

# PROPOSED PROPERTY MAINTENANCE ORDINANCE

## Article I

### 46-1 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Adjoining property owner** means a person who holds solely or jointly a fee interest in property adjoining or contiguous to a sidewalk or who is purchasing such property under a land contract. Where applicable, the term "adjoining property owner" shall include homeowners' associations and condominium associations.

**Brush** means cut or broken branches.

**Building materials** includes but is not limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, structural or miscellaneous steel, nails, or any other materials used in construction.

**Bus** means a motor vehicle, other than a trailer, designed to carry more than 15 passengers. The term does not include a school bus or a motor vehicle that is converted, equipped and used for living or camping purposes.

**Camper enclosure** means a structure or enclosure designed for mounting on a pickup truck or truck chassis in such a manner as to provide temporary living or sleeping quarters, including but not limited to a slide-in camper or truck cap.

**Commercial equipment** means any machinery, parts, accessories, construction equipment or other equipment used primarily in the course of conducting a trade or business, roll off dumpsters and portable storage units in residential districts.

**Commercial handbill** shall mean and include any printed or written matter, sample or device, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter or literature.

- a. Which advertises for sale any merchandise, product, commodity, or thing.
- b. Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interests thereof by sales.
- c. Which, while containing reading matter other than advertising matter, is predominately and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

**Commercial vehicle** means any vehicle used to generate income or which has the appearance that it is used for business, due to size, type, signage and/or accessories. A

pickup truck, passenger/cargo-style van with seating of up to 15 persons, sports/utility vehicle and passenger car without signage and accessories shall not be considered, for purposes of this chapter, as a commercial vehicle, even though used in business.

**Construction equipment** means a bulldozer, front-end loader, backhoe, power shovel, cement mixer, trencher, and any other equipment designed or used for construction, including parts and accessories thereto, or trailers designed for the transportation of such equipment.

**Exterior property** means the open space on the premises and on adjoining property under the control of owners or operators of such premises.

**Extermination** means the control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

**Fence** means and includes any wall, barrier, screen or other structure installed for the purpose of separating, screening, obscuring or protecting property.

**Garage sale** means a sale of used household effects, appliances, clothing, china, glassware and other such items by a person from their residence by means of a display of such items in the yard, garage, patio, parking area or other like place in, around or near such residence. "Garage sale" also means an estate sale and/or auction conducted at or around a residence or in a residential subdivision. It shall not mean the sale of a single automobile by means of a "For Sale" sign on the vehicle.

**Garbage** means the animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**Infestation** means the presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

**Junk** includes parts of machinery or motor vehicles; unused stoves, refrigerators or other appliances stored in the open; remnants of wood; metal; or any other material or castoff material of any kind, whether or not such could be put to any reasonable use at some future time.

**Landscaping materials** included but is not limited to dirt, sand, stone, rocks, block, timbers, plantings, wood chips/mulch, or any other materials used in landscaping.

**Litter** means all rubbish, combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal and other combustible materials, paper, rags, cartons, boxes, wood excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

**Newspaper** shall mean and include any newspaper of general circulation, as defined by general law, any newspaper duly entered with the United States Postal Service, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer, as provided by general law: and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

**Noncommercial handbill** shall mean and include any printed or written matter, any sample or device, circular, leaflet, pamphlet, newspaper, magazine, paper booklet or any other printed or otherwise reproduced original or copies of any matter or literature not included in the definitions of a sign, a commercial handbill, or a newspaper, with the exception of political and religious literature.

**Noxious weeds** includes Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (charlock, black mustard and Indian mustard, species of *Brassica* or *Sinapis*), wild carrot (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sow thistle (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), ragweed (*Ambrosia elatior* 1), poison ivy (*Rhus toxicodendron*), poison sumac (*Toxicodendron vermic*), oxeye daisies, goldenrod, grass or weeds of a height exceeding eight inches, or other plant which is determined by the city to be deleterious to health, safety, or public welfare and a common nuisance.

**Occupant** means any individual living or sleeping in a building, or having possession of a space within a building.

**Owner** means any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**Portable storage container** means a purpose/built transportable, fully enclosed, box-like container that is designed for temporary storage of materials and/or equipment.

**Public place** shall mean and include any and all streets, boulevards, avenues, lanes, alleys or other public ways, and any and all public parks, squares, spaces, plazas, grounds and buildings.

**Recreational vehicle** means a mobile structure or unit designed or altered to provide temporary living quarters for recreation, camping or travel use, but not for commercial use. It may be self-propelled or designed to be drawn by a motor vehicle. The term "recreational vehicle" includes but is not limited to a motor home, truck camper, travel trailer, folding camping trailer, or a converted van or bus.

**Residential district** means any R-1, R 2, R-3, R-4, RCD, RM-1, MH or SP elderly housing zoning district.

**Roll-off debris container** means an open-top metal box used for the containment of construction or demolition debris, yard waste, or other similar waste and/or debris items. Such containers generally range in size between ten (10) and forty (40) cubic yards and between three (3) and six (6) feet in height and are commonly transported by flatbed truck.

**School bus** means a motor vehicle, other than a station wagon, with a manufacturer's rated seating capacity of eight or more children, which is owned by a public, private or governmental agency and which is operated for the transportation of children to or from school. The term also means a motor vehicle, other than a station wagon, that is privately owned and operated for compensation for the transportation of children to or from school.

**Public sidewalk** means a public pathway constructed of concrete for public use, five feet in width, and located on public streets.

**Structure** means that which is built or constructed or a portion thereof.

**Swimming pool** means any structure intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep. This includes in-ground, aboveground and on-ground swimming pools, hot tubs and spas.

**Tenant** means a person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

**Trailer** means a vehicle, other than a utility trailer, designed for carrying property and for being drawn by a motor vehicle.

**Truck tractor** means a truck designed primarily for drawing another vehicle and not so constructed as to carry a load other than a part of the weight of the vehicle or trailer and of the load so drawn.

**Junk automobile** **Unlicensed/Inoperable** includes any motor vehicle that is kept, parked or stored, other than in a completely enclosed building, and is not in operating condition, is not properly licensed or is incapable of performing the transportation function for which it was manufactured.

**Utility trailer** means a vehicle designed to be towed by a motor vehicle in order to carry personal property, including but not limited to firewood, refuse, snowmobiles, boats, motorcycles or recreational equipment, or used solely for noncommercial purposes.

**Vehicle** means any device in, upon, or by which a person or property may be transported or drawn.

## **46-2 Purpose.**

Blight, potential blight, certain environmental causes of blight, or blighting factors that exist or that may exist shall be prevented, reduced, or eliminated, consistent with the letter and spirit of Public Act No. 344 of 1945 (MCL 125.71 et seq., MSA 5.3501 et seq.).

(Code 1976, § 8-04.01; Ord. No. 404, § 1(8-04.01), 12-18-1996)

**State law references:** Rehabilitation of blighted areas, MCL 125.71 et seq., MSA 5.3501 et seq.

## **46-3 Enforcement.**

Violations of the Property Maintenance ordinance will be a municipal civil infraction and shall be enforced by such person as may be designated by the mayor.

(Code 1976, § 8-04.05; Ord. No. 404, § 1(8-04.05), 12-18-1996)

## **46-4 Blight.**

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 Junk automobiles.~~ In any area zoned for residential purposes, the storage upon any property of junk automobiles, except in a completely enclosed building.

(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 metal 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, or other disaster, is no longer habitable as a dwelling or is not 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 useful for any other purpose for which it may have been intended.

(5) *Vacant buildings.* In any area zoned for residential purposes, the existence of any vacant dwelling, garage, or other outbuilding unless such building complies with Ordinance section 46-15 Vacant structures ~~is kept securely locked and the windows kept glazed, or neatly boarded up and otherwise protected to prevent entrance thereto by vandals or trespassers.~~

(6) *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.

(7) *Public roads and utility rights-of-way.* In any area, allowing any of the causes of blight or blighting factors in subsections (1) through (6) of this section to exist on any public road right-of-way located between private or corporate 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.

(8) *Firewood.* **Storage of firewood; removal of cleared brush.**

(a) Whenever firewood is stored within the city such firewood shall be stacked in a neat, orderly manner, and when outdoors at least six (6) 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 fifteen (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 subpart (a), above, and all other cleared brush and vegetation material shall be removed from the site.

(c) Compliance with subparts (a) and (b) shall be the responsibility of both the owner and any other person in control of the premises.

(d) For the purposes of this section, the term “firewood” is defined as any wood or wood product to be burned as fuel

(9) *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 (5) feet to any property line. Compost piles shall not exceed four (4) feet by eight (8) feet or six (6) feet in diameter and shall not exceed four (4) 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.

(10) *Landscaping.* “Weeds, bushes, trees and other vegetation”. 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.”

(11) *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.

Responsibilities of property owners, tenants and occupants.

(a) *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 46 upon any property in the city owned by such person.

(b) *Tenants or occupants.* Any tenant or 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.

(Code 1976, §§ 8-04.04.01, 8-04.04.02)

Applicability to areas other than residential.

(a) *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 article if located in areas zoned for other than 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.

(b) *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.

(Code 1976, § 8-04.04.03)

Secs. 46-34--46-60. Reserved.

## **46-5 Dogs.**

### **46-5.1 Unclean housing.**

No person shall cause or allow any stable or place where any animal is or may be kept to become unclean or unwholesome to an extent that it becomes a health problem or nuisance to abutting residences.

(Code 1976, § 8-06.04.02(B))

### **46-5.2 Sanitary disposal of feces.**

It shall be unlawful for any person in control of an animal traveling upon a public right-of-way to fail to pick up and remove from such right-of-way such animal's feces, manure or solid waste.

(Code 1976, § 8-06.04.02(G))

## **46-6 Fences.**

### **Definitions.**

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

Move definition for *fence* to Article I Definitions

~~*Fence* means and includes any wall, barrier, screen or other structure installed for the purpose of separating, screening, obscuring or protecting property.~~

### **46-6.1 Purpose.**

~~Regulations governing the installation and replacement of fences in the city are established in this article to protect and promote the public health, welfare and safety.~~

~~(Code 1976, § 5-08.01; Ord. No. 430, § 1(5-08.01), 2-18-1998)~~

### **46-6.2 Violations.**

~~Any person who violates any section of this article shall be responsible for a municipal civil infraction.~~

~~(Code 1976, § 5-08.05; Ord. No. 409, § 7, 3-5-1997; Ord. No. 430, § 1(5-08.05), 2-18-1998)~~

#### **46-6.1 Nonconforming fences.**

It shall be unlawful for any person to keep or maintain any fence to which this article applies that does not conform to the standards for fences set forth in section 18-536 unless a variance was obtained.

(Code 1976, § 5-08.06; Ord. No. 430, § 1(5-08.06), 2-18-1998)

#### **46-6.2 Applicability.**

(a) *Generally.* The standards for fences contained in Section 46-6.3 shall apply to all fences installed or replaced in the city before or after the effective date of the ordinance from which this article derives, subject only to those exceptions set forth in subsection (b) of this section.

(b) *Exceptions.* This article shall not apply to the following fences installed or replaced:

- (1) In accordance with a site plan approved under chapter 138 pertaining to zoning; or
- (2) Swimming pool enclosures as specified in the state construction code.

(Code 1976, § 5-08.03; Ord. No. 430, § 1(5-08.03), 2-18-1998)

#### **46-6.3 Standards.**

Only those fences that meet all of the following standards shall be allowed:

- (1) *Location.* Fences shall be located entirely on the owner's property, except that fences owned in common by adjoining property owners may be located on the common property line.
- (2) *Height.* Fences shall not exceed eight feet in height measured from the ground surface.
- (3) *Materials.* Materials shall be as follows:
  - a. *Generally.* Any natural or synthetic material that is all-weather resistant and is engineered and designed to be used for permanent installation as a fence or screening material shall be used.
  - b. *Chainlink slats.* Chainlink fences may be supplemented with woven metal (i.e., aluminum, galvanized or other metal with protective coating) insertable slats.
  - c. *Used materials.* No used materials, not including rock and brick, shall be used as fence material unless approved by the building department.
- (4) *Barbed wire.* Barbed wire may not be installed on fences, except that barbed wire may be installed above the top line of a six-foot fence located in a nonresidential zoning district and enclosing a storage area. Barbs on a



chainlink fence are not allowed on any exposed portion of the fence below six feet.

(5) *Proper installation and maintenance.* Fences shall be installed and maintained free from defects, safety hazards and collapse, and shall be kept in good repair. No signs, words, letters, images or illustrations, except for those signs required in subsection (6) of this section, may be painted or otherwise affixed to fences.

(6) *Electrification.* Electrically charged fences are prohibited, except that the building department may approve electric fences for the purpose of retaining animals under the following circumstances:

- a. *Nonhazardous.* Sufficient proof has been presented that the fence will not be hazardous to persons or animals;
- b. *Power source.* The power source shall be obtained from a listed electric fence controller; and
- c. *Signs.* Signs shall be conspicuously located on the fence warning that the fence is electrified.

(7) *Corner clearance.* The corner clearance requirements of chapter 138 shall be observed.

(Code 1976, § 5-08.04; Ord. No. 430, § 1(5-08.04), 2-18-1998)  
Secs. 18-537--18-564. Reserved.

## **46-7 Garage Sales.**

- (a) No person shall have more than four (4) garage sales at any residence during a consecutive twelve-month period.
- (b) No garage sale may last more than seventy-two hours
- (c) Garage sales shall be limited to sales of items which had actually been used in the normal course of residential living in the home at which the sale is to occur and shall not be transported to such home for purposes of the sale. This does not prohibit minor joint garage sale activities among family or nearby neighbors.
- (d) No garage sale shall continue later than one-half hour after sunset nor begin prior to 9:00am.
- (e) No garage sale shall be situated so as to obstruct traffic, nor shall any garage sale patrons park their vehicle so as to obstruct traffic.
- (f) Excessive noise emanation from the area of any garage sale is prohibited.
- (g) The placing of signage shall be in compliance with Rochester Hills Ordinance Chapter 134-7(5), 134-109(b). All signs must be removed at the end the sale.

## **46-8 Graffiti.**

### **46-8.1 Purpose and intent.**

It is the purpose and intent of this section to provide a procedure for the prevention, prohibition and removal of graffiti from walls, structures or surfaces on public and private property in order to reduce blight and deterioration within the City and to protect the public health and safety.

**46-8.2 Defacement of property.**

No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

**46-9 Handbills.**

**46-9.1 Distributing, throwing or scattering in public places prohibited.**

It shall be unlawful for any person to deposit, place, throw, scatter or cast any commercial handbill in or upon any public place within this city. It shall be unlawful for any person to hand out, distribute or sell any commercial handbill in any public place. It shall not be unlawful for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill in any public place to any person willing to accept such noncommercial handbill.

**46-9.2 Placing in vehicles.**

It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill in or upon any automobile or other vehicle. The provisions of this section shall not be deemed to prohibit the handing, transmitting or distributing of any noncommercial handbill to the owner or other occupant of any automobile or other vehicle, who is willing to accept the same.

**46-9.3 Distribution on uninhabited or vacant private premises.**

It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill in or upon any private premises, which are temporarily or continuously uninhabited or vacant.

**46-9.4 Distribution on inhabited private premises.**

No person shall distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill in or upon any private premises which are inhabited, and posted prohibiting such distributions, or when requested by the owner not to do so. If the property is not posted then the handbill must be so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or elsewhere,

except that mailboxes may not be so used when so prohibited by federal postal laws or regulations.

#### **46-9.5 Identification of printer, distributor, etc.**

It shall be unlawful for any person to distribute, deposit, scatter, hand out or circulate any commercial or noncommercial handbill in any place, under any circumstances, which does not have printed on the cover, front or back thereof, the name and address of the following:

(1) The person who printed, wrote, compiled or manufactured the same.

(2) The person who caused the same to be distributed; provided, however, in the case of a fictitious person or club, in addition to such fictitious name, the true names and addresses of the owners, managers or agents of the person sponsoring such handbill shall also appear thereon.

#### **46-9.6 Exemptions.**

The provisions of this section shall not be deemed to apply to the distributions of mail by the United States, nor to newspapers, nor to political candidates or issues or religious organizations.

#### **46-10 Private Sidewalks.**

All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions

#### **46-11 Public Sidewalks.**

##### **46-11.1 Maintenance by property owner.**

The adjoining property owner or occupant of the lot or premises shall maintain the sidewalk adjoining such property. Such sidewalk shall be kept as follows:

(1) Free from defects of every kind and nature and maintained in a condition of good repair.

(2) Free from any deposits of debris, rubbish, or other objects that might or could be hazardous to persons using the sidewalk.

(3) Free and clear from accumulations of snow, sleet, ice, and water as follows:

a. When any snow or ice shall cease to fall or form during the daylight hours, such snow or ice shall be cleared from the sidewalk within 48 hours after such cessation.

b. When any snow or ice shall cease to fall or form during the nighttime, such snow or ice shall be cleared from the sidewalk within 48 hours after sunrise.

(4) Free from obstructions encroaching from adjoining or adjacent property, including but not limited to overhanging tree limbs, bushes and the like. The minimum clearances that shall be maintained free from such obstructions shall be eight feet vertical and three feet horizontal.

(5) Free from obstructions from adjoining or adjacent property interfering with site distance lines, at driveways and other sidewalks intersecting the sidewalk. A clear and unobstructed site triangle must be created using a base leg of 15 feet from the site obstruction to any sidewalk or driveways or sidewalks intersecting such sidewalk.

(Code 1976, § 7-17.05.01)

#### **46-11.2 Repair of damage by developer.**

Sidewalks provided by a developer that are damaged prior to occupancy shall be repaired by the developer prior to the date of final occupancy, or if repairs cannot be made, a cash escrow in an amount equal to 150 percent of the projected cost for such repairs shall be posted with the city.

(Code 1976, § 7-17.05.02)

#### **46-11.3 Repair or reconstruction by property owner.**

(a) *Written notice.* Upon determination by the department of public service that any sidewalk or portion thereof is in need of repair or elimination from encroachment, the department shall serve a written notice upon the adjoining property owner to the portion of such sidewalk requiring repair or elimination of encroachment by first class mail to the last known address of such owner in accordance with the following:

(1) *Determination of property owners.* Adjoining property owners shall be determined from the current city tax roll.

(2) *Proration of cost among adjoining owners.* When a sidewalk requiring repair or reconstruction is contiguous to more than one lot or parcel, costs of such repair or reconstruction shall be prorated between adjoining property owners on the basis of front footage repaired.

a. The failure of one adjoining property owner to undertake such repair where such sidewalk abuts more than a single parcel shall not excuse the remaining adjoining property owner from the duties established in this section.

b. Such notice shall require that the adjoining property owner shall perform such repairs or elimination of encroachments within 45 days of the date of such notice.

(b) *Failure to comply.* Failure to comply shall subject the owner to the following:

(1) *Correction by city; owner billed cost.* If the adjoining property owner fails to repair the sidewalk or remove the encroachment within 45 days of such notice, the city may perform the repair or remove the encroachment and bill such adjoining property owner the total cost thereof, together with an additional fee of 15 percent for engineering supervision and general administration expense.

(2) *Lien against property.* If payment is not received by the city within 60 days after such billing, such amount shall become a lien on the property and shall be assessed and collected in the same manner as other taxes and assessments under the Michigan General Property Tax Laws, Public Act No. 206 of 1893 (MCL 211.1 et seq.).

(Code 1976, § 7-17.05.03; Ord. No. 500, § 1, 7-20-2005)

## **46-12 Rodents.**

### **Rodent Harborage.**

All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes that are not to be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation. The owner of the property shall be responsible for compliance to this section.

## **46-13 Solid Waste.**

### **46-13.1 Storage of refuse.**

(a) *Garbage and rubbish.* For the purpose of this article, garbage and rubbish shall be stored as follows:

(1) *Accumulation.* Except as otherwise provided, no person shall permit garbage and/or rubbish to accumulate upon his premises, except in plastic bags, disposable cartons, or in strong metal or plastic containers.

(2) *Containers.* If containers are used, they shall:

- a. Be rodent proof and watertight.
- b. Have a capacity of not more than 50 pounds by weight, unless they are on wheels and compatible with equipment of the licensed waste hauler servicing the property.
- c. Have tight covers, which shall be in place whenever such containers are placed for collection or located out-of-doors, except when garbage is being deposited or removed.

d. Be kept in a clean and sanitary condition at all times, and stored when not in use in the side or rear yard.

(b) *Maximum accumulation period.* Garbage shall not be allowed to accumulate more than ten days.

(Code 1976, § 3-14.06.01(A), (B))

#### **46-13.2 Containers standing for collection.**

(a) Under this article, refuse, including garbage, may be deposited at the place for collection in plastic bags, disposable cartons, or metal or plastic containers, but shall not be left standing in the location for more than 24 hours. If after 72 hours the refuse is not removed, the City shall place a 24-hour notice on the premises advising of the violation. If after the issuance of the 24-hour notice, the refuse standing at the roadside has not been removed the City may cause the refuse to be removed at the owners expense.

(b) Recycling containers and yard clippings shall be placed on collection day at the street or authorized location, but shall not be left standing in the location for more than 24 hours.

(Code 1976, § 3-14.06.01(C))

#### **46-13.3 Covers.**

(a) *Securing.* When plastic containers are used for mixed solid waste pursuant to this article, tops shall be secured to prevent paper or debris from spilling or otherwise escaping from the containers. Paper bags shall not be permitted, except to hold newspapers.

(b) *Exclusions for building or demolition sites.* No covers shall be required on containers used for refuse, except garbage, on a site for which a building or demolition permit has been issued and is outstanding.

(Code 1976, § 3-14.06.01(D))

#### **46-13.4 Newspapers.**

Under this article, stacks of newspapers may be placed at the street in a container, in a paper bag, or bundled with string.

(Code 1976, § 3-14.06.01(E))

#### **46-13.5 Yard clippings.**

(a) Except as provided in this article, all yard clippings shall be placed in specially designated bags or containers.

(b) If placed in disposable bags or containers, such bags or containers shall be biodegradable bags or containers.

(c) If permitted by the waste hauler, small tree limbs, two inches or less in diameter, may be collected only if cut into lengths not to exceed three feet and tied securely into bundles not to exceed three feet in girth.

(Code 1976, § 3-14.06.01(G))

#### **46-13.6 Ashes.**

Under this article, containers for ashes shall be of sturdy construction, made of metal, and shall have adequate handles to prevent spillage.

(Code 1976, § 3-14.06.01(H))

#### **46-13.7 Recyclable materials.**

(a) *Separation.* Under this article, separation of recyclable materials shall be in accordance with the following:

(1) *Generally.* The occupant of any single-family residence in the city shall separate recyclable materials and place them in properly marked containers at the street on normal refuse pickup days as established by contract with a licensed waste hauler.

(2) *Yard clippings.* The occupants of any single-family residence who dispose of yard waste shall separate yard clippings from solid waste and prepare them for pickup as established by contract with a licensed waste hauler.

(b) *Ownership.* At the time any recyclable material is placed at curbside or another predetermined collection point, it shall become the joint property of the waste hauler and the generator of such recyclable material. It shall be a violation of this article for any person not authorized by the waste hauler or the generator of the recyclable material to collect or pick up or to cause to be collected or picked up any such recyclable materials.

(c) *Other disposal.* Notwithstanding the requirements of this section, any person who is a generator of recyclable materials may donate or sell recyclable materials to any recycling program lawfully operated for profit, nonprofit, or charitable purposes. The buyer or receiver of such recyclable materials, however, if not a licensed waste hauling unit, shall not pick up recyclable materials from the street or any other collection point in the city.

(Code 1976, § 3-14.07)

#### **46-14 Swimming Pools.**

##### **46-14.1 Maintenance of swimming and architectural pools.**

All swimming and architectural pools and spas shall be properly maintained so as not to create a safety hazard or harbor insect infestation, or create a visible deteriorated or blighted appearance. Water shall not be allowed to stagnate, or to become stale or foul through lack of circulation. The bottom and sides of the pool or spa shall be maintained reasonably free of sediment, dirt, slime and algae. The water shall be sufficiently clear so that the bottom of the pool in the deepest part is clearly visible to an adult standing on the pool deck.

#### **46-14.2 Enclosures.**

Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the poolside of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

#### **46-15 Vacant Buildings.**

For the purpose of this section, a structure shall be considered blight if:

- (1) That dwelling is vacant, dilapidated and open at the door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers; or
- (2) Has remained vacant and boarded up for more than 180 days.

Within 180 days building that are boarded up must have windows that are properly glazed and operational. All exterior doors, door assemblies and door hardware must function properly and tightly secure the doors.

Buildings that have remained vacant and boarded for more than 180 days will be considered as blight and the Building Department may seek an order to demolish the building

#### **46-16 Vehicles.**

##### **46-16.1 Commercial vehicles and equipment.**

- (a) *Public property.* No person shall park or store any commercial vehicle identified in subsection (b)(1) of this section or commercial equipment on public property located in any zoning district, including but not limited to public streets, stub streets, rights-of-way, bike paths, greenbelts, and planting areas between bike paths and streets, except as allowed in subsection (d) of this section.



(b) *Residential districts.*

(1) No person shall park or store any step vans, cube vans, buses, dump trucks, stake trucks, flatbed trucks, wreckers, semi trucks and trailers, tank trucks, commercial and construction equipment and trailers and any similar trucks and equipment in a residential district, except as allowed in subsection (d) of this section.

(2) Commercial vehicles other than as specified in subsection (b)(1) of this section, such as pickup trucks, passenger/cargo-style vans with seating of up to 15 persons, sport utility vehicles, passenger cars, and similar type vehicles, with no more than allowed accessories as provided in subsection (b)(4) of this section may be parked or stored in a residential district.

(3) No more than one commercial vehicle of the type described in subsection (b)(2) of this section which is used for transportation by occupants of the home on the property shall be stored or parked outside of an enclosed building.

(4) Allowed accessories shall mean equipment attached to vehicles which does not extend a vehicle to more than nine feet in height or wider or longer than the manufacturer's specification for the vehicle without the equipment. Roof accessory racks, but not side racks, shall be allowed. A plow on the front and a spreader on the rear of a vehicle may be attached even if the length of the vehicle is extended beyond the manufacturer's specification.

(5) No person shall park or store a vehicle outside of an enclosed building in a residential district if there is a sign on it not directly related to the vehicle's use.

(c) *Nonresidential districts.* No person shall park or store any commercial vehicle identified in subsection (b)(1) of this section or commercial equipment on private property in any nonresidential district except as is allowed in subsection (d) of this section or unless such vehicle or equipment is parked or stored in relation to a permitted principal or accessory use of the property. In such event, parking or storage must comply with all other city codes and ordinances.

(d) *Exception.* The parking or storage of commercial vehicles identified in subsection (b)(1) of this section or commercial equipment shall be allowed in any zoning district, where such parking or storage is limited to vehicles or equipment engaged in the performance of a service on the adjacent or underlying property, for the period of time reasonably necessary to complete the service.

**46-16.2 Vehicle for sale.**

- (a) No person shall park any motor vehicle on any private property in the city without the expressed or implied consent, authorization or ratification of the owner, holder, occupant, lessee, agent or trustee of such property.
- (b) No person shall park any motor vehicle on any private property, with or without consent of the owner, within 100 feet of a street right-of-way for the principal purpose of displaying the vehicle for sale, displaying, advertising, or selling merchandise from such vehicle, except within the defined limits of a duly established new or used automobile dealership or sales lot, which shall not include bike paths adjacent to any automobile dealership or sales lot, or when so authorized or licensed under the ordinance code provisions of the city.

**46-16.3 Junk vehicles and junk. Inoperable/Unlicensed vehicles .**

- (a) No person shall keep, park, or store a vehicle in any residential district, other than in a completely enclosed building, unless the vehicle is in operating condition, properly licensed, and capable of performing the transportation function for which it was manufactured. The purpose of this section is to prevent the accumulation of junk motor vehicles, and, therefore, it shall not apply to any motor vehicle ordinarily used, but temporarily out of running condition.
- (b) Likewise, no person shall keep or store any junk, including but not limited to old, rusty, wrecked, damaged, deteriorated or discarded machinery, appliances, scrap metals, materials or parts not suited for use upon the premises or quantities of old and used building materials outside of a completely enclosed building; provided, however, that building materials fit to be used to improve the premises may be kept if piled off the ground so as not to become a potential rat and rodent harborage.
- (c) A motor vehicle which does not otherwise comply with the requirements of this section is to be stored outdoors for a long period because a family member is in the military service or some other similar reason and the vehicle is determined by the building department to be not detrimental to the area, the building department may grant the right to store the vehicle for such period under the best conditions available, which conditions shall be stated in writing. No vehicle shall be stored unused in the front yard for more than 90 days. After ninety 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.

**46-16.4 Recreational Vehicles.**

- (a) No person shall park and/or store a recreational vehicle, snowmobile, camper enclosure, utility trailer, boat or similar vehicle or equipment not owned by the occupant or owner of the premises for a period exceeding 72 hours on lands not approved for such parking or storage, except that the building department may grant a temporary permit allowing the parking of a recreational vehicle on private property not to exceed a period of two weeks. All recreational vehicles, snowmobiles, camper enclosures, utility trailers, boats, and similar vehicles or equipment owned by city residents stored in residential districts on their

individual lots or premises shall not be stored within any front yard or any required side yard and shall further conform to the requirements in section 138-1067 applicable to accessory buildings, insofar as distances from main buildings, lot lines, and rights-of-way are concerned.

(b) In addition, the parking and storage of recreational vehicles, snowmobiles, camper enclosures, utility trailers, boats and similar vehicles or equipment in residential districts shall be subject to the following restrictions:

(1) All such units parked or stored outside of a completely enclosed building shall be kept in a state of proper repair and secured to prevent unauthorized entry.

(2) The parking and storage of such units shall be limited to a lot or parcel upon which an occupied dwelling is located.

(3) No such unit shall be connected to electricity, gas, water or sanitary sewer facilities, except that a temporary electrical connection may be made for the purpose of recharging batteries.

(4) No such unit shall at any time be used for living or housekeeping purposes while on the premises.

(5) No person shall park or store any such unit upon any public property, including public streets, stub streets, rights-of-way, bike paths and planting areas between pathways and streets, except as allowed in subsection (b)(6) of this section.

(6) Notwithstanding any provisions to the contrary, such a unit may be temporarily parked or stored within any front yard or on a public street for a period not to exceed 72 hours for the purpose of loading, unloading, trip preparation or minor, routine maintenance and repair, although at no time shall any unmounted camper enclosure or any snowmobile or boat not mounted on a utility trailer be parked or stored within any front yard, required side yard or public street.

### **Responsibility for compliance.**

The owner of the vehicle, equipment or other unit and the owner of private property upon which the vehicle, equipment or other unit is parked or stored shall each be responsible for compliance with the terms of this division. In any proceeding for the violation of any section of this division, the person to whom the vehicle, equipment or unit is registered, as determined from the registration plate displayed on the vehicle, equipment or unit, shall be presumed in evidence to be the owner. If no registration plate exists, the owner shall be presumed in evidence to be the titleholder, lessee or other person with an immediate right of possession. For purposes of determining the ownership of real property, it shall be presumed in evidence that the person to whom the property is assessed on the city's most recent tax assessment roll is the owner of the property.

### **Violations.**

- (a) *Notice.* A written notice of violation of this division shall be served on the person in violation directing the discontinuance and abatement of the illegal action or condition within 24 hours. For purposes of serving this notice on a commercial or recreational vehicle owner, it shall be sufficient to affix the notice in a conspicuous place on the vehicle.
- (b) *Failure to comply.* Failure to comply with the notice of violation shall constitute a violation of this division.
- (c) *Subsequent violations.* For subsequent or repeat violations by the same person, a written notice of violation shall not be required.

**46-17 Weed Control.**

Move definition for noxious weeds to Article I Definitions.

**Definitions.**

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Noxious weeds* includes Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (charlock, black mustard and Indian mustard, species of *Brassica* or *Sinapis*), wild carrot (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sow thistle (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), ragweed (*Ambrosia elatior* 1), poison ivy (*Rhus toxicodendron*), poison sumac (*Toxicodendron vermix*), oxeye daisies, goldenrod, grass or weeds of a height exceeding eight inches, or other plant which is determined by the city to be deleterious to health, safety, or public welfare and a common nuisance.~~

**46-17.1 Purpose.**

Noxious weeds found growing in the city shall be controlled and eradicated as provided in this article.

**46-17.2 Enforcement authority.**

~~The mayor, in order to carry out this article, shall appoint a person to be known as the city noxious weed commissioner.~~

**46-17.2 Growth of weeds prohibited.**

- (a) *Subdivisions.* The owner or occupant of any lot in any subdivision in the city in which buildings have been erected on 60 percent of the lots in that subdivision shall cut or destroy all noxious weeds growing on the lot.

- (b) *Along improved streets.* The owner or occupant of any land in the city which abuts an improved street in common usage shall cut or destroy all noxious weeds growing on the land for a depth of 100 feet.
- (c) *Abutting property of subdivision, school, park or occupied residential.* The owner or occupant of any land, platted or unplatted, in the city which abuts a subdivision in which buildings have been erected on 60 percent of the lots in that subdivision or which abuts any school, park, playground or occupied residential property shall cut or destroy all noxious weeds growing on the land for a depth of 100 feet.
- (d) *Failure to cut and destroy.* Any owner or occupant of land in the city who fails to comply with subsections (a) through (c) of this section will be responsible for a municipal civil infraction and subject to a civil fine as provided in section 66-37.

**46-17.3 Cutting and destruction by city.**

- (a) *Action authorized.* If the following notice or a substantially similar notice is published in the month of March of any year in a newspaper regularly distributed in the city and the owner or occupant of any land to which this article applies shall fail or refuse to comply with section 46-17 after due notice, any officer, inspector or other agent authorized by the mayor may enter upon such land after May 1 of that year and as many times thereafter as is necessary to cut or destroy any and all noxious weeds located thereon.
- (b) *Published notice.* The notice as provided in subsection (a) of this section shall be substantially in the following form:

"TO ALL OWNERS OR OCCUPANTS OF LAND IN THE CITY OF ROCHESTER HILLS:

Notice is hereby given that after May 1 of this year the provisions of section 46-17 of Article I, Weed Control, of the Code of Ordinances of the City of Rochester Hills will be enforced. This article requires the owner or occupant of:

- (1) Any lot in any subdivision in the city in which buildings have been erected on 60 percent of the lots in that subdivision to cut or destroy all noxious weeds growing on the lot;
- (2) Any land in the city which abuts an improved street in common usage to cut or destroy all noxious weeds growing on the land for a depth of 100 feet; and
- (3) Any land, platted or unplatted, in the city which abuts a subdivision in which buildings have been erected on 60 percent of the lots in that subdivision, or which abuts any school, park, playground or occupied residential property to cut or destroy all noxious weeds growing on the land for a depth of 100 feet.

If, after May 1 of this year, the owner or occupant of any land to which this article applies shall fail or refuse to comply with the provisions of this article, then any officer, inspector or other agent authorized by the City of Rochester Hills may

enter upon the land as many times as is necessary, to cut or destroy all noxious weeds growing thereon. The owner or occupant of the land shall be responsible for all costs incurred by the city in connection with such cutting or destruction plus a 30 percent administrative fee.

If the charges are not paid within 30 days after billing, payment shall be deemed delinquent and shall be enforceable as a tax lien against the land.

Any person who violates any of the provisions of section 46-17 of Article I, Weed Control, of the Code of Ordinances of the City of Rochester Hills, shall, in addition to the other obligations imposed thereby or by other applicable law, be responsible for a municipal civil infraction and subject to a civil fine as provided in section 66-37.

A copy of section 46-17 of Article I and additional information may be obtained from the Rochester Hills Clerk's Offices."

- (c) *Means to be utilized.* In the discretion of the officer, inspector, or other agent authorized by the city, manual and/or mechanical means may be used, and all due care shall be taken to avoid unnecessary damage to any land.
- (d) *Responsibility for cost.* Responsibility for cost of weed cutting pursuant to this section shall be in accordance with the following:
  - (1) *Costs.* The owner or occupant of land shall be responsible for all costs incurred by the city in connection with weed cutting or destruction, plus a 30 percent administrative fee.
  - (2) *Lien.* From the time of the commencement of the cutting and destruction of such noxious weeds, the city shall have a lien upon the land for the amount arising under subsection (d)(1) of this section.
- (e) *Collection of costs.* The city shall charge and collect all costs arising under subsection (d) of this section in accordance with section 90-30 of this Code.
  - (1) *Billing and delinquent charges.* If the charges arising under subsection (d) of this section are not paid by the owner or occupant of the land within 30 days after the date of billing the owner or occupant by regular mail, payment shall be deemed delinquent.
  - (2) *Enforcement of lien.* A lien created pursuant to this article shall be enforceable in the manner prescribed by the city Charter and state law for the enforcement of a tax lien against the land.

#### **46-17.4 Allocation of fines.**

Fines, when collected pursuant to this article, shall become a part of the city's noxious weed control fund.

#### **46-18 Use and maintenance of property as approved.**

- (a) No owner, tenant, occupant, or person shall use or allow to be used a part or all of any property which was the subject of an approved site plan, other than as set forth on such approved site plan, after completion and approval of the improvements required by the site plan and this chapter. An example, but not by way of limitation, is using only areas designated for parking for parking purposes, and not some other area of the property.
- (b) The owner, tenant, occupant or person in charge of any property, which was the subject of an approved site plan, shall maintain the property and the improvements thereon in accordance with the approved site plan or an approved amendment thereof. The duty to maintain shall include the duty maintain in a condition substantially similar as approved, including the duty to replace, if necessary, all improvements such as, but not by way of limitation, all greenbelts, planting, walls, fences, paving, trash receptacles, handicapped parking areas, etc.

## **Article II**

### **Building Exterior Maintenance**

#### **46-30 Definitions.**

***Dwelling unit*** means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

***Guard*** means a building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

***Habitable space*** means a space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

***Occupancy*** means the purpose for which a building or portion thereof is utilized or occupied.

***Occupant*** means any individual living or sleeping in a building, or having possession of a space within a building.

***Owner*** means any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

***Structure*** means that which is built or constructed or a portion thereof.

***Tenant*** means a person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

*Workmanlike* means executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

### **46-31 General.**

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

### **46-32 Protective treatment.**

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from the requirement.

### **46-33 Structural members.**

All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

### **46-34 Foundation walls.**

All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

### **46-35 Exterior walls.**

All exterior walls shall be free from holes, breads, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

### **46-36 Roofs and drainage.**

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.



#### **46-37 Decorative features.**

All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

#### **46-38 Stairways, decks, porches and balconies.**

Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

#### **46-39 Overhang extensions.**

All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

#### **46-40 Chimneys and towers.**

All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, , and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

#### **46-41 Handrails and guards.**

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

#### **46-42 Window, skylight and door frames.**

Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

(1) *Glazing.* All glazing materials shall be maintained free from cracks and holes.

(2) *Openable windows.* Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

### **46-43 Doors.**

All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with the Michigan Building Code.

### **46-44 Basement hatchways.**

Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

## **Article III**

### **Building Interior Maintenance**

#### **46-45 General.**

The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure, which they occupy or control, in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

#### **46-46 Structural members.**

All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

#### **46-47 Stairs and walking surfaces.**

Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

#### **46-48 Handrails and guards.**

- (a) Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- (b) Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony,

porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

**Exception:** Guards shall not be required where exempted by the adopted building code.

### **46-49 Infestation.**

All structures shall be kept free from insects and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation. The owner of any structure shall be responsible for extermination within the structure.

### **46-50 Plumbing.**

#### **46-50.1 General.**

All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

#### **46-50.2 Dwelling Units.**

Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

#### **46-50.3 Toilet room privacy.**

Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathroom and toilet rooms in a multiple dwelling.

#### **46-50.4 Plumbing system hazards.**

Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross

connection, back siphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

## **46-56 Mechanical.**

### **46-56.1 Residential occupancies.**

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the *Michigan Plumbing Code*. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

### **46-56.2 Heat supply.**

Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

### **46-56.3 Mechanical appliances.**

All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

## **46-57 Electrical**

### **46-57.1 Electrical system hazards.**

Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

### **46-57.2 Electrical equipment.**

All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

## **46-58 Fire Safety Requirements**

### **46-58.1 Responsibility.**

The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this section.

### **46-58.2 Emergency escape openings.**

Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

### **46-58.3 Fire Protection Systems.**

All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the *International Fire Code*.

### **46-58.4 Smoke alarms.**

Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split-levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single or multiple-stations smoke alarms shall be installed in other groups in accordance with the *International Fire code*.

### **46-58.5 Power source.**

In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

**Exception:** Smoke alarms are permitted to be solely battery operated in buildings where not construction is taking place, buildings that are not served from a commercial power source and in existing areas of building undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

#### **46-58.6 Interconnection.**

Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

**Exception:**

1. Interconnection is not required in building which are not undergoing alterations, repairs, or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.