

ORDINANCE 96-3

AN ORDINANCE TO AMEND CHAPTER 12 OF THE ALLEN PARK CODE OF ORDINANCES TO CLARIFY REGULATIONS AND PROHIBITIONS AND TO PROVIDE NEW PENALTIES FOR VIOLATIONS CONCERNING GARBAGE AND REFUSE

The City of Allen Park Ordains:

SECTION 1. AMENDMENT TO CODE.

The following sections of Chapter 12 of the Allen Park Code of Ordinances are hereby amended as follows:

Section 12-3. Containers

All material to be collected by the city's disposal contractor shall be separated into the following three (3) groups and stored and placed for collection separately as follows:

1. Solid waste. Solid waste shall be stored and placed for collection in a watertight container constructed of rigid metal or plastic of not more than thirty (30) gallon capacity each, with handles and a tight-fitting lid or in the equivalent capacity plastic garbage or trash bags, which must be sealed in such a manner so as to prevent its contents from spilling. Other containers shall not be accepted and the contents shall not be collected.
2. Yard waste. Yard waste shall be stored and placed for collection by the city's disposal contractor in a watertight container, labeled as compost or yard waste, constructed of rigid metal or plastic of not more than thirty (30) gallon capacity each, with handles and a tight-fitting lid or in the equivalent capacity paper yard waste recyclable bags, which must be sealed in such a manner so as to prevent its contents from spilling. Other containers shall not be accepted and will not be collected. Yard waste, such as tree trimmings, may be placed for collection as a container if tied in bundles not bigger than eighteen (18) inches in diameter nor longer than four (4) feet lengths.
3. Recyclables. Recyclables shall be stored and placed for collection by the city's disposal contractor in the proper container as provided by the director of the department of public services or the authorized city waste hauler. The user of the container so provided shall be responsible for the container and shall be responsible for the cost, as established by the city council, for replacement containers if the original container is lost, stolen or destroyed. Extra containers may be purchased from the city. Recyclables not within the proper container or properly prepared will not be collected.

Section 12-4A. Storage Location - Residential.

All containers for residential waste, recyclables, by-products or yard waste shall be stored on the premises in a location that is reasonably inconspicuous from streets and places occupied by people. Plastic bags shall be stored in a location not readily accessible by animals. All collection containers and storage areas for such shall be kept clean and disinfected.

Section 12-4B. Storage location - Commercial/Industrial.

All containers for commercial and industrial waste, recyclables by-products or yard waste shall be stored on the premises in a location that is reasonably inconspicuous from streets and places occupied by people. Plastic bags shall be stored in a location not readily accessible by animals and out of the weather. The location for commercial and industrial containers shall be approved by the building department and the director of the department of public services, or if required on a site plan, the planning and zoning commission. All collection containers and storage areas for such shall be kept clean and disinfected. All dumpster lids, doors and like openings shall be kept tightly and completely closed. Where feasible, all commercial and industrial containers shall be screened from view.

Section 12-7. Dumping, Composting.

a. It shall be unlawful for any person to deposit, dump, throw, place or leave, either by directly or by another, or to invite, encourage, permit or suffer any person to do such, any solid waste, yard waste or recyclables or any other waste upon any premises owned, occupied or controlled by that person or any other person or public property, except in accordance with this chapter.

b. A person may construct and maintain a compost facility for yard waste, only, upon that person's own property for private use. Such compost facility shall be constructed or placed no closer than twenty (20) feet to any occupied dwelling and shall be maintained in a sanitary manner and so as not to cause offensive odors or be unsightly.

Section 12-10. Prohibited Parking on refuse removal day.

a. **Prohibition.** It shall be unlawful for a person to park a vehicle on a residential street in the City of Allen Park between the hours of 8:00 a.m. and 4:00 p.m. on the day that residential refuse, including solid waste, recyclables and yard waste, is scheduled to be collected, on that street unless a hardship permit is attached to the vehicle.

b. **Posting.** The day of residential refuse collection on a street in the City of Allen Park

shall be posted by a sign indicating the parking prohibition on that street.

- c. **Resident Exemption.** A resident may have a vehicle or vehicles exempted from the above parking prohibition by obtaining a hardship permit from the police department and attaching it to the vehicle.
- d. **Commercial Property Exemption.** That portion of any residential street which is in a commercially zoned area and also intersects Allen Road, between Outer Drive and Englewood, or that intersects Ecorse Road between Roosevelt Road and Pelham Road, is exempt from the parking prohibition of this section.
- e. **Hardship permit - Application.** A resident may obtain a hardship permit from the police department by completing the application provided for same and signing an affidavit indicating that the applicant's residence does not have off-street parking or the off-street parking is inadequate or that by reason of the applicant's physical condition the vehicle should be exempted from the parking restrictions.
- f. **Criteria for review.** All applications shall be reviewed according to the policy established by the Commission of Public Safety and as approved by the City Council.
- g. **Appeal from police denial.** If a resident is denied a hardship permit, the applicant shall have the right to appeal the denial to the Allen Park Commission of Public Safety and have a full hearing to determine whether or not the applicant is entitled to the permit.

Section 12-11. Violations; penalties.

a. Violation of any provision of this chapter shall be punishable by a fine in an amount of not more than Five Hundred (\$500.00) Dollars, or imprisonment for a term of not more than ninety (90) days, or both.

b. Notwithstanding section (a) above, the first and second violations of sections 12-2, 12-3, 12-4A, 12-5(b) and (c), 12-7(b), and 12-10 shall be a municipal civil infraction with a civil fine as established by Chapter 1, Section 1-7(b). A person's

subsequent violations of the same section shall be a misdemeanor and subject to the penalties of Chapter 1-7(a).

SECTION 2. REPEAL.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect and specifically sections 12-3, 12-4, 12-7, and 12-10 of the Allen Park Code of Ordinances.

SECTION 3. SAVING CLAUSE.

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed pursuant to this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 4. SEVERABILITY.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION 5. IMMEDIATE EFFECT.

To preserve the public peace, health, welfare and safety, it is necessary that this Ordinance become immediately operative. It is, therefore, declared to be an emergency measure to take effect immediately.

SECTION 6. ADOPTION.

This Ordinance is hereby declared to have been adopted by the City Council of the City of Allen Park, County of Wayne, State of Michigan, at a regular meeting, called and held on the 22nd day of October, 1996 and ordered to be given publication in the manner prescribed by law.

KENNETH E. FORD, Mayor
City of Allen Park

BEVERLY KELLEY, City Clerk
City of Allen Park