

ORDINANCE NO. 678

AN ORDINANCE TO AMEND CHAPTER 11 OF THE PETOSKEY CITY CODE ENTITLED, "GARBAGE AND REFUSE," TO RETITLE SAME TO "GARBAGE, RUBBISH, AND LITTER," AND TO ADD PROVISIONS TO ESTABLISH THE WEEKLY PICKUP OF RUBBISH FROM ALL RESIDENCES LOCATED WITHIN THE CITY AND TO ESTABLISH TIMES AND DESIGNATE AREAS FOR THE PLACEMENT OF GARBAGE AND RUBBISH.

THE CITY OF PETOSKEY ORDAINS:

- (1) Chapter 11 of the Petoskey City Code shall be and hereby is retitled, "*Garbage, Rubbish, and Litter*," and is amended as follows:

ARTICLE I. GARBAGE

Sec. 11.1 Garbage Defined.

"Garbage," when used in this Chapter, shall mean every refuse animal, vegetable or fruit matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit, or vegetables.

Sec. 11.2 Accumulation Prohibited.

No person owning, occupying or having control of any premises in the City, shall deposit, leave, accumulate or allow to be deposited, left or accumulated thereon garbage, waste or refuse vegetable or animal matter of any kind, filthy liquids, ashes, metal cans, or other receptacles that have been used to contain food, or any mixture of the same, in such quantities or for such time as to thereby create or contribute to the creation of unsanitary, unwholesome or disagreeable odors or conditions upon such premises or in the vicinity thereof, including, but not limited to, those areas immediately surrounding garbage receptacles and dumpsters.

Sec. 11.3 Placement of Garbage.

All garbage shall be placed in an animal- and odor-proof receptacle, which shall be securely covered at all times and shall not be constructed of wood. Residential garbage receptacles shall be placed for collection at the street side or within the curb lawn areas as defined in Chapter 21, Article III of this Code.

Sec. 11.4 Collection of Garbage.

Every owner or occupant of any property located within the City shall dispose, or cause to be disposed, said owner or occupant's garbage.

Sec. 11.5 Time of Garbage Placement.

When an owner or occupant of any property, used for any purpose, located within the City contracts with a third party to remove and dispose of garbage, said owner or occupant shall place the receptacle for collection no sooner than 9:00 P.M. on the day preceding the scheduled day of the owner or occupant's third-party garbage collection. Unless an owner or occupant has installed a City-approved garbage receptacle or dumpster screening device, all garbage receptacles and dumpsters shall be removed by the owner or occupant from the owner or occupant's front yard to the side or rear of the owner or occupant's building no later than 12 hours from the time of garbage collection.

ARTICLE II. RUBBISH

Sec. 11.6 Purpose.

The purpose of establishing this weekly residential rubbish pickup service in the City is to assist residents with the collection and disposal of materials that are either too large or too bulky to be housed in standard garbage receptacles or that are too difficult to transport to the Emmet County Transfer Station and to eliminate the accumulation of such materials to prevent nuisances, blight, and fires.

Sec. 11.7 Collection of Rubbish.

The City shall collect and dispose of rubbish, or cause rubbish to be collected and disposed, weekly from residences located in the City, on a day designated from time to time by the City Manager.

Sec. 11.8 Rubbish Subject to Collection.

"*Rubbish*," when used in this Chapter, shall be limited to the following items, which shall be collected and disposed by the City, as set forth in Sec. 11.7:

- (a) Discarded toys;
- (b) Household appliances;
- (c) Household furniture and floor coverings;
- (d) Motor vehicle tires limited to no more than four (4) per year;
- (e) Boards up to four feet in length secured in bundles;
- (f) Earth, sod, rocks or concrete;
- (g) Trees, limbs, tree trunks, brush or stumps;
- (h) Remodeling materials generated by homeowner up to two cubic yards;
and
- (i) Any other item not specifically excluded in this Chapter or any item hereinafter designated as rubbish by the City Manager.

Sec. 11.9 Exceptions to Rubbish.

The following items shall not be collected or disposed by the City:

- (a) Newspapers and magazines;
- (b) Household garbage as defined in this Chapter;
- (c) Discarded clothing;
- (d) Construction or remodeling materials not generated by the homeowner;
- (e) Grass clippings;
- (f) Motor vehicle or parts thereof, excepting tires;
- (g) Manufacturing or trade waste;
- (h) Any containers or items in excess of 50 pounds, excepting household appliances and furniture;
- (i) Any hazardous product or material, including but not limited to non-hardened latex paints, chemicals, solvents, used motor oil and used motor vehicle batteries; and
- (j) Any other item that the City Manager determines would pose a threat to the safety or welfare of the public.

Sec. 11.10 Placement of Rubbish.

Each resident of the City shall place the resident's rubbish to be collected at the street side or within the curb lawn areas as defined in Chapter 21, Article III of this Code.

Sec. 11.11 Time of Rubbish Placement.

Each resident shall place the rubbish to be collected no sooner than 6:00 P.M. on the day preceding the designated day of rubbish collection and no later than 9:00 A.M. on the designated day of rubbish collection.

Sec. 11.12 Amount of Rubbish.

No resident shall place rubbish to be collected in an amount in excess of two cubic yards.

Sec. 11.13 Refrigerators, Appliances, or Compartments.

- (a) No person shall place any artificially-cooled refrigerator, appliance, compartment, or storage unit for collection on property without first having had a state-licensed contractor remove completely all freon from same. Any such artificially-cooled refrigerator, appliance, compartment, or storage unit placed for collection shall have visibly displayed a contractor's certificate evidencing the complete removal of freon and shall be securely affixed to the artificially-cooled refrigerator, appliance, compartment, or storage unit.
- (b) No person shall place for collection any refrigerator, appliance, compartment, or other container in a manner which violates Chapter 12, Section 12.17 of this Code.

ARTICLE III. LITTER

Sec. 11.14 Litter.

"Litter," when used in this Chapter, shall mean all garbage, refuse, rubbish, waste, discarded or abandoned property, trash, offal of an animal, debris, bottles, cans, glass, paper, and plastic.

Sec. 11.15 Unlawful Depositing upon Public or Private Lands.

No person shall place, throw or deposit litter, as defined in this Chapter, upon any lot, land or premises, public or private, within the limits of the City, with or without the consent, permission or direction of the owner, occupant or person having control thereof, which has been taken, hauled or removed from any other place within or without the City limits.

ARTICLE IV. VIOLATIONS AND PENALTIES

Sec. 11.16 Municipal Civil Infractions.

Any person who violates any provision in this Chapter shall be responsible for a municipal civil infraction.

- (2) This ordinance shall take effect fourteen (14) days following its enactment and shall be published once within seven (7) days after its enactment as provided by Charter.

Adopted, enacted, and ordained by the City of Petoskey City Council this 4th day of December, 2000.

Herbert H. Carlson, Mayor

Alan Terry, City Clerk