

ORDINANCE NO. C-3-2020

**CITY OF FARMINGTON HILLS
OAKLAND COUNTY, MICHIGAN**

AN ORDINANCE TO AMEND THE FARMINGTON HILLS CODE OF ORDINANCES, CHAPTER 14, “RECYCLING, COMPOSTING, AND SOLID WASTE DISPOSAL,” TO CHANGE THE NAME OF THE CHAPTER TO “RECYCLING, COMPOSTING, SOLID WASTE DISPOSAL, AND COLLECTION CONTAINERS”; TO DESIGNATE THE EXISTING PROVISIONS OF THE CHAPTER AS ARTICLE I, “RECYCLING, COMPOSTING, AND SOLID WASTE DISPOSAL”; AND TO ADD A NEW ARTICLE, ARTICLE II, ENTITLED “COLLECTION CONTAINERS,” IN ORDER TO ESTABLISH REGULATIONS FOR COLLECTION CONTAINERS (SOMETIMES CALLED DONATION BINS), INCLUDING DEFINITIONS, LOCATION AND PLACEMENT RULES, SIGNAGE REQUIREMENTS, LICENSING PROVISIONS, AND MAINTENANCE OBLIGATIONS, AND TO PROVIDE FOR EXCEPTIONS TO THE ORDINANCE AND PENALTIES FOR VIOLATION OF THE ORDINANCE.

THE CITY OF FARMINGTON HILLS ORDAINS:

Section 1 of Ordinance. Ordinance Amendment.

The Farmington Hills City Code, Chapter 14, “Recycling, Composting, and Solid Waste Disposal,” is hereby amended to change the title of the Chapter to “Recycling, Composting, Solid Waste Disposal, and Collection Containers,” to make the existing Sections 14-1 through 14-13 Article I of the Chapter, and to add a new Article II relating to collection containers that will read as follows in its entirety:

Article I – Recycling, Composting, and Solid Waste Disposal

Sec. 14-1 through 14-13 [Unchanged]

Article II – Collection Containers

Sec. 14-21 - Definition

Collection containers. An outdoor receptacle made of metal, steel, or similar sturdy materials, designed with secured opening to accept clothing, books, and/or other salvageable personal property items to be used by the operator for distribution, resale, or recycling. Collection containers does not include receptacles used for the collection of solid waste and recyclable materials regulated under Chapter 14 – Recycling, Composting and Solid Waste Disposal – of the Farmington Hills Code of Ordinances.

Sec. 14-22 - Collection Containers

1. **Intent.** It is the intent of this ordinance to support, in a responsible manner, the placement and use of attended and unattended collection containers. These containers are most commonly used to collect for recycling, re-sale or re-use general household goods such as clothing, shoes, books and similar items. The purpose of these regulations is to promote the health, safety, and/or welfare of the public by providing minimum blight-related performance standards for the operation of unattended collection containers. This includes establishing criteria to ensure that material is not allowed to accumulate outside of such containers, that the containers remain free of graffiti and blight, they are maintained in sanitary conditions, and that the public is fully informed of those who operate the containers so that they may obtain additional information and/or so that such operators can be contacted if there are any blight-related questions or concerns. This ordinance is also intended to ensure that collection containers are not placed on property without the express permission of the property owner. Further, it is the intent of this ordinance to ensure the safety of pedestrians and motorists through appropriate placement of such containers as well as to ensure the site standards for other on-site uses are met.

Sec. 14-23 - Location.

Collection containers are permitted in the Collection Bin Districts shown on the [Collection Container District Map](#) made part of this ordinance adopting this Article, which shall be maintained in the City's Code Enforcement Division.

Sec. 14-24 - Size, Placement and Construction.

Collection Containers shall be established in a manner that preserves public safety and welfare by ensuring proper maintenance and placement. The following standards apply:

- a. Containers shall only be located on parcels with a functioning and permitted use.
- b. Containers shall not cause a visual or physical obstruction to vehicular or pedestrian traffic.
- c. Containers shall not be placed in a designated fire lane or block a building entrance or exit. Containers shall not occupy any required parking spaces.
- d. Containers shall be placed on a paved or concrete surface and shall be level and stable.
- e. Containers shall be locked and equipped with a secure safety chute so contents can only be accessed by those responsible for donation retrieval. The receiving door on each collection container must be oriented toward the interior of the zoning lot and away from the public right-of-way.
- f. Collection containers shall be locked with a tamper resistant mechanism so contents cannot be accessed by anyone other than those designated in the approved license application as being responsible for removal of content and/or maintenance.
- g. Collection containers shall not exceed a height of seven feet nor shall any container have a volume that exceeds 84 cubic feet.
- h. Collection containers shall be painted to have a solid color on the exterior.
- i. Containers shall be set back at least ten feet from any property line and twenty-five feet from any driveway, street right-of-way or sidewalk.
- j. Up to two collection containers are allowed on a single zoning lot, as defined by Chapter 34 of the Farmington Hills Code of Ordinances. In the case of a zoning lot that exceeds 10 acres, up to three collection containers are allowed. All containers on a single zoning lot shall be clustered in one location meeting the standards in this ordinance. Collection containers on separate zoning lots shall be separated by a minimum distance of 1,000 feet as measured by a straight line from one container to another, and collection containers shall be placed 100 feet from property that is zoned for residential uses.
- k. Containers on the same zoning lot shall not be separated by more than 24 inches.

Sec. 14-25 – Signage

- a. Containers shall have a 12" x 12" identification plate with the name, mailing address, email address, website and phone number of the operator. This plate shall be mounted near the donation chute so the messaging is between 48 inches and 60 inches above the ground.
- b. Additional signage is permitted on the face of the bin, on up to three sides of the bin. This shall be comprised of a single sign area per side not to exceed six square feet per side. The sign area shall be measured by a rectangle enclosing all elements of the sign, and the definition of a sign in Chapter 34 of the Farmington Hills Code of Ordinances shall apply.

Sec. 14-26 – License Required.

- a. No person shall place, operate, maintain, or allow a collection bin within the city without having first obtained a license issued by the city clerk.
- b. One license may be issued to cover all collection bins in the city under the same ownership, provided that application materials are submitted and approved and a license fee is paid for each collection bin. A collection bin that complies with this chapter may be added to an existing application and license upon receipt of the license fee and submittal of the information required for approval of a license.
- c. A license fee in an amount set by resolution of the council shall be paid at the time the application is made for the license or renewal thereof. A license issued pursuant to this chapter shall be nontransferable and nonassignable.
- d. All collection containers must obtain a collection container license and must include an affidavit and acknowledgement of the property owner giving permission to locate a collection container on real property on which collection containers are placed.
- e. A license issued to a collection bin that meets the requirements of this chapter shall automatically renew for successive one (1) year terms upon payment of a renewal fee, provided the city did not issue a written notice of violation of any provision of this chapter to the bin owner or property owner during the preceding one (1) year term. A license that does not qualify for automatic renewal may be renewed upon payment of a renewal fee if the bin meets the standards of this chapter and has no open citations, unpaid fines, or unresolved violations at the time of license renewal. A license shall not be renewed for a period of one (1) year if the city issued three or more written notices of violations of this chapter against the collection bin during the preceding twelve (12) months. The city clerk shall notify the applicant in writing of the decision to deny the renewal license and state the specific reasons for denial.

Sec. 14-27 – License Application and Review

- a. Any person desiring a license pursuant to this chapter shall file with the city clerk a license fee together with a sworn application for a license on forms furnished by the city, which application shall contain the following information:
- 1) Name, address, telephone number, email, and website address (if any) of the applicant, and of each officer if a corporation or each partner if a partnership. The same information shall be provided for the collection bin operator if different from the applicant.
 - 2) Name, address, telephone number, email, and website address (if any) of the owner of the real property on which the collection bin will be located.
 - 3) Name, address, telephone number, email, and website address (if any), including 24-hour contact information, of the person responsible for the daily operation and management of the collection bin.
 - 4) A signed and notarized affidavit and authorization from the property owner to allow placement of the collection bin on the property.
 - 5) Signed and notarized acknowledgements from the property owner and from the collection bin owner acknowledging receipt of a copy of this chapter and responsibility for joint and several liability for violations of this chapter.
 - 6) A textual description and scaled drawing or map on 8 ½" x 11" paper or other size accepted by the city that shows:
 - a) The proposed location of the collection bin(s).
 - b) The location and dimensions of all parcel boundaries, buildings, driveways, sidewalks, parking spaces, easements, and landscaped areas, and the distance from each to the proposed location of the collection bin.
 - c) Calculation of required, existing, and proposed number of parking spaces.
 - d) The distance between the proposed location of the collection bin and the nearest residential property.
 - e) The location and distance of all collection bins within 1,000 feet of the proposed collection bin location.
 - f) A photograph of the collection bin to be installed.
 - g) A description of the locking mechanism of the collection bin.
 - h) A maintenance plan that includes a plan for graffiti removal, rust protection, pick-up schedule, and litter and trash removal on and around the collection bin that is sufficient to prevent and/or eliminate blight-related conditions.

Sec. 14-28 – Maintenance and Hours of operation.

- a. Containers shall be maintained in good condition and appearance, with no damage such as holes, rust, or graffiti.
- b. The collection container operator and property owner shall maintain, or cause to be maintained, the area surrounding the containers free from any junk, noxious odor, debris and donated items.
- c. Collection containers shall be serviced not less than monthly or more frequently if containers are observed by the Planning and Community Development Department to be full. Servicing shall occur between 7 a.m. and 7 p.m. on weekdays and 9 a.m. and 6 p.m. on weekends. This servicing includes maintenance of the container, removal of collected material and abatement of any graffiti, litter, or other nuisance condition.

Sec. 14-29 – Exceptions.

Notwithstanding the above regulation of this ordinance, any non-profit organization or religious institution that engages in collection of goods and materials as part of its organizational mission may maintain up to three accessory collection bins on its own building site. All such Collection Containers shall be exempt from Section 5, “License Required,” and Section 6, “License Application and Review,” but shall adhere to all other standards and requirements of this Ordinance. The separation and setback requirements in 3.j. above shall be replaced with the following: no bin shall be placed closer than 50 feet to any residentially zoned property nor closer than 10 feet from any other non-residentially zoned property.

Sec. 14-30 – Violations.

- a. A violation of any provision or requirement of this Section is a civil infraction, subject to enforcement and the fines and penalties for civil infraction violations as set forth in this Code, in addition to the penalties set forth herein.
- b. Upon determination of the Planning and Community Development Department that a collection container has been placed or is being maintained in violation of this Chapter, an order to correct the offending condition shall be served by certified mail on the collection container operator and property owner of the parcel in which the collection container has been placed. The order shall describe the offending condition and the actions necessary to correct the condition. The order shall provide that the offending condition be corrected within five (5) business days after mailing or an appeal from the order with the Zoning Board of Appeals must be filed. The Board shall sit as an

administrative appeal board for purposes of this Section. A public hearing before the Zoning Board of Appeals shall be held before a license issued under this Section is suspended or revoked. The licensee and property owner shall be provided with due notice prior to the public hearing. The Board shall have the power to reverse, affirm or modify the decision. The determination by the Board shall be final, subject to appeal to a court of competent jurisdiction

- c. If a violation is neither remedied nor appealed within the given time period set forth by the order, the Planning and Community Development Department shall permanently revoke the collection container permit and may impound the collection container that has been determined to be in violation of this section, such action being at the discretion of the City and in addition to any other enforcement authority that the City has under this Code of Ordinances.
- d. Unless the collection container and its contents are being held as evidence in a criminal prosecution, the owner of a collection container may, within sixty (60) days of impoundment, recover the collection container and its contents upon payment of an impound fee established by resolution of City Council, plus labor for removing the collection container and a storage charge, established by resolution by City Council, for each day that the collection container is in the possession of the city.

Section 2 of Ordinance. Repealer.

All ordinances, parts of ordinances, or sections of the City Code in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect, and the Farmington Hills Ordinance Code shall remain in full force and effect, amended only as specified above.

Section 3 of Ordinance. Savings.

The amendments of the Farmington Hills Code of Ordinances set forth in this ordinance do not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendments of the Farmington Hills Code of Ordinances set forth in this ordinance.

Section 4 of Ordinance. Severability.

If any section, clause or provision of this ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any court of competent jurisdiction, the validity of the ordinance as a

whole, or in part, shall not be affected other than the part invalidated, and such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this ordinance shall stand and be in full force and effect.

Section 5 of Ordinance. Effective Date.

The provisions of this ordinance are ordered to take effect twenty-one (21) days after enactment.

Section 6 of Ordinance. Date and Publication.

This ordinance is declared to have been enacted by the City Council of the City of Farmington Hills at a meeting called and held on the 13th day of January, 2020, and ordered to be given publication in the manner prescribed by law.

Ayes: Barnett, Boleware, Bridges, Knol, Massey and Newlin

Nays: Steckloff

Abstentions: None

Absent: None

STATE OF MICHIGAN)

) ss.

COUNTY OF OAKLAND)

I, the undersigned, the qualified and acting City Clerk of the City of Farmington Hills, Oakland County, Michigan, do certify that the foregoing is a true and complete copy of the Ordinance adopted by the City Council of the City of Farmington Hills at a meeting held on the 13th day of January, 2020, the original of which is on file in my office.

PAMELA B. SMITH, City Clerk

Introduced: December 9, 2019

Enacted: January 13, 2020

Published: January 22, 2020

Effective: February 3, 2020