

ORDINANCE NO. ____

CITY OF FERNDALE
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS, ARTICLE VI, HOUSING CODE, TO ADD DIVISION 3, OUTDOOR CONDITIONS, SECTIONS 6-125 THROUGH 6-131 TO THE FERNDALE CODE OF ORDINANCES.

THE CITY OF FERNDALE ORDAINS:

Part I.

The City of Ferndale Code of Ordinances, Chapter 6, Buildings and Building Regulations, Article VI, Housing Code, is amended to add Division 3, Outdoor Conditions, as follows:

Division 3. Outdoor Conditions

Section 6-125. Intent and Purpose.

The purpose of this division is to protect the public health, safety and welfare by establishing additional minimum standards governing the maintenance, appearance and outdoor conditions of residential premises; for outdoor storage on residential premises to fix certain responsibilities and duties upon owners and operators on property and to fix penalties for the violations of this ordinance. This division is declared to be essential for the public interest and welfare, and it is intended that this division by liberally construed to effectuate the purpose stated.

Sec. 6-126. - Definitions.

The following definitions shall apply in the interpretation and enforcement of this division. Any words not herein defined shall be construed as defined in the Ferndale Building Code and in the Ferndale Zoning Code. Whenever any words are used in this division they shall be construed, unless expressly stated to the contrary, to include the plurals of those words and/or as if they were followed by the words "or any part thereof." The word "shall" shall be applied retroactively as well as prospectively.

Abandoned junk vehicles means an abandoned junk vehicle shall be any vehicle which possesses any of the following criteria:

- (1) Any vehicle which does not have affixed to it the necessary license plate or tab as is required by the Michigan Secretary of State.
- (2) A vehicle which outwardly possesses an inoperable condition as a result of damage or deterioration which renders the vehicle unsafe to operate, pursuant to the laws of the State of Michigan.

- (3) A vehicle which is stored, parked or abandoned in any area which is visible from the street, alley, public place or adjoining private property.

Accessory building means a subordinate building located on the same lot as the main building, the use of which is naturally and normally incidental to that of the dominant use of the main building or land.

Building means a combination of materials to form a construction adapted to permanent or continuous occupancy for use for public, institutional, residence, business or storage purposes.

Building code means the building code of the City of Ferndale as amended.

Outdoor storage means items accessory to residential use not exceeding thirty-six (36) square feet in total on a particular lot or premises. Such outdoor storage shall only be located within the rear yard and shall not be located within any required side yard or rear yard set back for the property or premises. Tarps and canvas covers shall not constitute authorized storage of accessory residential items.

Personal property means items including, but not limited to, camper tops, household appliance, household furniture, household fixtures, household tools and equipment, clothing, building materials, landscape materials and machinery.

Premises means a lot, plot or parcel of land including the buildings or structures thereon.

Refuse means brush, weeds, broken glass, stumps, roots, obnoxious growths and accumulation of filth, garbage, trash, and miscellaneous debris.

Rubbish means nonputrescible solid waste consisting of both combustible and noncombustible waste such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

Story means that portion of the building other than a cellar included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

Structure means anything constructed or erected the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground including, but without limiting the generality of the foregoing, advertising signs, billboards, backboards and pergolas.

Weathering means deterioration, decay or damage caused by exposure to the elements.

Sec. 6-127. - Applicability.

Every residential property and premises situated in the city, used or intended to be used for residential occupancy, shall comply with provisions of this division whether or not such building shall have been constructed, altered or repaired before or after the enactment of this division and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the building, or for the installation or repair of equipment or facilities prior to the effective date of this division. This division establishes minimum standards for the initial and continued occupancy and use of all such buildings. It does not replace or modify standards otherwise established for the construction, repair, alteration or use of the building equipment or facilities contained therein except as expressly provided. In any case where the provisions of this division impose a higher standard than set forth in any other ordinance of the city or under the Laws of the State of Michigan then the standard set forth herein shall prevail, but if the provisions of this division impose a lower standard than any other ordinance of the city or of the Laws of the State of Michigan, then the higher standard contained in any such ordinance or law shall prevail.

Sec. 6-128. - Maintenance of exterior of premises.

The exterior of the premises and of all structures thereon shall be kept free of all rubbish, public and private nuisances, and hazards to the safety of occupants, pedestrians and other persons utilizing the premises, and free of insanitary conditions, and any of the foregoing shall be promptly removed and abated by the owner or operator. It shall be the duty of the owner or operator to keep the premises free of hazards which include but are not limited to the following:

- (1) *Refuse.* Brush, weeds, broken glass, stumps, roots, obnoxious growths and accumulation of filth, garbage, trash and miscellaneous debris.
- (2) *Natural growth.* Dead and dying trees and limbs or other natural growth which, by reason of rotting or deteriorating conditions or storm damage, constitute a hazard to persons in the vicinity thereof. Trees shall be kept pruned and trimmed to prevent such conditions.
- (3) *Overhangings.* Loose and overhanging objects and accumulations of ice and snow which by reason of location above ground level constitute a danger of falling on persons in the vicinity thereof.
- (4) *Rubbish.* Nonputrescible solid waste consisting of both combustible and noncombustible waste such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.
- (5) *Ground surface hazards or insanitary conditions.* Holes, excavations, breaks, projections, obstructions, icy conditions, uncleared snow, and excretions of pets, birds and other animals on paths, walks, driveways, parking lots and parking areas, and other parts of the premises which are accessible to and used by persons on the premises. All such holes and excavations shall be filled and repaired, walks

and steps replaced and other conditions removed where necessary to eliminate hazards or insanitary conditions with reasonable dispatch upon their discovery.

- (6) *Recurring accumulations of storm water.* Adequate run-off drains shall be provided and maintained in accordance with the building code.
- (7) *Foundation walls.* Foundation walls shall be kept structurally sound, free from defects and damage, and capable of bearing imposed loads safely.
- (8) *Chimneys and all flue and vent attachments thereto.* Chimneys and all flue and vent attachments thereto shall be maintained structurally sound, free from defects, and so maintained as to capably perform at all times the functions for which they were designed. Chimneys, flues, gas vents or other draft-producing equipment shall provide sufficient draft to develop the rated output of the connected equipment, shall be structurally safe, durable, smoke-tight and capable of withstanding the action of flue gases.
- (9) *Exterior porches, landings, balconies, stairs and fire escapes.* Exterior porches, landings, balconies, stairs and fire escapes shall be provided with banisters or railings properly designed and maintained to minimize the hazard of falling, and the same shall be kept structurally sound, in good repair, and free from defects.
- (10) *Outdoor storage.* Outdoor storage of items accessory to residential use shall not exceed thirty-six (36) square feet total on premises, shall only be located within the rear yard and shall not be located within any required side yard or rear yard set-back for the property.

Sec. 6-129. - General maintenance.

The exterior of every structure or accessory structure (including fences) shall be maintained in good repair and all surfaces shall be kept painted or whitewashed or protected with other approved coating or material where necessary for purposes of preservation and appearance. All surfaces shall be maintained free of broken glass, loose shingles, crumbling stone or brock, excessive peeling paint or other conditions reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved, safety and fire hazards eliminated, and adjoining properties and the neighborhood protected from blighting influences.

- (1) *Floors generally.* Floors shall be considered to be structurally sound when capable of safely bearing imposed loads and shall be maintained at all times in a condition so as to be smooth, clean, free from cracks, breaks and other hazards.
- (2) *Supporting structural members.* Supporting structural members are to be kept structurally sound, free of deterioration and capable of bearing imposed loads safely.

- (3) *Walls and ceilings generally.* Walls and ceilings shall be considered to be in good repair when clean, free from cracks, breaks, loose plaster and other similar conditions. Walls shall be provided with paint, paper, sealing material or other protective covering so that the said walls and ceilings shall be kept clean, free of visible foreign matter, sanitary, and well-maintained at all times.
- (4) *Roofs generally.* Roofs shall be surfaced with approved coatings or materials and maintained in good repair. Roof supporting structural members shall be kept structurally sound and free of deterioration.
- (5) *Parapets and copings generally.* Parapets and copings shall be maintained in good repair and properly surfaced where necessary with weathertight and watertight material.
- (6) *Windows and doors generally.* Exterior doors, basement hatchways and all windows shall be weather-tight, watertight and rodent-proof and shall be maintained in sound working condition and good repair. Windows and doors containing glass panes shall be fully supplied with panes which are free from open cracks or holes.
- (7) *Subspace generally.* Structural supporting members of all subspace and other subsurface excavations whether located in public ways or on private property shall be kept drained, free of debris, structurally sound and in good repair. Coverings for exposed openings for ingress and egress to such space shall be kept structurally sound and in good repair.

Sec. 6-130 - Outdoor storage.

It shall be unlawful for any person to store any personal property in the front yard, on any unenclosed front porch, or area visible from the street of any residentially zoned property or premises in the city, except as provided in this section.

No person shall openly store or keep any personal property, equipment, materials or furnishings; or any item that creates an unsightly condition or one that promotes urban blight or a public nuisance. This may include, but is not limited to, indoor miscellaneous furniture, household appliances, auto parts, shopping carts, building materials or other household items.

The following shall not violate this provision:

- (a) Permanently installed facilities;
- (b) Bicycles and similar vehicles not powered by a motor, in a number not more than two vehicles for each number of persons occupying or residing at the premises;
- (c) Goods offered in a noncommercial yard sale may be stored for a period not to exceed seventy-two (72) hours;

- (d) Lawn furniture, including tables, chairs, working grill, umbrellas and benches commonly associated with garden/lawn furniture if in working and functioning order;
- (f) Toys or play equipment or play structures.

Sec. 6-131. - Enforcement.

The owner of the real property as well as the occupant of the real property where such personal property is placed outdoors shall be responsible for a violation of this division. Division 3 shall be authorized in conjunction with Division 2, Enforcement, or by issuance of a citation by an authorized local official in accordance with Chapter 26, Civil Infractions, of the Ferndale Code.

Part II. Savings Clause.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law enforced when they are commenced.

Part III. Severability.

The various parts, sections and clauses of this ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

Part IV. Repeal.

All regulatory provisions contained in other city ordinances which are inconsistent with the provisions of this ordinance, are repealed.

Part V. Effective Date; Publication.

This ordinance shall become effective upon publication of a notice in a newspaper circulated in the city, stating the date of the enactment and the effective date of the ordinance, a brief notice as to the subject matter of this ordinance, and such other facts as the city clerk shall deem pertinent and that a copy of the ordinance is available for public use and inspection at the office of the city clerk.

MADE, PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FERNDALE, OAKLAND COUNTY, MICHIGAN, THIS ___ DAY OF _____, 2019.

DAN MARTIN, MAYOR

MARNE MCGRATH, CITY CLERK

Date of Adoption: _____

Date of Publication: _____

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing is a true and complete copy of the Ordinance passed at a meeting of the Ferndale City Council held on the ___ day of _____, 2019.

MARNE MCGRATH, CITY CLERK

CITY OF FERNDALE
NOTICE OF ADOPTION
ORDINANCE _____

The City of Ferndale has adopted Ordinance No. ____, amending Chapter 6, Buildings and Building Regulations, Article VI, Housing Code, to add Division 3, Outdoor Storage, Sections 6-125 through 6-131, of the City of Ferndale. This Ordinance shall be effective upon publication. A true copy of the ordinance may be inspected or obtained at the office of the City Clerk.

MARNE MCGRATH, CITY CLERK