

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING ARTICLE 2, COLLECTION AND DISPOSAL, OF CHAPTER 58,
RESIDENTIAL COLLECTION SCHEDULED AND REGISTRATION OF COLLECTORS**

THE CITY OF PORTAGE ORDAINS:

Sec. 58-33. - Residential collection schedule; registration of collectors.

(a) *Definitions.* As used in this section:

Contractor means the individual or business under contract with the city to perform collection and processing of recyclable waste under the city curbside recycling program.

Curbside recycling program means the city program to collect recyclables from households in the city on a weekly basis.

Fee Schedule shall mean a uniform schedule of charges assessed for services to all customers.

Garbage means rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruits or vegetables, and all other putrescible wastes, excluding grass.

Garbage and refuse collector means a person in the business of providing garbage and refuse collection services.

Recyclable waste means waste matter which is approved and collected in the city curbside recycling program, as designated by the city manager or his representative.

Refuse means all non-putrescible wastes, excluding recyclable waste.

- (b) *Purpose.* The purposes of this section are to promote citizen participation in the curbside recycling program by making collection as convenient as possible, to promote transparency, consistency and equity in fees charged by collectors and to beautify the city by designating one day a week for neighborhood pickup of garbage, refuse and recyclables.

- (c) *Collection schedule.*

(1) The city clerk shall divide the city into five geographic collection districts for the purpose of weekly garbage, refuse and recyclable waste collection.

(2) The city clerk shall designate one day of the week for collection of garbage, refuse and recyclable waste for each collection district. All such materials shall be collected on the same day in each collection district.

(3) The city clerk shall make available to the public and all garbage, refuse and recyclable collectors, no later than June 1, 2024, the collection districts and collection day schedule for each collection district.

(4) All garbage and refuse collectors and the contractor shall begin collecting garbage and refuse and/or recyclable waste according to the published schedule on July 1, 2024.

(5) The city clerk may revise the collection districts and/or schedules once a year, by publishing those revisions no later than the first Monday in May each year. Changes so made will be effective on following July 1.

(6) Nothing in this section shall be construed to apply to the collection of garbage, refuse or recyclable materials from apartments, commercial or business establishments, or to the city leaf pickup or spring cleanup programs.

(7) Fee schedules as required under Sec. d(4)(f) below shall be published by the city clerk in July of each year. Deviations from schedule as published may only be implemented on July 1 of the following year or 30 days following submission of price adjustments to the city clerk, unless such deviations result in a decrease in fees.

(8) Each calendar day during which a garbage and refuse collector or the contractor violates this section shall constitute a separate and distinct violation.

(d) *Registration of collectors.* In order for the city to monitor compliance with subsection (c) of this section, all garbage and refuse collectors providing collection services in the city shall register with the city clerk once a year, as follows:

(1) Each garbage and refuse collector currently providing collection services in the city shall register with the city clerk no later than June 30, 2024.

(2) Any garbage and refuse collector that intends to start collection services in the city shall register with the city clerk no later than one month prior to initiating such services.

(3) Each registered garbage and refuse collector shall update its registration with the city clerk no later than June 30, 2025, and the last calendar day of June in each subsequent year.

(4) Each garbage and refuse collector shall provide the following information to the city clerk upon registration:

- a. The company's legal name;
- b. The company's owner;
- c. The company's business telephone number;
- d. The company's business address; and
- e. The estimated number of households in the city the company serves or will serve.
- f. Rates charged for services including fees for collection of residential waste, yard waste, bulky items and any other special services, surcharges or any other fee to be charged to any residential customer in the City of Portage.
- g. Copy of complaint log referenced in Section (f)(5) below.

(5) Each registered garbage and refuse collector shall promptly notify the city clerk of any changes in the information provided under subsection (d)(4) of this section. Changes to subsection (d)(4)f that result in an increase in fees may only be implemented the following July 1 or following 30 days advance notice to the city clerk.

(6) Each calendar day during which a garbage and refuse collector violates this section shall constitute a separate and distinct violation.

(e) *Fees.* To assure consumer protection and avoid discrimination in the assessment of fees for service:

(1) Registered garbage and refuse collectors shall only charge fees as reported and published as provided herein.

(2) Each instance of improper, non-reported or unpublished fees charged to customers shall constitute a separate and distinct violation of this section.

(3) Should collectors remedy violations within one week of receiving notice from the City, violations of this section shall not result in the issuance of fines.

(f) *Performance Requirements.* Registered garbage and refuse collectors shall:

(1) Maintain a communications system that includes email and telephone access and respond to all complaints and requests for service within 24 hours of receipt.

(2) Provide written notification to customers of instances of non-collection, stating the reasons for not picking up materials on the scheduled day and clear information about the next scheduled pickup.

(3) Automatically credit bills for missed pickup of 25% of total monthly fee for each missed pickup, such credit to be applied to future bills or refunded to customers.

(4) Clean up any spilled or scattered rubbish, garbage, yard waste or other materials resulting from collection operations immediately.

(5) Maintain a written log of customer complaints and provide the same to the City Clerk each year when registering as a collector.

(6) Each instance of violation of these performance requirements shall constitute a separate and distinct violation of this section.

(Code 1983, § 1060.03; Ord. No. 091-11, 4-21-1991, 10-17-2023)

Dated: October 17, 2023

Patricia M. Randall, Mayor

FIRST READING: 10/3/2023
SECOND READING: 10/17/2023
ORDINANCE #: O-5-2023
EFFECTIVE DATE:

CERTIFICATION

I, Erica Eklov, do hereby certify that I am the duly appointed City Clerk of the City of Portage, and that the foregoing ordinance was adopted by the City of Portage on the 17th day of October 2023.

Erica Eklov, City Clerk

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Approved as to Form
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