



Legislation Text

File #: 18-0450, Version: 1

An Ordinance to Amend Sections 1:4 and 1:17 of Chapter 1 (Adoption, Contents and Interpretation) and Sections 1:191 and 1:239 of Chapter 8 (Organization of Boards and Commissions) of Title I; Section 2:5 of Chapter 26 (Solid Waste Management), Section 2:69 of Chapter 29 (Water, Sewer and Stormwater Rates), and Section 2:211 of Chapter 33 (Stormwater System) of Title II; Section 7:414 of Chapter 94 (Junk Yards) of Title VII; Section 8:509 of Chapter 105 (Housing Code) of Title VIII; Section 9:42 of Chapter 107 (Animals), Section 9:79 of Chapter 109 (Liquor), and Section 9:366 of Chapter 119 (Noise Control) of Title IX; and Section 10:63 of Chapter 126 (Traffic) of Title X of the Code of the City of Ann Arbor (Ordinance No. ORD-18-09)

Attached for your review and approval is an ordinance to amend sections of Ann Arbor City Code to update references the Unified Development Code.

A summary of the amendments is provided in the attached chart.

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ORDINANCE NO. ORD-18-09

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ADOPTION, CONTENTS AND INTERPRETATION,  
ORGANIZATION OF BOARDS AND COMMISSIONS, SOLID WASTE MANAGEMENT,  
WATER, SEWER AND STORMWATER RATES, STORMWATER SYSTEM,  
JUNK YARDS, HOUSING CODE, ANIMALS, LIQUOR,  
NOISE CONTROL, TRAFFIC

AN ORDINANCE TO AMEND SECTIONS 1:4 AND 1:17 OF CHAPTER 1 (ADOPTION, CONTENTS AND INTERPRETATION) AND SECTIONS 1:191 AND 1:239 OF CHAPTER 8 (ORGANIZATION OF BOARDS AND COMMISSIONS) OF TITLE I; SECTION 2:5 OF CHAPTER 26 (SOLID WASTE MANAGEMENT), SECTION 2:69 OF CHAPTER 29 (WATER, SEWER AND STORMWATER RATES), AND SECTION 2:211 OF CHAPTER 33 (STORMWATER SYSTEM) OF TITLE II; SECTION 7:414 OF CHAPTER 94 (JUNK YARDS) OF TITLE VII; SECTION 8:509 OF CHAPTER 105 (HOUSING CODE) OF TITLE VIII; SECTION 9:42 OF CHAPTER 107 (ANIMALS), SECTION 9:79 OF CHAPTER 109 (LIQUOR), AND SECTION 9:366 OF CHAPTER 119 (NOISE CONTROL) OF TITLE IX; AND SECTION 10:63 OF CHAPTER 126 (TRAFFIC) OF TITLE X OF THE CODE OF THE CITY OF ANN ARBOR

The City of Ann Arbor ordains:

Section 1. That Section 1:4 of Chapter 1 of Title I of the Code of the City of Ann Arbor is amended as follows:

1:4. - Contents of Code.

This Code contains all ordinances of a general and permanent nature of the City of Ann Arbor and includes ordinances dealing with municipal administration, parks and public grounds, streets and sidewalks, zoning and planning, food and health, businesses and trades, building, electrical, heating and plumbing regulations, police regulations and traffic regulations, and excludes ordinances granting franchises and special privileges, establishing sewer and other public improvement districts, providing for the construction of particular sewers, streets or sidewalks, or for the improvement thereof, and for the construction and improvement of other public works, authorizing the borrowing of money or the issuance of bonds. The Zoning Ordinance of the City of Ann Arbor, adopted September 4, 1923, as amended up to the date of adoption of this Code, is set forth as [incorporated into](#) Chapter 55 of this Code, except as section numbers and references to other ordinances of the city are changed to conform to the Code numbering system. The adoption of this Code shall not be interpreted as authorizing or permitting any use or the continuance of any use of a structure or premises in violation of any ordinance of the city in effect on the date of adoption of this Code. All ordinances of a general and permanent nature in effect on the effective date of this Code are hereby repealed except as to such provisions of any such ordinance as are also contained herein; provided, however, that any sections or parts of any such ordinance which are not permanent and general in nature as herein defined, and which are severable from the remainder of such ordinance are saved from repeal. Ordinances hereafter adopted which are not of a general or permanent nature shall be numbered consecutively, authenticated, published and recorded in the book of ordinances, but shall not be prepared for insertion in this Code, nor be deemed a part thereof.

Section 2. That Section 1:17 of Chapter 1 of Title I of the Code of the City of Ann Arbor is amended

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, 99, 100, 101, 103, 104, 105, 106, 116 and 119):

Building Official.

City Planner.

Development Services Inspectors.

Project & Programs Manager.

Senior City Planner.

Zoning Coordinator.

- (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):

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, 27, 28, 33, 40, 47, 55, 56, 57, 59, 60, 62, 63, 69, 70, 71, 72, 100, 104, 106, 116 and 119):

Systems Planning Unit Manager.

Environmental Coordinator.

Fertilizer Program Administrator.

Urban Forestry and Natural Resources Planning Coordinator.

Stormwater and Floodplain Programs Coordinator.

Land Development Coordinator.

Water Quality Manager.

Solid Waste & Recycling Coordinator.

(d) Project management services unit (Chapters 27, 28, 33, 38, 40, 47, 49, 50, 55, 59, 60, 62, 63, 100, 104, 106, 119, and 126):

Project Management Manager.

Senior Project Manager.

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, 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, 72, 82, 85, 106, 107, 111, 114, 115, 119, 120, 126 and 127).

Community Standards Officers (Chapters 26, 30, 40, 47, 49, 5655, 59, 61, 70, 72, 79, 82, 105, 106, 111, 120, and 126).

Telecommunicator (Chapter 93).

(4) Human resources services unit (Chapters 23 and 112):

Human Resources Manager.

Human Rights Coordinator.

Human Rights Investigator.

Section 3. That Section 1:191 of Chapter 8 of Title I of the Code of the City of Ann Arbor is amended as follows:

1:191. - Historic District Commission.

The Historic District Commission shall consist of 7 members who shall be appointed by the Mayor with the approval of City Council for 3-year terms. Each member shall reside in the city. The majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation. At least 2 members shall be appointed from a list submitted by 1 or more local historic preservation organizations. If such a person is available for appointment, 1 member shall be a graduate of an accredited school of architecture who has 2 years of architectural experience or who is registered in the State of Michigan. A vacancy on the commission shall be filled within 60 calendar days. If possible, 1 member of the commission shall meet the professional qualifications for history as defined by the Secretary of the Interior's Historic Preservation Professional Qualifications Standards. The Historic District Commission shall have all powers and duties of commissions authorized by Chapter 103 of this Code and by Public Act 169 of 1970, as amended, MCL 399.201 et seq., including but not limited to the following:

1. To hold public hearings and review applications for work in proposed and designated historic districts, and to issue certificates of appropriateness, notices to proceed, and denials of applications for work pursuant to Chapter 103 of this Code;
2. To conduct an ongoing survey to identify historically and architecturally significant properties, structures, and areas that exemplify the cultural, social, economic, political, or architectural history of the nation, state, or city;
3. To determine an appropriate system of markers and make recommendations for the design and implementation of specific markings of the streets and routes leading from one historic district to another;
4. To advise and assist owners of property or structures within historic districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the state and national registers of historic places;
5. To review and comment on any National Register nominations submitted to the

commission;

6. To inform and educate the citizens of Ann Arbor concerning the historic and architectural heritage of the city by publishing appropriate maps, newsletters, brochures, and pamphlets, and by holding programs and seminars;
7. To appoint such citizen advisory committees as may be required from time to time;
8. To testify before and provide comments to all boards and commissions, including but not limited to the Planning Commission and the Zoning Board of Appeals, on any matter affecting historically and architecturally significant property, structures, and area, as requested by a board or commission;
9. To confer recognition upon the owners of property or structures by means of certificates, plaques, or markers;
10. To develop preservation components in planning efforts undertaken by the city and to recommend such planning components to the Planning Commission and to the City Council;
11. To review the current zoning ordinance [Unified Development Code](#) and recommend to the Planning Commission and the City Council any amendments appropriate for the protection and continued use of historically and architecturally significant property, structures, and areas;
12. To work with other interested organizations to record and promote an appreciation of local history and to preserve and designate historic buildings, structures, sites, districts and objects;
13. To develop design guidelines for work within historic districts;
14. To adopt bylaws and rules of procedure subject to City Council approval;
15. To hold its meetings in compliance with the Open Meetings Act and to provide public notice of its meetings in accordance with that Act;

16. To keep records of resolutions, proceedings and actions, and make records available to the public in compliance with the Michigan Freedom of Information Act; and
17. To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to the implementation of the purpose of this ordinance.

Section 4. That Section 1:239 of Chapter 8 of Title I of the Code of the City of Ann Arbor is amended as follows:

1:239. - Design Review Board.

(1) *Intent.* The Design Review Board is established to foster excellence in the design of Ann Arbor's built environment. It shall advise petitioners on how a project can meet the spirit and intent of the Downtown Design Guidelines.

(2) *General.*

(a) The Design Review Board shall consist of 7 members nominated by the mayor and approved by the City Council. In making appointments of members of the Design Review Board, the City Council shall appoint persons who, insofar as possible, have an interest in the design of the built environment and its relationship to the downtown and the broader community. To support a comprehensive design review, 2 members of the Design Review Board shall be landscape architects, 2 shall be architects, 1 shall be an urban planner, 1 shall be a developer, and 1 shall be a construction contractor.

(b) Members of the Design Review Board shall serve for 3-year terms. The terms of office of the first Design Review Board members appointed hereunder shall be fixed by the City Council so that the terms of 3 members will be for 1 year, 2 members will be for 2 years, and 2 will be for 3 years. After the initial board is formed, all members thereafter will be appointed for 3 years.



- (3) *Powers and duties.* The Design Review Board shall have the following powers and duties:
- (a) To review the design of certain downtown projects, as identified in Chapter 57 55 ( Subdivision and Land Use Control [Unified Development Code](#)).
  - (b) To provide comments to property owners, developers and architects on the proposed project design in relation to the Downtown Design Guidelines.
  - (c) To report annually to City Council regarding the effectiveness of the design review process and make recommendations for any changes to the Downtown Design Guidelines.
  - (d) To have all other powers and duties granted by the City Council by resolution.

Section 5. That Section 2:5 of Chapter 26 of Title II of the Code of the City of Ann Arbor is amended as follows:

2:5. - Solid waste containers.

- (1) No person shall deposit or remove solid waste in the solid waste container of another person without permission of the owner or property manager. Proof of violation of this section must be based on evidence showing the deposit of at least 1 cubic foot of material into or removal of any material from another person's solid waste container.
- (2) *Residential curbside containers.*
  - a. *Refuse.*
    - i. The city mandates the use of curbcarts for residential refuse service. Refuse curbcarts are provided by the city in a manner described in the solid waste regulations.
    - ii. All refuse must be stored within the curbcart.
    - iii. The weight of the refuse inside the curbcarts must not exceed 224 pounds for a 64-

gallon curbscart, 112 pounds for a 32-gallon curbscart or 336 pounds for a 96-gallon curbscart.

- iv. Applicable fees for the collection of refuse from the curbscarts shall be set by City Council by resolution. If the charges are not paid, they may be assessed against the property pursuant to section 1:292 of Chapter 13 of the City Code.
- v. A resident or property owner who obtains a replacement curbscart shall pay for the replacement curbscart. This requirement shall be waived administratively if the curbscart has been stolen, if the curbscart was broken by collection vehicle or the curbscart is more than 10 years old.

b. *Recycling.*

- i. Residential recyclables shall be separated from refuse and placed in recycling collection containers in a manner determined by the City Administrator through the solid waste regulations.
- ii. All recyclable materials must be stored within the recycling collection container with the lid closed.
- iii. The weight of the recyclables inside the recycling curbscarts must not exceed 224 pounds for a 64-gallon curbscart, 112 pounds for a 32-gallon curbscart, 336 pounds for a 96-gallon curbscart or 990 pounds for a 300 gallon curbscart.

c. *Compostables.*

- i. Compostables shall be separated from refuse and place in compostables containers in a manner determined by the City Administrator through regulations and applicable state law.
- ii. Paper yard waste bags and bundles are acceptable for the collection of compostables. City-approved compostable curbscarts are also acceptable.
- iii. The weight of compostable bags or bundles must not exceed 50 pounds. The weight of compostables inside a compostables curbscart must not exceed 336 pounds for a 96-

gallon curbside cart, 112 pounds for a 32-gallon curbside cart or 224 pounds for a 64-gallon curbside cart.

- iv. The purchase price for compostable carts available from the city shall be set by City Council by resolution. If the charges are not paid, they may be assessed against the property pursuant to section 1:292 of Chapter 13 of the City Code.

(3) *Multi-family containers.*

- a. Every multi-family dwelling unit shall be provided with refuse and recycling container space. Each unit shall be equipped with approved refuse and recycling containers stored outside of the dwelling unit, sufficient to contain the refuse and recycling generated by that location until collected. The City Administrator may adopt regulations for the minimum specifications for the containers.
- b. Multi-family dwellings with 10 or more units must use dumpsters to meet the container requirements for refuse.
- c. Recycling containers will be provided by the city in accordance with the solid waste regulations; refuse curbside carts will be provided to multi-family structures with fewer than 10 units in accordance with the solid waste regulations.
- d. A certificate of occupancy may be revoked for dwellings not meeting the requirements of this subsection, but the city shall not decline to collect refuse because a location has failed to provide recycling containers.
- e. Multi-family housing locations must be equipped with sufficient approved recyclable containers to contain the recyclables generated by the locations until collected.
- f. Upon lease signing, property managers must provide new residents with recycling educational materials and show them where recycling containers are located at rental properties. Property managers must also provide annual reminders to all tenants about recycling. Recycling educational materials are available free of charge by contacting the city's recycling contractor, Recycle Ann Arbor, at 734-662-6288 or [info@recyceannarbor.org](mailto:info@recyceannarbor.org).

(4) *Commercial containers.*

- a. *Refuse:* Prior to July 1, 2009, Commercial locations must be equipped with sufficient containers to contain the refuse generated by the locations until collected. Applicable fees for the collection of refuse shall be set by City Council. If the charges are not paid, they may be assessed against the property pursuant to section 1:292 of Chapter 13 of the City Code.

Effective July 1, 2009, the following provisions of subsection 2:5(4)a. and c. through g. shall apply to commercial refuse unless a different compliance date is specified for an action or event. The city reserves the right of the City Administrator to adjust the dates in subsection 2:5(4) to later dates to accommodate the transition period for the franchise implementation.

- i. The city mandates the use of approved refuse containers for commercial refuse service. The city, independently or through its franchised waste hauler, will provide all such containers, which containers shall be used by the commercial location owner, manager and occupants.

ii. All refuse must be stored within the curbside or dumpster.

- iii. Commercial locations must be equipped with sufficient approved refuse containers to contain the refuse generated by the locations until collected. Refuse curbsides, including shared curbsides, will be provided by the city in accordance with the solid waste regulations to those commercial locations determined to be suitable for refuse curbsides. Dumpsters, including shared compacting dumpster units will be provided by the city in accordance with the solid waste regulations to those commercial locations determined to be suitable for dumpsters. The City Administrator may adopt regulations for minimum specifications for the containers, their locations and for the use of those containers.

- iv. Applicable fees for the collection of commercial refuse shall be set by City Council resolution and shall be charged quarterly in advance. If the charges are not paid, they may be assessed against the property pursuant to section 1:292 of Chapter 13 of the City Code after appropriate collection steps are taken with the commercial location owner, manager or occupant of record for the unpaid fees.

- b. *Recycling:* Prior to July 1, 2009, commercial recyclables shall be separated in a manner

determined by the City Administrator through the solid waste regulations.

Effective July 1, 2009, the following provisions of subsection 2:5(4)b. through g. shall apply to commercial recycling unless different compliance dates are specified for an action or event.

- i. Commercial recyclables shall be separated from refuse and compost and placed in recyclables collection containers by occupants of commercial locations in a manner determined by the City Administrator through the solid waste regulations.
- ii. The city mandates the use of curbcarts, dumpsters, cardboard corrals and other approved containers for commercial recyclables service. The City Administrator may adopt regulations for minimum specifications for the containers and their locations.
- iii. All recyclables must be stored within the curbscart, dumpster, cardboard corral or other city-approved container.
- iv. Recycling containers and recycling collection services will be provided by the City in accordance with the solid waste regulations.
- v. Commercial locations must be equipped with sufficient approved recyclable containers to contain the recyclables generated by the locations until collected.
- vi. Commercial location owners and/or commercial location managers shall work with the city to locate and maintain the recyclables collection containers at each commercial location.
- vii. The city shall provide for an administrative approval process for the location of recyclables containers at each location, including all required physical improvements necessary for those recyclables containers (e.g. concrete pads, screening).
- viii. Commercial location owners and/or commercial location managers shall include compliance with the requirements of this section in all lease agreements with commercial location occupants and in all contracts for custodial services for the commercial locations.
- ix. Commercial location owners and/or commercial location managers shall communicate

recycling requirements to commercial location occupants at least annually and cooperate with the city to facilitate additional city sponsored communication regarding recycling requirements.

- x. Commercial location owners and/or commercial location managers subject to this subsection shall have until July 1, 2012 to comply with its requirements, after which time the enforcement provisions of subsection 2:13 of this chapter shall become effective. Prior to July 1, 2011, the city will utilize a progressive enforcement program based on non-financial penalty. Notices of Violation initiated by the offering of recycling containers and recycling services as described in subsection 2:5(4)b.v.
- c. The commercial location owner and/or commercial location manager is responsible for full compliance with the requirements of subsection 2:5(4).
- d. Locations shall provide the space allocation necessary to demonstrate compliance with the requirements of this subsection.
- e. Locations shall provide screening as required by Chapter 6255, section 5:6045.20.6.
- f. Any person providing a location for dumpsters used for commercial recyclables and related screening shall first apply to the planning and development services unit for a zoning compliance permit to do so. Application for such permit shall contain all information, including drawings, required and necessary for the determination of whether the location and related screening would be contrary to the provisions of this chapter, or any other applicable ordinance.
- g. As provided for in Chapter 5755, site plans submitted for new and or renovated commercial locations shall include sufficient solid waste information including necessary space allocation as to demonstrate compliance with the requirements of this subsection.

Section 6. That Section 2:69 of Chapter 29 of Title II of the Code of the City of Ann Arbor is amended as follows:

2:69. - Stormwater rates.

- (1) Except as provided in this section and Chapter 33, all property shall be subject to the stormwater utility charge.
- (2) *Stormwater Discharge Rate* . Each property shall be billed at a quarterly stormwater discharge rate of \$595.45 per acre multiplied by the representative impervious area of the property. The representative impervious area of the property shall be the measured impervious area, rounded to the nearest 0.0001 acre, of the portion of the property discharging to the city's stormwater system, except for single-family and two-family residential properties and properties considered residential for storm and sewer. These properties have been grouped into the following categories based upon their measured impervious area:

Single-Family and Two-Family Residential		
Measured Impervious Area	Representative Impervious Area	Quarterly Charge
Less than or equal to 2,187 square feet	0.03706 acres	\$22.07
Greater than 2,187 square feet and less than or equal to 4,175 square feet	0.06486 acres	38.62
Greater than 4,175 square feet and less than or equal to 7,110 square feet	0.11117 acres	66.20
Greater than 7,110 square feet	0.19456 acres	115.85

- (3) *Customer Charge* . Each property shall be billed a customer charge of \$3.91 per quarter.
- (4) *Credits to Stormwater Discharge and Customer Charges*. The city shall offer the following credits per quarter to property owners fully satisfying pertinent criteria established in Chapter 33 and in regulations promulgated by the Administrator:

Single-Family and Two-Family Residential	Reduce Total Charge by
Rain barrels (1 or more)	\$2.38
Rain gardens/cisterns/dry wells	4.93

RiverSafe homes	1.01
Chapter 6355-Compliant stormwater control	13.13

Other Properties	Reduce Storm- water Discharge Rate by	Reduce Customer Charge by
Community Partners for Clean Streams	0.0%	25.83%
Chapter 6355-Compliant Stormwater Control	28.87%	0.0%
Other Approved Stormwater Controls	8.17%	25.83%

(5) *Charges for Permitted Non-Stormwater Discharges* . The charges for non-stormwater discharges to the stormwater system that are permitted by the Public Services Area Administrator according to chapter 33, section 2:217, shall be \$1.23 per 1,000 gallons. If non-stormwater discharges to the stormwater system are controlled such that the discharges cease during periods of precipitation, then the above rate shall be multiplied by a factor of 0.3. For any month in which the user discharges into the stormwater system, there shall be a minimum bill for 100,000 gallons. Stormwater discharges exempt from discharge prohibitions under section 2:216 (3) are not subject to this charge.

Section 7. That Section 2:211 of Chapter 33 of Title II of the Code of the City of Ann Arbor is amended as follows:

2:211. - Credits.

- (1) The purpose of this section is to provide for each property owner's control over contributions of storm flows to the stormwater utility system and the related stormwater utility charges and to advance protection of the public health, safety, and welfare.
- (2) The city shall offer credits that will enable any property owner, through voluntary action, to



reduce the stormwater utility charges calculated for that property owner's property and will provide a meaningful reduction in the cost of service to the stormwater system, or that shall be reasonably related to a benefit to the stormwater system:

- (a) Credits will only be applied if requirements outlined in this Code are met, including, but not limited to: completion of on-going maintenance, guaranteed right-of-entry for inspections, and submittal of annual self-certification reports.
  - (b) Credits will be defined as either set charge reduction or percent (%) reductions applied as a credit adjustment to the charge calculation equation.
  - (c) Credits are additive for each credit category.
  - (d) As long as the stormwater facilities or management practices are functioning as approved, the credit reduction will be applied to the charge. If the approved practice is not functioning as approved or is terminated, the credit reduction will be cancelled and the charge will return to the baseline calculation. Once the credit reduction has been cancelled, a customer may not reapply for credit for a period of 12 months and only then if the deficiency has been corrected, as determined by city inspection.
  - (e) Credits will be applied to the next complete billing cycle after the application has been approved.
- (3) The administrator shall define a method for applying and granting credits, as well as criteria for determining the credits a property owner may receive. The administrator may by regulation establish credits for 1 or more of the following property owner actions:
- (a) Installation and maintenance of a stormwater control facility meeting the design standards referenced in Chapter 6355;
  - (b) Installation and maintenance of rain barrels, rain gardens, cisterns, dry wells, bioswales, and other water quality controls in addition to those required of the property owner under Chapter 6355;
  - (c) Property owners that satisfy the requirements of the RiverSafe Homes or the Partners

for Clean Streams programs administered by the Washtenaw County Drain [Water Resources](#) Commissioner;

- (d) Providing a school-based education or information program which has obtained MDEQ approval related to stormwater management and its impacts; and
  - (e) Other actions of the property owner that, in the judgment of the administrator, result in a measurable reduction in stormwater runoff or pollutant loadings.
- (4) The administrator shall define criteria for determining additional credits that lands dedicated for public use may receive. Such credits are appropriate because most of the city's drainage system lies within public rights of way, sharing that property with public roads and other public and private utility systems. Public roads and other impervious surfaces within these rights of way discharge stormwater to the stormwater system and are subject to stormwater utility charges like every other property within the city. Lands dedicated for public use are eligible for credits if they provide 1 or more of the following services to the stormwater utility:
- (a) Use of the roadway for conveyance and storage of stormwater during major storm events that exceed the capacity of the underground storm drainage system.
  - (b) Use of right-of-way for retrofit of stormwater quality control systems required under NPDES permits issued to the city.
  - (c) Access to the stormwater system for operation and maintenance activities, often restricting traffic on the roadway.
  - (d) Reduced pavement life when stormwater system repairs require open cut excavation of the roadway.
  - (e) Education provided by storm inlet labeling, stream crossing signage, and other educational signs placed within the right-of-way.

Section 8. That Section 7:414 of Chapter 94 of Title VII of the Code of the City of Ann Arbor is amended as follows:

7:414. - Enclosure of junk yard.

All junk yards shall be enclosed on all sides by a solid wall or fence at least 6 feet high. The wall or fence shall be maintained in good repair and shall be free of handbills or other advertising except signs for which a permit has been issued pursuant to Chapter 61 55 of this Code. Gates having a width not exceeding 48 feet shall be permitted in the enclosure. Such gates must be of a solid, nontransparent material.

Section 9. That Section 8:509 of Chapter 105 of Title VIII of the Code of the City of Ann Arbor is amended as follows:

8:509. - General requirements relating to the maintenance of dwellings, parts of dwellings, and facilities.

No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling unit which does not comply with the following requirements:

- (1) *Structural maintenance.* Every foundation, floor, wall, ceiling and roof shall be reasonably weathertight, watertight, and rodent proof; shall be capable of affording privacy; and shall be kept in good repair. All exterior wood surfaces shall be reasonably protected from the elements and from deteriorating, by paint or other protective treatment, except such wood surfaces composed of wood which is naturally resistant to decay, used primarily for decorative purposes, or where weathering is desired to produce a decorative effect.
- (2) *Openings.* Every window, exterior door, and basement hatchway shall be reasonably weathertight, watertight and rodent proof, and shall be kept in sound working condition and good

repair.

All glazing in windows and doors shall be maintained unbroken and uncracked. Windows designed for ventilation shall be easily opened and capable of staying in the open position. Small non-hazardous cracks shall be noted during inspections and shall be repaired prior to the next periodic inspection provided they meet the following conditions:

- (a) The cracks do not exceed 3 inches long.
  - (b) The crack cannot cut when you run your finger across it.
  - (c) It has a stable, smooth surface.
  - (d) There are no more than 3 such cracks per unit. If there are more than 3 cracks, either in 1 window or per unit, the window(s) must be repaired.
- (3) *Stairs, porches, and balconies.* Every stair, porch, balcony, and appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon. They shall be kept in sound condition and good repair. All stairways shall be provided with handrails as provided in the Housing Code. In 1- and 2-family dwellings every porch or balcony over 30 inches from grade shall be provided with guards a minimum of 36 inches in height on all open sides. There shall also be intermediate guards spaced not more than 15 inches apart. In multiple dwellings every porch or balcony over 30 inches from grade shall be provided with guards on all open sides a minimum of 42 inches in height, and there shall be intermediate guards spaced not more than 15 inches apart on all open sides.

Exception:

- (a) Buildings with existing guards in good repair;
  - (b) Historic buildings may have guards installed/replaced to a height consistent with the Historic District Commission's recommendations.
- (4) *Supplied facilities.* Every supplied facility, piece of equipment or utility which is required by this chapter shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition. At the time of leasing, the owner and tenant may

enter into an agreement that any nonrequired facility/equipment shall not have to be repaired/replaced if it ceases to function. If its presence presents a dangerous condition, it shall be removed/repared. Any such agreement shall be in writing.

- (5) *Continuous operation of facilities.* No owner, operator, or occupant, shall cause any service facility, equipment, or utility, which is supplied under this chapter, to be removed from, or shut off from, or discontinued, for any occupied dwelling let or occupied by him/her except for:
- (a) Such temporary interruption as may be necessary while actual repairs or alterations are in process.
  - (b) During temporary emergencies when discontinuance of service is approved by the Building Official.
  - (c) Where the lease designates that the resident shall be responsible for a particular utility, the owner may arrange to remove the owners name from the utility service.

This subsection shall not be construed to abridge the rights of public utilities to interrupt service.

- (6) *General repair.* Every dwelling and all parts thereof including plumbing, heating, ventilating and electrical wiring shall be kept in good repair by the owner. The roof shall be so maintained as not to leak. Any interpretation of "good repair" not specifically required by Chapter 105 shall be subject to the requirements of section 8:512(1) and (2).
- (7) *Fire chases.* Every dwelling or dwelling unit that has openings in the wall, floor, or ceiling, creating a fire chase into concealed spaces shall be sealed with materials to achieve a fire rating equal to the surface penetrated.
- (8) *Storage rooms or storage space.*
- (a) In multiple unit dwellings: All storage areas located in or adjacent to an exitway must be enclosed (floor, walls, ceilings) with materials to achieve a 1-hour fire rating. Any door leading to the exitway must be an approved fire door with approved self-closing device and latch. In multiple unit dwellings reasonable, non-combustible storage is allowed in other

areas, provided that it is kept at least 5 feet from any fuel fired heating facility or water heater. (Exception: Combustible storage is allowed if the storage area is protected by an approved sprinkler system.)

- (b) In 1- and 2-family and terrace family dwellings, reasonable tenant storage may be allowed in an unenclosed area, but it must be kept at least 5 feet from the heating facilities and hot water heater.
  - (c) Storage of any kind must be maintained at least 2 feet from the ceiling (or bottom of the joists).
- (9) *Exterior areas.* All exterior property areas shall be maintained in a clean and sanitary condition, free from any accumulation of rubbish, garbage, and other offensive and hazardous material.
- (a) Accessory structures: Fences, garages, and sheds shall be maintained in structurally sound condition and in good repair. Garages and sheds shall be maintained free of vermin and rodents. All exterior wood surfaces shall be protected from decay by application of paint or other approved preservative or shall be a naturally durable material.
  - (b) Sidewalks, driveways and parking areas designated for pedestrian traffic shall be maintained free from holes, depressions or projections that could cause tripping or injury.
  - (c) All snow and ice which has accumulated prior to 6:00 a.m. on a private sidewalk used for ingress or egress, maintenance of the building, or garbage disposal shall be removed by 2:30 of the same day. Immediately after the accumulation of ice on such sidewalks, it shall be treated with sand or other substance to prevent it from being slippery. Parking lots (as defined in chapter 5955) shall have snow removed from the parking areas and designated pedestrian areas within 24 hours of cessation of the snowfall when the snow reaches a depth of 3 inches or greater.
  - (d) The owner/manager of any dwelling shall maintain the refuse area in a clean, sanitary and litter free condition and provide removal of refuse as needed.

(10) *Peeling paint.* Peeling paint shall be cited under general repair requirements as follows:

- (a) Interior: In food preparation areas and/or eating areas. In other areas within the dwelling/unit where the deterioration is continuous and there is evidence of flaking or falling paint. Lead paint is prohibited.
- (b) Exterior: Where approximately 15% or more of the exterior painted surfaces are peeling or in need of repainting. Where there is evidence of decay or rotting wood due to lack of or deterioration of the paint, it shall be cited regardless of the area.

(11) *Water drainage around foundations.* The area around the dwelling shall be graded so that water will drain away from the foundation.

Section 10. That Section 9:42 of Chapter 107 of Title IX of the Code of the City of Ann Arbor is amended as follows:

9:42. - Keeping of Chickens.

- (1) Any Person who keeps chickens in the City shall, depending on the number of chickens the Person will keep, obtain either a 2-bird permit or a 6-bird permit from the City prior to acquiring the chickens. A 6-bird permit is required for the keeping of more than 2 chickens. No 6-bird permit shall be issued to a Person by the City, and no chickens shall be allowed to be kept if 1 or more of the Persons to whom notice is sent as provided in subsection (2) objects to the issuance of the 6-bird permit. A 2-bird permit is required for the keeping of 1 or 2 chickens and may be issued despite the objection(s) by any Person(s). To qualify for a 2-bird permit an individual must have no violations of this chapter for the previous 5 years. Written statements waiving the distance requirement in subsection (3) below are required for both 2-bird and 6-bird permits and shall be submitted at the time of application and become a part of the permit if issued. Application shall be made to the City Clerk and the fee for the permit shall be as determined by Council resolution.

Six-bird permits expire and become invalid 5 years after the date of issuance. 2-bird permits expire and become invalid 1 year after the date of issuance. A Person who wishes to continue

keeping chickens shall have obtained a new permit on or before the expiration date of the previous permit. Application for a new permit shall be pursuant to the procedures and requirements that are applicable at the time the Person applies for a new permit.

- (2) Once a completed application form for a 6-bird permit and application fee have been submitted to the City Clerk, the City Clerk shall, within 10 business days, send written notice of the application for a 6-bird permit to all owners of Adjacent Property as shown in the City Assessor's records.
- (a) For purposes of this section, "Adjacent Property" means all parcels of property that the applicant's property comes into contact with at 1 or more points, except for parcels that are legally adjacent to but are in fact separated from the applicant's property by a Street or private street.
- (b) The written notice described in this subsection shall be sent to the address(es) of all owner(s) of Adjacent Property, and also to the physical property address of an Adjacent Property, if the address of the owner of an Adjacent Property is different from the physical property address.
- (c) If the applicant for the 6-bird permit is not the owner of the property on which the applicant wants to keep chickens, the applicant must also provide the written consent of the owner of the property. Without such written consent, the application for the 6-bird permit may not be granted.
- (d) The application for the 6-bird permit may not be granted if, within 21 days from the mailing of the written notice of the application, the City Clerk receives any objection to the issuance of a 6-bird permit from any owner or tenant of any Adjacent Property.
- (e) A 6-bird permit shall be issued to the applicant if the City Clerk receives no objections to the issuance of a 6-bird permit from any owner or tenant of any Adjacent Property within 21 days from the mailing of the written notice of the application and all other requirements are met.
- (3) Notwithstanding the issuance of a permit by the City, private restrictions on the use of property



shall remain enforceable and take precedence over a permit. Private restrictions include but are not limited to deed restrictions, condominium master deed restrictions, neighborhood association by-laws, and covenant deeds. A permit issued to a Person whose property is subject to private restrictions that prohibit the keeping of chickens is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

- (4) A Person who keeps or houses chickens on a property shall comply with all of the following requirements:
- (a) Have been issued the permit required under subsection (1) of this section.
  - (b) Keep no more than 6 chickens if the Person has been issued a 6-bird permit and keep no more than 2 chickens if the Person has been issued a 2-bird permit.
  - (c) The principal use of the Person's property is for a single-family dwelling, 2-family dwelling, or a primary or secondary school.
  - (d) No Person shall keep any rooster.
  - (e) No Person shall slaughter any chickens.
  - (f) The chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times. Fenced enclosures are subject to all provisions of Chapter 104 55 (Fences [Unified Development Code](#)).
  - (g) A Person shall not keep chickens in any location on the property other than in the Backyard. For purposes of this section, "Backyard" means that portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the single-family or 2-family structure and extending to the side lot lines [rear yard as defined under Chapter 55 of this Code](#). For properties where the principal use is a primary or secondary school, a Person shall not keep chickens in that property's front [required setback area](#) as defined under Chapter 55 of this Code.
  - (h) No covered enclosure or fenced enclosure shall be located closer than 10 feet to any

property line of an Adjacent Property.

- (i) All enclosures for the keeping of chickens shall be so constructed or repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure. A covered enclosure or fenced enclosure shall not be located closer than 40 feet to any residential structure on an Adjacent Property provided, however, this requirement can be waived as follows:
    - (i) If the principal use of applicant's property is for a single-family dwelling, or a primary or secondary school, to obtain such a waiver the applicant shall present at the time of applying for a permit the written statements of all owners of Adjacent Property that there is no objection to the issuance of the permit.
    - (ii) If the principal use of the applicant's property is for a 2-family dwelling, to obtain such a waiver the applicant shall present at the time of applying for a permit the written statements of all Adjacent Property and of the occupants of the other dwelling stating that there is no objection to the issuance of the permit.
  - (j) All enclosures for the keeping of chickens shall be so constructed or repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure.
  - (k) All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them.
  - (l) If the above requirements are not complied with, the City may revoke any permit granted under this section and/or initiate prosecution for a civil infraction violation.
- (5) A Person who has been issued a permit shall submit it for examination upon demand by any police officer or code enforcement officer.
- (6) Permits that were issued under this section when the maximum number of chickens allowed was 4 chickens and before the effective date of the amendment to this section that increased the

maximum number of chickens allowed to 6 under a 6-bird permit shall continue to allow a maximum number of only 4 chickens until the permit expires. A Person may keep more than 4 chickens and up to a maximum of 6 chickens only by obtaining a new 6-bird permit on or after the effective date of the amendment to this section that increased the maximum number of chickens allowed to 6.

Section 11. That Section 9:79 of Chapter 109 of Title IX of the Code of the City of Ann Arbor is amended as follows:

9:79. - Annual renewal; license revocation, appeal and fees.

(1) The City's Liquor License Review Committee shall annually review before March 30 each licensee's on-premises liquor license to determine whether or not to object to the State Liquor Control Commission's renewal of the license, and investigations and recommendations as to each renewal request shall be undertaken and provided by the Police, Fire, Building and any other service units as the city's Liquor License Review Committee deems appropriate, which service units shall make written recommendations as to the liquor license renewal. On receipt of the written recommendations, the city's Liquor License Review Committee shall make review the recommendations, and forward to City Council a recommendation for approval of or revocation and nonrenewal of the on-premises liquor license. City Council may object to renewal of the liquor license for any of the following reasons:

- (a) Failure to comply with all standards plans and conditions established and approved at the time of the issuance of the license or at a time of later city approval.
- (b) Failure to timely pay all personal property taxes and all real property taxes and all other obligations due and payable to the city or have outstanding any personal property tax or real property tax or obligation due and payable to the city as of the date of the annual review.
- (c) Repeated violation of the state liquor law.

- (d) Violations of this chapter or other city ordinance.
- (e) Maintenance of a nuisance upon or in connection with the licensed premises, including but not limited, to any of the following:
  - i. Existing violations of the building code, electrical code, fire prevention code, mechanical code, plumbing code, health code or other applicable code.
  - ii. Violation of the zoning ordinance [Unified Development Code](#).
  - iii. A pattern of patron conduct in the neighborhood of the licensed premises which is in violation of the law and/or disturbs the peace, order and tranquility of the neighborhood.
  - iv. Failure to maintain the grounds and exterior of the licensed premises, including litter, debris, or refuse blowing or being deposited upon adjoining properties.
  - v. Entertainment on the licensed premises without a permit and/or entertainment which disturbs the peace, order and tranquility of the neighborhood of the licensed premises.
  - vi. Any advertising, promotion, or activity in connection with the licensed premises which by its nature causes, creates or contributes to disorder, disobedience of rules, ordinances or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licensed premises.
  - vii. Numerous police contact with the licensed premises or the patrons of the premises.
  - viii. Repeated reports that the licensee is serving minors or intoxicated persons.
  - ix. Failure by the licensee to permit the inspection of the licensed premises by the city's employees, agents and/or representatives in connection with the enforcement of this chapter.
- (2) Prior to filing an objection with the Liquor Control Commission to renew a liquor license, the City Council shall do the following:
  - (a) Serve written notice on the licensee, which shall include:

- i. Notice of the proposed action and the reasons for the action.
  - ii. Date, time and location of hearing on the matter and a statement that at the hearing licensee may present evidence and arguments on its behalf, confront witnesses and may be represented by a licensed attorney.
- (b) Hold a hearing no earlier than 10 days after service of the written notice on the licensee. The hearing may be conducted by Council as a whole or by a Hearing Officer or Hearing Board appointed by Council for such purposes. If a Hearing Officer or Board is appointed, it shall be the Officer/Board responsibility to make a recommendation to City Council for the Council final review and decision.
- (c) City Council shall make a written resolution as to its findings and determination and mail same to licensee and the Liquor Control Commission.
- (3) A nonrefundable fee, in an amount determined by Resolution of City Council, to cover the cost of annual investigation and review by the city shall be established and payable before March 30 each year by licensees.

Section 12. That Section 9:366 of Chapter 119 of Title IX of the Code of the City of Ann Arbor is amended as follows:

9:366. - General exemptions.

- (1) The following activities are exempted from the sound level limitations of section 9:364:
  - (a) Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster. To restore public utilities, or to protect persons or property from an imminent danger.
  - (b) Sound made to alert persons to the existence of an emergency, danger, or attempted crime.

- (c) Activities or operations of governmental units or agencies.
  - (d) Parades, concerts, festivals, fairs or similar activities subject to any sound limits in the approval by the city.
  - (e) Athletic, musical, or cultural activities or events (including practices and rehearsals) conducted by or under the auspices of public or private schools, as defined in section 5:8 (27) and (31) of Chapter 55, and public or private colleges or universities.
- (2) The following activities are exempted from the requirements of section 9:363:
- (a) Regular activities or operations of governmental units or agencies provided the activity is approved in advance and in writing by both the department head or agency director and the Administrator.
  - (b) Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster or to restore public utilities, or to protect persons or property from an imminent danger.
  - (c) Devices or activity creating sound made to alert persons to the existence of an emergency, danger, or attempted crime.
  - (d) Equipment and activities creating sound from the collection of solid waste, as defined in Chapter 26, within the Downtown District, as defined in Chapter 7, after 6:00 a.m. and before 10:00 p.m.

Section 13. That Section 10:63 of Chapter 126 of Title X of the Code of the City of Ann Arbor is amended as follows:

10:63. - Parking of trucks or buses in residential areas.

It is unlawful to park any truck or bus, except those actively providing a service, on any residential

street for more than 3 hours between the hours of 8:00 p.m. and 8:00 a.m. For purposes of this section, "residential street" shall mean the portion of any street which is adjacent to land zoned under Chapter 55 as either R1A, R1B, R1C, R1D, R2A, R2B, R3, R4A, R4A/B, R4B, R4C, R4C/D or R4D [residential zoning districts](#). For purposes of this section, "truck or bus" shall mean any vehicle which is licensed for any empty weight of more than 5,500 pounds or which exceeds 22 feet in length.

Section 14. That this ordinance shall take effect and be in force on the 10<sup>th</sup> day following legal publication.

### **CERTIFICATION**

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan at its regular session of July 16, 2018.

(Date)

Jacqueline Beaudry, Ann Arbor City Clerk

Christopher Taylor, Mayor

I hereby certify that the foregoing ordinance received legal publication on the City Clerk's Webpage on July 23, 2018.

Jacqueline Beaudry, Ann Arbor City Clerk