

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO REPEAL ARTICLE II OF CHAPTER 46, REPEAL CHAPTER 84, AND TO ADD NEW ARTICLE VI PROPERTY MAINTENANCE CODE TO CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN; TO ADOPT THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2021 EDITION, WITH MODIFICATIONS; TO PRESCRIBE A PENALTY FOR VIOLATIONS; AND TO REPEAL INCONSISTENT ORDINANCES.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Article II of Chapter 46 of the Code of Ordinances of the City of Rochester Hills is hereby repealed in its entirety.

Section 2. Chapter 84 of the Code of Ordinances of the City of Rochester Hills is hereby repealed in its entirety.

Section 3. Article VI shall be added to Chapter 18 of the Code of Ordinances, as follows:

**ARTICLE VI. PROPERTY MAINTENANCE CODE**

**Sec. 18-531. Adoption of International Property Maintenance Code.**

The City hereby adopts the International Property Maintenance Code, 2021 Edition, as published by the International Code Council, Inc., copies of which are on file in the office of the City Clerk. The city hereby refers to, adopts, and makes a part hereof, as if fully set out in this subchapter, each and all the regulations, provisions, penalties, conditions and terms of the International Property Maintenance Code, 2021 edition, with the modifications prescribed in Sec. 18-532 below.

**Sec. 18-531. Modifications.**

*Section 101.1, Title*, shall be modified to read as follows:

*Title.* These regulations shall be known as the *Property Maintenance Code* of the City of Rochester Hills, hereinafter referred to as “this code.”

*Section 103.1, Creation of agency*, shall be modified to read as follows:

*Creation of agency.* The City Building Department and its authorized personnel shall be known as the code official and shall be responsible for the implementation, administration and enforcement of the provisions of this code.

*Section 104.1, Fees*, shall be modified to read as follows:

*Fees.* The fees for the activities and services performed by the Building Department in carrying out its responsibilities under this code shall be as established by the City Council. The City’s administrative and legal costs, fees and expenses that are incurred as a result of an unlawful act in violation of this code shall be a joint and

several responsibility of, and shall be paid to the City by, the owner of the real estate in violation and such other persons that are responsible for the violation and shall include an administrative fee in an amount determined by the City Council. Costs under this section are in addition to the penalties under section 109.4.

*Section 104.2, Refunds*, shall be deleted.

*Section 107.1, General*, shall be modified to read as follows:

*General.* The City's Construction Board of Appeals shall hear and decide appeals of orders, decisions, or determinations made by the code official relative to the application and interpretation of this code.

*Section 109.6, Administrative processing fee*, shall be added as follows:

*Administrative processing fee.* The City shall charge an administrative processing fee to violators for the cost of processing, preparation and issuance of violation notice and/or citation. The administrative processing fee shall be \$125.00 per occurrence which shall be assessed and recovered together with any fines and costs.

*Section 111.4.2, Unsafe Structures and Equipment*, shall be added as follows:

*Unsafe Structures and Equipment.* Such notice shall be deemed to be properly served where a copy thereof is served in accordance with one of the following methods:

1. A copy is delivered personally.
2. A copy is sent by certified or first-class mail addressed to the owner at the last known address.

If the certified or first-class letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place on or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

*Section 202, General Definitions*, shall be modified to add the following definitions:

*Garage sale.* 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 an automobile by means of a "For Sale" sign on the vehicle.

*Graffiti.* An inscription or drawing made upon a rock, wall, or other surface visible to the public which is not specifically permitted as a sign under the City's sign regulations or zoning ordinance.

*Junk.* Personal property, including but not limited to recreational equipment, building materials, furniture, 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, stored outside of a building, that is dilapidated, in disrepair, or otherwise not in compliance with the minimum maintenance requirements of this Code, which has a negative aesthetic impact upon adjacent properties or the neighborhood in the reasonable judgment of the Code Official, whether or not such could be put to any reasonable use at some future time.

*Noxious weeds.* Includes Canada thistle (*circium 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 sowthistle (*sonchus arvensis*), hoary alyssum (*berteroa incana*), ragweed (*ambrosia elatior* 1), poison ivy (*rhus toxicodendron*), poison sumac (*toxicodendron vernix*), oxeye daisies, goldenrod, all types of exotic invasive plant species, 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 or a common nuisance. This does not include trees, shrubs, or plantings within defined landscaped garden beds.

*Open Storage.* The outside storage of goods, materials, merchandise, or equipment on a lot or tract. Open storage does not include the storage of furniture, cooking equipment, heaters, firewood, fire pits, building materials related to an active building permit and other items designed to be stored outside of a residential building if stored in a manner which does not create a risk to the health or safety of the public or constitute a public nuisance.

*Storage device.* A storage pod, trailer, mechanical container, or substantially similar unit or device utilized or designed for the storage, keeping, transportation, or removal of personal property or waste.

*Section 301.3, Vacant structures and land,* shall be modified to read as follows:

*Vacant structures and land.* Vacant buildings and structures and their premises, or vacant land including the adjacent right-of-way, shall be maintained in a clean, safe, secure, and sanitary condition so as to not create or contribute to blight or adversely affect the public health or safety. During the period when any residential, commercial, or industrial building is vacant, closed, or otherwise not open for business or occupancy for more than 30 consecutive days, the owner or party-in-interest or other responsible parties shall be subject to the following regulations:

- (1) If any exterior openings of the building are boarded up or required to be boarded up, such shall be done in a neat and workmanlike manner using one-half inch water resistant plywood (or such other material approved by the Code Official) sized to fit within the exterior openings, which shall be securely fastened in place and coated with an appropriate neutral color which blends with or harmonizes with the exterior color of the building so as to be as inconspicuous as possible. Intact windows on vacant or unused buildings shall not be covered or obstructed with newsprint or newspaper. In the absence of traditional window

treatments such as blinds or curtains, such windows may be covered on the inside only with neutral colored construction paper that blends with and is harmonious with the exterior color of the building so as to be as inconspicuous as possible, and only in conjunction with interior renovations undertaken with a valid building permit. The Code Official shall request the owner or responsible party to replace any broken glass and repair, replace, or paint the plywood material or paper window coverings within a period not exceeding ten working days. The exterior premises adjacent to any vacant building shall be maintained in a clean, aesthetically pleasing condition, including maintenance of signage, lighting, parking areas, sidewalks and other common areas. The owner or responsible party shall be subject to the penalties and abatement procedures as provided in this Code and other applicable provisions of the Code of Ordinances.

(2) The responsible party shall comply with all other applicable provisions of this article relating to vacant buildings.

*Section 301.4, Blighted property*, shall be added as follows:

*Blighted property.* No property shall be kept in a state that endangers the public health or safety, or is a public nuisance, and/or is unfit for human occupancy or use that if allowed to exist, will tend to result in blighting and undesirable neighborhoods.

*Section 301.5, Garage sales*, shall be added as follows:

*301.5 Garage Sales.*

- (a) Frequency. A person shall not have more than four garage sales at any residence during a consecutive 12-month period.
- (b) Duration. A garage sale may not last more than 72 hours.
- (c) Allowable sale items. 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) Hours. A garage sale shall not continue later than one-half hour after sunset nor begin prior to 9:00 a.m.
- (e) Traffic obstruction. A garage sale shall be situated so as to not obstruct traffic, nor shall any garage sale patrons park their vehicle so as to obstruct traffic.
- (f) Noise. Excessive noise emanation from the area of any garage sale is prohibited.

*Section 302.1.1, Attractive nuisances*, shall be added as follows:

*Attractive nuisances.* A person shall not permit any physical condition or use of the person's property or its appurtenances which constitutes an attractive danger to children, including but not limited to open wells, swimming pools, shafts, basements, excavations, or pits, or unsafe fences or structures, or discarded refrigerators or freezers with doors attached.

*Section 302.1.2, Compost piles*, shall be added as follows:

*Compost piles.* Compost piles may include a combination of yard and garden waste (such as weeds, bark, grass clippings, stalks and stems, brush or vines), wood ashes, horse manure, coffee grounds, vegetable scraps, citrus rinds and fruit peelings, egg, peanut and nut shells. Compost piles shall not include meats, dairy products, vegetable oils, cooked foods, or plastics, synthetics or other non-biodegradable materials. Compost piles shall not be located within any drainage easement. Compost piles shall not be located in any side yard or closer than five feet to any property line. Compost piles shall not exceed four feet by eight feet or six feet in diameter and shall not exceed four feet in height. Double compost piles may be utilized, provided the total size does not exceed the above. Compost piles shall be maintained in a manner to prevent the escape of offensive odors to adjacent property.

*Section 302.2.1, Installation of landscaping*, shall be added as follows:

*Installation of landscaping.* For a single family residential lot or site condominium unit where a soil erosion permit is not required by the City Code, the lot or unit shall be seeded or sodded with an established lawn, to prevent soil erosion as soon after issuance of a certificate of occupancy as weather permits and in no event later than 12 months after a certificate of occupancy is issued. All lawn areas shall be watered, weeded, and maintained in an aesthetically pleasing condition. The Construction Board of Appeals may, upon an appeal, permit other suitable ground cover if it prevents soil erosion and will not detract from the aesthetics of the neighborhood. If the owner or occupant of a single family residence fails to install suitable landscaping within the time set forth above, such condition may be considered a public nuisance subject to abatement as provided in this Code or the City Code.

*Section 302.3.1, Sidewalks*, shall be added as follows:

*Sidewalks.* Sidewalks shall be kept 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.

*Section 302.3.2, Repair of damage by developer, shall be added as follows:*

*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.

*Section 302.3.3, Repair or reconstruction by property owner, shall be added as follows:*

*Repair or reconstruction by property owner.*

(1) 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 owner in accordance with the following:

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

(b) 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.

i. 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.

ii. Such notice shall require that the adjoining property owner shall perform such repairs within 45 days of the date of such notice; or the elimination of the encroachment within 14 days of the date of such notice.

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

(a) Correction by city; owner billed cost. If the adjoining property owner fails to repair the sidewalk within 45 days of such notice, or remove the encroachment within 14 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 30 percent for engineering supervision and general administration expense.

(b) 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 Act, Public Act No. 206 of 1893 (MCL 211.1 et seq.), as amended.

*Section 302.4, Weeds*, shall be modified as follows:

*Weeds.* All exterior property areas, including the adjacent right-of-way, shall be kept free from vegetation, weeds, bushes and tall grasses 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.

All premises and exterior property, including the adjacent right-of-way shall be maintained free from weeds or plant growth in excess of eight (8) inches. All noxious weeds shall be prohibited.

Planned landscaped areas shall be routinely maintained by planting and tending, and shall include the removal of excessive weed growth.

All yards and the adjacent right-of-way that had a previous permanent lawn of grass ground cover by seeding or sodding shall not be left or abandoned to become a natural vegetated area, thereby giving an appearance of neglected, abandoned or unkempt property.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 109.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

*Section 302.4.1, Cutting and destruction by city*, shall be added as follows:

*302.4.1 Cutting and destruction by city.*

(1) 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 this section 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.

(2) Published notice. The notice as provided in subsection (1) 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 the Property Maintenance Code, of the Code of Ordinances of the City of Rochester Hills relating to Weeds will be enforced. This requires the owner or occupant of:

- (a) 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;
- (b) 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
- (c) 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 section applies shall fail or refuse to comply with the provisions of this section, 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 an administration and enforcement fee equal to 1.6 times the amount paid by the city to its weed cutting contractor.

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.

(3) 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.

(4) Responsibility for cost. Responsibility for cost of weed cutting pursuant to this section shall be in accordance with the following:

- (a) 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 an administration and enforcement fee equal to 1.6 times the amount paid by the city to its weed cutting contractor.
- (b) 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 (4)(a) of this subsection.

(5) Collection of costs. The city shall charge and collect all costs arising under subsection (4) of this section in accordance with section 90-30 of the Code of Ordinances.

(a) Billing and delinquent charges. If the charges arising under subsection (4) 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.

(b) 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.

(c) Allocation of fines. Fines, when collected pursuant to this section, shall become a part of the city's noxious weed control fund.

*Section 302.10, Storage device, shall be added as follows:*

*Storage Device.* No storage device shall be installed, set up, or maintained on any premises unless it is kept on a paved driveway and is located shall not be stored within any required front yard or any required side yard and shall further conform to the requirements of the zoning ordinance applicable to accessory buildings, insofar as distances from main buildings, lot lines, and rights-of-way are concerned.

302.10.1 Any storage device that is stored or kept on any premises shall be removed within twenty-one (21) days after installation, or in the case of vacant land, the storage device itself, has been conspicuously posted with notice of the violation by any code enforcement personnel. Violations of this section shall be the responsibility of the property owner, property occupant, or person/entity responsible for placement and removal of the storage device, jointly and severally.

Exception: A storage device may be kept upon a premises for longer than twenty-one (21) days if the project for which it is being used has been issued a valid permit by the City and the project is active and ongoing. The Code Official may also allow short-term deviations from the twenty-one (21) day removal requirement upon good cause having been established due to weather conditions, good faith progress, or force majeure conditions not the fault of the owner or occupant of the premises.

*Section 302.11, Open storage prohibited, shall be added as follows:*

*Open storage prohibited.* It is an offense for an owner, owner's representative, occupant or person with care, custody or control of property to allow open storage, as defined in subsection 202 of this code, in a residential district.

*Section 302.12, Fences during residential construction*, shall be added as follows:

*Fences during residential construction.* During construction of new single family dwellings within an existing neighborhood, fencing shall be installed around the perimeter of the lot to protect it from intrusions and to protect against harm to others during construction. The fencing shall consist of metal mesh material and shall be a minimum of four (4) feet in height. A top rail shall be installed to maintain the fencing's integrity. Access gates must open into the site and not outward. All fencing shall be maintained to ensure its integrity. If surface mounted fencing is installed, it shall not be permitted to fall into disrepair.

*Section 302.13, Residential construction requirements*, shall be added as follows:

*Residential construction requirements.* During the construction of new single family residential dwellings or additions onto or renovations of existing residential dwellings:

302.13.1 Trash containment in the form of a dumpster or containment area with a minimum height of three (3) feet shall be provided to ensure against debris blowing or escaping from the site.

302.13.2 Temporary bathroom facilities shall be provided and accessible to the contractors working on site. Such facilities shall be maintained on a weekly basis or more frequently if conditions therein begin to have external impacts on the area. Such facilities shall be located a minimum of fifteen (15) feet from any adjacent residential home or property line.

302.13.3 The site shall have a clear unobstructed access way, free of snow, ice, or other foreign material, to ensure safe access for City inspectors.

*Section 303.1, Swimming pools*, shall be modified to read as follows:

*Swimming Pools.* It is hereby determined that the following conditions as they relate to swimming pools cause blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesired neighborhoods. Swimming pools and approved swimming pool covers shall be maintained in a clean and sanitary condition and in good repair. Further, no person shall maintain or permit to be maintained these conditions upon any property in the city owned, leased, rented or occupied by such persons:

- (a) Swimming pools. Any and all private or public swimming pool and pool equipment that contributes to health, safety, or welfare hazards, or constitutes a nuisance, unsanitary condition, cause of illness, or potential cause of illness, shall be abated, removed, or repaired. The water shall be sufficiently clear so that the bottom of the pool at the deepest area is clearly visible to an adult standing on the pool deck.
- (b) Stagnant water. Any and all stagnant water that contributes to health, safety, or welfare hazards, or constitutes a nuisance, an unsanitary

condition, a cause of illness, or potential cause of illness, shall be abated, removed, or drained.

- (c) Demolition. The demolition of an inground pool requires the complete removal of all materials from the pool both in the ground and on the site. A backfill inspection and approval is required prior to backfilling the open hole.

*Section 304.14, Insect Screens*, shall be modified to insert the date May 1 to October 31.

*Section 308.1.1, Containers*, shall be added as follows:

*Containers*. If containers are used, they shall be rodent-proof and watertight, 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, 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, be kept in a clean and sanitary condition at all times, and stored when not in use in the side or rear yard.

*Section 308.1.2, Containers standing for collection*, shall be added as follows:

*Containers standing for collection*. Under this section, 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 owner's expense. Recycling containers and yard clippings shall be placed on collection day at the street or authorized location, but shall not be left in the location for more than 24 hours.

*Section 602.3, Heat supply*, shall be modified to insert the dates October 15 to June 15.

*Section 602.4, Occupiable work space*, shall be modified to insert the dates October 15 to June 15.

Section 4. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Section 5. Penalty. All violations of this ordinance shall be municipal civil infractions and upon a determination of responsibility therefore shall be punishable by a civil fine of \$500.

Section 6. Repeal, Effective Date, Adoption.

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

(2) Effective Date. This ordinance shall become effective on \_\_\_\_\_, following its publication in the *Oakland Press* on \_\_\_\_\_, 2023.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on \_\_\_\_\_, 2023.

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Bryan K. Barnett, Mayor  
City of Rochester Hills

CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ADOPTED BY THE CITY COUNCIL OF THE CITY OF ROCHESTER HILLS AT A MEETING THEREOF ON \_\_\_\_\_, 2023.

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Leanne Scott, Clerk  
City of Rochester Hills