

ARTICLE I. IN GENERAL

Secs. 46-1—46-25. Reserved.

ARTICLE II. BLIGHT PREVENTION

Sec. 46-26. 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:

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.

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.

Junk automobile 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. The term "junk vehicle" does not include a motor vehicle ordinarily used, but temporarily out of running condition.

(Code 1976, § 8-04.02; Ord. No. 404, § 1(8-04.02), 12-18-1996)

Cross reference—Definitions generally, § 1-2.

Sec. 46-27. 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 reference—Rehabilitation of blighted areas, MCL 125.71 et seq., MSA 5.3501 et seq.

Sec. 46-28. Enforcement authority.

This article 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)

Sec. 46-29. Notice of violation.

(a) *First offense.* The owner, if possible, or the occupant of any property upon which any of the causes of blight or blighting factors set forth in this article is found to exist shall, upon the first offense, be notified in writing to remove or eliminate such causes of blight or blighting factors from such property within seven days after service of the notice upon him. Such notice may be served personally or by registered mail, return receipt requested.

(b) *Subsequent violations.* For subsequent or repeat violations by the same person, such written notice shall not be required.

(c) *Granting of additional time.* Additional time may be granted by the enforcement officer where bona fide efforts to remove or eliminate such causes of blight or blighting factors are in a state of progress deemed satisfactory to the enforcement officer.

(Code 1976, §§ 8-04.06.01, 8-04.06.02; Ord. No. 427, §§ 1(8-04.06.01), 1(8-04.06.02), 11-19-1997)

Sec. 46-30. Failure to comply; municipal civil infraction.

Failure to comply with the notice provided in section 46-29 by the owner and/or occupant within the time allowed shall constitute a violation of this article. A person who violates this article is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in

section 66-37. Repeat offenses under this article shall be subject to increased fines as set forth in section 66-37.

(Code 1976, § 8-04.06.03; Ord. No. 427, §§ 1(8-04.06.03), 1(8-04.06.04), 11-19-1997)

Sec. 46-31. 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) *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, 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 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.

(Code 1976, § 8-04.03; Ord. No. 404, § 1(8-04.03), 12-18-1996)

Sec. 46-32. 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 section 46-31 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 section 46-31 that he creates or permits on the property leased or occupied by him.

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

Sec. 46-33. Applicability to areas other than residential.

(a) *Generally.* The causes of blight or blighting factors set forth in section 46-31 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 out 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.

ARTICLE III. LITTER*

Sec. 46-61. 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:

Litter means all rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, debris or other foreign substances of every kind and description.

***Cross reference**—Solid waste, ch. 86.

State law reference—Littering, MCL 324.8901 et seq., MSA 13A.8901 et seq.

Public or private property or waters includes but is not limited to the following:

- (1) The right-of-way of any road or highway, any body of water or watercourse or the shores or beaches thereof and including the ice above such waters;
- (2) Any park, playground, building, refuge or conservation or recreation area; and
- (3) Any residential or farm properties or timberlands.

(Code 1976, § 8-05.02)

Cross reference—Definitions generally, § 1-2.

Sec. 46-62. Purpose.

The dumping or disposal of waste material shall be prohibited to protect the health, welfare, and safety of the citizens.

(Code 1976, § 8-05.01)

Sec. 46-63. Restrictions.

It is declared to be unlawful for any person knowingly, without the consent of the public authority having supervision of public property or the owner of private property, to dump, deposit, place, throw or leave or cause or permit the dumping, depositing, placing, throwing or leaving of litter on any public or private property or waters other than property designated and set aside for such purposes within the city.

(Code 1976, § 8-05.03)

State law reference—Similar provisions, MCL 324.8902(1), MSA 13A.8902, (1).

Sec. 46-64. Signs and receptacles.

(a) *Posting of signs.* All public authorities having supervision of public property of this state or any political subdivision thereof may post notice signs and otherwise publicize the requirements of this article.

(b) *Receptacles.* All public authorities having supervision of public property in this state may establish and maintain receptacles for the deposit of litter on the property and publicize the location thereof.

(Code 1976, § 8-05.04)

State law reference—Similar provisions, MCL 324.8906, MSA 13A.8906.

(b) *Residential districts.*

- (1) No person shall park or store any step vans, cube vans, buses, dumptrucks, stake trucks, flatbed trucks, wreckers, semitrucks 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.

(Ord. No. 200, § 1814(21.14(c)), 10-29-1986; Ord. No. 399, § 1; Ord. No. 200-103, § 1, 4-8-1998)

Sec. 138-1144. Junk vehicles and junk.

(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) If 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.

(Ord. No. 200, § 1814(21.14(d)), 10-29-1986; Ord. No. 399, § 1; Ord. No. 200-103, § 1, 4-8-1998)

street identification signs, or traffic control devices and signs. The city may charge the owner for the reasonable cost of the work, and if the charges are not paid, they may be assessed against the property in accordance with section 90-30 of this Code.

(Code 1976, § 4-14.05.04)

Sec. 106-92. Pruning by owner.

The owner of any private property on which a tree that overhangs any public street or road right-of-way, sidewalk or bikepath in the city shall keep the branches pruned in order to achieve and maintain a minimum height clearance of 14 feet over the traveled portion of the street or road and ten feet over a sidewalk or bikepath. In addition, the owner shall keep the tree pruned so as not to obstruct or obscure streetlights, street identification signs, or traffic control devices or signs.

(Code 1976, § 4-14.05.01)

Sec. 106-93. Fallen, broken, decayed limbs.

The owner of any private property on which a tree that overhangs any public street or road right-of-way, sidewalk, bikepath or other public ground of the city shall be responsible for removing all dead, broken or decayed limbs and branches that may endanger the public. The owner shall also promptly remove from the public street or road right-of-way, sidewalk or bikepath any branches or limbs that fall from the tree.

(Code 1976, § 4-14.05.02)

Sec. 106-94. Corner clearance.

Trees, shrubs or bushes growing on private property within a required corner clearance zone, as distinguished from new plantings which are prohibited in sections 106-56 and 138-1079, shall be removed by the property owner or else kept pruned to a height of 30 inches or less above the public street or road surface. Alternatively, large existing trees need not be removed and may be left within the required corner clearance zone, provided they are kept pruned to achieve and maintain the minimum height clearances set forth in section 106-92.

(Code 1976, § 4-14.05.03)

Sec. 106-95. Removal.

(a) *Public nuisance.* Any tree growing or located on private property in the city which, in the director's judgment, threatens pedestrian or traffic safety or may interfere with public utilities or public improvements due to damage, death, injurious disease, or insect infestation of the tree shall be considered a public nuisance.

(b) *Notice and abatement.* In accordance with the procedure set forth in section 90-31 of this Code, the city may, after providing notice to the owner of the private property, cause the tree to be removed as the director deems necessary in order to abate the public nuisance, and the city shall assess the cost of abatement to the owner.

(Code 1976, § 4-14.06)

Secs. 106-96—106-120. Reserved.

ARTICLE III. WEED CONTROL*

Sec. 106-121. 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 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.

(Code 1976, § 8-03.02)

Cross reference—Definitions generally, § 1-2.

***Cross reference**—Environment, ch. 46.

State law reference—Control and eradication of noxious weeds, MCL 247.61 et seq., MSA 9.631(1) et seq.

Sec. 106-122. Purpose.

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

(Code 1976, § 8-03.01)

Sec. 106-123. Enforcement authority.

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

(Code 1976, § 8-03.05)

Sec. 106-124. 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. (Code 1976, § 8-03.03; Ord. No. 431, § 1(8-03.03), 5-20-1998)

Sec. 106-125. 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 106-124 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 article III of chapter 106, 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 article III of chapter 106, 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 article III of chapter 106 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.

(Code 1976, § 8-03.04)

Sec. 106-126. Allocation of fines.

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

(Code 1976, § 8-03.06)

or injurious to other property in the territory in which such property is situated.

(Ord. No. 200, § 1818(21.18), 10-29-1986; Ord. No. 200-70, § 1; Ord. No. 200-112, § 1, 9-1-1999)

Sec. 138-144. 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 to 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.

(Ord. No. 200, § 1819(21.19), 10-29-1986)

Secs. 138-145—138-170. Reserved.

ARTICLE V. NONCONFORMITIES*

Sec. 138-171. Intent.

(a) It is the intent of this chapter to permit legal nonconforming lots, structures or uses to continue until they are removed.

(b) It is recognized that there exist within the districts established by this chapter uses which were lawful before the effective date of the ordinance from which this chapter derives or is

*State law reference—Nonconforming uses and structures, MCL 125.583a, MSA 5.2933(1).

amended which would be prohibited, regulated or restricted under the terms of this chapter or future amendments.

(c) Such uses are declared by this chapter to be incompatible permitted uses in the districts involved. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, or be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

(d) A nonconforming use of a structure, a nonconforming use of land or a nonconforming use of a structure and land shall not be extended or enlarged after the effective date of the ordinance from which this chapter derives by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

(e) To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of the ordinance adopting this chapter or amendment of this chapter and upon which actual building construction has been diligently carried on. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner, except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

(Ord. No. 200, § 1802(21.02(a)), 10-29-1986; Ord. No. 200-35)

Sec. 138-172. Nonconforming lots.

(a) In any zoning district in which single-family dwellings are permitted, notwithstanding limitations imposed by other sections of this chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of the ordinance from which this chapter derives or amendment of this chapter. This section shall apply even though

ARTICLE V. DANGEROUS BUILDINGS***Sec. 18-490. Keeping or maintaining prohibited.**

The keeping or maintaining of any building or structure or part thereof which is a dangerous building shall be prohibited.
(Code 1976, § 5-07.01)

Sec. 18-491. 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:

Building means a structure, either temporary or permanent, having a roof supported by columns or walls, and intended for shelter or enclosure of persons, animals, chattels, or property of any kind. The term "building" shall specifically include a dwelling as defined and included within the application of Public Act No. 167 of 1917 (MCL 125.401 et seq., MSA 5.2771 et seq.).

Dangerous building means a building or structure that has one or more of the following defects or is in one or more of the following conditions:

- (1) A door, aisle, passageway, stairway or other means of exit does not conform to the city fire code.
- (2) A portion of the building or structure is damaged by fire, wind, flood or other cause so that the structural strength or stability of the structure or building is appreciably less than it was before such catastrophe and does not meet the minimum requirements of this article or the building code for a new building or structure, purpose or location.
- (3) A part of the building or structure is likely to fall or to become detached or dislodged or to collapse and thereby injure persons or damage property.
- (4) A portion of the building or structure has settled to such an extent that walls or

other structural portions of the building or structure have materially less resistance to winds than is required for new construction by this chapter or the building code.

- (5) The building or structure or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for the support or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.
- (6) The building or structure or a part of the building or structure is manifestly unsafe for the purpose for which it is used.
- (7) The building or structure is damaged by fire, wind or flood or is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, or the building or structure becomes a harbor for vagrants, criminals or immoral persons or enables persons to resort to the building or structure for committing a nuisance or an unlawful or immoral act.
- (8) A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement or otherwise, is unsanitary or unfit for human habitation, is in a condition that the health officer determines is likely to cause sickness or disease or is likely to injure the health, safety or general welfare of those people living in the dwelling.
- (9) A building or structure 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.
- (10) A building or structure remains unoccupied for a period of 180 consecutive days or longer, and is not listed as being avail-

*Cross reference—Environment, ch. 46.

State law reference—Dangerous buildings, MCL 125.539 et seq., MSA 5.2891(19) et seq.

able for sale, lease or rent with a real estate broker licensed under article 25 of the occupational code, Public Act No. 299 of 1980 (MCL 339.2501 et seq., MSA 18.425(2501) et seq.).

For purposes of this subsection, the term "building or structure" includes but is not limited to a commercial building or structure. This subsection does not apply to either of the following:

- a. A building or structure as to which the owner or agent does both of the following:
 - 1. Notifies the local law enforcement agency that the building or structure will remain unoccupied for a period of 180 consecutive days. The notice shall be given to the local law enforcement agency by the owner or agent not more that 30 days after the building or structure becomes unoccupied.
 - 2. Maintains the exterior of the building or structure and adjoining grounds in accordance with this chapter or the city building code.
- b. A secondary dwelling of the owner that is regularly unoccupied for a period of 180 days or longer each year, if the owner notifies the local law enforcement agency that the dwelling will remain unoccupied for a period of 180 consecutive days or more each year. An owner who has given notice prescribed by this subsection shall notify the law enforcement agency not more than 30 days after the dwelling no longer qualifies for this exception. As used in this subsection, the term "secondary dwelling" means a dwelling such as a vacation home, hunting cabin, or summer home that is occupied by the owner or a member of the owner's family during part of a year.

Structure means anything constructed or erected and designed for a permanent location on the ground.

(Code 1976, § 5-07.02)

Cross reference—Definitions generally, § 1-2.

State law reference—Dangerous building defined, MCL 125.539, MSA 5.2891(19).

Sec. 18-492. Purpose.

This article is adopted pursuant to and within the purview of Public Act No. 167 of 1917 (MCL 125.401 et seq., MSA 5.2771 et seq.) to provide for the regulation and demolition of dwellings and to provide a procedure for the regulation and demolition of dwellings within the provisions of Public Act No. 167. This article shall also apply to all other buildings within the city that are dangerous buildings as defined by section 18-491.

(Code 1976, § 5-07.05)

Sec. 18-493. Hearing officer.

For the purposes of this article, a hearing officer shall be appointed by the mayor to serve at the mayor's pleasure. The hearing officer shall be a person who has expertise in housing matters, including but not limited to an engineer, an architect, a building contractor, a building inspector or a member of a community housing organization. An employee of the building department shall not be appointed as hearing officer.

(Code 1976, § 5-07.04.02(A))

State law reference—Similar provisions, MCL 125.540(4), MSA 5.2891(20), (4).

Sec. 18-494. Municipal civil infraction.

It shall be a municipal civil infraction for any owner, agent, or lessee thereof to keep or maintain any dwelling, building, or structure or part thereof that is a dangerous building as defined in section 18-491.

(Code 1976, § 5-07.03; Ord. No. 409, § 6, 3-5-1997)

Sec. 18-495. Notice.

(a) *Authority.* Notwithstanding any other section of this article, if a building or structure is found to be a dangerous building, the building department shall issue a notice that the building or structure is a dangerous building.

(b) *Persons served.* The notice shall be served on the owner of or party in interest in the building or structure in whose name the property appears on the last local tax assessment records.

(c) *Contents.* The notice shall specify the time and place of a hearing on whether the building or structure is a dangerous building. The person to whom the notice is directed shall have the opportunity to show cause at the hearing why the hearing officer should not order the building or structure to be demolished, otherwise made safe, or properly maintained.

(d) *Manner of service.* The notice shall be in writing and shall be served at least ten days before the date of the hearing in the notice as follows:

- (1) Upon the person to whom the notice is directed personally; or
- (2) By certified mail, return receipt requested, addressed to the owner or party in interest at the address shown on the tax records;
- (3) If a notice is served on a person by certified mail, a copy of the notice shall also be posted upon a conspicuous part of the building or structure;
- (4) Additional distribution shall be as follows:
 - a. The building department shall file a copy of the notice that the building or structure is a dangerous building with the hearing officer.
 - b. In addition, the building department may file a notice with the county register of deeds to advise of the proceedings pursuant to this article.

(Code 1976, § 5-07.04.01)

State law reference—Notice requirements, MCL 125.540, MSA 5.2891(20).

Sec. 18-496. Hearing before officer.

(a) *Hearing officer.* The hearing officer shall be appointed by the mayor to serve at the mayor's pleasure.

(b) *Testimony.* The hearing officer shall take testimony of the enforcing agency, the owner of the property and any interested party.

(c) *Determination.* The hearing officer shall render his decision either closing the proceedings or ordering the building or structure to be demolished or otherwise made safe.

(d) *Historic districts.* The hearing officer's decision and order concerning demolition of a structure located within a historic district established pursuant to chapter 118 shall be subject to the procedural requirements of section 118-169 of this Code.

(e) *Compliance deadline.* If it is determined by the hearing officer that the building or structure should be demolished or otherwise made safe, the hearing officer shall so order, fixing a time in the order for the owner, agent or lessee to comply therewith.

(f) *Noncompliance with order.*

- (1) If the owner, agent or lessee fails to appear or neglects or refuses to comply with the order, the hearing officer shall:
 - a. File a report of his findings and a copy of his order with the city council; and
 - b. Request that the necessary action be taken to demolish or otherwise make safe the building or structure.
- (2) A copy of the findings and order of the hearing officer shall be served on the owner, agent, or lessee in the manner prescribed in section 18-495(d)(1)—(3).

(Code 1976, § 5-07.04.02; Ord. No. 441, § 1(5-07.04.02), 7-21-1999)

State law reference—Similar provisions, MCL 125.541(1)—(3), MSA 5.2891(21), (1)—(3).

Sec. 18-497. City council review.

(a) *Notice of review hearing.* The city council shall fix a date, not less than 30 days after the hearing prescribed in section 18-496, for a hearing on the findings and order of the hearing officer and shall give notice to the owner, agent, or lessee in the manner prescribed in section 18-495 of the time and place of the hearing.

(b) *Show cause.* At the hearing, the owner, agent or lessee shall be given the opportunity to show cause why the order should not be enforced.

(c) *Final determination.* The city council shall either approve, disapprove or modify the order. (Code 1976, § 5-07.04.03)

State law reference—Similar provisions, MCL 125.541(4), MSA 5.2891(21), (4).

Sec. 18-498. Judicial review.

An owner aggrieved by any final decision or order of the city council under section 18-497 may appeal the decision or order to the circuit court by filing a petition for an order of superintending control within 20 days from the date of the decision.

(Code 1976, § 5-07.04.04)

State law reference—Similar provisions, MCL 125.542, MSA 5.2891(22).

Sec. 18-499. Compliance deadline.

If the city council approves or modifies the order issued under this article, the city council shall take all necessary action to enforce the order. If the order is approved or modified, the owner, agent, or lessee shall comply with the order within 60 days after the date of the hearing under this article. For an order of demolition, if the city council determines that the building or structure has been substantially destroyed by fire, wind, flood, or other natural disaster and the cost of repair of the building or structure will be greater than the state-equalized value of the building or structure, the owner, agent or lessee shall comply with the order of demolition within 21 days after the date of the hearing under section 18-497.

(Code 1976, § 5-07.04.05)

State law reference—Similar provisions, MCL 125.541(4), MSA 5.2891(21), (4).

Sec. 18-500. Corrective action by city.

After the order issued pursuant to this article, the city may, through its agents, employees or contractors, demolish or make the building or structure safe.

(Code 1976, § 5-07.04.06)

Sec. 18-501. Compliance cost reimbursement.

The cost of the demolition, of making the building safe, or of maintaining the exterior of the

building or structure or grounds adjoining the building or structure incurred by the city, to bring the property into conformance with this article, plus an administrative fee of \$300.00, shall be reimbursed to the city by the owner or party in interest in whose name the property appears.

(Code 1976, § 5-07.04.07)

State law reference—Similar provisions, MCL 125.541(5), MSA 5.2891(21), (5).

Sec. 18-502. Notification of compliance costs; failure to reimburse; lien.

Under this article, the owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the assessor of the amount of the cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure by first class mail at the address shown on the records. If the owner or party in interest fails to pay the cost within 30 days after mailing by the assessor of the notice of the amount of the cost, the city shall have a lien for the cost incurred by the city to bring the property into conformance with this article. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. A lien provided for in this section does not have priority over previously filed or recorded liens and encumbrances. The lien for the cost shall be collected and treated in the same manner as provided for property tax liens under the general property tax act, Public Act No. 206 of 1893 (MCL 211.1 et seq., MSA 7.1 et seq.).

(Code 1976, § 5-07.04.07)

State law reference—Similar provisions, MCL 125.541(6), MSA 5.2891(21), (6).

Sec. 18-503. Action against owner; lien on property.

In addition to other remedies under this article, the city may bring an action against the owner of the building or structure for the full cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure. The city shall have a lien on the property for the amount of a judgment obtained pursuant to this section. The lien provided for in this

section shall not take effect until notice of the lien is filed or recorded as provided by law. The lien does not have priority over prior filed or recorded liens and encumbrances.
(Code 1976, § 5-07.04.07)

State law reference—Similar provisions, MCL 125.541(7), MSA 5.2891(21), (7).

Secs. 18-504—18-530. Reserved.

ARTICLE VI. FENCES

Sec. 18-531. 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:

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

(Code 1976, § 5-08.02; Ord. No. 430, § 1(5-08.02), 2-18-1998)

Cross reference—Definitions generally, § 1-2.

Sec. 18-532. 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)

Sec. 18-533. 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)

Sec. 18-534. 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)

Sec. 18-535. Applicability.

(a) *Generally*. The standards for fences contained in section 18-536 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)

Sec. 18-536. Standards.

Only those fences which 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.

ARTICLE VII. STREET ADDRESSES*

DIVISION 1. GENERALLY

Sec. 18-565. Purpose.

There is hereby established a uniform system for numbering principal buildings and structures fronting on all public and private streets in the city.

(Code 1976, § 4-11.01)

Sec. 18-566. Record.

For the purpose of facilitating correct street addresses, a chart, book or other record of all public and private streets within the city, showing the assigned street address number for all buildings and structures fronting upon all public or private streets, shall be kept on file in the building department. This record shall be available for public inspection during regular business hours.

(Code 1976, § 4-11.07)

Sec. 18-567. Noncompliance.

(a) *Notification.* If an owner, lessee or occupant of any building or structure fails, refuses or neglects to comply with any section of this article, the building department and/or other department or enforcement officer designated by the city council to enforce this article shall serve written notification on such person, either personally or by mail, advising such person of the applicable section of this article, the manner of noncompliance, the time to remedy the noncompliance, and the penalty for violating this article.

(b) *Failure to comply.* The failure to remedy the noncompliance within ten days following service of such written notice shall constitute a violation of this article, which shall be punishable as a municipal civil infraction by a civil fine as set forth in section 66-37.

(Code 1976, § 4-11.08; Ord. No. 414, § 2(4-11.08), 4-23-1997)

Secs. 18-568—18-595. Reserved.

*Cross reference—Streets, sidewalks and certain other public places, ch. 94.

