

9:7. - Outdoor storage.

- (1) For purposes of this section, "responsible person" shall mean a property owner, tenant, occupant, lessee, and any agent of the foregoing. Each responsible person is individually and separately liable and each responsible person may be found responsible for the same conditions on the property that violate this section.
- (2) For purposes of this section, "agent" shall mean any person with real or apparent authority to act on behalf of another person, and shall include but is not limited to a person who manages or operates the property for the owner, receives notices or process for the owner, acts in any other way as the representative of the owner, or is designated as an agent or representative in the registry of owners and premises kept by the city pursuant to Chapter 105 (Housing Code) of the Ann Arbor Code of Ordinances.
- (3) No responsible person shall place, or permit to remain, upholstered furniture which is not intended or designed for outdoor use on exterior balconies, porches, decks, landings, or other areas exposed to the weather.
- (4) Notice to any responsible person by the city of a violation of this section and order to correct the violation within a specified time period may be made by mailing it to the responsible person (in the case of an owner as shown on assessment records), delivering it to the responsible person, or posting it at a conspicuous place on the property.
- (5) In addition to or in lieu of charging a violation of this section, if any violation remains uncorrected after expiration of the time period in a notice, then the city may remove the item identified in the notice or have it removed in any reasonable manner. The cost to the city for the removal and allocable staff time shall be charged to the responsible person and, if the responsible person is a property owner, then any such unpaid costs may be, assessed against the property in accordance with section 1:292 of Chapter 13 of this Code.
- (6) Violation of this section shall be a civil infraction punishable by a civil fine of up to \$1,000.00, plus costs and all other remedies available by statute. If the fine is not paid within 45 days, and if the responsible person is a property owner, then it may be assessed against the parcel under section 1:292 of Chapter 13 of this Code.
- (7) The following shall constitute specific defenses to any alleged violation of this provision:
 - a. That such furniture was placed in an outside location in order to allow it to be moved during a move of a resident or residents or removed as part of a trash or recycling program on a day scheduled for such moving or removal.
 - b. That such furniture was temporarily placed in an outside location in order that it be offered for sale at a yard or garage sale if each of the following conditions exists:
 - i. The furniture is located in an outside location only during the hours of 8:00 a.m. and 6:00 p.m.
 - ii. The person attempting to sell the furniture, or that person's agent, is outside during the period of the yard or garage sale in order to monitor the sale.
 - iii. A sign is placed on or near the furniture indicating that it is for sale.
 - iv. This defense shall not apply if upholstered furniture is located in an outside location for more than 2 days in any 6-month period.
- (8) This ordinance will be incorporated into the "Rights and Duties of Tenants" booklet.

(Ord. No. 10-29, § 2, 9-20-10)