



CITY COUNCIL REPORT

DATE: June 2, 2010

TO: John Szerlag, City Manager

FROM: Mark F. Miller, Acting Assistant City Manager/Economic Development Services
Timothy L. Richnak, Public Works Director
Mark S. Stimac, Director of Building & Zoning
R. Brent Savidant, Acting Planning Director
Paul Evans, Inspector Supervisor

SUBJECT: Chapter 82 - Property Maintenance Code – Responsibility to Cut Weeds and Grass

At their October 5, 2009 meeting, City Council adopted Chapter 82 - Property Maintenance Code as presented.

The amendment defined “Premise” as “a lot, plot or parcel of land, easement or public way, including any structures thereon, also including such portions of any street dedicated for public use that would be attached to the owner’s property upon vacation of the public rights to the street that are not otherwise paved or improved. Premise includes easements or rights-of-way owned by the City or the Road Commission of Oakland County.” The amendment placed the responsibility for cutting the weeds and grass in the right-of-way between the public road and the home on the homeowner.

At the October 5, 2009 meeting, City Management provided City Council a report to accompany the proposed Property Maintenance Code amendment (see attached). The report stated that “some of the highlights of the proposed changes include requiring for weed maintenance for right of way adjacent to County and City right of way”.

The City has received complaints from residents about the requirement to cut weeds and grass in the right-of-way.

The Planning Department prepared an informational bulletin to explain this requirement to property owners (see attached). The informational bulletin will be distributed by the Community Affairs Department.

If City Council wants to amend Chapter 82 – Property Maintenance Code, they should discuss this matter and advise City Administration of the direction they wish to proceed. The amendment could be brought back to City Council for action on June 21, 2010.

Attachments:

1. September 30, 2009 Council Action Report.
2. Minutes excerpt from October 5, 2009 City Council meeting.
3. Informational Bulletin.

Prepared by PE/RBS

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BE IT FINALLY RESOLVED, That upon the approval of all parties to the Consent Judgment, and the satisfaction of all terms and conditions of this or any other agreement between the parties, Troy City Council hereby **DIRECTS** the City Attorney to present the Sixth Order Amending Consent Judgment to the Court for entry and also to record the document with the Oakland County Register of Deeds.

Yes: Fleming, Kerwin, Beltramini, Eisenbacher

No: Howrylak, Schilling

Absent: Broomfield

MOTION CARRIED

E-9 Troy City Code Ordinance Amendments – Chapter 82, Property Maintenance Code; Chapter 48, Litter Ordinance; Chapter 79 – General Building Regulations, Appeal Procedures; Chapter 82-B – Dangerous Buildings Ordinance; Chapter 88 – Nuisance Ordinance; and Chapter 89 – Weed Control Ordinance

Marvin Reinhardt Opposed to the membership of the proposed Appeal Board

a) Update of Chapter 82 - Property Maintenance Code

Resolution #2009-10-296a

Moved by Beltramini

Seconded by Schilling

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amendment to Chapter 82, Property Maintenance Code, of the Troy City Code, by deleting the existing text in its entirety and adopting new text in accordance with the proposal prepared by City Management, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That these revisions shall become **EFFECTIVE** on January 1, 2010.

Yes: Howrylak, Kerwin, Schilling, Beltramini, Eisenbacher, Fleming

No: None

Absent: Broomfield

MOTION CARRIED

b) Amendment to Chapter 48 – Litter Ordinance

Resolution #2009-10-296b

Moved by Beltramini

Seconded by Schilling

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amendment to Chapter 48, Litter, of the Troy City Code, by amending certain sections in accordance with the proposal prepared by City Management, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and



CITY COUNCIL REPORT

DATE: September 30, 2009

TO: John Szerlag, City Manager

FROM: Mark Miller, Acting Assistant City Manager/ Economic Development Services
Mark Stimac, Director of Building and Zoning

SUBJECT: Update of Chapter 82 of the Troy City Code
Property Maintenance Code

Background:

- The current provisions of the Troy Property Maintenance Code adopts, by reference, the 1993 Edition of the BOCA Property Maintenance Code.
- This document is no longer in print and is not available to the public.
- In August of 2008 the 2006 editions of the Michigan Building Codes went into effect.
- We have prepared for adoption an updated Property Maintenance Code that is based upon the 2006 edition of the ICC Property Maintenance Code.
- We are also proposing changes to the base document to address and consolidate other provisions of the Troy Ordinances.
- Because the length of the document is not too large, we are proposing to include the entire text of the ordinance rather than adopting by reference and just printing the amendments to the base document. We believe that this will result in an Ordinance that is easier to read, more coordinated, and more user friendly.
- Some of the highlights of the proposed changes include:
 - Updating to the latest versions of the referenced code documents.
 - Better coordination with Troy Municipal Civil Infractions Ordinance.
 - Including Dangerous Building provisions allowing for the deletion of Chapter 82A.
 - Including Weed provisions allowing for the deletion of Chapter 89.
 - Requiring for weed maintenance for right of way adjacent to County and City right of way.
 - Including Litter provisions allowing for the deletion of portions of Chapter 48.
 - Include provisions for Junk Vehicles allowing deletion of portions of Chapter 88.
 - Including new language regarding providing containers for personal property for evictions (crafted after similar provisions of City of Detroit Ordinance Language).
 - Better language for requiring exterior painting and addressing graffiti.
- The proposed text is identical to the text that was presented to Council at your meeting of September 28, 2009 and includes revisions that were presented at the Council meetings of July 6, 2009 and September 14, 2009.

- If this new code is adopted, then accompanying changes to other ordinances should be adopted at the same time.
- We have included a copy of the existing text of Chapter 82 showing the text that will be deleted.
- We have included a copy of the text of the 1993 BOCA Property Maintenance Code that is currently referenced by the Troy Property Maintenance Code.

Financial Considerations:

- There are no financial considerations.

Legal Considerations:

- City Council has the authority to adopt a Property Maintenance Code under the City Charter and the Home Rule Cities Act.

Policy Considerations:

- Troy enhances the health and safety of the community (Outcome I).

Options:

- City Council can adopt the new Property Maintenance Code
- City Council can retain the existing Property Maintenance Code.
- City Council can revise the provisions and adopt those provisions as the new Property Maintenance Code.

Approved as to Form and Legality:

Lori Grigg Bluhm, City Attorney

BULLETIN

New grass cutting requirements effective in 2010!

Effective in 2010, the City has a new requirement regarding lawn and grass maintenance. Cutting tall lawns and grasses located between private property lines and roads is now the responsibility of the adjacent property owner. This includes areas between fences and roads. It also includes areas between sidewalks and roads.

For example, if a fence in the back yard separates the property from the road, the property owner should maintain grass on both sides of the fence, up to the edge of the road. Lawn grass and weeds must not exceed 10 inches in height in these areas and also on occupied and unoccupied private property. Ornamental plants and grasses, and dedicated preservation areas are exempt from the cutting requirement. The full lawn and grass maintenance ordinance can be viewed at this website: <http://www.troy.mi.gov/FAQ/BuildingInspection.asp>

Please call Inspector Supervisor Paul Evans at (248) 524 3359 if you have questions regarding this information.