

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	Storage and Repair of Motor Vehicles
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50.16	Disposal of Brush; Brush Pick-Up Program
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50.01 Definitions.

- A. "Brush" means twigs, brush, branches, and tree trunks not greater than eight 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 all manner of the same, including, but not limited to, rejected food waste and accumulation of animal, fruit or vegetable matter used or intended for food, or that attends the preparation or results from the preparation of cooking, handling, dealing in or with or storing meat, fish, fowl, fruit or vegetables.
- 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.
- E. "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.
- F. "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, waste paper, motor vehicles or automobiles or trucks which are unlicensed and which are in inoperable condition, or motor vehicles which, although licensed, are abandoned, or motor vehicles which, although licensed, are dismantled, partly dismantled and/or in an inoperable condition and which remain in a dismantled, partly dismantled and/or in an inoperable condition for ninety days or more. The words "refuse," "trash," "rubbish," "litter," and "debris" shall be considered synonymous terms for the purposes of this chapter.
- G. "Residential refuse and residential garbage service" means service provided to premises having one and two-family residences, or multiple-family dwellings of less than four units.
- H. "Solid industrial waste service" means all trade wastes peculiar to industrial manufacturing or processing plants, including hazardous refuse, but not including commercial refuse
- I. "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 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 or burned in a gas-fired incinerator designed for such purposes. 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 STORAGE AND REPAIR OF MOTOR VEHICLES.

There shall be excepted from the definition of "refuse" motor vehicles, automobiles and trucks which are located on the premises of commercial garages, commercial automobile shops, auto service stations and automotive dealers while the same are

being repaired or stored, so long as such motor vehicles, automobiles and trucks are stored and maintained in an orderly manner.

50.05 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.

50.06 EXCLUSIVE CONTRACTS.

The City Council may, 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 all residential premises in the City in full compliance with this chapter and applicable local, State and Federal laws, rules, and regulations.

50.07 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 or rear yards, in garages, car ports, homes, or other structures not in open view in front yards. 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.

50.08 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.

50.09 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.

50.10 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.

50.11 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, the Director of Finance shall, on June 30 and January 1, 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 Assessor who shall place the same on a special assessment roll of the City.

50.12 DECLARATION OF NUISANCE; NOTICE TO ABATE.

The storing, keeping, or accumulating of garbage, refuse or industrial waste, in violation of the terms of this chapter, is hereby declared to be a public nuisance per se.

The City Manager or his/her appointee is authorized to issue notices of violation and to require abatement thereof within a period of not more than ten days, or less than ten days if public health is endangered, from the date of said notice. Said notice shall further state that failure to comply with the terms of the notice within the specified period shall subject said person, firm, or corporation to penalties, fines, costs and fees as provided herein and shall further make said lot or premises liable for necessary expenses incurred by the City in abating said nuisance.

City Council, upon petition filed, may for good cause extend said ten-day period. Notice shall be given to the owner and occupant of premises on which nuisance occurs, and in the event that the notice relates to motor vehicles, automobiles or trucks which are refuse as herein defined, said notice shall be given also to the registered owner thereof.

Failure of any person to receive notice shall not prevent the City from abating the nuisance.

50.13 ABATEMENT OF NUISANCE BY CITY.

In the event that any person, firm or corporation, by any act of commission or omission, creates a nuisance, as set forth in Section 50.12, and does not discontinue the same within the time stated in the notice to abate the nuisance, the City Manager shall be authorized to order the necessary work to be done to abate the nuisance, and any expense incurred by the City in abatement of the nuisance shall be charged against the lot or premises upon which the nuisance was maintained and from which it was removed, and shall become a lien against such lot or premises, and may be collected in the same manner as is the lien created by City taxes assessed against such lot or premises, and shall be assessed on the next tax roll following the incurring of such expense. The amount of expense shall be certified by the City Manager to the City Treasurer collection. As violation of this chapter is a public nuisance per se, said violation may be abated by order of any court of competent jurisdiction.

50.14 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.

50.15 DISPOSAL OF YARD WASTE; YARD WASTE PICK-UP PROGRAM.

- A. No person shall place or deposit or cause to be placed or deposited, upon public or private property, any yard waste, except as provided by this section. This section shall not apply to grass clippings which are directly deposited back on the grass area from which they are generated or to yard waste which is part of a properly maintained compost pile or program.
- B. The City Manager is hereby authorized to establish a City-wide residential yard waste pick-up program and to establish rules and regulations for the implementation of the program.
- C. The rules and regulations for the collection of yard waste shall establish the dates for pick-up. No person shall set out for pick-up or cause to be set out for pick-up any yard waste prior to 5:00p.m. on the date immediately prior to the established pick-up date. Any yard waste 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 yard waste is located. Failure to remove improperly placed yard waste will result in the issuing of a Municipal civil infraction violation.

- D. The rules and regulations for the collection of yard waste will provide for the pick-up of loose leaves.
- E. The yard waste pick-up program is not meant to circumvent the free-enterprise system of commercial lawn care companies. The City will not pick up yard waste generated by a commercial lawn care company.

50.16 DISPOSAL OF BRUSH; BRUSH PICK-UP 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 pick-up 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 shall establish the dates for pick-up. No person shall set out for pick-up, or cause to be set out for pick-up, any brush prior to 5:00p.m. on the Friday immediately prior to the established pick-up date. Any brush 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.
- 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.

50.17 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.

50.18 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 less than five hundred dollars (\$500.00), plus costs, fees 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: December 3, 2019

Date Published: _____, 2019

Date Effective: _____, 2019

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 3rd day of December, 2019.

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 3, 2019, 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