

**CITY OF DEARBORN HEIGHTS
ORDINANCE NO. H-16-05**

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 plastic or metal receptacle or container with a volume that does not exceed thirty-five (35) gallons that has handles that are in good condition and 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 may be applicable:

(A) Before November 1, 2016, said waste may be stored in any one or more of the following ways as may be applicable. First, 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. Second, 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. Third, if the waste so stored is non-organic waste, said waste may be stored in a sealed cardboard box provided that the waste has a volume of thirty-two (32) gallons or less.

(B) On or after November 1, 2016, said waste may be stored in a cart with a volume that does not exceed ninety-six (96) gallons that is of a type deemed acceptable to the City. Such carts must be watertight and must have handles that are in good condition.

(C) Before, on, or after November 1, 2016, said waste may be stored in tied bundles no more than four (4) feet in length provided it consists of household items otherwise deemed acceptable to the City for waste collection and provided further it has a volume that does not exceed thirty-two (32) gallons.

(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 or disposal 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 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 as provided in Subsection (f) below.

(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 or autoside collection of waste.* Any person placing waste and receptacles out for the curbside or autoside 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) Before November 1, 2016, the maximum volume of waste in any one receptacle shall be thirty-five (35) gallons for yard waste and shall be thirty-two (32) gallons for waste other than yard waste. On or after November 1, 2016, the maximum volume of waste in any one receptacle shall be thirty-five (35) gallons for yard waste and shall be ninety-six (96) gallons for waste other than yard waste. On, before, or after November 1, 2016, if the waste is not contained in a receptacle as permitted under Subsection (b)(4)(C) of this Section 17-35, the maximum volume of waste bundled or packaged together shall be thirty-two (32) gallons.

(3) Before, on, or after November 1, 2016, the maximum weight of waste in any one receptacle shall be fifty (50) pounds. If the waste is not contained in a receptacle, as permitted under Subsection (b)(4)(C) of this Section 17-35, or as may otherwise be permitted, the maximum weight of waste shall be fifty (50) pounds.

(4) Waste and receptacles shall be placed curbside or autoside for the collection of waste in a manner deemed acceptable to the City no earlier than 6:00 p.m. on the day prior to the regularly scheduled collection.

(5) Receptacles shall be retrieved from curbside or autoside 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) *Parking requirements.*

(1) It shall be a violation of this Subsection (e) of this Section 17-35 for any person to park a vehicle upon a public street between the hours of 7:00 a.m. and 7:00 p.m. on the day or days that waste is scheduled to be collected in the area where the public street is located. The prohibition contained in the preceding sentence shall not apply on any of the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

(2) The Department of Public Works shall cause to be published on the City's website a notice or notices showing and/or stating the areas and public streets of the

City as well as the schedule of the days of the week that waste is to be collected in each such area.

(3) In its discretion, the Department of Public Works may also cause notice of the areas and public streets of the City as well as the schedule of the days of the week that waste is to be collected in each such area to be given to residents and others who may be affected by the requirements of this Subsection (e) of this Section 17-35. The Police Department may assist in this effort by assisting with the erection of appropriate signs calculated to provide such notice.

(f) *Permits or written permission to deviate from City requirements.*

(1) *Generally.*

(A) Except for a deviation from the requirements of Subsection (e) of this Section 17-35, a person may apply to the City's Department of Public Works to receive a permit or written permission to deviate from one or more of the requirements of this Section 17-35 or from one or more of the requirements of the City's waste hauling program or function. For example, a person or a member of his or her family may have a severe allergy to the material used to make recycling bins of a type deemed acceptable to the City. This Subsection (f) of this Section 17-35 is meant to provide a mechanism to address such a situation by, for example, possibly allowing the person to use a recycling bin constructed from a different material if such a deviation otherwise complies with the requirements of this Subsection.

(B) With respect to Subsection (e) of this Section 17-35, a person may apply to the City's Department of Public Works to receive a reasonable accommodation in the form of a permit or written permission to deviate from one or more of the requirements of this Code. For example, a person may typically have to park his or her vehicle on a public street in close proximity to the entrance of his or her dwelling because he or she has a health condition that limits his or her mobility and the public street is the closest place for him or her to park. This Subsection (f) of this Section 17-35 is meant to provide a mechanism to address such a situation by, for example, possibly allowing the person to temporarily park on an unpaved portion of his or her property on his or her waste collection day even though it would otherwise violate other provisions in this Code.

The authority of the City's Department of Public Works or Mayor to grant a reasonable accommodation pursuant to the preceding paragraph of this Subsection (f) of this Section 17-35 is limited in two respects. First, the Department of Public Works or Mayor shall not have the authority to grant any accommodation that would permit a person to engage in any act or omission that is deemed a felony or misdemeanor under federal law, State law, the City's Charter, or this Code. Second, the Department of Public Works or Mayor shall not have the authority to grant any deviation or accommodation that would permit a person to violate the parking requirements contained in Subsection (e) of this Section 17-35. Given the manner in which waste is expected to be collected in the City, such a deviation or accommodation cannot be permitted since it could allow a person to park his or her vehicle on the public street

during the time when waste collection is to take place thus hampering said collection and potentially endangering persons and property.

(2) *Duration and scope.* A deviation or reasonable accommodation granted pursuant to this Subsection (f) of this Section 17-35 may be granted on either a temporary or continual basis. Such a deviation or reasonable accommodation shall last no longer than may be reasonably necessary to meet the standards for judging a request for such a deviation or accommodation as stated in Subsection (f)(3) of this Section 17-35. Plus, the nature and scope of such a deviation or reasonable accommodation shall be as limited as possible in light of the standards for judging a request for such a deviation or accommodation as stated in Subsection (f)(3) of this Section 17-35. Such a deviation or reasonable accommodation shall be personal to the person to whom it is granted and shall create no vested rights in the deviation or accommodation.

(3) *Standards.* A deviation or reasonable accommodation shall only be granted pursuant to this Subsection (f) of this Section 17-35 if the person applying for the deviation or reasonable accommodation demonstrates that failing to grant such a deviation or reasonable accommodation would impose an undue hardship or burden on the person or that granting such a deviation or reasonable accommodation is required by practical necessity. A showing that the person would merely be inconvenienced or would incur limited expense if the request is not granted shall not be a sufficient basis for granting a deviation or reasonable accommodation pursuant to this Subsection (f) of this Section 17-35.

(4) *Procedure.* A person requesting a deviation or reasonable accommodation pursuant to this Subsection (f) of this Section 17-35 shall apply to the City's Department of Public Works to receive a permit or written permission providing for such a deviation or accommodation. After consulting with any City departments that may be involved in the enforcement of the provisions of this Code that the person is seeking a deviation from or is seeking a reasonable accommodation concerning, the Department of Public Works shall determine in its discretion whether to grant the request, deny the request, or grant some other relief consistent with the request using the standards for judging a request for such a deviation or accommodation as stated in Subsection (f)(3) of this Section 17-35. The Department of Public Works shall inform the person in writing of its decision. Should the person so applying disagree with the decision of the Department of Public Works, then he or she may appeal the decision to the Mayor who shall consider the matter *de novo* and shall affirm, reverse, or modify the decision of the Department of Public Works as he or she sees fit in his or her sole discretion. The Mayor's decision shall be final and there shall be no appeal from the Mayor's decision.

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 27th day of September, 2016, and became effective by publication in the official newspaper of the City of Dearborn Heights and/or by publication as otherwise permitted by the City Charter on the 4th day of October, 2016.

WALTER J. PRUSIEWICZ, Clerk

Publication Date: October 4, 2016.