

ORDINANCE NO. 1001

AN ORDINANCE TO AMEND TITLE V, CHAPTER 50 OF THE CODE OF ORDINANCES REGULATING SOLID WASTE

WHEREAS, the City desires to expand availability of city refuse and recycling collection services to multi-family dwellings, rooming houses, and condominium developments, to the extent it can do so in a safe and efficient manner.

WHEREAS, due to limited resources and safety concerns, the City desires to institute a pilot program to provide recycling collection services for multi-family dwellings, rooming houses, and condominium developments in certain geographic areas of the City before expanding those services throughout the City.

WHEREAS, the areas for the pilot program, as defined in Section 50.15 below, have been selected based on their high concentrations of multi-family dwellings and rooming houses.

The City of Mount Pleasant Ordains:

Section 1. Amendment. Title V, Chapter 50, Section 50.06 of the Mount Pleasant City Code is amended to read as follows:

§ 50.06 REFUSE PRE-COLLECTION REQUIREMENTS.

(A) Residential.

(1) For purposes of collection, those eligible for the city's residential refuse collection services must place all accumulated refuse in an area designated by the Division of Public Works ("DPW") in the public right-of-way in a city refuse bag, or in any other acceptable refuse container with a city refuse tag attached to the container. Special refuse, yard waste, hazardous waste, construction and demolition debris, and other prohibited waste as set forth in Section 50.04 of this Chapter, shall not be placed out for residential refuse collection. Residential refuse not put in a prepaid city refuse bag or fixed with a city refuse tag will not be picked up.

(2) Properly tagged or bagged refuse must be placed in the area designated by the DPW in the public right-of-way for collection by the city refuse collection contractor. The property owner and tenant shall be responsible for ensuring that refuse bags or containers are placed at the designated collection area no earlier than 5:00 P.M. the night before collection, and containers are removed from the designated collection area and front yard by 12:00 a.m. on the day following collection by the refuse contractor. However, if the designated collection area is an alley, the refuse container may be stored in the alley provided it does not interfere with use of the alley. Refuse containers and bags shall be stored only in garages, backyards or side yards or in the alley if the alley is the designated collection area for the property, and out of sight from the street.

(3) To be eligible for the city's refuse collection services, there must be adequate open space in the public right-of-way for collection to accommodate the number of refuse containers or refuse bags generated by all residents of the dwelling unit without interfering with driveways, vehicular traffic, pedestrian traffic, or business traffic. The DPW shall have authority to make determinations regarding the adequacy of the open space for refuse containers or refuse bags.

(4) Contents of refuse containers with lids placed for collection shall not exceed what can be reasonably placed within the container and still allow the lid of the container to be placed in a completely closed position. If the refuse container does not have a lid, the contents shall not overflow the top of the refuse container. The gross weight of city refuse bags or containers with tags placed for collection shall not exceed 50 pounds for each bag or container. Each refuse container placed for collection shall not exceed 34 gallon capacity. Containers or bags that do not meet these requirements will not be collected.

(5) Multi-family Dwellings, Rooming Houses, and Condominium Developments. Refuse collection for multi-family dwellings, rooming houses, and condominium developments shall be provided by one of the following methods. The property owner of each multi-family dwelling, rooming house, or condominium association of a condominium development, shall be responsible for securing an approved method of refuse collection and shall notify the DPW of the method selected on an annual basis. Changes to the method of collection are limited to once per calendar year. All dwelling units within the multi-family dwelling, rooming house, or condominium development must use the same method for refuse collection.

(a) Collection by the city refuse collection contractor. The multi-family dwelling, rooming house, or condominium development may use city refuse collection.

(i) The city refuse collection contractor shall not collect refuse on private streets unless a waiver of liability is provided by the affected multi-family dwelling, rooming house, or condominium development. The liability waiver must release the city and the city refuse collection contractor from any claims for damages to the private street, utilities, and pavement due to the operation of the refuse collection vehicle. The city refuse collection contractor has the right to not operate on private streets if the streets are not constructed or maintained to allow safe operation of the refuse collection vehicle.

(ii) If the multi-family dwelling, rooming house, or condominium development uses city refuse collection, the multi-family dwelling, rooming house, or condominium development, and its residents, shall comply with subsections (A)(1-4), except, however, when the multi-family dwelling, rooming house, or condominium development is using city refuse collection on private streets, and has provided the requisite waiver under subsection (i) above, the properly tagged or bagged refuse must be placed in the area designated by the city adjacent to the private street for collection by the city refuse collection contractor; or

(b) Collection by private refuse contractor. The multi-family dwelling, rooming house, or condominium development may contract with a licensed, private contractor to collect refuse generated by the multi-family dwelling, rooming house, or condominium development. Contents of refuse containers with lids placed for collection shall not exceed what can be reasonably placed within the container and still allow the lid of the container to be placed in a completely closed position. If the refuse container does not have a lid, the contents shall not overflow the top of the refuse container. The property owner and tenant shall be responsible for ensuring that refuse bags and containers are placed at the collection area designated by the private refuse contractor no earlier than 5:00 P.M. the night before collection, and containers are removed from the collection area designated by the private refuse contractor and front yard by 12:00 a.m. on the day following collection by the refuse contractor. However, if the designated collection area is an alley, the refuse container may be stored in the alley, provided it does not interfere with use of the alley. Refuse containers and bags shall be stored only in garages, backyards or side yards or in the alley if the alley is the designated collection area for the property, and out of sight from the street.

(c) This Section shall not apply to:

(i) Multi-family dwellings, rooming houses, and condominium developments, with more than 4 attached dwelling units within a single residential building, and where travel off a public right-of-way is required for refuse collection; or

(ii) If a dumpster is required for the dwelling unit for site plan approval, special use approval, other zoning approval, or by zoning ordinance.

(B) Commercial Establishments. Commercial establishments shall be responsible for securing an approved method of refuse collection and disposal. Approved methods shall be limited to arrangements with a licensed contractor, transport of an establishment's own refuse to a state approved disposal facility, or city refuse collection and recycling with permission from the DPW. Contents of refuse containers with lids placed for collection shall not exceed what can be reasonably placed within the container and still allow the lid of the container to be placed in a completely closed position. If the refuse container does not have a lid, the contents shall not overflow the top of the refuse container. Containers or bags that do not meet these requirements will not be collected.

(C) Other Refuse. All special refuse, yard waste, hazardous waste, construction and demolition debris, and other prohibited waste as set forth in Section 50.04 of this Chapter, shall be removed using a licensed contractor or otherwise disposed of in accordance with applicable state law and regulations.

Section 2. Amendment. Title V, Chapter 50 of the Mount Pleasant City Code is amended to add the following section:

§ 50.15 PARTICIPATION IN RECYCLING COLLECTION SERVICE.

(A) Participation by additional dwellings. Multi-family dwellings, rooming houses, and condominium developments shall utilize recycling collection services in compliance with the provisions of this Section.

(B) Multi-family Dwellings, Rooming Houses, and Condominium Developments located within any of the 3 Designated Recycling Zones (“DRZ’s”).

(1) The geographic boundaries of the 3 DRZ’s are defined as follows:

(a) DRZ 1: the area north of Bellows Street, east of the railroad tracks which run parallel to Pleasant Street, south of High Street, and west of Mission Street.

(b) DRZ 2: the area north of High Street, east of the railroad tracks which run parallel to Walnut Street, south of Michigan Street, and west of Arnold Street.

(c) DRZ 3: the area north of Broadway Street, east of Island Park, south of Pickard Avenue, and west of Brown Street.

(2) Residential recycling collection for multi-family dwellings, rooming houses, and condominium developments located within DRZ’s shall use city recycling collection services as provided for in Section 50.11 of this Chapter. The city recycling collection contractor shall not collect recyclable materials on private streets unless a waiver of liability is provided by the affected multi-family dwelling, rooming house, or condominium development. The liability waiver must release the city and the city recycling collection contractor from any claims for damages to the private street, utilities, and pavements due to the operation of the recycling collection vehicle. The city recycling collection contractor has the right to not operate on private streets if the streets are not constructed or maintained to allow safe operation of the recycling collection vehicle.

(3) Designated storage containers for such recyclables shall be provided to the dwellings by the city at no cost to the owner or occupant of the dwelling. However, owners and/or occupants shall be responsible for replacing any lost, damaged, stolen, or otherwise unavailable storage containers at the owner or occupant’s sole expense. One storage bin per 6 licensed residents shall be issued by the city to each dwelling.

(4) The property owner shall be responsible for the monthly charge for city recycling collection services and such monthly charge shall be billed to the property owner on the property owner's sewer and water bills. Rates for participation in the city recycling service shall be set by resolution of the City Commission.

(5) The scheduled recycling collection day for each dwelling will be scheduled by the city for those using city recycling services. This may or may not coincide with the city residential refuse collection date.

(C) Multi-family dwellings, rooming houses, and condominium developments located outside the DRZ's. Residential recycling collection for multi-family dwellings, rooming houses, and condominium developments located outside the DPZ's shall be provided by one of the following methods. The property owner of each multi-family dwelling, rooming house, or condominium association of a condominium development, shall be responsible for securing an approved method of recycling collection and shall notify the city Division of Public Works of the method selected on an annual basis. Changes to the method of collection are limited to once per calendar year. All dwelling units within the multi-family dwelling, rooming house, or condominium development must use the same method for recycling collection.

(1) Collection by the city recycling collection contractor. The multi-family dwelling, rooming house, or condominium development may contract with the city for recycling collection.

(a) The city recycling collection contractor shall not collect recyclable materials on private streets unless a waiver of liability is provided by the affected multi-family dwelling, rooming house, or condominium development. The liability waiver must release the city and the city recycling collection contractor from any claims for damages to the private street, utilities, and pavements due to the operation of the recycling collection vehicle. The city recycling collection contractor has the right to not operate on private streets if the streets are not constructed or maintained to allow safe operation of the recycling collection vehicle.

(b) If the multi-family dwelling, rooming house, or condominium development contracts with the city for recycling collection, the multi-family dwelling, rooming house, or condominium development, and its residents, shall comply with and subsections (B)(2-5) of this Section; or

(2) Collection by private recycling contractor. The multi-family dwelling, rooming house, or condominium development may contract with a licensed, private contractor to collect recyclable materials generated by the multi-family dwelling, rooming house, or condominium development.

If the multi-family dwelling, rooming house, or condominium development contracts with a private recycling contractor for recycling collection, the private contractor shall comply with subsections (D)(2-5) of Section 50.11 of this Chapter.

(D) This Section shall not apply to multi-family dwellings, rooming houses, and condominium developments, with more than 4 attached dwelling units within a single residential building, and where travel off a public right-of-way is required for recycling collection, regardless of whether such dwelling is located within a DRZ. Such dwellings shall contract with a licensed, private contractor to collect recyclable materials generated by the multi-family dwelling, rooming house, or condominium development and such private contractors shall comply with subsections (D)(2-5) of Section 50.11 of this Chapter.

(E) This Section shall expire one year following its adoption, unless it is readopted before that date.

Section 3. Amendment. Title V, Chapter 50, Section 50.99 of the Mount Pleasant City Code is amended to read as follows:

§ 50.99. PENALTY

(A) Municipal civil infraction. Any person violating any provision of this chapter shall be held responsible for a municipal civil infraction and prosecuted in accordance with the municipal civil infraction ordinance.

(B) The fine for violation of the provisions of this chapter shall be \$50; the second violation, \$100; and the third or any subsequent violation within one calendar year, \$250.

Section 4. Publication and Effective Date. The City Clerk shall cause to be published a notice of adoption of this ordinance within 10 days of the date of its adoption. This ordinance shall take effect 30 days after its adoption.

Rick Rautanen, Vice Mayor

Jeremy Howard, City Clerk