
CHAPTER 1456

PROPERTY MAINTENANCE

The purpose of this Chapter is to establish minimum standards for the exterior maintenance of all non-residential properties and structures.

CROSS REFERENCES

State of Michigan Natural Resources and Environmental Protection
Act definition of hazardous substance - MCL 324.20101(t)
Penalty - TC Code Section 202.99

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1456.01 DETERMINATION OF NECESSITY.

The City Commission finds that there are non-residential properties in the City that are poorly maintained and neglected by their owners. These properties adversely affect citizens who own or occupy nearby properties by lowering property and rental values. The City Commission finds that elimination and prevention of these conditions is necessary to protect the public health, safety and welfare and is in the best interest of the City and its citizens.
(Ord. 706. Passed 8-21-06)

1456.02 PURPOSE.

The purpose of the Chapter is to maintain, preserve and improve the non-residential properties in the City. To accomplish this, this Chapter sets out minimum standards for the exterior maintenance of all non-residential properties and structures. In carrying out this purpose, it is the intention of the City Commission to exercise its full powers to protect the public health, safety and welfare.
(Ord. 706. Passed 8-21-06)

1456.03 DEFINITIONS.

The following words and terms as used in this Chapter shall mean:

- (a) Accessory Improvements includes, but is not limited to, walkways, driveways, parking areas, storm drains, parking bumpers, steps, handrails, guardrails, signs, lighting fixtures, poles, fences, walls, tanks, antennae and all other freestanding or made structures.
 - (b) Basic Structural Elements means the parts of a building that provide the principal strength, stability, integrity, shape and safety of the building, including but not limited to, plates, studs, joists, rafters, stringers, stairs, sub-flooring, flooring, sheathing, lathing, roofing, siding, window frames, door frames, porches, railings, eaves, chimneys, flashing, masonry and all other essential components.
 - (c) Correct the Violation means substantial steps taken towards remedying a violation of this Chapter.
 - (d) Deterioration means the fact or process of decay or degeneration that has progressed to the point where it has resulted in or will soon result in making an object or mechanism unsafe, unsanitary, inoperable, unusable or unsuitable for its intended use, including the advanced stage of rot, rust, mold, vermin infestation or destruction.
 - (e) Emergency means a condition that is a violation of this Chapter and constitutes an imminent danger calling for immediate action in order to avoid death, injury or illness to a human or the destruction or severe damaging of real or personal property.
 - (f) Exterior Attachments means gutters, down spouts, screening, vents, antennae, tanks, awnings, canopies, marquees, signs, lighting fixtures, handrails, guardrails and utility connections.
 - (g) Garbage means any spoiled or discarded animal or vegetable material resulting from the handling, preparation, cooking or consumption of food for humans or animals, as well as other organic waste material subject to rapid decomposition, including trash to which such material has adhered.
 - (h) Good Repair means to be properly installed, stable and maintained sufficiently free of defects or deterioration so as to be functional for its present use and to be safe and sanitary.
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- (i) Hazardous Substance means those substances identified at MCL 324.20101(t).
- (j) Non-residential Property means any property without a primary building that is used or intended for use as a single or two family residential unit.
- (k) Responsible Person means any person owning, occupying, managing or controlling any non-residential property in the City.
- (l) Safe means a condition that is not likely to do harm to human, animals, or real or personal property, including free of hazardous substances improperly disposed or stored on the property.
- (m) Sanitary means free of grease, excrement, dirt, food residue, garbage, rust or similar matter that can harbor bacteria or viruses unsafe to humans or animals, or that produces strong odors or provides for, or is an available source of food for, animals or insects.
- (n) Storage means to place or leave in a location in excess of 30 days.
- (o) Trash means waste materials and items that are not in good repair or are discarded and that are of little or no value, including plaster, paper, wrappings, plant cuttings, household furnishings, building materials, packing and clothing, appliances, equipment, machinery or parts thereof.
- (p) Verbal Notice means notice of the existence of an emergency given directly or by telephone to a responsible person.
- (q) Vermin means rodents, birds and insects that are destructive of real or personal property or injurious to health.
- (r) Workmanlike means executed in a skilled manner and generally plumb, level, square, in line, undamaged and without marring adjacent work.

(Ord. 706. Passed 8-21-06)

1456.04 APPLICABILITY.

The provisions of this Chapter shall apply to any person owning, occupying, managing or controlling any Non-residential Property in the City.

(Ord. 706. Passed 8-21-06)

1456.05 PROPERTY MAINTENANCE REQUIRED.

All property regulated by this Chapter, whether occupied or unoccupied, and all property including vacant property or formerly occupied property shall meet or exceed the standards of this Chapter.

(Ord. 706. Passed 8-21-06)

1456.06 STRUCTURAL INTEGRITY.

Basic structural elements, foundations, foundation walls and supporting columns shall be in good repair.

(Ord. 706. Passed 8-21-06)

1456.07 EXTERIOR SURFACES.

(a) All exterior surfaces of any structure shall be weather tight and in good repair and shall not have any holes, cracks or deterioration that would allow water or vermin to reach any basic structural element or to enter the interior of any building.

(b) Any unauthorized writing or drawing on a visible exterior surface shall be removed within 10 days from the day the writing or drawing first appeared.

(Ord. 706. Passed 8-21-06)

1456.08 PROTECTION OF EXTERIOR SURFACES.

All exterior surfaces of a building or structure made of a material that may deteriorate from exposure to weather shall be protected by a properly applied weather-resistant paint, stain or other waterproof finish. Primers shall be properly covered with a water-resistant finish coating.

(Ord. 706. Passed 8-21-06)

1456.09 EXTERIOR WINDOWS, DOORS, AND OPENINGS.

(a) All exterior windows and doors shall be weather tight, in good repair, intact and functioning as originally intended and designed or shall be secured against weather by boarding, which shall be painted.

(b) Any exterior opening large enough for human or animal entry shall be secured by use of exterior grade plywood of at least 3/8th inch thickness, cut to the size of the opening and secured by Phillips headed 2 inch long screws on all first story or ground accessible entry points or 16d common nails on entry points above the first story or where not accessible from ground level.

(Ord. 706. Passed 8-21-06)

1456.10 EXTERIOR ATTACHMENTS.

Any exterior attachment to basic structural elements shall be in good repair.
(Ord. 706. Passed 8-21-06)

1456.11 ACCESSORY IMPROVEMENTS.

All accessory improvements shall be in good repair.
(Ord. 706. Passed 8-21-06)

1456.12 OUTDOOR STORAGE.

Outdoor storage of materials of value shall not be permitted to be located between the street and a building or closer than 4 feet to any side or rear lot line. Materials of value shall be stored in a safe and sanitary manner, shall not be scattered about and shall not have openings nor be stacked in a manner that may provide harborage for vermin.
(Ord. 706. Passed 8-21-06)

1456.13 TREES, SHRUBS, AND OTHER VEGETATION.

No tree, shrub or other vegetation shall be allowed to damage a building or block safe vision of a sidewalk, drive or street. No dead tree, trees, or parts thereof shall be permitted. Trees, shrubs, or other vegetation that endangers property shall be removed.
(Ord. 706. Passed 8-21-06)

1456.14 HEALTH AND SANITATION.

All exterior areas shall be sanitary and free of trash and garbage. A responsible person shall dispose of all trash and garbage in a clean and sanitary manner by placing such in approved containers.
(Ord. 706. Passed 8-21-06)

1456.15 WORKMANLIKE.

Additions, replacement, repairs or changes made to buildings, accessory buildings, appurtenances, structures, improvements, or facilities shall be done in a workmanlike manner.
(Ord. 706. Passed 8-21-06)

1456.16 VACANT PROPERTY IDENTIFICATION.

An identification sign in good repair and visible from the street shall be affixed to a vacant unoccupied property. Such sign shall provide the name(s), phone number(s), and address(es) of the property owner or other responsible person to be contacted regarding the property.
(Ord. 706. Passed 8-21-06)

1456.17 ENFORCEMENT.

This Chapter shall be enforced as follows:

- (a) Inspections. The City Manager or his or her designee shall be authorized to enter property subject to this Chapter at reasonable times to inspect the property.
- (b) Notice of Violation. When the City Manager or his or her designee determines that there has been a violation of this Chapter or has grounds to believe that a violation has occurred, notice shall be given to a responsible person. Said notice shall be in writing and include a description of the property, a statement of the violation or violations, and require correction of the violations within a reasonable time. Property tax records shall be conclusive proof of ownership for purposes of the notice.
- (c) Abatement of Violation. If the responsible person fails to correct the violation within the time period provided in the notice, the City may correct the violations and the cost of correction shall be billed to the responsible person as a personal debt which, if unpaid, may be assessed as a lien upon the property involved.
- (d) Administrative Extensions. For good cause shown, the City Manager or his or her designee may extend the time in which to correct the violation provided that the responsible person remits the fee identified in 1456.18 and upon such other conditions that the City Manager or his or her designee deems advisable under the circumstances.

(Ord. 706. Passed 8-21-06)

1456.18 FEES.

In addition to other penalties and fees provided by law or this Chapter, a responsible person shall pay the following fees:

- (a) \$175.00 for any violation within 10 days of the issuance of a Notice of Violation.
- (b) \$150.00 for an administrative extension of the time in which to correct the violation(s).

(Ord. 706. Passed 8-21-06)

1456.19 EMERGENCIES.

- (a) Notice. If the City determines that a condition exists or is likely to exist that is an emergency, the City shall immediately attempt to verbally inform the responsible person and all occupants of the building of the nature of the condition. The City shall immediately attempt to give Verbal

by Notice to the responsible person to correct the condition. Such an order shall be effective immediately. A written Notice of Violation called for

this Chapter shall be prepared and mailed or personally served to the responsible person as soon as practicable after the Verbal Notice. If notice is attempted to be served in good faith but cannot be completed prior to having to take action necessary to abate an emergency condition, such notice shall be posted upon the subject property in a prominent location.

(b) Abatement. If the responsible person cannot be contacted or fails to correct an emergency condition within the time ordered, the City Manager or his or her designee may authorize corrective actions to abate the emergency. The cost of abatement shall be billed to the owner as a personal debt which, if unpaid, may be assessed as a lien upon the property involved.

(Ord. 706. Passed 8-21-06)

1456.20 PENALTY.

In addition to the fees set forth at 1456.18, whoever violates or fails to comply with any of the provisions of this Chapter is subject to the civil infraction sanctions according to Traverse City Code Section 202.99, injunctive relief, nuisance abatement, surcharges and equitable remedies as provided in the Traverse City Code of Ordinances or as otherwise available under the law, as well as any damages resulting from such violation. A separate offense is deemed committed each day during or on which a violation or noncompliance occurs or continues.

(Ord. 706. Passed 8-21-06)

1456.21 CITY COSTS.

Upon a finding of responsibility for a violations of any provision of this Chapter, the Court shall order the defendant to reimburse the City for all of the costs of enforcement of this Chapter attributable to the violations for which the Defendant is found responsible, including but not limited to the costs of inspection, prosecution and administration.

(Ord. 706. Passed 8-21-06)
