

Of Commission as a Whole:

Ordinance No. 2020-01

Be it Ordained by the City of Bay City:

1. That the Code of Ordinances of the City of Bay City, Chapter 86, Solid Waste and Material Recovery, Section 86-27, be amended to read as follows:

Sec. 86-27. Contractors trucks and equipment.

All garbage trucks and similar vehicles used by a collector shall be equipped with watertight bodies.

2. That the Code of Ordinances of the City of Bay City, Chapter 86, Section 86-30, Solid Waste and Material Recovery, be added to read as follows:

Sec. 86-30. Pick up time.

No person or entity shall pick up any refuse at any time other than between the hours of 6:00 a.m. and 7:00 p.m.

3. That the Code of Ordinances of the City of Bay City, Chapter 86, Section 86-31, Solid Waste and Material Recovery, be added to read as follows:

Sec. 86-31. Insurance for refuse collector.

Each franchisee licensed under section 86-29 shall file with the city clerk evidence of compliance with the insurance requirements as set forth in Section 30-58.

4. That the Code of Ordinances of the City of Bay City, Chapter 86, Section 86-32, Solid Waste and Material Recovery, be added to read as follows:

Sec. 86-32. Compliance with rules and regulations.

Each franchisee licensed under section 86-29 shall comply with the rules and regulations regarding the city transfer station, if applicable.

5. That the Code of Ordinances of the City of Bay City, Chapter 86, Section 86-33, Solid Waste and Material Recovery, be added to read as follows:

Sec. 86-33. Containers.

Each franchisee licensed under section 86-29 may provide his own containers for refuse, providing such containers shall not be placed on city property without the permission of the city.

6. That the Code of Ordinances of the City of Bay City, Chapter 86, Section 86-34, Solid Waste Material and Recovery, be added to read as follows:

Sec. 86-34. Liability for damages.

Each franchisee licensed under section 86-29 shall be liable for all damage to any person or property caused in any way in the removal of refuse and shall hold the city harmless from any damages

7. That the Code of Ordinances of the City of Bay City, Chapter 86, Section 86-61, Solid Waste and Material Recovery, be amended to read as follows:

Sec. 86-61. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Bulk items means any large items which cannot be placed in a city provided refuse container such as a mattress, box springs, furniture, or other large items such as dishwashers and small appliances.

Excessive overflow means any items on the exterior of the city supplied refuse container that would fit inside an additional refuse container.

Garbage means rejected food waste, and includes refuse accumulation of animal, fruit or vegetable matter, used or intended for food, or that attends the preparation, use, cooking dealing in, or storage of meat, fish, fowl, fruit or vegetables.

Recyclable materials means items specifically designated by the city as recyclable materials, currently paper, glass containers, metal, plastic, newspaper, aluminum, paperboard, paste board and corrugated cardboard. The city reserves the right to designate the quantity and quality of each recyclable material and to add or delete items based upon market demands.

Refuse means all types of material to be discarded, such as wrappings, cartons, crates, packing material, rags, broken glass, crockery, waste paper and sweepings.

Residence means one or more dwelling units in a building and the lot or parcel of land on which the building is located, a city lot or property eligible for city collection and disposal of refuse.

Residential dwelling means any residence containing a single-family dwelling unit or multi-family dwelling units.

White goods means all types of large household appliances, such as stoves, refrigerators, air conditioners, washers, clothes dryers, hot water tanks and similar items.

Yard waste means all materials which grow on the property, which materials are to be disposed of, such as weeds, plants, garden trimmings, grass, hedge and shrub clippings, dead foliage, small branches and leaves.

8. That the Code of Ordinances of the City of Bay City, Chapter 86, Section 86-63, Solid Waste and Material Recovery, be amended to read as follows:

Sec. 86-63. Refuse container collection.

- (a) It shall be the responsibility of the owner, occupant, or person in charge of a residence to place or cause to be placed all refuse and garbage accumulated on the premises in the refuse container supplied by the city for collection by the city.
- (b) Materials shall be bagged and loosely placed in the container with the lid completely shut so that the container may be easily dumped.
- (c) Bulk items may be picked up from any residential dwelling on the same day as the refuse container is emptied or may be scheduled for pick up at an alternative time, in the city's discretion, providing that a proper bulk item sticker has been applied to the bulk item.

9. That the Code of Ordinances of the City of Bay City, Chapter 86, Section 86-64, Solid Waste and Material Recovery, be amended to read as follows:

Sec. 86-64. Container specifications.

- (a) The city shall supply refuse containers (wheeled curb carts). Refuse containers shall be a distinctive color with appropriate words which will readily indicate to city collectors that the refuse containers are intended for the weekly citywide refuse collection. City refuse containers are RFID tagged and must not be removed from the assigned property.
- (b) The city recommends the use of compostable craft leaf bags for yard waste collection and the use of city provided recycling bins for recycling.

10. That the Code of Ordinances of the City of Bay City, Chapter 86, Section 86-65, Solid Waste and Material Recovery, be amended to read as follows:

Sec. 86-65. Replacement of defective containers.

- (a) The city shall replace city assigned refuse containers and recycling bins which have become defective by normal wear and tear or as a result of damage caused by city collection efforts. The resident shall replace any refuse container or recycling bin which becomes defective by misuse or neglect at the then existing fee. Missing containers shall be replaced at the cost of the property owner.
- (b) The city is not responsible for damaged, missing or stolen private containers.

11. That the Code of Ordinances of the City of Bay City, Chapter 86, Section 86-66, Solid Waste and Material Recovery, be amended to read as follows:

Sec. 86-66. Collection of yard waste and recyclable materials.

- (a) Yard waste collection shall coincide with regular weekly refuse collection from the first Monday in April through the first Friday in December. Yard Waste must be bagged, tied in bundles or placed in 32-gallon or smaller containers. Loose yard waste will not be accepted.
- (b) Yard waste bags and containers shall not weigh more than 40 pounds.
- (c) Yard waste must be placed in craft yard bags or in a 32-gallon or smaller container with handles that is labeled with Yard Waste Only stickers provided by the city.
- (d) Yard waste materials placed in plastic bags, cardboard boxes, grocery bags or other unapproved containers will not be collected.
- (e) Collection of recyclables shall coincide with regular weekly refuse collection.
- (f) Brush will be collected without a fee during the months of April and November. Brush pick up will occur on the Eastside from the 1st to the 15th of the month, and on the Westside from the 16th to the last day of the month. Brush piles shall be no larger than an area of 4' wide, 8' long and 4' high.
- (g) Between May 1st and October 31st a fee shall be charged for brush collection. Brush collection shall be scheduled by appointment. Brush must be set out not more than 48 hours prior to the scheduled pick up. A brush collection fee shall be charged pursuant to Section 86-78.
- (h) Maximum branch diameter for brush collection is five (5) inches.
- (i) Brush must be free of root balls. Stumps will not be collected.
- (j) Any brush generated from the removal of a tree or a substantial portion of a tree, either by a resident or a hired tree service, will not be chipped or removed by the city.

- (k) Any brush placed for collection that is outside the scope of the above guidelines shall be deemed a nuisance and handled accordingly.

12. That the Code of Ordinances of the City of Bay City, Chapter 86, Section 86-67, Solid Waste and Material Recovery, be amended to read as follows:

Sec. 86-67. Placement for collection; removal of empty containers.

- (a) Except as otherwise provided, refuse, yard waste and recyclable materials to be collected by the city shall be placed on the property side of the curb on paved streets or in the area between the sidewalk and the edge of the roadway on unpaved streets no earlier than 4:00 p.m. on the day preceding the collection and not later than 7:00 a.m. on the day of collection. No person other than the owner, occupant or person in charge of a residence shall place refuse, yard waste or recyclable materials on the premises of the residence or adjacent thereto for collection. Emptied containers shall be removed before 8:00 a.m. following the day of collection.
- (b) Containers will not be serviced if they are not spaced a minimum of 3 feet away from other containers, trees, vehicles, utility poles or other obstructions.

13. That the Code of Ordinances of the City of Bay City, Chapter 86, Section 86-68, Solid Waste and Material Recovery, be amended to read as follows:

Sec. 86-68. Responsibility when placed for collection.

- (a) The owner, occupant or person in charge of a residence shall clean up and remove any scattered refuse resulting from the breakage or opening of any refuse container intended for collection from the residence within 24 hours after the same has been scattered.
- (b) The owner, occupant or person in charge of the residence shall, in accordance with this article, properly dispose of any scattered refuse and any container and the contents thereof intended for collection which is either broken or otherwise unacceptable.
- (c) Unacceptable containers, scattered refuse and prohibited items located on public property are subject to removal by the city, and the cost thereof shall be charged back to the abutting property owner pursuant to section 86-69.
- (d) Any container which is blocked by a vehicle owned or operated by the owner, occupant or person in charge of a residence is not eligible for call back service.
- (e) A container that is confirmed as missed during collection or only partially emptied is eligible for a call back for service provided the city is notified by noon of the next business day.

14. That the Code of Ordinances of the City of Bay City, Chapter 86, Section 86-71, Solid Waste and Material Recovery, be added to read as follows:

Sec. 86-71. Services and fees.

- (a) Every dwelling or property receiving refuse collection services shall be required to use a container supplied by the city. It is the responsibility of both the city and the property owner or tenant to ensure that collection services are properly billed. Billing adjustments will be limited to the six (6) months previous to the discovery of any billing error.
- (b) Refuse collection services shall be provided to the following locations:
 - (1) A single-family dwelling.
 - (2) A multiple-family dwelling having ten (10) dwelling units or less.
 - (3) A commercial property which utilizes designated refuse containers (wheeled curb carts).
 - (4) All other residential, commercial and industrial properties which specifically contract for city refuse collection services.
- (c) A collection fee shall be assessed to each residential dwelling unit and each commercial or industrial property regardless of collection status. For purposes of this subsection, a condominium unit shall be considered a residential dwelling unit. For purposes of this section, a multiple-family dwelling having eleven (11) or more units shall be considered a single property or dwelling unit.
- (d) The fees for refuse collection services shall be those fees on file with the city clerk which have been approved and filed by the city manager and which the city commission has been notified of for at least 30 days in compliance with section 2-1.
- (e) The fee to be charged for the removal and handling of refuse as provided in this article shall be billed not less frequently than monthly to each dwelling unit, commercial or industrial property.
- (f) Unpaid fees for the removal and handling of refuse which have been charged pursuant to this section shall be a lien against the property for which the service has been provided and amounts delinquent for three months or more may be certified annually to be entered on the next tax roll to be a lien against the premises. The fiscal services director shall, annually, on April 1, certify to the city assessor all unpaid charges for such services furnished to any premises which, on March 30 preceding, have remained unpaid for a period in excess of three months, and place the same on the next tax roll of the city. Such charges so assessed shall be collected and any such liens shall be enforced in the same manner in all respects as provided by law for collection of taxes by the city.

- (g) Refuse collection services furnished by the city to any other department of the city shall be charged to the department receiving such service at the same rate(s) and in the same manner as established in this section herein; as specifically applied to a commercial or industrial property contracting for collection services.
- (h) City residents may obtain 2 (two) bulk item stickers per year without a charge. Additional stickers may be purchased through the City as provide in Section 86-78.
- (i) Excessive overflow items outside of the city bin will be charged an overflow fee as provide in Section 86-78.
- (j) Commercial and industrial properties shall be charged for services as provided in Section 86-78.

15. That the Code of Ordinances of the City of Bay City, Chapter 86, Section 86-72, Solid Waste and Material Recovery, be repealed.

16. That the Code of Ordinances of the City of Bay City, Chapter 86, Section 86-74, Solid Waste and Material Recovery, be added to read as follows:

Sec. 86-74. Material not to be collected curbside by the city.

The following items will not be picked up by the city's curbside collection service:

- (1) Materials resulting from the construction, remodeling, repair or demolition of buildings, such as stones, bricks, plaster, lumber, shingles, gypsum board, concrete, sand, gravel, excavated earth and surplus earth from grading operations.
- (2) Yard waste, as defined in section 86-61, except in compliance with Section 86-77.
- (3) Dead animals.
- (4) Liquids.
- (5) Dangerous or hazardous materials including, but not limited to, those which are radioactive, acidic, caustic or explosive, such as propane tanks, small batteries and CFL bulbs.
- (6) Automotive bodies, parts, batteries, tires or service waste.
- (7) White goods.
- (8) It shall be unlawful for any person to place, permit, cause or assist in the placement of any refuse, trash, yard waste, rubbish or junk generated or accumulated outside of the city on city or private property for collection by the city. In addition to any penalty imposed upon the

person for placing, permitting, causing or assisting in the placement of such items in violation of this subsection, the city may remove such items and the cost thereof may be charged back to the abutting property owner pursuant to Section 86-69.

17. That the Code of Ordinances of the City of Bay City, Chapter 86, Section 86-75, Solid Waste and Material Recovery, be added to read as follows:

Sec. 86-75. Same – Contractor’s debris.

Placing contractor’s debris or landscape contractors trimming for curbside collection is prohibited. All such items will not be collected.

18. That the Code of Ordinances of the City of Bay City, Chapter 86, Section 86-76, Solid Waste and Material Recovery, be added to read as follows:

Sec. 86-76. Same – Refuse from industrial establishments.

The city’s curbside collection service shall not collect refuse material from industrial establishments.

19. That the Code of Ordinances of the City of Bay City, Chapter 86, Section 86-78, Solid Waste and Material Recovery, be added to read as follows:

Sec. 86-78. Fees.

Fees charged under this division shall be those fees on file with the City Clerk which have been approved and filed by the City Manager and which the City Commission has been notified of for at least 30 days in compliance with Section 2.1. All such fees shall be credited to the solid waste management fund of the city.

20. That the Code of Ordinances of the City of Bay City, Chapter 86, Solid Waste and Material Recovery, Section 86-79 through Section 86-83, be added to read as follows:

Sec. 86-79. Creation of solid waste nuisance appeal board.

The Solid Waste Nuisance Appeal Board is created and shall be under the supervision and control of the city manager. The city manager shall establish a convenient location for the Solid Waste Nuisance Appeal Board, appoint qualified city employees to administer the Solid Waste Nuisance Appeal Board or to perform any of the duties associated with the Solid Waste Nuisance Appeal Board and adopt rules and regulations for the operation thereof.

Sec. 86-80. Invoice and notice of solid waste nuisance.

The issuance of an invoice and notice of a nuisance by a sanitation staff member of the city or other person authorized to issue such invoice and notice shall include the property address and the amount of the fee scheduled for the violation for which the invoice and notice of nuisance was issued.

Sec. 86-81. Informal appeal.

- (a) An invoice and notice of a solid waste nuisance may be informally appealed to the city manager or the city manager's designee by the alleged violator. Informal appeals may be filed in writing or via email. The alleged violator shall be notified in writing or via email of the decision regarding the appeal. An informal appeal must be submitted within 21 days of the date of issuance of the invoice and notice of nuisance.
- (b) Upon investigation, the city manager or the city manager's designee shall either approve, disapprove or modify the invoice and notice of solid waste nuisance.

Sec. 86-82. Formal hearing.

An alleged violator may request a formal appeal hearing before the Solid Waste Nuisance Appeal Board provided the request is submitted within 21 days from the issuance of the invoice and notice of solid waste nuisance or within 10 days of the denial of an informal appeal. A nuisance which is not contained in this article shall not be disposed of by the Solid Waste Nuisance Appeal Board. No violation may be settled at the appeals board except at the specific request of the alleged violator. The Solid Waste Nuisance Appeal Board shall either approve, disapprove or modify the invoice and notice of a solid waste nuisance. An alleged violator aggrieved by the final decision at a formal hearing may appeal the decision to the Circuit Court by filing a petition for an order of superintending control within 20 days from the date of the decision.

Sec. 86-83. Collection of invoice.

Invoices which remain unpaid for a period of 30 days or which remain unpaid 30 days after a final decision on appeal shall be assessed to the owner pursuant to Section 90-7.

21. That the Code of Ordinances of the City of Bay City, Chapter 86, Section 86-86 through 86-92, Solid Waste and Material Recovery, be repealed.

22. That the Code of Ordinances of the City of Bay City, Chapter 86, Section 86-131, Solid Waste and Material Recovery, be amended to read as follows:

Sec. 86-131. Recyclable materials.

- (a) All persons who are occupants of any residential dwelling not served by a commercial refuse collector may place recyclable materials for collection by the city in an approved container on

the property side of the curb on paved streets or in the area between the sidewalk and the edge of the roadway on unpaved streets on their designated collection day.

- (b) All recyclable materials to be collected by the city under this section shall be placed in containers designated for recycling by the city or in containers clearly marked "recyclables only" and used solely for that purpose.

23. That the Code of Ordinances of the City of Bay City, Chapter 86, Section 86-132, Solid Waste and Material Recovery, be repealed.