

CITY OF BESSEMER  
ORDINANCE NO. 289

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF BESSEMER BY ADDING A NEW CHAPTER, WHICH NEW CHAPTER SHALL BE DESIGNATED AS CHAPTER 25 OF TITLE 2 OF SAID CODE.

CITY OF BESSEMER ORDAINS:

CHAPTER 25 GARBAGE AND RUBBISH COLLECTION

- 2.241. City Collection Services Confirmed and Established. There is hereby confirmed and established a City-wide refuse collection service come in conformance with such service as it has been traditionally and previously supplied by the City of Bessemer, which shall be administered by the City Manager and the Department of Public Works.
- 2.242 Scope of Service. City-wide residential refuse collection service shall be provided only to occupants of buildings in the City containing not more than four residential dwelling units which are not located in an apartment building complex or a mobile home park.
- 2.243. Definitions. As used in this chapter, except as otherwise provided:
- (1) "Apartment building complex" means more than one building containing rental dwelling units located on a parcel or tract of land under the control of one person.
  - (2) "Dwelling Unit" means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required for the Housing Code, for not more than one family.
  - (3) "Refuse" or "acceptable materials for collection" means any of the following:
    - (a) Normal household garbage, drained of liquid and wrapped in paper or placed in a plastic bag prior to being placed in a City refuse bag;
    - (b) Normal household refuse including cans, bottles, paper products and other miscellaneous household refuse;
    - (c) Grass clippings, leaves or other yard or garden wastes, brush or branch clippings; or
    - (d) Items weighing less than thirty pounds which are fully contained in a tied City refuse bag.
  - (4) "Residence or Residential Dwelling Unit" means one or more dwelling units.
  - (5) "Unacceptable materials for collection" means, but is not limited to, manufacturing or trade wastes; human and animal wastes; dead animals; hazardous materials, including but not limited to, hot ashes, coals, gasoline, lacquer or other explosive materials; pesticides; and scattered refuse within any right of way.

2.244. Disposal of Refuse; Prohibited in Parks.

- (1) The owner or occupant of a dwelling unit shall dispose of refuse by:
  - (a) Utilizing the refuse service provided by the City, if available, and by adhering to this Chapter;
  - (b) Utilizing the services of a private rubbish hauler;
  - (c) Utilizing an approved garbage grinder or incinerator; or
  - (d) Transporting and disposing of refuse in an approved refuse disposal area, provided that the load of refuse so transported is tightly covered and secured in order that no part of the load is lost.
- (2) No person shall transport refuse to a City part for the purpose of depositing the refuse in trash receptacles located within such park.

2.245. Accumulation of Refuse. No owner or occupant of a dwelling unit shall permit the accumulation of refuse upon the residential premises for a period of more than seven days.2.246. Refuse Containers. The owner or occupant of a dwelling unit shall utilize a sufficient number of containers to conveniently store the accumulation of refuse on the premises for a period not to exceed seven days. Containers used for the storage of accumulated refuse shall be of a rigid construction, shall have tight-fitting covers which shall be kept tightly sealed and shall be located, prior to placement for collection, at the rear or side of buildings in a reasonably inconspicuous manner, away from streets and places occupied by other persons and in a manner not readily accessible to animals, children and the elements.2.247. City Refuse Bags.

- (1) City refuse bags shall be a distinctive color and printed with the City seal or appropriate words which will readily indicate to City collectors that the refuse bags are intended for the weekly City-wide residential refuse collection service.
- (2) City refuse bags shall be sold at a price determined by resolution of Council and shall be sold at outlets designated by the City. Designated sales outlets shall sell City refuse bags only at the price established by the Council. However, the appropriate sales tax may be charged by the retail establishment if so required by the laws of the State.

2.248. Conditions for Service. The owner or occupant of a residential dwelling unit qualifying for weekly refuse collection service under this chapter and intending to utilize the service shall place all accumulated refuse and acceptable materials for collection in a City refuse bag, which shall be tightly sealed. Refuse bags intended for collection or accumulated refuse containers containing tightly sealed refuse bags shall be placed by the owner or occupant of the residential dwelling unit at the curb in front of the residence not earlier than 7:00p.m. of the day preceding the collection day, and not later than 6:30a.m. of the day of collection. Refuse bags intended for collection shall not be broken nor weigh more than thirty pounds when filled. The owner or occupant shall not place or cause to be placed any unacceptable materials for collection in any City refuse bag intended for collection. No person other than the owner or occupant shall place City refuse bags on the premises of the residence or in front of the residence for the weekly City-wide residential collection.2.249. Removal of Scattered Refuse and Unacceptable Materials.

- (1) The owner or occupant of a dwelling unit shall clean up and remove any scattered refuse resulting from the breakage or opening of any City refuse bag, can or other container or refuse bag intended for collection from the dwelling unit within twenty-four hours after the same has been scattered.
- (2) Within twenty-four hours after written notification by the City, the owner or occupant of a dwelling unit shall, in accordance with this Chapter, properly dispose of any such scattered refuse, any City garbage bag (and the contents thereof) intended for collection which is either broken or otherwise open, any City refuse bag which weighs in excess of thirty pounds, any City refuse bag which contains unacceptable materials for collection or any City refuse bag which was placed on the curb in front of the residence prior to 7:00p.m. of the day preceding the collection day or later than 6:30a.m. of the day of collection.
- (3) Notification shall be in writing and sent by first class mail to the owner or party in interest of the property on which or in front of which the violation of this chapter exists. The name and address of the owner or party in interest of the property shall be determined from the last local tax assessment record for the property. Notice shall also be given to the occupant of the property on which or in front of which the violation exists by either giving a copy of the notice personally to a person at the residence or by sending a copy of the notice by first class mail to the "occupant", as addressee, addressed to the property, if there is a dwelling thereon, and by posting a copy of the notice in a conspicuous place at the property or on a building thereon.

2.250. Collection Service. The schedule of routes and days for the weekly refuse collection service shall be determined by resolution of the City Council.2.251. Separation of Recyclable Materials. The City may require that newspapers, magazines, or other recyclable materials be separated from the refuse. The recyclable materials shall be securely tied with cord or twine in a bundle which shall weigh not more than thirty pounds. The City may require that the recyclable material, after separation, be transported by the owner or occupant to the appropriate disposal facility.

2.252. Nuisances.


- (1) Removal or abatement. Any accumulated refuse as referred to in Seciton 2.245; any scattered refuse, broken or open City refuse bag, City refuse bag in excess of thirty pounds, City refuse bag containing unacceptable materials or bag placed in front of a residence contrary to any collection procedure established by the City, is hereby declared to be a public nuisance and is subject to removal or abatement. If a violation of this chapter is not corrected within seven days in the manner provided by this code, then the City may remove or abate the nuisance.
- (2) Expenses.
- (a) Any expenses, including the administration costs to City, incurred in the removal or abatement of the nuisance, shall be the responsibility of the owner or party of interest of the property on which or in front of which the condition existed and shall be paid by the owner or party in interest in whose name the property appears on the City's real property tax assessment records.
- (b) The expense incurred shall be a lein against the real property and shall be reported to the City Assessor who shall assess the same against the property on which or in front of which the nuisance was located.
- (c) The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified of the amount of such cost by first class mail at the address shown on the records. If he or she fails to pay the same within thirty days after mailing, by the City Assessor, of a notice of the amount thereof, the City Assessor shall add the same to the next tax roll of the City and such amount shall be collected in the same manner in all respects as provided by law for the collection of taxes by the City.

2.253. Penalty. Any person convicted of violating any of the provisions of this chapter shall be subjected to the penalty provided in Section 1.12 of the Code of the City of Bessemer.


Any portions of ordinances inconsistent herewith are hereby repealed.

This Ordinance shall be effective upon its adoption and publication, as required by law.

Adopted and approved by the City Council of the City of Bessemer, Michigan, this 18th day of September, 1989.

  
 \_\_\_\_\_  
 Paul Semmerling, Mayor

ATTEST:

  
 \_\_\_\_\_  
 Bruce Carlson, City Clerk