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AGENDA REPORT

To: Honorable Mayor Joyce & Councilmembers
From: Sarah Dvoracek, City Manager
Date: May 13, 2019
Re: Ordinance 1060 (Garbage and Rubbish)

For the Agenda of May 20, 2019

Background. The current garbage and rubbish ordinance, chapter 1060, section 1060.07 (*copy att'd*), has language that is unclear in regards to which residential units should be billed for garbage/refuse collection. On April 4, 2019, the water and sewer committee met and is recommending to council they amend the ordinance to evidently state all residential units, which are not registered vacant, be billed for refuse collection. Subsequently, our city attorney amended the ordinance to reflect the recommendation of the water and sewer committee (*copy att'd*).

Issues & Questions Specified. The current ordinance does not allow administrative staff to audit and track vacant houses for refuse billing. Numerous billing mistakes have been made in the past. By requiring owners to register their homes as vacant will allow a system of checks and balances for auditing purposes. Moving forward, city staff can submit a list of the registered vacant homes to the police department on a monthly basis to ensure safer neighborhoods and/or possible suspicious activity. City staff can also email a list to Republic Services so their driver does not pick up any trash/recycle at registered vacant homes.

Alternatives.

1. Set aside the decision regarding this matter to a later date.

Financial Impact. None.

Recommendation. I recommend the city council approve the amended ordinance 2019-04 as presented.

Attachments.

1. Current Ordinance Chapter 1060 Garbage and Rubbish (entirety)
2. Amended Ordinance No. 2019-04
3. Vacant Property Registration Form

CHAPTER 1060
GARBAGE AND RUBBISH

- 1060.01 Short Title.
- 1060.02 Definitions.
- 1060.03 Disposal of Garbage.
- 1060.04 Disposal of Refuse.
- 1060.05 Disposal of Heavy Refuse.
- 1060.06 Littering of Public Grounds.
- 1060.07 Regulation of Collection of Garbage or Refuse.
- 1060.08 Containers.
- 1060.09 Use of Public Litter Barrels.
- 1060.10 Unlawful Disposal by Non-Owner or Non-Occupant.
- 1060.11 Penalty.

CROSS REFERENCES

Garbage and refuse generally – see M.C.L.A. §§46.171 et seq.
§§123.241 et seq., §§123.361 et seq.
Municipal authority – see M.C.L.A. §§123.301 et seq.

1060.01 Short Title.

This Chapter shall be known and may be cited as "The Refuse Collection Ordinance".

1060.02 Definitions.

For the purpose of this Chapter, the following definitions shall apply:

- (1) "Garbage" shall be all manner of same, including but not limited to rejected food waste and to include accumulation of animal, fruit, or vegetable matter used or intended for food or that attends the preparation of cooking, handling or dealing in or with or storing meat, fish, fowl, fruit or vegetables.

(2) "Refuse" shall be all manner of same including but not limited to ashes, rags, discarded clothing, tin cans, tin ware, bottles, broken glass, waste paper, scrap metal, motor vehicles or automobiles or trucks which are unlicensed and which are in inoperable condition, or motor vehicles which although licensed are abandoned. The word "refuse" shall further include all types of automotive or motor vehicle parts or components for which no storage in a building is provided, and shall include used household appliances such as washing machines, clothes dryers, stoves and refrigerators.

1060.03 Disposal of Garbage.

It shall be unlawful for any person to keep on his premises or elsewhere any garbage unless the same shall be kept in a water-tight receptacle which shall be kept tightly covered so as to prevent the access of flies and insects thereto, and the contents of such receptacles shall be removed at least once in seven days.

1060.04 Disposal of Refuse.

It shall be unlawful for the owner of premises and the occupant thereof to permit or suffer the accumulation of refuse on any premises in the City of Evert. Refuse shall be stored in covered receptacles, contents of which shall be removed at least once in seven days. Items of refuse too large to be stored in such containers other than heavy refuse such as household appliances and automobiles, shall be neatly stacked and removed from the premises within seven days.

1060.05 Disposal of Heavy Refuse.

Bulky and heavy refuse such as refrigerators, stoves, washing machines, clothes dryers and motor vehicles or automobiles or trucks which are unlicensed and which are in inoperable condition shall be removed from the premises within 30 days. It shall be unlawful for the owner of premises and the occupant thereof to permit or suffer the accumulation of such bulky and heavy refuse on any premises in the City of Evert.

1060.06 Littering of Public Grounds.

No person shall throw or deposit any garbage or refuse on any of the public streets, lanes, alleys, parks, cemetery or other public grounds in the City of Evert at any time.

1060.07 Regulation of Collection of Garbage or Refuse.

It shall be unlawful for any person to engage in the business of collecting garbage or refuse in the City of Evert without first obtaining a permit therefor. Such permit may only be issued upon the express authority of the City Council upon such terms and conditions as may be imposed by the City Council. No private collection license need be granted so long as City services are available for same. Such services may be provided by the City contracting to have such removal services performed and the City may set and collect a fixed amount monthly, payable on quarterly water billing dates, such charges and billings to be uniform and applicable to all family units of one or more members residing within the City of Evert regardless of whether or not such service is utilized by such family unit. Family units utilizing such service but not connected to City water mains will be billed for garbage and refuse collection.

1060.08 Containers.

No owner, tenant or lessee of any public or private premises shall permit to accumulate upon his premises any garbage or refuse unless it is placed and maintained in containers as follows:

- (1) Containers for Garbage. All containers used for garbage shall be of substantial construction, provided with handles or bails, and a tight fitting cover. They shall have a capacity of not less than ten (10) or more than thirty (30) gallons and shall not weigh more than sixty (60) pounds when filled.

- (2) Containers for Refuse. Containers for refuse shall be of reasonably substantial construction to permit handling and large enough to prevent the scattering of materials. They shall not weigh more than sixty (60) pounds when full. Fifty (50) gallon barrels will not be used.

(3) **Broken Containers.** Containers that are broken or fail to meet the requirements of this Chapter may be classified as refuse and, after due notice to the owner, collected as such.

(4) **On pick-up days** containers shall be located at a convenient place for pickup as may be more particularly designated by the City Manager. Family units living above the first level shall place their garbage and refuse at ground level on pickup days.

1060.09 Use of Public Litter Barrels.

The litter barrels placed in the parks and along the streets of the City of Evert, are for the use of those persons using the parks and streets, to prevent littering. It shall be unlawful for anyone to deposit household garbage or refuse in or near these barrels.

1060.10 Unlawful Disposal by Non-Owner or Non-Occupant.

It shall be unlawful for any person, not an owner of the premises or occupant thereof, to deposit any garbage or refuse, upon premises owned by, or occupied by another person within the City of Evert, or upon any property owned by the City of Evert, including public streets, alleys, parks, and any other land owned by the City of Evert.

1060.11 Penalty.

Every person convicted of a violation of any provision of this Chapter shall be punished, as follows:

(a) **First Offense** – The first violation of the above rules shall be a civil infraction, punishable by a fine not to exceed \$50.00 plus costs.

(b) **Second Offense** – The second violation of the above rules shall be a civil infraction, punishable by a fine not to exceed \$100.00 plus costs.

(c) **Third Offense** – The third or more violation of the above rules shall be a misdemeanor punishable by a fine of not greater than \$500.00 plus costs and/or jail sentence not to exceed 93 days in jail.

ORDINANCE NO. 2019-04

CITY OF EVART

OSCEOLA COUNTY, MICHIGAN

AN ORDINANCE TO AMEND EVART CITY CODE, CHAPTER 1060 – GARBAGE AND RUBBISH

THE CITY OF EVART, OSCEOLA COUNTY, MICHIGAN, ORDAINS

SECTION 1: PURPOSE AND INTENT

The purpose of this Ordinance is to amend Evert City Code, Chapter 1060, as it relates to Garbage and Rubbish

SECTION 2: Chapter 1060 of the Evert City Code, is amended to read as follows:

1060.07 Regulation of Collection of Garbage or Refuse

It shall be unlawful for any person to engage in the business of collecting garbage or refuse in the City of Evert, without first obtaining a permit therefor. Such permit may only be issued upon the express authority of the City Council and upon such terms and conditions as may be imposed by the City Council. No private collection license need be granted so long as City services are available for same. Such services may be provided by the City contracting to have such removal services performed and the City may set and collect a fixed amount monthly, payable on the monthly water billing dates. The charges and billings shall be uniform and applicable to all residential units, not registered vacant, residing within the City of Evert, or connected with the City water mains, regardless of whether or not such service is utilized.

SECTION 3: This Ordinance shall take effect immediately after publication in the newspaper as provided by the laws of the State of Michigan.

Date: May 6, 2019

John Joyce, Mayor

Heather Pattee, City Clerk

I, Heather Pattee, City Clerk for the City of Evert, hereby certify that the above Ordinance was adopted on the 6th, day of May, 2019.

Heather Pattee, City Clerk



**CITY OF EVART
VACANT PROPERTY REGISTRATION**

(\$50 fee is required to discontinue water services)

I. Property Information

Property Address or Parcel #:

Circle One:

Residential

Commercial

Industrial

II. Property Owner

Name: _____

Address: _____

City: _____ Zip Code: _____

Phone Number: _____ E-Mail Address: _____

III. Responsibility / Violations

It is your responsibility to regularly monitor your vacant property and address any maintenance and safety issues. Property maintenance and safety requirements are detailed in the City of Evart Ordinance, available for viewing www.evart.org

If a violation is found on your property, you will be notified and required to correct the violation. Failure to comply may result in legal action. The City of Evart also has the right to abate nuisances at the property owner's expense.

IV. Authorization

By signing and submitting this document, I am authorizing the City of Evart to utilize this information, certifying that I have the legal authority to do so. I affirm that the information provided is accurate to the best of my knowledge. I am requesting the City of Evart discontinue water service to this building and register it as vacant.

Applicant Signature: _____ Date: _____

Printed Name: _____

Office Use Only:
Amount Paid: _____ Date: _____ Accepted by: _____