

MARSHALL CITY ORDINANCE
CALHOUN COUNTY, MICHIGAN

ORDINANCE NUMBER _____

AN ORDINANCE TO REPEAL SECTIONS 50.01-50.99 OF THE CITY OF MARSHALL
CODIFIED ORDINANCES AND REPLACE THEM WITH NEW SECTIONS 50.01-50.99

THE CITY OF MARSHALL ORDAINS:

Section 1. THAT TITLE V, PUBLIC WORKS, CHAPTER 50: GARBAGE AND RUBBISH
READS AS FOLLOWS:

Section

- 50.01 Definitions
- 50.02 Disposal of Refuse and Garbage
- 50.03 Disposal of Industrial Waste
- 50.04 Deposits on Public Grounds
- 50.05 Exclusive Contracts
- 50.06 Storage of Containers
- 50.07 Types of Collections Services
- 50.08 Pollution of Streams
- 50.09 Rates and Charges
- 50.10 Liens; Special Assessments, Deposits
- 50.11 Issuance of Civil Infractions Citations and Notices
- 50.12 Disposal of Brush and Loose Leaves; Brush and Loose-Leaf Collection
- 50.13 Vacant Lots
- 50.14 Enforcement
- 50.99 Penalty

50.01 Definitions.

- A. "Brush" means twigs, brush, branches, and tree trunks not greater than four inches in diameter.
- B. "Commercial garbage service" means the miscellaneous waste material, such as garbage, rubbish, and ashes, resulting from the operation of business enterprises and institutions. Such term includes construction waste, but excludes industrial trade waste.

- C. "Garbage" means rejected organic waste including waste from the accumulation of animal, fruit or vegetable matter used or intended for use in the preparation, use, cooking, processing or storing of meat, fish, fowl, fruit, vegetable or other food; accumulations of leaves, branches, cut grass or other vegetation. Excluded from the definition is organic waste which is contained within managed compost.
- D. "Industrial waste" means accumulated on industrial or manufacturing premises arising from industrial, manufacturing, or chemical processing and includes, but is not limited to, metal scrap and solid or liquid chemical waste.
- D. "Recyclable materials" means refuse materials designated by the City Manager to be part of the City's recycling program and which are intended for transportation, processing and remanufacturing or reuse. Such items include, but are not limited to, the following: various grades of paper and cardboard, plastic bottles and jugs, glass, tin and aluminum containers and yard waste. Selection of the materials to be recycled will be at the discretion of the City Manager.
- E. "Refuse" means all manner of the same, including; but not limited to, ashes, rags, discarded clothing, discarded furniture, discarded appliances, tin cans, tin ware, bottles, broken glass, or waste paper. The words "refuse," "trash," "rubbish," "litter," and "debris" shall be considered synonymous terms for the purposes of this chapter.
- F. "Residential refuse and residential garbage service" means service provided to premises having dwellings of less than four units.
- G. "Solid industrial waste service" means all trade wastes peculiar to industrial manufacturing or processing plants, including hazardous refuse, but not including commercial refuse
- H. "Yard waste" means leaves, grass clippings, weeds, hedge clippings, garden waste, twigs and brush no longer than two feet in length and one-half inch in diameter, and other organic material subject to natural composting as approved by the City Manager.

50.02 DISPOSAL OF REFUSE AND GARBAGE.

- A. It shall be unlawful for any person to keep on or about premises owned or occupied by him or her any refuse or garbage, unless the same shall be kept in a watertight receptacle, which shall be kept tightly covered so as to prevent the access of insects or animals. The contents of such receptacles shall be removed from the premises and properly disposed of at least once every seven days.

However, if the owner of a premises occupied by a tenant or tenants shall furnish or cause to be furnished garbage pickup once every seven days for such tenant or tenants, such owner may not be prosecuted for violations of this section on such tenant-occupied premises during the period in which such garbage pickup was furnished.

- B. It shall be unlawful for any person knowingly to dump, deposit, place, throw or leave, or cause or permit the dumping, depositing, throwing, or leaving of garbage or refuse on any private property within the City.
- C. No person shall burn any garbage or refuse.
- D. No person shall burn any substance which shall, due to the nature of the substance or manner of burning, create or constitute a nuisance.

50.03 DISPOSAL OF INDUSTRIAL WASTE.

It shall be unlawful for the owner of premises and the occupant thereof to permit or suffer the accumulation of industrial waste on any premises in the City. Industrial waste shall be stored in receptacles and disposed of properly. Items of solid industrial waste too large to be stored in such receptacles shall be neatly stacked and disposed of properly at least once every three months. It shall be unlawful for any person knowingly, without the consent of the owner of private property, to dump, deposit, place, throw or leave, or cause or permit the dumping, depositing, placing, throwing, or leaving of industrial waste on private land in the City. Liquid industrial waste shall be disposed of in accordance with applicable State and Federal regulations.

50.04 DEPOSITS ON PUBLIC GROUNDS.

No person shall throw or deposit any garbage or refuse on any of the public streets, sidewalks, lanes, alleys, parks, cemeteries or other public grounds in the City at any time, including, but not limited to, the deposit of household garbage or refuse in garbage, trash or refuse containers located on any public street, sidewalk, lane, alley, park, cemetery or other public grounds.

50.05 EXCLUSIVE CONTRACTS.

The City Council shall, either by advertising for bids or otherwise, enter into an exclusive contract, with the mutual consent of the contractor, who shall be licensed, or extend the term of such contract, with such person as the City Council may deem best able to collect and dispose of residential refuse in the City in accordance with the best interests of the City and its residents. The contractor shall be the only person allowed to provide residential refuse collection and disposal services within the City or within the

boundaries prescribed by the limitations of this chapter. The contract documents shall contain provisions that the City contractor shall collect and dispose of refuse from residential premises in the City in full compliance with this chapter and applicable local, State and Federal laws, rules, and regulations.

50.06 STORAGE OF CONTAINERS

From and after the passage and taking effect of this ordinance, it shall be unlawful for any person to leave their containers along any public way, street, alley, sidewalk, or other public property. Containers used for the disposing of said trash and rubbish shall be kept on the property's side yard, rear yard, garages, car ports, homes, or another inconspicuous place. Containers can be placed adjacent to the road within a period of time 24 hours before to 12 hours after any collection by a licensed hauler for the residential home involved.

50.07 TYPES OF COLLECTION SERVICES.

The contractor shall provide either curbside unlimited or backyard collection service one time per week and curbside recycling services as defined by this chapter to each residential premises either one time per week, or bi-weekly as may be determined appropriate by the City Manager. Curbside refers to that portion of a right-of-way adjacent to paved or travelled City roadways, excluding approved alleys. Backyard refers to a side or backyard or place that is convenient for both the City contractor and the customer, but in no case shall the City contractor be required to enter a garage or dwelling.

50.08 POLLUTION OF STREAMS.

No person shall cast or throw or cause to be cast or thrown into Kalamazoo River or Rice Creek, or into any of the streams or sewers leading thereto or into any pond or stream of water in the city, or into any ditch or drain in the city any garbage or litter.

50.09 RATES AND CHARGES.

If the City maintains any public disposal site, the City may establish, by resolution, any reasonable charge to offset, in part or total, the cost of operating the disposal facility.

50.10 LIENS; SPECIAL ASSESSMENTS; DEPOSITS.

Charges for residential premises refuse collection shall constitute a lien on such premises.

In addition to the methods of collection of fees imposed by or pursuant to this chapter, prior to the creation of the August 1 tax bills, the Director of Finance shall certify all unpaid charges for such service furnished to any premises which, as of such dates, have remained unpaid for a period of six months, to the City Treasurer who shall place the same on a summer tax roll of the City.

50.11 ISSUANCE OF CIVIL INFRACTION CITATIONS AND NOTICES.

The City Manager and his or her designated representative is hereby designated as the authorized City official to issue Municipal civil infraction citations.

50.12 DISPOSAL OF BRUSH AND LOOSE LEAVES; BRUSH AND LOOSE-LEAF COLLECTION PROGRAM.

- A. No person shall place or deposit or cause to be placed or deposited, upon public or private property, brush, except as provided by this section.
- B. The City Manager is hereby authorized to establish a City-wide residential brush and loose-leaf collection program, which shall include provisions for the collection of brush resulting from storm damage, and to establish rules and regulations for the implementation of the program.
- C. The rules and regulations for the collection of brush and loose-leaves shall establish the dates for pick-up. Any items set out subsequent to pick-up shall be removed from the curb lawn area within forty-eight hours by the owner, agent, or occupant of the premises in front of or adjacent to which the brush is located. Failure to remove improperly placed brush will result in the issuing of a Municipal civil infraction violation notice.
- D. The brush program is not meant to circumvent the free-enterprise system of commercial tree and brush removal. The City will not pick up material that is left as a result of a tree or lot being commercially cleared, removed, or pruned.

50.13 VACANT LOTS.

Any person owning or having a possessory interest in any lot or portion of land within the City which is vacant is responsible for securing, collecting and disposing of refuse which may accumulate thereon by contracting with a person licensed in accordance with this chapter or by self-removal through proper collection and storage of refuse, transporting the refuse in a manner to prevent littering or any other nuisance and depositing the same at an approved disposal area, in accordance with applicable local, State and Federal laws, rules and regulations.

50.14 ENFORCEMENT.

The City Manager or his/her appointee is hereby charged with enforcing this chapter.

50.99 Penalty

A person who violates any provision of this chapter is responsible for a Municipal Civil Infraction and shall be subject to the payment of a civil fine of not more than five hundred dollars (\$500.00), plus costs and other sanctions, for each infraction, including any costs of clean-up. The City Council shall adopt a fine schedule for violations of this ordinance.

Severability.

The various parts, sections and clauses of the Ordinance are declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a Court of competent jurisdiction, the remainder of the ordinance shall not be affected.

Effective Date.

This Ordinance shall be effective thirty (30) days after publication.

Date Enacted: _____, 2020

Date Published: _____, 2020

Date Effective: _____, 2020

Section 2. This Ordinance [or a summary thereof as permitted by MCL 125.3401] shall be published in the *Marshall Chronicle*, a newspaper of general circulation in the City of Marshall qualified under state law to publish legal notices. This Ordinance shall be recorded in the Ordinance Book and such recording shall be authenticated by the signatures of the Mayor and the City Clerk.

Section 3. This Ordinance shall be effective thirty (30) days after publication.

Adopted and signed this 7th day of December, 2020.

Joe Caron, MAYOR

Trisha Nelson, CITY CLERK

I, Trisha Nelson, being duly sworn as the Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of an ordinance approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a special meeting held on December 7, 2020, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act,

being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available by said Act.

Trisha Nelson, CITY CLERK