



ORDINANCE NO. 219

AN ORDINANCE TO AMEND CHAPTER 50 OF THE VILLAGE CODE OF ORDINANCES

The Village of Quincy in order to promote the health, safety and welfare of the Village, hereby ordains as follows:

SECTION 1. PURPOSE AND INTENT

It is the intent of the Village Council that this chapter be liberally construed for the purpose of regulating the preparation, collection and disposal of residential solid waste and materials, maintaining public and private property in a clean, orderly and sanitary condition, for the health, safety and welfare of the Village, and providing for a reasonable system of user fees. The Village Manager is authorized to make such additional administrative rules and regulations as appear to be necessary to carry out the intent of this chapter.

SECTION 1. DEFINITIONS

As used in this chapter:

- (a) "Brush" means twigs, brush, branches and tree trunks not greater than eight inches in diameter.
- (b) "Commercial garbage service" means service provided to premises requiring one yard to ten yard front-load or rear-load container service.
- (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 Village Manager to be part of the Village'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 Village 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

47 Cole St

Quincy

Michigan

49082

517.639.9065

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" 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 six units.

(h) "Solid industrial waste service" means service provided to premises requiring a roll-off container service of greater than ten yards.

(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 Village Manager.

SECTION 2. 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 Village.

(c) No person shall burn any garbage or refuse except in a gas-fired incinerator designed for such purposes.

(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.

SECTION 3. 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 Village. 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 Village. Liquid industrial waste shall be disposed of in accordance with applicable State and Federal regulations.

SECTION 4. 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.

SECTION 5. 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 Village 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.

SECTION 6. FRANCHISE; PERMITS

The Village shall by resolution grant an exclusive, revocable franchise to a designated collector, giving it the right, power and authority to collect and transport garbage and trash from residences and residential rental units within the Village. The designated collector franchise, or renewal of any franchise or extension thereof or amendment thereto, is subject to revocation at the will of the Village Council.

SECTION 7. 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. It shall be unlawful for persons to leave their containers along public ways except for the day of trash removal and the evening before trash removal.

SECTION 8. ENFORCEMENT.

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

SECTION 9. 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 nuisance. The Village 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 prosecution for a misdemeanor as provided herein and shall further make

said lot or premises liable for necessary expenses incurred by the Village in abating said nuisance.

Village 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 Village from abating the nuisance.

SECTION 10. ABATEMENT OF NUISANCE BY VILLAGE.

In the event that any person, firm or corporation, by any act of commission or omission, creates a nuisance, as set forth in Section 9, and does not discontinue the same within the time stated in the notice to abate the nuisance, the Village Manager shall be authorized to order the necessary work to be done to abate the nuisance, and any expense incurred by the Village 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 Village taxes assessed against such lot or premises, and shall be assessed on the next assessment roll following the incurring of such expense. The amount of expense shall be certified by the Village Manager to the Tax Department of the Village for assessment and collection.

SECTION 11. ISSUANCE OF CIVIL INFRACTION CITATIONS AND NOTICES.

The Village Manager and his or her designated representative is hereby designated as the authorized Village official to issue Municipal civil infraction citations (directing alleged violators to appear in court).

SECTION 12. DISPOSAL OF YARDWASTE; YARDWASTE PICK-UP PROGRAM.

(a) In order to comply with State law, no yard waste shall be placed in any container provided for garbage pick-up.

(b) 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.

(c) The Village Manager is hereby authorized to establish a Village-wide residential yard waste pick-up program and to establish rules and regulations for the implementation of the program.

(d) 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 notice.

(e) The rules and regulations for the collection of yard waste will provide for the pick-up of loose leaves.

(f) The yard waste pick-up program is not meant to circumvent the free-enterprise system of commercial lawn care companies. The Village will not pick up yard waste generated by a commercial lawn care company.

SECTION 13. 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 Village Manager is hereby authorized to establish a Village-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 notice.

(d) The brush program is not meant to circumvent the free-enterprise system of commercial tree and brush removal. The Village will not pick up material that is left as a result of a tree or lot being commercially cleared, removed or pruned.

SECTION 14. PENALTY.

(a) A person who violates any provision of this chapter, except Section 3 is responsible for a Municipal civil infraction and shall be subject to the payment of a civil fine of not less than fifty dollars (\$50.00), plus costs and other sanctions, for each infraction, including any costs of clean-up. A second offense, within a period of ninety days, shall be subject to a civil fine of not less than one hundred dollars (\$100.00), plus costs and other sanctions, for each infraction, including any costs of clean-up. Third and subsequent offenses, within ninety days, shall be subject to a civil fine of two hundred fifty dollars (\$250.00), plus costs and other sanctions, for each infraction, including any costs of clean-up.

(b) Any person who violates Section 3 shall be subject to payment of a civil fine of not less than five hundred dollars (\$500.00), plus costs and other sanctions, for each infraction, including any costs of clean-up. A second offense, within a period of ninety days, shall be subject to a civil fine of not less than one thousand dollars (\$1,000), plus costs and other sanctions, for each infraction, including any costs of clean-up. Third and subsequent offenses, within ninety days, shall be subject to a civil fine of two thousand, five hundred dollars (\$2,500), plus costs and other sanctions, for each infraction, including any costs of clean-up.

SECTION 15. SEVERABILITY

If any section, subsection, paragraph, sentence, clause, phrase or portion of this chapter is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion thereof.