City of Ann Arbor

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Ann Arbor, MI 48104
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Legislation Details (With Text)

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On agenda:	9/20/2010			**Final action:**	9/20/2010
Enactment date:	8/5/2010			**Enactment #:**	ORD-10-29

Title: An Ordinance to Amend Section 1:17 of Chapter 1 (Adoption, Contents and Interpretation) of Title 1 of the Code of the City of Ann Arbor and to Add a New Section 9:7 to Chapter 106 (Nuisances - Ban on Upholstered Furniture Outdoors) of Title IX of the Code of the City of Ann Arbor (Ordinance No. ORD-10-29)

Sponsors: Christopher Taylor

Indexes:

Code sections:

Attachments: 1. ORD-10-29 Briefed & Approved, 2. B-2Att1Revised9-7-10.pdf, 3. ORD 10-29 REVISED, 4. ORD-10-29 (c-1) Briefed, 5. Couch Ord 8-5-10

Date	Ver.	Action By	Action	Result
9/20/2010	1	City Council	Adopted on Second Reading	Pass
9/20/2010	1	City Council	Held and Closed	
9/7/2010	1	City Council	Held and Continued	
9/7/2010	1	City Council		
9/7/2010	1	City Council	Postponed	Pass
8/5/2010	1	City Council	Approved on First Reading	Pass
7/19/2010	1	City Council	Deleted from Agenda	

An Ordinance to Amend Section 1:17 of Chapter 1 (Adoption, Contents and Interpretation) of Title 1 of the Code of the City of Ann Arbor and to Add a New Section 9:7 to Chapter 106 (Nuisances - Ban on Upholstered Furniture Outdoors) of Title IX of the Code of the City of Ann Arbor (Ordinance No. ORD-10-29)

This ordinance amends Chapter 1 (Adoption, Contents and Interpretation) to update the positions in each service area authorized to issue citations for violations of the indicated chapters of the City Code.

It also adds a new Section 9:7 Outdoor Storage, to Chapter 106 (Nuisances), prohibiting storage of furniture not intended or designed for outdoor use on exterior balconies, porches, decks, landings, or other areas exposed to the weather.

Prepared by: Sumedh Bahl, Community Services Administrator

ORDINANCE NO. ORD-10-29

First Reading : August 5, 2010
Public Hearing : September 7, 2010

Approved: September 20, 2010
Published: September 23, 2010
Effective: October 2, 2010

ADOPTION, CONTENTS AND INTERPRETATION NUISANCES - BAN ON UPHOLSTERED FURNITURE OUTDOORS

AN ORDINANCE TO AMEND SECTION 1:17 OF CHAPTER 1 (ADOPTION, CONTENTS AND INTERPRETATION) OF TITLE I OF THE CODE OF THE CITY OF ANN ARBOR AND TO ADD A NEW SECTION 9:7 TO CHAPTER 106 (NUISANCES) OF TITLE IX OF THE CODE OF THE CITY OF ANN ARBOR.

The City of Ann Arbor Ordains:

Section 1 . That Section 1:17 of Chapter 1 of the Code of the City of Ann Arbor be amended to read as follows:

1:17. Code violation citations.

The Administrators of the following services areas and the persons holding the positions or performing the functions listed within each services area are authorized to issue citations for violations of the indicated chapters of this Code. This designation of authority is in addition to that otherwise provided by law.

(1) *Community services area.*

(a) Planning and Development Services Unit (Chapters 2, 26, 27, 28, 33, 38, 47, 50, 55, 56, 57, 59, 60, 61, 62, 63, 65, 79, 82, 94, 98, 99, 100, 101, 103, 104, 105, 106, 116 and 119):

Building Official

City Planner

Development Services Inspectors

Project & Programs Manager

Senior City Planner

(b) Community television network--Public information services unit (Chapter 32):

Cable Administrator.

(2) *Public services area.*

(a) Field operations services unit (Chapters 26, 27, 28, 33, 38, 39, 40, 47, 49, 82, 106 and 119):

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Field Operations Manager.

Field Operations Supervisor.

Field Operations Technician.

Natural Area Preservation Manager.

Natural Area Preservation Technician.

Conservation Worker.

Outreach Coordinator.

Conservation Crew Leader.

Field Biologist.

(b) Wastewater Treatment Services Unit (Chapters 27, 28 and 33):

Wastewater Treatment Services Manager.

Administrative Assistant to Wastewater Treatment Services Manager.

(c) Systems planning unit (Chapters 26, 33, 40, 47, 55, 56, 57, 59, 60, 62, 63, 70, 98, 100, 104, 106, 116 and 119):

Systems Planning Unit Manager.

Environmental Coordinator.

Fertilizer Program Administrator.

Solid Waste Coordinator.

Recycling Coordinator.

Environmental Systems Analyst.

Urban Forestry and Natural Resources Planning Coordinator.

Stormwater and Floodplain Programs Coordinator.

(d) Project Management Services Unit (Chapters 27, 28, 33, 38, 40, 47, 49, 50, 59, 60, 62, 63, 100, 104, 106, 119, and 126):

Project Management Manager.

Senior Project Manger.

Project Manager.

Senior Project Engineer.

Project Engineer.

Civil Engineer Specialists' Supervisor.

Civil Engineer Specialist.

(3) *Safety services area.*

(a) Fire services unit (Chapters 27, 93, 98, 99, 100, 101, 105, 106, 111, 115, 116 and 126):

Fire Chief.

Assistant Fire Chief.

Battalion Chief.

Captain.

Lieutenant.

Driver Operator.

Fire Fighter.

Fire Marshal.

Fire Inspectors.

(b) Police Services Unit.

Police Service Specialists (Chapters 38, 39, 47, 49, 70, 82, 85, 106, 107, 111, 114, 115, 119, 126 and 127).

Community Standards Officers (Chapters 26, 30, 40, 47, 49, 56, 59, 61, 70, 79, 82, 105, 106, 111 and 126).

Telecommunicator (Chapter 93).

(4) *Human Resources Services Unit (Chapters 23 and 112):*

Human Resources Manager.

Human Rights Coordinator.

Human Rights Investigator.

Section 2. That a new Section 9:7 be added to Chapter 106 of the Code of the City of Ann Arbor to read as follows:

9:7. Outdoor Storage.

(1) For purposes of this section, “responsible person” shall mean a property owner, tenant, occupant, lessee, and any agent of the foregoing. Each responsible person is individually and separately liable and each responsible person may be found responsible for the same conditions on the property that violate this section.

(2) For purposes of this section, “agent” shall mean any person with real or apparent authority to act on behalf of another person, and shall include but is not limited to a person who manages or operates the property for the owner, receives notices or process for the owner, acts in any other way as the representative of the owner, or is designated as an agent or representative in the registry of owners and premises kept by the City pursuant to Chapter 105 (Housing Code) of the Ann Arbor Code of Ordinances.

(3) No responsible person shall place, or permit to remain, upholstered furniture which is not intended or designed for outdoor use on exterior balconies, porches, decks, landings, or other areas exposed to the weather.

(4) Notice to any responsible person by the City of a violation of this section and order to correct the violation within a specified time period may be made by mailing it to the responsible person (in the case of an owner as shown on assessment records), delivering it to the responsible person, or posting it at a conspicuous place on the property.

(5) In addition to or in lieu of charging a violation of this section, if any violation remains uncorrected after expiration of the time period in a notice, then the City may remove the item identified in the notice or have it removed in any reasonable manner. The cost to the City for the removal and allocable staff time shall be charged to the responsible person and, if the responsible person is a property owner, then any such unpaid costs may be, assessed against the property in accordance with section 1:292 of Chapter 13 of this Code.

(6) Violation of this section shall be a civil infraction punishable by a civil fine of up to $1,000, plus costs and all other remedies available by statute. If the fine is not paid within 45 days, and if the responsible person is a property owner, then it may be assessed against the parcel under Section 1:292 of Chapter 13 of this Code.

(7) The following shall constitute specific defenses to any alleged violation of this provision:

a. That such furniture was placed in an outside location in order to allow it to be moved during a move of a resident or residents or removed as part of a trash or recycling program on a day scheduled for such moving or removal.

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b. That such furniture was temporarily placed in an outside location in order that it be offered for sale at a yard or garage sale if each of the following conditions exists:

i. The furniture is located in an outside location only during the hours of 8:00 a.m. and 6:00 p.m.

ii. The person attempting to sell the furniture, or that person's agent, is outside during the period of the yard or garage sale in order to monitor the sale.

iii. A sign is placed on or near the furniture indicating that it is for sale.

iv. This defense shall not apply if upholstered furniture is located in an outside location for more than two days in any six-month period.

(8) This ordinance will be incorporated into the "Rights and Duties of Tenants" booklet.

Section 3. That this Ordinance shall take effect on the tenth day following legal publication.