

**CITY OF DEARBORN HEIGHTS
ORDINANCE NO. H-12-06**

AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING SECTION 17-35 CONCERNING WASTE AND WASTE RECEPTACLES.

THE CITY OF DEARBORN HEIGHTS ORDAINS THAT THE CODE OF ORDINANCES OF THE CITY OF DEARBORN HEIGHTS, MICHIGAN, IS HEREBY AMENDED SUCH THAT SECTION 17-35 IS AMENDED TO READ AS FOLLOWS:

SECTION I.

Sec. 17-35. Waste and waste receptacles.

(a) *Generally.* The occupant or occupants of every building where waste accumulates and, in the case of multiple dwellings, the owner(s), lessee(s), or agent(s), shall cause to be provided for the building proper receptacles as herein described. Such waste when kept outdoors shall only be stored in such receptacles as provided herein. Further, such receptacles shall only be stored or placed in public view as provided herein.

(b) *General standards for receptacles and storage of waste and receptacles.*

(1) *Yard waste.* All yard waste shall be stored either in a heavy-duty paper bag of a type deemed acceptable to the City or in a thirty-two (32) gallon, plastic or metal receptacle or container with handles that are in good condition that also has a non-mechanical locking cover. As an exception to the preceding sentence, brush and sticks under two (2) inches in diameter may be stored in tied bundles no more than four (4) feet in length.

(2) *Items to be recycled.* All items that are to be recycled when stored outdoors shall be kept in recycling bins of a type deemed acceptable to the City.

(3) *Special pick-up items.* Waste items that are to be picked up by the City by way of a special pick-up do not need to be in a receptacle or container. They are not to be stored outdoors and may only be left outdoors in anticipation of the special pick-up.

(4) *Waste that is not yard waste, not items to be recycled, and not special pick-up items.* All waste that is not yard waste, is not special pick-up items, and is not items to be recycled shall be stored in any one or more of the following ways as maybe applicable:

(A) Said waste may be stored in a plastic or metal receptacle or container with a non-mechanical locking cover and with a volume that does not exceed thirty-two (32)

gallons. Such receptacles or containers must be watertight and must have handles that are in good condition.

(B) Said waste may be stored in a sealed cardboard box provided the waste so stored is non-organic waste and provided further that the waste has a volume of thirty-two (32) gallons or less.

(C) If said waste consists of household items otherwise deemed acceptable to the City for waste collection, it may be stored in tied bundles no more than four (4) feet in length.

(D) Said waste may be stored in a plastic bag with a volume that does not exceed thirty-two (32) gallons. Such bags must be watertight and closed.

(5) *Waste items not to be picked up by the City.* All waste items that the City cannot or will not accept as part of its waste hauling program or function shall only be stored outdoors to the extent that the City otherwise permits such storage. A person seeking to keep or to store such an item outdoors shall only do so if the person has written permission or a permit from the City to do so.

(6) *Meaning of "deemed acceptable to the City".* For purposes of this Section, an item is "deemed acceptable to the City" if the item is stated or described to be acceptable for use on the City's official website as part of the City's waste hauling program or function.

(c) *Additional requirement that waste and receptacles be stored out of the public view*

(1) *Generally.* Except as provided in Paragraph (2) of this Subsection (c), all waste and receptacles for waste (whether they or not they have waste in them) shall be stored outside of the public view. A person may satisfy this requirement by storing all waste and receptacles in the person's garage. A person choosing not to store all or part of the person's waste or waste receptacles in the person's garage may otherwise satisfy this requirement by storing the waste or receptacles in the person's rear yard provided the person also meets the following requirements. The waste and receptacles stored in the person's rear yard must be stored such that the waste and receptacles are not visible from the street adjacent to the person's front yard. Regardless of the location where waste or receptacles are stored, the receptacles must also comply with the requirements of Subsection (b) of this Section 17-35.

(2) *Exceptions.* A person does not need to comply with the requirement that waste and receptacles for waste must be stored outside of the public view as mandated by Paragraph (1) of Subsection (c) above if any of the following applies:

(A) The waste or receptacle is in the process of being moved from one location that is out of the public view to another location that is out of the public view.

(B) The person has received a permit or written permission from the City that implicitly or expressly allows the person to disregard the requirement.

(C) The person is placing the waste or receptacle into the public view for purposes of waste collection in a manner that is consistent with Subsection (d) below.

(d) *Standards for placing waste and receptacles for the curbside collection of waste.* Any person placing waste and receptacles out for the curbside collection of the waste must comply with all of the following requirements:

(1) All receptacles must comply with the requirements of Subsection (b) of this Section 17-35.

(2) The maximum volume of waste in any one receptacle shall be thirty-two (32) gallons. If the waste is not contained in a receptacle, the maximum volume of waste bundled or packaged together shall be thirty-two (32) gallons.

(3) The maximum weight of waste in any one receptacle shall be fifty (50) pounds. If the waste is not contained in a receptacle, the maximum weight of waste bundled or packaged together shall be fifty (50) pounds.

(4) Waste and receptacles shall be placed curbside for the collection of waste no earlier than 6:00 p.m. on the day prior to the regularly scheduled collection.

(5) Receptacles shall be retrieved from curbside no later than 8:00 p.m. on the day on which the waste was collected. After being retrieved, receptacles shall be stored out of public view as required by Subsection (c) of this Section 17-35.

(e) *Dumpsters complying with other City requirements.* Dumpsters may be used in residential zoning districts on a temporary basis as permitted by the Building and Engineering Department. Dumpsters may also be used in any district that is not zoned for residential use subject to applicable zoning, building, and use restrictions and regulations. Provided a person complies with all applicable requirements of this Code and the Building and Engineering Department with respect to the use of a dumpster, the person shall not be deemed to be acting in violation of this Section if the person uses a dumpster for the storage and/or placement of waste for the purpose of waste collection or disposal.

SECTION II.

REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

SECTION III.

SEVERABILITY

Should any section, subsection, clause, or phrase of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

SECTION IV.

EFFECTIVE DATE


This ordinance shall become effective upon publication as provided by law.

SECTION V.

AUTHENTICATION

This is to certify that the undersigned do hereby authenticate the foregoing record of the ordinance herein set forth.


DANIEL S. PALETKO, Mayor


WALTER J. PRUSIEWICZ, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of this ordinance adopted by the Council for the City of Dearborn Heights at a regular meeting of the Council held on the 28th day of August, 2012, and became effective by publication in the official newspaper of the City of Dearborn Heights on the 12th day of September, 2012.


WALTER J. PRUSIEWICZ, Clerk

Publication Date: September 12, 2012