



**TO:** Mayor and Members of Troy City Council  
**FROM:** John Szerlag, City Manager  
Lori Grigg Bluhm, City Attorney  
Brian Murphy, Assistant City Manager- Services  
Mark Stimac, Director of Building and Zoning  
Susan M. Lancaster, Assistant City Attorney  
**DATE:** August 8, 2005  
**SUBJECT:** Authority to initiate lawsuit to abate public nuisance- Rhodes

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For several years, the Building Department has taken action to abate nuisances at 2766 Rhodes. The owner/occupant at the home has accumulated refuse, debris, merchandise, garbage, and cat feces, which has blocked the ingress/egress to the home and has also substantially limited the mobility of the home occupant to the point of endangerment. Foul odors emanate from the home, and have led to complaints from neighbors. Vermin have also been discovered on the premises. The home is a fire hazard, due to the accumulation of newspapers and other flammable items. The home is a public nuisance.

City Administration has unsuccessfully worked with the owner/occupant to eliminate the nuisance conditions. When these efforts proved unsuccessful, the City issued criminal misdemeanor tickets to the owner, based on the violations of the Troy building code (and ordinance). The specific charge was the failure to maintain aisle ways throughout the house that are at least 36 inches wide. The owner pled guilty to the charge, and was placed on one year of probation to allow for bi-weekly inspections of the owner's progress. Unfortunately, the only progress really made in eliminating the nuisance was made by a group of volunteers from Athens High School, who worked for 4 hours straight, and was able to de-clutter only one room of the house. The owner has subsequently refused any additional volunteer efforts to clean- up, and has failed to make substantial progress on his own.

The District Court's imposition of one year of probation has expired. The City could issue a subsequent criminal misdemeanor ticket, and continue the Court's jurisdiction over the matter. However, since this was previously unsuccessful in abating the public nuisance, City Administration recommends the initiation of a lawsuit in the Oakland County Circuit Court. Although this option is infrequently used, the City is authorized to initiate a lawsuit to abate a nuisance. The goal of this lawsuit is an order from the Circuit Court to abate the nuisance, or to allow the City to hire an independent contractor to complete the work, which would then be charged back to the owner of the property or would be a lien on the property.

City Administration requests the authority to initiate a nuisance abatement lawsuit against the owner of the home located at 2766 Rhodes. If you have any questions concerning the above, please let us know.