



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- Prentis

City Administration is requesting the authority to initiate a nuisance abatement lawsuit against the owners of the home at 5165 Prentis. The owners/occupants at the home have been accumulating refuse, debris, merchandise and furniture, which is located all throughout the house, and blocks access to most of the rooms of the house. The substantial accumulation has also blocked the ingress/ egress to the home, and has also substantially limited the mobility of the home occupants, to the point of endangerment. The home is a fire hazard, and a public nuisance.

A concerned neighbor alerted City Administration to the condition of this home, which he reported was “not safe for anyone to live in”. Since that time, the City has unsuccessfully worked with the owners/occupants (and also the relatives of the owners) to eliminate the nuisance conditions. When these efforts proved unsuccessful, the City issued criminal misdemeanor tickets to one of the owners, based on the violations of the Troy building code (and ordinance). The specific charges were the failure to maintain aisle ways throughout the house that are at least 36 inches wide, and the failure to keep the interior of the home clean and sanitary. After a bench trial in the 52-4 District Court, the owner was found guilty of the charges. Unfortunately, this did not lead to the abatement of the nuisance. Due to the unsafe condition of the home, it was posted no occupancy in December 2004. Although the owners indicate that they do not reside at the home, there has been little progress in abating the nuisance.

The City could issue a subsequent criminal misdemeanor ticket, and continue the District Court’s jurisdiction over the matter. However, since this avenue 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 owners of the home located at 5165 Prentis. If you have any questions concerning the above, please let us know.