinance to amend section 26-54 of the Code of Ordinances concerning team inspections.

TO: Sherikia Hawkins, City Clerk
Charles Smith, Project Manager, Wade Trim

The Local Financial Stability and Choice Act, 2012 PA 436, MCL 141.1541 to 141.1575 ("Act 436") in Section 10(1) states that "[a]n emergency manager shall issue orders to the appropriate local elected and appointed officials and employees, agents, and contractors of the local government the orders the emergency manager considers necessary to accomplish the purposes of [the] act, including, but not limited to, orders for the timely and satisfactory implementation of a financial and operating plan... or to take actions, or refrain from taking actions, to enable the orderly accomplishment of the financial and operating plan." 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 emergency ordinance at a public meeting on August 16, 2013; and,

WHEREAS, the Emergency Manager at a public meeting on August 16, 2013 announced that he is adopting the proposed emergency ordinance.

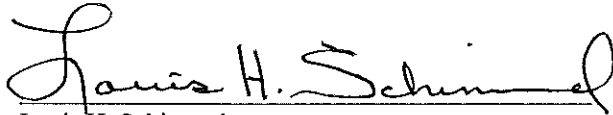
It is hereby ordered:

1. That the attached Ordinance No. 2312, an ordinance to amend sections 26-54 of the Code of Ordinances concerning team inspections, 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 FOIA and subject to applicable or available FOIA exemptions.

This order is effective as indicated and is necessary to carry out the duties and responsibilities required of the Emergency Manager under Act 436 and the contract between the Local Emergency Financial Assistance Loan Board and the Emergency Manager.

A handwritten signature in black ink, reading "Louis H. Schimmel". The signature is written in a cursive style with a large initial "L" and a long, sweeping underline.

Louis H. Schimmel
City of Pontiac
Emergency Manager

cc: State of Michigan Department of Treasury
Mayor Leon B. Jukowski
Pontiac City Council

Ordinance No. 2312

An ordinance to amend section 26-54 of the Code of Ordinances concerning team inspections.

Whereas, the existing provisions of Section 26-54 cause a considerable burden to be placed upon new businesses and discourages compliance; and,

Whereas, this amendment will encourage businesses to comply with the City's inspection requirements.

The City of Pontiac ordains:

Section 1. Amendments.

Section 26-54 of the Code of Ordinances shall be amended to read as follows:.....

26-54 Team inspection and certificate of occupancy required by Building Code.

Prior to operating any business or occupation in the City, and pursuant to the rules and regulations of the Building Code, a team of inspectors consisting of building, electrical, fire, licensing/zoning, mechanical and plumbing, or such combination as determined by the Community Development Director, shall inspect proposed premises to be operated as a business or occupation. In a multi-tenant facility that share common hallways and doors, in addition to the area that will be occupied by the business, only the common areas of the balance of the facility need to be inspected. Fees for the team inspection shall be based on the number of inspectors and the size of the area being inspected.

Upon completion of said inspection, a written report will be forwarded to the applicant by the Department including any and all code violations, requirements for permits, and the requirements for work to be performed by licensed and registered contractors.

Upon completion of all work to correct code violations, the applicant is responsible for scheduling all final inspections to ensure issuance of the certificate of occupancy or compliance.

If an open, operating, and unlicensed business claims that they were unaware of the City's business licensing provisions and can prove their existence and operation by providing three years of federal, state, and City income tax returns, the unlicensed business can secure a business license without a team inspection, provided their location meets the zoning requirements and all other federal, state, and City regulations. Such business will be required to pay all license fees due in arrears as if they were a new business for the first year and a renewal fee for all subsequent years, without additional penalty. Such amnesty period shall remain in effect until June 30, 2014.

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. Emergency Declaration

This Ordinance is hereby determined to be immediately necessary for the preservation of the public health, safety, and welfare and shall be in full force and effect upon publication as required by law.