



CITY OF ANN ARBOR, MICHIGAN

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FOR IMMEDIATE RELEASE

ENFORCEMENT OF THE BAN AGAINST UPHOLSTERED FURNITURE

(Updated to reflect final ordinance language highlighted on page 2)

ANN ARBOR, MI – Nov. 9, 2010 – Ann Arbor’s ban on upholstered furniture outdoors, referred to by some as the “porch couch ban,” went into effect Oct. 2, 2010. However, the new ordinance had an amnesty period to allow residents to remove/properly dispose of their upholstered outdoor furniture. In October, the city collected nearly 500 pieces of upholstered outdoor furniture at a free collection event that was held for Ann Arbor residents and property managers.

Residents should note that couches and other outdoor furniture items that do not fit into the city’s refuse carts are subject to fines if abandoned at the curb. Disposal suggestions for a fee are posted on the city’s website under “bulky items” at www.a2gov.org/recycle, including taking materials to the Drop-Off Station at 2950 E. Ellsworth (734-971-7400).

The ordinance passed following the momentum of public sentiment related to a tragic off-campus area house fire, exacerbated by a porch couch, which resulted in the death of a student this past summer. Ann Arbor joins many campus communities that do not allow upholstered furniture outdoors, including East Lansing, Kalamazoo, Mount Pleasant, Ypsilanti, and Marquette, as well as Columbus, Ohio, and Madison, Wisconsin.

Notice Procedures

During the week of November 8, the amnesty period will end for upholstered furniture outdoors and enforcement by the City of Ann Arbor will begin. Properties that still have upholstered furniture outdoors will be notified in two ways: a notice will be posted in a conspicuous place on the property and a copy of the notice will be mailed to the property owner specifying a date by which the furniture must be removed.

Penalties for Noncompliance

If any violation remains uncorrected after the date specified in the notice, then the city may remove the item identified in the notice. The cost to the City for the removal and allocable staff time will be charged to the owner and, if not paid, assessed against the property in accordance with section 1:292 of Chapter 13 of this Code. In addition, failure to correct the violation within specified time on the notice will result in issuance of a civil infraction citation with a fine up to \$1,000 plus costs and all other remedies available by statute. If the fine is not paid within 45 days, it may be assessed against the parcel under Section 1:292 of Chapter 13 of this Code.

Final Ordinance Language Approved by City Council

The new ordinance language approved by City Council (Section 9:7 Outdoor Storage of Chapter 106 of the Code of the City of Ann Arbor) reads:

- (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, 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 two days in any six-month period.
- (8) This ordinance will be incorporated into the "Rights and Duties of Tenants" booklet.

The ordinance is online at

<http://a2gov.legistar.com/View.ashx?M=F&ID=1035755&GUID=BDAA5238-2488-4B80-B58F-E98840016177>