

Ordinance No. 2022-14

Be it Ordained by the City of Bay City:

1. 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 item means any large item 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.

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 material means items specifically designated by the city as recyclable materials, currently paper, glass containers, metal, plastic, newspaper, aluminum, 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.

Recyclable overflow means any recyclable items on the exterior of the city supplied recycling cart with the lid closed.

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

Refuse overflow means any items or additional bags of trash on the exterior of the city supplied refuse cart that would fit inside an additional refuse cart, except as provided in section 86-71(h).

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.

2. 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.

3. 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 paper leaf bags for yard waste collection.
- (c) The city shall supply recycling carts to residential customers (wheeled curb carts). Recycling carts shall be of a distinctive color with appropriate markings which will readily indicate to city collectors that the recycling carts are intended for the by-weekly city-wide recycling collection. City recycling carts are R.F.I.D. tagged and must not be removed from the assigned property.

4. 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 owned/assigned refuse and recycling carts 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 cart or recycling cart which becomes defective by misuse or neglect by the resident at the then existing fee. Missing carts shall be replaced at the cost of the property owner.
- (b) The city is not responsible for damaged, missing or stolen private containers.

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 compostable paper leaf 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) Recyclables will be collected on a bi-weekly basis. (Starting January 1, 2023.)
- (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.

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) Refuse containers and recycling containers will not be serviced if they are not spaced a minimum of 3 feet away from other containers, trees, vehicles, utility poles, bulk items or other obstructions.

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.
- (f) The owner, occupant and person in charge of the property are jointly and severally responsible for all conditions observed on the property and charges that may result from the conditions.

That the Code of Ordinances of the City of Bay City, Chapter 86, Section 86-69, ~~Solid~~ Waste and Material Recovery, be amended to read as follows:

Sec. 86-69. Nuisances.

- (a) *Generally.* Any scattered refuse, scattered recyclable materials, any refuse bag, can or other container, and the contents thereof, which is unacceptable, any container intended for collection which contains unacceptable materials contrary to Section 86-74 or any container intended for collection placed in front of or adjacent to a residence contrary to any collection procedure referred in to Sections 86-67 and 86-68 or any item placed in front of a residence contrary to the collection procedures referred to in Sections 86-75 and 86-76 is hereby declared a public nuisance and is subject to removal or abatement by the city.
- (b) *Expenses.*
 - (1) All actual expenses incurred by the city and the removal or abatement of the nuisance, or a minimum labor, equipment, and disposal fee (whichever shall be greater) plus an additional administrative fee, shall be the responsibility of the owner, occupant or person in charge of the property on which, in front of or adjacent to which the condition existed and shall be paid by the owner, occupant or person in charge of the property in whose name the property appears on the current city tax assessment records. The minimum labor, equipment and disposal fee and the administrative fee shall be those fees on file with the city clerk which have been approved of and filed by the city manager and of which the city commission has been notified for at least 30 days in compliance with Section 2-1 of this code.
 - (2) The expenses incurred shall be a lien against the real property and shall be reported to the city assessor who shall assess the same against the property on which, in front or adjacent to which the nuisance was located.
 - (3) The owner, occupant or person in charge of the property in whose name the property appears upon the current assessment records shall be notified of the

amount of such costs by first-class mail at the address shown on the records. If the owner, occupant or person in charge of the property fails to pay the same within 30 days after mailing by the city assessor of the notice of the amount thereof, the city assessor shall add the name to the next roll of the city; and the amount shall be collected in the same manner in all respects as provided by law for the collection of taxes by the city.

That the Code of Ordinances of the City of Bay City, Chapter 86, Section 86-71, ~~Solid~~ Waste and Material Recovery, be amended 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 and recycling 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 set out for collection one bulk item or two additional kitchen-size (13 gallon) trash bags per week.
- (i) Commercial properties shall be charged for services as provided in Section 86-78.

10. That the Code of Ordinances of the City of Bay City, Chapter 86, Section 86-131, Recyclable materials, be amended to read as follows:

Sec. 86-131. Recyclable materials.

- (a) All residential dwellings meeting the criteria set forth in Section 86-71 will have access to the city's recycling program. An opt-in recycling program is available for commercial properties if they choose to participate. Those who participate in the recycling program may place recyclable materials in the city provided carts for collection by the city 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 during their designated collection week.
- (b) All recyclable materials to be collected by the city under this section shall be placed in carts designated for recycling by the city.