

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTIONS 84-4, IN CHAPTER 84, AMENDMENTS, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO MODIFY FEES CHARGED FOR BLIGHT, AND TO REPEAL CONFLICTING ORDINANCES, AND PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Section 84-4 of Chapter 84 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 84-4. - Blight.

(a) *Causes of blight or blighting factors.* It is determined that the following uses, structures and activities are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods:

(1) *Unlicensed / inoperable / unused / junk vehicles.* In any area zoned for residential purposes, the storage upon any property of unlicensed, inoperable, unused or junk vehicles, except as follows:

a. Unlicensed, inoperable, and junk vehicles must be stored in a completely enclosed building.

b. An unused motor vehicle ~~which does not otherwise comply with the requirements of this section that is currently licensed and operable~~ may be stored outdoors if a family member is in active military service or other similar reason and the vehicle is determined by the building department to ~~be~~ not be detrimental to the area. The building department may grant the right to store the vehicle for such period under the best conditions available, which shall be stated in writing. An unused vehicle shall not be stored ~~unused~~ in the front yard for more than 90 days. After 90

days, the vehicle must be stored in a side or rear yard. Unused vehicles stored under a tarp must be stored in a side or a rear yard.

- (2) *Building materials.* In any area zoned for residential purposes, the storage upon any property of building materials unless there is in force a valid building permit issued by the city for construction upon the property and the materials are intended for use in connection with such construction.
- (3) *Junk.* In any area zoned for residential purposes, the storage or accumulation of junk, trash, appliances, rubbish, or refuse of any kind, except for domestic refuse stored in a covered container for a period not to exceed 30 days; firewood that is neatly stacked so as not to provide harborage for rodents and vermin; and yard waste compost piles that are properly maintained to prevent odor, rodent, vermin or insect nuisances.
- (4) *Uninhabitable structures.*
 - a. *Due to disaster.* In any area, the existence of any structure or part of a structure which, because of fire, wind, storm, or other disaster, is no longer habitable as a dwelling or is not safe or useful for any other purpose for which it may have been intended and is left in that condition for a period of more than six months.
 - b. *Due to physical deterioration.* In any area, the existence of any structure or part of a structure which, because of physical deterioration, is no longer habitable as a dwelling or is not safe or useful for any other purpose for which it may have been intended.

- (5) *Partially completed structures.* In any area, the existence of any partially completed structure unless such structure is in the course of construction in accordance with a valid and subsisting building permit issued by the city and unless such construction is completed within the life of the building permit or a valid extension thereof.
- (6) *Public roads and utility rights-of-way.* In any area, allowing any of the causes of blight or blighting factors in subsections (1) through (5), of this section to exist on any public road right-of-way located between private property and an existing or dedicated street, alley, road or highway or upon any public utility easement or right-of-way located adjacent to such property.
- (7) *Firewood.* Storage of firewood; removal of cleared brush.
 - a. Firewood shall be stacked in a neat, orderly manner, and when outdoors at least six inches from any building or structure. Firewood shall not be stored in the front yard of any parcel occupied for single-family residential use.
 - b. Within 15 days of the cutting or clearing of any trees, brush or other vegetation (but not including farm products), wood to be retained as firewood shall be stacked in accordance with subsection a., above, and all other cleared brush and vegetation material shall be removed from the site.
 - c. Compliance with subsections a. and b. shall be the responsibility of both the owner and any occupant or other person in possession or control of the premises.

- (8) *Compost piles.* Compost piles may include a combination of yard and garden waste (such as weeds, bark, grass clippings, stalks and stems, brush or vines), wood ashes, horse manure, coffee grounds, vegetable scraps, citrus rinds and fruit peelings, egg, peanut and nut shells. Compost piles shall not include meats, dairy products, vegetable oils, cooked foods, or plastics, synthetics or other non-biodegradable materials. Compost piles shall not be located within any drainage easement. Compost piles shall not be located in any side yard or closer than five feet to any property line. Compost piles shall not exceed four feet by eight feet or six feet in diameter and shall not exceed four feet in height. Double compost piles may be utilized, provided the total size does not exceed the above. Compost piles shall be maintained in a manner to prevent the escape of offensive odors to adjacent property.
- (9) *Landscaping.* All exterior property areas shall be kept free from vegetation, weeds, bushes and tall grass and trees which present a visual blight upon the area, which may harbor insect or rodent infestations, or result in a condition which may threaten the health and safety or the economic welfare of adjacent property owners or occupants.
- (10) *Appliances.* It shall be unlawful for any person to place at the roadside for collection by a solid waste contractor, any ice box, refrigerator, deep freeze or other device with doors within the city unless all doors of the icebox, refrigerator, deep freeze or other device with doors shall have been removed prior to such disposal.

(11) *Landscape Structures.* All landscape structures must be maintained to be structurally sound and in good repair. Landscape structures shall include

retaining walls, seat walls, piers, and similar structures, except for those defined as accessory structures under Section 138-13.101.

(b) *Responsibilities of property owners, tenants and occupants.*

- (1) *Property owners.* No property owner shall maintain or permit to be maintained any of the causes of blight or blighting factors set forth in chapter 84 or chapter 46 upon any property in the city owned by such person.
- (2) *Occupants.* Any occupant of property in the city shall also be responsible for any of the causes of blight or blighting factors set forth in chapter 46 that he creates or permits on the property leased or occupied by him.

(c) *Applicability to non-residential areas.*

- (1) *Generally.* The causes of blight or blighting factors set forth in chapter 46 as applicable to areas zoned for residential purposes are also determined to be causes of blight or blighting factors and subject to the prohibitions of this chapter if located in areas zoned for non-residential purposes, unless such uses of property are incidental to and necessary for the carrying out of any business or occupation lawfully being carried on upon the property in question.
- (2) *Considerations.* For purposes of this article, such business or occupation shall be considered lawful only when being carried out in a manner as prescribed by chapter 138 pertaining to zoning and any other applicable provisions, laws, or regulations of the city, county, state or federal governments. The proof that such use is incidental to and necessary for the carrying out of such business shall rest with the owner or user of the property and

such use shall not, in any case, constitute a hazard to the health or welfare of the citizens of the city.

Section 5. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby

Section 6. Penalty. Except as otherwise provided therein, all violations of this ordinance shall be municipal civil infractions and upon a determination of responsibility therefore shall be punishable by a civil fine of \$500.

Section 7. Repeal, Effective Date, Adoption.

(1) Repeal. All regulatory provisions contained in other City ordinances, which are inconsistent with the provisions of this ordinance, are hereby repealed.

(2) Effective Date. This ordinance shall become effective on _____, 2021 following its publication in the *Oakland Press* on _____, 2021.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on _____, 2021.

Bryan K. Barnett, Mayor
City of Rochester Hills

CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ADOPTED BY THE CITY COUNCIL OF THE CITY OF ROCHESTER HILLS AT A MEETING THEREOF ON _____, 2021.

Leanne Scott, Clerk
City of Rochester Hills