

CITY COUNCIL REPORT

DATE: July 6, 2009

TO: John Szerlag, Acting City Manager

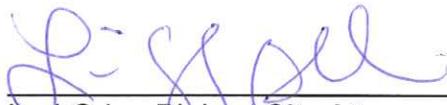
FROM: Brian Murphy, Assistant City Manager/ Economic Development Services *BPM*
Mark Stimac, Director of Building and Zoning *MS*

SUBJECT: Proposed Updated/Corrected Language for
Chapters 82, 48, 82B, 88 and 89 of the Troy City Code
Property Maintenance Code

Background:

- In response to questions and comments from members of Council we have prepared the attached revisions to the text of the Troy Property Maintenance Code for your consideration.
- We have also noted and proposed a correction to a typo in the numbering of one of the sections.
- When the correlating items on the revisions to the other chapter of the City Code were brought forward from the City Council meeting of June 16, 2009, the original effective date of July 1, 2009 was left in the documentation. Although the proposed resolution in the agenda for this evening's meeting has the correct August 1, 2009, date, since the resolution refers to the proposals presented by staff this could lead to some confusion. We have prepared new adoption language with the correct August 1, 2009, effective date.

Approved as to Form and Legality:


Lori Grigg Bluhm, City Attorney

Questions and Answers on the Property Maintenance Code for the July 6, 2009 City Council Meeting

Section #	Question	Answer
104.4	If State Statute requires this language (which is a 7-line run-on sentence) why wasn't it in the earlier version presented to Council?	The proposed text of Section 104.4 is mandatory text in the Michigan Building Code. It is not mandatory text here. Staff has proposed using the same text as in the Michigan Building Code for consistency.
105.1	"subject to adhere" is poor grammar; try to find alternate language.	The "subject to adhere" text is proposed to be replaced with "required to comply".
108.1.1.6	60 days is just too long. Look at the appeal process on page 4 of the attachment. How long from the initial violation to an appeal to council? And then, up to 60 days. Nope.	A 60 day time limit is permitted for an order to repair under the Michigan Housing Law MCL 125.541. The time frame was a subject of discussion at the June 15, 2009, City Council meeting. The text presented is in response to the comments received.
302.8	"request <i>and</i> extension" should be "request <i>an</i> extension" a simple typo pointed out at the last council meeting.	The "and" is proposed to be replaced with "an".
307.4.1	"or voluntary" is there a word missing here?	The word "removal" was missing. The proposed text will read "Upon eviction or involuntary <u>removal</u> the tenant's or occupant's personal property...."

105.1 Modifications. Existing buildings or structures will not be required to comply subject to adhere to all or some of the Property Maintenance code requirements when the code officer determines that unique circumstances makes the strict enforcement of this code impractical, provided that such modification does not lessen health, life and fire safety requirements. The details of any such modifications shall be recorded and entered in the department files.

~~408.1.8.2~~**108.1.1.9 Salvage materials.** When any building or structure has been ordered demolished and removed, the City of Troy shall have the right, but not the obligation, to sell the salvage and valuable materials at the highest price obtainable either through the City or through a contractor hired by the City. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted to the property owner with a report of such sale or transaction, including the items of expense and the amounts deducted. If there is no surplus, the report shall so state.

302.8 Motor vehicles. No person shall permit the accumulation of one or more inoperable vehicles outside of a completely enclosed building for a period of more than fourteen (14) days. Inoperable vehicles are those that are not in operating condition and eligible for use in accordance with the requirements of the Michigan Vehicle Code, being MCL 257.1 through 257.925. These minimum conditions include, but are not limited to: an engine that runs, four wheels and four pneumatic tires capable of holding air, working battery, and current license plates. This prohibition applies to owners, tenants, managers of private property, last registered owners of motor vehicles or transferees on a bill of sale covering a vehicle.

Exception: Any person enumerated in this section who, under special conditions of hardship, or for valid reasons such as the preservation of a historic or classic vehicle, may request and an extension of the fourteen (14) day limitation above described by filing a timely request with Director of Building and Zoning. The Director of Building and Zoning may, after review of all of the circumstances, grant a reasonable extension of time for compliance.

307.4.1 Type of container. Upon eviction or involuntary removal the tenant's or occupant's personal property shall be placed and disposed of only in the large movable container as referenced above. The container shall be of the type which will allow access from its side as opposed to access solely through the top of the container.

CITY OF TROY
AN ORDINANCE TO
AMEND CHAPTER 48 OF
THE CODE OF THE CITY
OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 48, Litter, of the Code of the City of Troy.

Section 2. Amendment

Chapter 48, Litter, shall be amended as follows:

Section 6.107 shall be amended to read as follows:

6.107 Enforcement

The Public Works Director is hereby charged with the enforcement of this Chapter.

Section 6.108 Enforcement – Notice to Abate, shall be deleted in its entirety.

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective on August 1, 2009.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a Regular Meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____ 2009.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, City Clerk

CITY OF TROY
AN ORDINANCE TO
AMEND CHAPTER 82-B
OF THE CODE OF THE
CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 82-B, Dangerous Buildings, of the Code of the City of Troy.

Section 2. Amendment

Chapter 82-B, Dangerous Buildings, shall be amended by deleting the Chapter in its entirety:

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

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CITY OF TROY
AN ORDINANCE TO
AMEND CHAPTER 88 OF
THE CODE OF THE CITY
OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 88, Nuisances, of the Code of the City of Troy.

Section 2. Amendment

Chapter 88, Nuisances, shall be amended by deleting the following sections in their entirety:

Section 9.2 Dangerous Structures

Section 9.3 Disregarding Notice or Orders (including subparagraphs a and b)

Section 9.4 Dangerous Structures – Emergency Abatement

Section 9.14 Billposting

Section 9.17 Privies, Vaults, Regulations (including subparagraphs 1, 2, and 3)

Section 9.18 Drainage of Premises

Section 9.20 Junk Cars (including subparagraph a, b, and c)

Section 3. Savings

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Section 4. Severability Clause

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full force and effect.

Section 5. Effective Date

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Tonni L. Bartholomew, City Clerk

CITY OF TROY
AN ORDINANCE TO
AMEND CHAPTER 89 OF
THE CODE OF THE CITY
OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 89, Weed Control, of the Code of the City of Troy.

Section 2. Amendment

Chapter 89, Weed Control, shall be amended by deleting the Chapter in its entirety:

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

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