

CITY OF KEEGO HARBOR

2025 Beechmont, Keego Harbor, Michigan 48320 (248) 682-1930

ORDINANCE NO. 19-06

COLLECTION BIN ORDINANCE

AN ORDINANCE TO AMEND CHAPTER 17 OF THE MUNICIPAL CODE OF THE CITY OF KEEGO HARBOR TITLED PEDDLERS & SOLICITORS TO ADD SECTION 17-16 TITLED COLLECTION BIN ORDINANCE, SECTIONS 17-01 THROUGH 17-16.

CITY OF KEEGO HARBOR ORDAINS:

Section 1:01. Chapter 17 of the City of Keego Harbor Municipal Code is hereby amended to add Section 17.16 to read as follows:

COLLECTION BINS

Section 17-00. Intent and Purpose.

This section is intended to be a regulatory enactment in the public's health, safety and welfare for the protection of all citizens who use collection bins. The intent of this section is to impose restrictions and conditions on all collection bins in the City so that they are, and remain, clean and safe, and do not create hazards to pedestrians and to vehicular traffic.

Section 17-01. Definitions.

City. The City of Keego Harbor.

Clerk. Clerk for the City of Keego Harbor.

Collection Bin. Any metal container, receptacle, or similar object that is located on any parcel or lot of record within the City and that is used for soliciting and/or collecting the receipt of clothing, household items or other personal property. This term applies to all such containers regardless of whether the solicitation of property is made by a for-profit or non-profit entity. This term does not include recycle bins for the collection of recyclable material, any rubbish or garbage receptacle or any collection bin located within an enclosed building.

Operator. A person who owns, operates or otherwise is in control of collection bins to solicit collections of salvageable personal property.

Permittee. A person over 18 years of age or an entity or that is issued a permit authorizing placement of collection bin(s) on real property.

Property Owner. The person or entity that is an owner of real property where the collection bin(s) is located.

Real Property, Property, or Land. A lot of record located in the City of Keego Harbor.

Section 17-02. Collection bin permit.

No later than 90 days from the effective date of this section, no person shall place, operate, maintain or allow any collection bin on any real property in the City without first obtaining from the Clerk an annual permit to locate a collection bin.

Section 17-03. Application for a permit.

- (1) Any person desiring to secure a permit shall make an application to the Clerk.
- (2) A permit shall be obtained for each collection bin(s) proposed. A separate fee shall be paid for each collection bin.
- (3) The application for a permit shall be upon a form provided by the Clerk and shall contain the following information:
 - (a) Name, address, email, and date of birth of individual applicant or date of establishment of entity of business or corporate applicant.
 - (1) If the applicant is a partnership, then the application shall contain the name (including aliases), address, and email of all partners or limited partners; and the date the partnership was established, including any other person who is financially interested directly in the ownership or operation of the business.
 - (2) If the applicant is a limited liability company (LLC), then the application shall contain the name (including aliases), address, and email of all members of the LLC; and the date the LLC was established including any other person who is financially interested directly in the ownership or operation of the business.
 - (3) If the applicant is a non-publicly traded corporation, then the application shall contain the name (including aliases), address, and email of all officers and directors of the corporation; all stockholders owning more than 5% of the stock in the corporation; and any other person who is financially interested directly in the ownership or operation of the corporation; and the date the corporation was established.
 - (b) The name, address, email and telephone number of a contact person for all matters relating to a collection bin located in the City.
 - (c) Whether the applicant has previously received a permit for a collection bin in the City or operates a collection bin or similar type receptacle without a permit in the City.
 - (d) The physical address of the real property where the collection bin is proposed to be located.

(e) A scaled drawing sufficient to illustrate the proposed location of the collection bin on the real property, the dimensions of the proposed collection bin and a statement that the location complies with the requirements of Section 17-04.

(f) The signature of the individual applicant or, if the applicant is a business or corporation, the signature of an officer, director, member or manager of the business or corporation.

(4) If the applicant is not the owner of the real property where the collection bin(s) is proposed to be placed, then the applicant must attach to the application an Affidavit and Acknowledgment of Property Owner. The Affidavit and Acknowledgment is a form to be obtained from the Clerk to which a copy of this section of the ordinance is attached. By signing the Affidavit and Acknowledgment, the property owner is providing written permission for the placement of the collection bin(s) on the property and acknowledging receipt of a copy of this section of the ordinance. For purposes of this division, the Affidavit and Acknowledgment may be executed by an individual who is an officer, director, member or manager of an entity owning the property.

(5) At the time of application, the applicant must submit a nonrefundable application fee in an amount established by Resolution of the City Council.

(6) Within ten (10) days of receiving an application for a permit, the Clerk shall notify the applicant whether the permit is granted or denied.

(7) A person shall be issued a permit by the Clerk if the requirements of this section are satisfied.

(8) If the Clerk denies an application, the Clerk shall state in writing the specific reasons for denial.

(9) Upon approval, the City shall provide a permittee with one (1) permit sticker for each approved permit. The sticker shall display the City's seal, a permit number, and an expiration date. The size of the sticker shall be four inches by four inches (4" x 4"). The color of the sticker shall be the same color that the Department of State uses for motor vehicle registration decals for that year. The permittee shall place the sticker in a conspicuous place on the front panel of the Collection bin. On request of the permittee, the City shall provide a replacement sticker for a fee of \$10 if the original sticker is damaged or lost.

(10) No person to whom a permit has been issued shall transfer, assign or convey such permit to another person or legal entity.

Section 17-04. Size and placement requirements.

(1) Collection bins shall not be permitted on any land used or zoned for residential purposes.

(2) Collection bins shall not be permitted on any unimproved parcel, nor where the principal use of the land has been closed or unoccupied for more than 30 days.

(3) Collection bins shall not be less than 1,000 feet from another Collection bin as measured along a straight line from one box to the other. Notwithstanding this separation requirement, up to two (2) Collection bins on a single lot of record are permitted if the two (2) Collection bins are side by side, are no more than one foot (1') apart, and are owned by the same permittee.

(4) Collection bins may not exceed seven feet (7') in height; six feet (6') in width, and six feet (6') in depth.

(5) Collection bins may not cause a visual obstruction to vehicular or pedestrian traffic.

(6) Collection bins may not be placed closer than ten feet (10') from:

(a) A public or private sidewalk except that this provision does not apply to a private sidewalk that maintains a five foot (5') clearance;

(b) A public right-of-way;

(c) A driveway; or

(d) A side or rear property line of adjacent property used for residential purposes.

(7) Collection bins may not cause safety hazards with regard to a designated fire lane or building exit.

(8) Collection bins may not interfere with an access drive, off-street parking lot maneuvering lane and/or required off-street parking space to an extent which would cause safety hazards and/or unnecessary inconvenience to vehicular or pedestrian traffic.

(9) Collection bins may not encroach upon an access drive, off-street parking lot maneuvering lane and/or required off-street parking space.

(10) Collection bins shall be placed on an asphalt or concrete paved, dust-free surface.

(11) Collection bins shall not be placed in any front yard.

Section 17-05. Maintenance of collection bin(s).

(1) A permittee shall operate and maintain, or cause to be operated and maintained, all collection bins located in the City for which the permittee has been granted a permit as follows:

(a) Collection bins shall be metal and be maintained in good condition and appearance with no structural damage, holes or visible rust; and shall be free of graffiti.

(b) Collection bins shall be locked or otherwise secured in such a manner that the contents cannot be accessed by anyone other than those responsible for the retrieval of the contents.

(2) Collection bins shall have printed on them in letters at least one and one-half inches (1½") in height and visible from the front of each collection bin, the following information:

- (a) The name, address, email, website and phone number of the operator;
- (b) A statement as to whether the collection bin is owned and operated by a for-profit company or a nonprofit company.

(3) Collection bins shall not have information, advertising or logos other than those relating to the operator.

(4) Collection bins shall be serviced and emptied as needed, but at least every 30 days.

(5) The permittee and property owner shall maintain, or cause to be maintained, the area immediately surrounding the collection bin(s) free from any junk, debris, overflow items or other material. The property owner shall be responsible to the extent provided by law for the City's cost to abate any nuisance.

Section 17-06. Term of permit and renewal of permit.

(1) The permit year shall begin on January 1 in each year and shall terminate on December 31 of the year it was issued. A permit issued shall only be valid for 1 calendar year, and must be renewed annually.

(2) A collection bin permit shall be renewed annually. The application for renewal must be filed not later than 30 days before the permit expires. The application for renewal shall be upon a form provided by the Clerk.

(3) The Clerk shall either approve or deny the renewal of a permit within ten (10) days of receipt of the complete renewal application and payment of the renewal fee. Failure of the Clerk to act before expiration of the permit shall constitute approval of the renewal of the permit.

(4) A permit renewal fee set by Resolution of the City Council shall be submitted with the application for renewal.

(5) Prior to expiration of the permit, the permittee may voluntarily cancel the permit by notifying the Clerk in writing of the intent to cancel the permit. The permit shall become void upon the Clerk's receipt of a written notice of intent to cancel the permit. There shall be no refund of any portion of the application fee or permit fee upon the voluntary cancellation of the permit by permittee.

(6) The Clerk shall approve the renewal of a permit if the Clerk finds that no circumstances existed during the term of the permit which would cause a violation to exist, and that at the time of submission of the application for renewal, or at any time during the renewal of the application for renewal, there were not circumstances inconsistent with any finding required for approval of a new permit. Any permittee whose permit has been revoked shall be denied renewal of the permit for the subsequent calendar year.

(7) If the permit expires and is not renewed, the collection bin(s) must be removed from the real property within ten (10) days from the expiration of the permit.

Section 17-07. Revocation of permit, removal of collection bins and liability.

(1) The Clerk shall have the right to revoke any permit issued hereunder for a violation of this ordinance. Any of the grounds upon which the Clerk may refuse to issue an initial permit shall also constitute grounds for such revocation. In addition, the failure of the permittee to comply with the provisions of this section or other provisions of this Ordinance or other law shall also constitute grounds for revocation of the permit. The Clerk shall provide a written notification to the permittee and property owner stating the specific grounds for a revocation and a demand for correction and abatement. The notice shall allow a maximum of ten (10) days from mailing of the notice to correct or abate the violation. Upon failure to make the correction or abatement, the permit shall be revoked by the Clerk and, thereafter, the permittee shall not be eligible for a permit on the property for the subsequent calendar year. There shall be no refund of any portion of the application fee or permit fee upon the revocation of the permit.

(2) Upon revocation, the collection bin(s) shall be removed from the real property within ten (10) days. If the collection bin(s) is not removed within ten (10) days from revocation of the permit, then the City may remove, store or dispose of the collection bin at the expense of the permittee and/or real property owner. All costs associated with the removal of the collection bin(s) incurred by the City or the City's contractor shall be the responsibility of the permittee and/or property owner. If such obligation is not paid within 30 days after mailing of a billing of costs to the permittee and/or property owner, the City may place a lien upon such real property enforceable as a tax lien in the manner prescribed by the general laws of this State against the property and collected as in the case of general property tax. If the same is not paid prior to the preparation of the next assessment roll of the City, the amount shall be assessed as a special tax against such premises on the next assessment roll and collected thereunder.

(3) A permit for a collection bin may be revoked if any governmental authority or agency determines that the collection box has violated the Michigan Consumer Protection Act and/or the Charitable Organizations and Solicitations Act.

Section 17-08. Appeal to City Council.

Any person aggrieved by the decision rendered by the Clerk in granting or denying an application for a collection bin permit under this section or in revoking a collection bin permit issued under this section may appeal the decision to the City Council. The appeal shall be made by filing a written notice of appeal not later than ten (10) days after receiving notice of the decision of the Clerk with the City Clerk setting forth the grounds for the appeal.

Section 17-09. Penalty and remedies.

(1) In addition to revocation of permit pursuant to Section 17-07, any person violating the provisions of this section is responsible for a civil infraction.

(2) In addition to the penalty provided in Section 17-10-209(1) above, any condition caused or permitted to exist in violation of the provisions of this section, or any ordinance, shall be deemed a new and separate offense for each day that such condition continues to exist.

(3) Nothing in this section shall prevent the City from pursuing any other remedy provided by law in conjunction with or in lieu of prosecuting persons under this section for violation of this section.

(4) The real property owner and permittee shall be jointly and severally liable for each violation and for payment of any fine and costs of abatement.

(5) No fines shall be imposed for a violation of this section until 90 days after its effective date of this ordinance. All property owners where collection bins are located and/or the owner of any collection bin(s) existing at the effective date of this section shall apply for a permit as required herein within 30 days of the effective date. Any collection bins not in compliance with this section after 90 days of the effective date of this ordinance shall be subject to all remedies for violation as provided herein.

Sec. 17-10. Severability.

(1) If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

Section 2.01. Effective Date. The provision of this Ordinance shall become effective 30 days from and after approval and publication in a newspaper, general circulation, by the City of Keego Harbor.

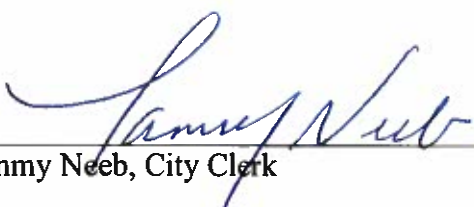
Made and passed by the City Council of the City of Keego Harbor this 21st day of November, 2019.



Tammy Neeb, City Clerk

CERTIFICATE OF CLERK

I, Tammy Neeb, being the duly appointed Clerk of the City of Keego Harbor, do hereby certify that the above Ordinance No. 19-6 is a true copy of the Ordinance adopted by the City Council of the City of Keego Harbor, Oakland County, Michigan, at a regular meeting thereof held on October 17, 2019.



Tammy Neeb, City Clerk

