



TO: Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Christopher J. Forsyth, Assistant City Attorney
DATE: August 20, 2008
SUBJECT: Proposed consolidation and redraft of Municipal Solid Waste and Littering Ordinances.

Enclosed for your review is a proposed rewrite of Chapter 16 of the City Code. The proposed revisions consolidate provisions that are currently found in Chapter 16 (Municipal Solid Waste), Chapter 48 (Litter), and Chapter 88 (Billposting/Littering Section of Nuisance Ordinance). These provisions have been consolidated into one area and reorganized, and redundant provisions have been eliminated. Recent revisions to the state statute, the Solid Waste Management Act (MCL 324.11502 et. seq.) have also been incorporated into the proposed draft ordinance. These state statutory provisions address the management of yard waste.

The proposed revision, in addition to corresponding necessary amendments to Chapters 3, 16, 48 and 88 are attached for your review. Although City Council could take action on these proposed revisions as early as the next City Council meeting, it is the recommendation of City Administration that these revisions be incorporated into the comprehensive revision of the Property Maintenance Code, which is being actively undertaken at this time, and should be presented to City Council in the immediate future. The consolidation of these revised ordinance provisions into the Property Maintenance Code would further the City's goal of streamlining and reorganizing the Code of Ordinances.

Absent further direction from City Council, these ordinance provisions will be included into the Property Maintenance Code re-write, rather than presented as a stand alone item. The consolidation of these revised provisions into the Property Maintenance Code would further the City's goal of streamlining, reorganizing, and codifying the City's ordinances.

If you have any questions concerning the above, please let us know.

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 16 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as a consolidation of Chapter 48 (Litter), Chapter 88, Sections 9.13-9.16, and Chapter 16 (Municipal Solid Waste and Recycling), and shall completely replace the current provisions of Chapter 16 of the Code of the City of Troy.

Section 2. Replacement Ordinance

1. Definitions. The following definitions shall apply in this Chapter:
 - a. **Construction Refuse** – means rejected, discarded or abandoned materials resulting from the alteration, repair, construction, and/or demolition of buildings.
 - b. **Garbage** – means putrescible waste resulting from the handling, preparation, cooking or spoiling of food. The term shall not include discarded food from food processing plants, large quantities of condemned food products or large quantities of wind fallen fruit subject to rapid decomposition.
 - c. **Hazardous Waste** – means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety, welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed, however, not to include solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act of 1967 as amended, or source, special nuclear, or by product material as defined by the Atomic Energy Act of 1954.
 - d. **Litter** – means refuse, recyclables, rubbish, garbage and all other

waste material, except yard waste.

- e. **Nuisance** – means whatever annoys, injures, or endangers the safety, health, comfort or repose of the public; interferes with or destroys or renders dangerous any street, highway, allows accumulation of junk or obnoxious matters on private property; or in any way renders the public insecure in life or property.
- f. **Private premises** – means any lot or parcel of land owned or occupied by any person whether or not improved with any dwelling, house, building, or other structure, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to any dwelling, house, building, or other structure erected thereon.
- g. **Public place** – means any and all streets, sidewalks, boulevards, alleys, or other public ways and any and all public parks, squares, spaces, grounds, and buildings.
- h. **Recyclables** – shall be defined on an annual basis by the Southeastern Oakland County Resource Recovery Authority, but is expected to at least include newspapers, inserts, catalogs, magazines, brown paper grocery bags, paperboard, corrugated cardboard, telephone books, clear and brown glass, #1 and #2 plastics, metal cans, metal lids, pie tins, small metal objects, empty metal paint cans and metal aerosol cans, and household batteries.
- i. **Refuse** – means all solid waste including garbage and rubbish but excluding recyclables and yard waste.
- j. **Rubbish** – means non putrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, household plastic, empty tin cans and glass containers, wood, other than tree trimmings, limbs or branches, wood products or lumber, paper products, books, magazines, glass, crockery, stone, concrete and similar materials.
- k. **Yard Waste** – means biodegradable materials such as leaves, grass clippings, vegetable, fruit or other garden debris, shrubbery, brush and tree trimmings, tree limbs and branches less than four feet in length and two inches in diameter, old potting soil, shredded bark, weeds, old flowers, and any other similar items. The term does not include agricultural waste, animal waste, roots, stumps, treated wood, sludge, or sewage.

REFUSE AND RECYCLING

2. Refuse – In General.
 - a. Every owner, tenant or occupant of any building, and the owner of any property or use which generates refuse shall provide sufficient size containers to hold the accumulated refuse between weekly scheduled refuse collections.
 - b. Containers for refuse must be portable, watertight, vermin-proof, of substantial construction, and have handles and a tight-fitting cover.
 - c. The container must have a capacity of at least ten (10) gallons, but not more than thirty-five (35) gallons. Mechanically lifted carts which exceed 35 gallons may be used with prior permission of the Public Works Department.
 - d. Strong, securely closed plastic bags holding up to thirty-two (32) gallons of refuse are also acceptable.
 - e. Cardboard boxes, buckets, bushel baskets, paper bags, paint pails, and other similar containers are considered unapproved containers and the City may not collect refuse when placed in these unapproved containers.
 - f. For regularly scheduled pick-up, items of refuse, including containers filled with refuse, shall weigh less than sixty (60) pounds. In addition, items of refuse shall not exceed three (3) feet in length or three (3) feet in girth.
 - g. Large residential refuse items shall be broken down or disassembled and placed in approved containers or securely tied in bundles which do not exceed sixty (60) pounds in weight, three (3) feet in length, and three (3) feet in girth. No item shall exceed 60 pounds.
 - h. Bulky residential refuse items, such as large appliances or furniture, which cannot be broken down or disassembled, shall be placed at the curb by 7:00 a.m. on the normally scheduled collection day. For safety reasons, refrigerator or freezer doors shall be removed before placing items at the curb. No item shall exceed 250 pounds.

- i. All persons who own, lease or occupy property zoned commercial, office, industrial or research may place at the curb up to 4 bags, 1 container, or 1 cart of refuse per week for collection. A container shall not exceed a thirty-five (35) gallon limit nor weigh more than 60 pounds. A cart shall not exceed a ninety gallon limit nor weigh more than 250 pounds, and may only be used with prior permission of the Public Works Director.
- j. No person shall leave any materials that could ignite waste in a container or waste collection vehicle.

3. Private Collection and Disposal

- a. Hazardous waste shall be the responsibility of the producer, or owner thereof and shall not be disposed of within the City. In addition, hazardous waste shall not be stored or transported within the City without the written approval of the City Manager or Public Works Director. Written approval will not be granted unless the City Manager designates a supervisor who has knowledge of the safety measures required to protect the public health and safety during the storage, transport, or disposal of hazardous waste.
- b. Construction refuse shall be the responsibility of the owner, contractor, occupant or other person responsible for construction, and the responsible person shall arrange, at their own expense, the removal of such construction refuse from the premises within a reasonable time after the completion of such construction work.
- c. In every case where the owner, occupant or user of any residential premises accumulates more than two (2) cubic yards of refuse within any one-week period, it shall be the responsibility of such owner, occupant, or user to arrange for private collection and disposal.
- d. If the owner or occupant of property zoned commercial, office, industrial or research accumulates more than the allowable limit of 4 bags or 1 container, or 1 cart per week, as provided in Section 2, Subsection h, it shall be the responsibility of the owner or occupant to arrange for private collection and disposal.

4. Rejection of Refuse; Tagging of Containers

- a. If any refuse is rejected by the City's waste collector because it does not conform to the requirements of this Chapter, the City's waste collector shall give notice to the owner or occupant of the premises by placing a tag on the rejected refuse. The tag shall

advise the owner or occupant of the non-conformity and shall include a telephone number to call for additional information and possible alternatives.

- b. If the Public Works Director determines the owner or occupant has failed to correct the tagged violation, a special collection of the rejected refuse may be completed by the Public Works Director or his/ her designee. The property owner shall be liable for any expenses the City incurs to make the special collection.
5. Disturbing Containers. No person, other than the owner of refuse or recycling containers or his or her agents, and/or employees or licensees of the City shall disturb, remove, or attempt to remove refuse or recycling containers or their covers or disturb or remove or attempt to remove the contents of such containers or disturb, remove or attempt to remove any refuse or recycling not in containers, whether same is on public or private property. This section does not apply to police officers or law enforcement officials who are lawfully engaged in their duties.
6. Preparation of Recyclables. Recyclables shall be placed in a City of Troy approved recycling bin. The bin shall be placed on the opposite side of the driveway as the refuse so that it is clearly distinguished from the refuse. The bin shall be placed at the curb by 7:00 a.m. on the normally scheduled collection day.
7. Placing at Curb.
 - a. Refuse and recyclables will be collected Monday through Thursday beginning at 7:00 a.m., with the exception of the following legal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. When a holiday occurs on a weekday, refuse collection shall be made on the day following the regularly scheduled collection day. If the normally scheduled collection day is Thursday, collection shall be made on Friday.
 - b. No refuse or recyclables shall be placed at the curb or street for collection prior to 5:00 p.m. on the day preceding the day scheduled for collection.
 - c. After the collection of container contents has been made, the empty containers shall be removed from the curb or street as soon as possible, but in no case later than twenty-four (24) hours after collection of refuse or recyclables has been made.

8. Collection Vehicles.

- a. Vehicles used for collection, transportation of refuse within or through the City shall be water tight, covered, and conform to all laws regulating axle and road limitations.
- b. The contractor for the City of Troy shall dispose of all refuse collected from within the City at the facilities of the Southeastern Oakland County Resource Recovery Authority or in a manner agreed upon between the contractor and Southeastern Oakland County Resource Recovery Authority.
- c. The Public Works Director shall designate the route to be taken by trucks of haulers of refuse through the City and to the facilities of the Southeastern Oakland County Resource Recovery Authority.

9. Burning or Burying Refuse; Prohibited

- a. No person shall burn refuse within the City of Troy.
- b. No person shall bury refuse within the City of Troy. This prohibition does not apply to a person lawfully operating a landfill ,as provided in the Solid Waste Management Section of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, MCL 324.11502, et seq.

YARD WASTE

10. Disposal. Yard waste shall be disposed of in the following manner:

- a. By composting, as further defined in section 11.
- b. By participating in City operated yard waste collection program, provided all the following requirements are met:
 - i. Yard waste shall be placed in a container not exceeding thirty-five (35) gallons that has a yard waste sticker affixed to the can, or thirty gallon yard waste paper bag. Plastic bags shall not be used to dispose of yard waste.
 - ii. A yard waste container or paper bag shall not exceed 60 pounds in weight.
 - iii. The yard recyclable container shall be placed at the curb so that the yard waste sticker faces the street.

- iv. The yard recyclable container or paper bag shall be placed at the curb on the opposite side of the driveway from the regular refuse by 7:00 a.m. on the normally scheduled collection day.
 - v. Container(s) marked as yard waste shall not be used to collect regular refuse.
 - vi. The Public Works Director, or his/her designee shall promulgate additional rules and regulations for the implementation of this section, including the announcement of yard waste collection dates each year.
- c. By temporarily accumulating the yard waste, provided all the following requirements are met:
- i. The accumulation shall only occur at property that is zoned single family residential, and is a person's residence or other property that the person owns or leases that is contiguous to the person's residence.
 - ii. The accumulation does not create a nuisance or otherwise results in a violation of this ordinance or state law.
 - iii. The yard waste is not mixed with other types of waste, as defined in this ordinance.
 - iv. No more than three cubic yards are placed on the property unless a greater volume has been approved by the Michigan Department of Environmental Quality.
 - v. Yard waste placed on property on or after April 1 but before December 1 is disposed of as provided in subsections a. (composting) or b. (yard waste program) within 30 days after being placed on the property.
 - vi. Yard waste placed on property on or after December 1 but before the next April 1 is disposed of as provided in subsections a. (composting) or b. (yard waste program) by the next April 10 after the yard waste is placed on the property.
 - vii. Except as provided in subsection (d), the restrictions of Section 12 of this Chapter shall not be deemed to prohibit the disposal of yard waste on private premises.

- d. No person shall throw or deposit yard waste on private premises owned by another person or on any public place.
- e. No person shall burn yard waste within the corporate limits of the City.
- f. All persons who own, lease or occupy property zoned commercial, office, industrial, or research shall be responsible to arrange for private pickup or delivery for yard waste and cannot dispose of yard waste as described in this section.

11. Composting

- a. The restrictions of Chapter 39, Section 39.90.03; Chapter 88, and Section 12 of this Chapter shall not be deemed to prohibit composting on private property.
- b. The construction and maintenance of yard waste composting bins/piles shall be permitted, subject to the following conditions:
 - i. The contents of compost bins/piles may consist of a combination of biodegradable material including those items listed as acceptable by composting authorities such as the Department of Environmental Quality or Southeastern Oakland County Resource Recovery Authority.
 - ii. The contents of compost bins/piles shall not include meats, bones, fish, dairy products, vegetable or animal fats, cooked foods, carnivorous animal manure, plastics, synthetics, or other non-biodegradable material.
 - iii. Compost bins/piles are not permitted in drainage or utility easements.
 - iv. Compost bins/piles are permitted in rear yards, a minimum of three (3) feet from any lot line and fifteen (15) feet from any dwelling located on adjacent property.
 - v. Composting bins/piles are limited in size to a maximum of 3 feet x 3 feet in area and 3 feet in height. Each parcel is limited to a maximum of three (3) bins/piles.
 - vi. Composting must be maintained in a manner to prevent the escape of offensive, unwholesome, or nauseous odor to adjacent property and not be an active attraction /refuge for

rodents. In addition, there must be adequate screening to shield any compost bins/piles from the view of adjoining residential properties.

LITTER

12. Prohibition Against Litter

- a. No person shall throw, deposit or sweep litter in or upon any public place within the City except in public receptacles or in authorized private receptacles for collection.
- b. No person shall throw or deposit litter on any private premises within the City, whether owned by such person or not, except the owner or person in control of a private premises may maintain authorized private receptacles in accordance with the provisions of this chapter.
- c. The owner or person in control of any private premises shall at all times maintain the premises free of litter. This section shall not prohibit the storage of litter in authorized private receptacles for collection.

13. Use of Waste Receptacles. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any public place or private property.

14. Enforcement - Notice to Abate.

- a. The Public Works Director and Director of Building and Zoning are jointly charged with the enforcement of the Litter Section of this Ordinance. When any litter accumulates on any private premises, the enforcing officer shall notify the owner, person in control, or occupant of such private premises to remove the litter within a time that is specified in the notice. The time to remove the litter shall not to be less than two (2) days nor more than ten (10) days from the time the notice is served. Such notice shall be served as provided in section 1.11 of this Code.
- b. If the owner, person in charge or occupant of any premises fails to remove the litter and abate the nuisance within the time limit stated in the notice, the enforcing officer is authorized to enter the premises and abate the nuisance by removing the litter and clearing the premises. The cost of abating such a nuisance, plus an additional fifteen (15%) percent for overhead and other expenses shall be charged to the occupant of the premises, unless the home is vacant, which shall result in the expenses being

charged to the owner of the premises. The failure to pay the City within 60 days of the billing for the cost of the abatement of the nuisance, including the 15% overhead charges, shall result in the imposition of a lien for that amount against the private premises, and/or the City's pursuit of any other authorized method of collecting debts owed to the City.

15. Municipal Civil Infractions.

- a. A violation of any section of this Chapter is a Municipal Civil Infraction subject to the provisions of Chapter 100 of the Code of the City of Troy.
- b. Each day that a violation continues is a separate Municipal Civil Infraction violation. Sanctions for each violation of said sections shall include a fine of not more than \$500, costs, damages and injunctive orders as authorized by Chapter 100.

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall,

Chapter 16 Refuse, Recycling, Yard Waste and Litter

500 W. Big Beaver, Troy, MI, on _____.

Louise E. Schilling, Mayor

Tonni Bartholomew. City Clerk

~~TITLE II – UTILITIES AND SERVICES
CHAPTER 16 MUNICIPAL SOLID WASTE AND RECYCLING~~

~~2.1 Necessity. Regulations governing the storage, collection, transportation, and disposal of refuse, recyclables, yard recyclables, and other rejected, unwanted or discarded waste materials within the limits of the City of Troy are necessary to protect the public health and safety.~~

~~(Rev. 10/15/01)~~

~~2.2 Definitions. The following definitions shall apply:~~

~~(1) Refuse – “Refuse” shall be understood to refer to municipal solid waste excluding recyclables and yard recyclables.~~

~~(Rev. 10/15/01)~~

~~(2) Construction Refuse – “Construction refuse” shall mean all unwanted, rejected, discarded or abandoned material(s) resulting from the alteration, repair, construction, and/or demolition of buildings.~~

~~(Rev. 10/15/01)~~

~~(3) Commercial/Industrial Refuse – “Commercial/Industrial refuse” shall mean the rejected, unwanted, discarded or abandoned materials resulting from operations that are generally identified with manufacturing, assembling, processing and distributing plants, large office buildings, hospitals, and clinics, and other producers of quantities of refuse in excess amounts.~~

~~(Rev. 10/15/01)~~

~~(4) Hazardous Waste – “Hazardous Waste” shall mean a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety, welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed, however, not to include solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act of 1967 as amended, or source, special nuclear, or by product material as defined by the Atomic Energy Act of 1954.~~

~~(Rev. 10/15/01)~~

Chapter 16 – Municipal Solid Waste and Recycling

~~(5) — Nuisance — Whatever annoys, injures, or endangers the safety, health, comfort or repose of the public; interferes with or destroys or renders dangerous any street, highway, allows accumulation of junk or obnoxious matters on private property; or in any way renders the public insecure in life or property is hereby declared to be a public nuisance. Public nuisances shall include, but not be limited to, whatever is forbidden by any provision of Chapter 88 and the common and statute law of this state.~~

~~(Rev. 10/15/01)~~

~~(6) — Yard Recyclables — “Yard Recyclables” shall mean grass clippings, leaves, wood chips, chipped Christmas trees, small pencil-thin twigs, garden vegetables and fruit, old potting soil, Halloween pumpkins, shredded bark, sod, weeds, old flowers, prunings, straw, straw bales, play sand, top soil, old mulch, corn husks, and any other similar items.~~

~~(Rev. 10/15/01)~~

~~(7) — Recyclables — “Recyclables” shall be defined on an annual basis by the Southeastern Oakland County Resource Recovery Authority, but is expected to at least include newspapers, inserts, catalogs, magazines, brown paper grocery bags, paperboard, corrugated cardboard, telephone books, clear and brown glass, #1 and #2 plastics, metal cans, metal lids, pie tins, small metal objects, empty metal paint cans and metal aerosol cans, and household batteries.~~

~~(Rev. 10/15/01)~~

2.3 — Duties of Owners, Occupants.

~~(1) — Every owner, tenant or occupant of any building, or any person responsible for organizing a gathering place for people for any purpose, shall provide adequate and sufficient size clean containers to hold the accumulated refuse between weekly scheduled refuse collections.~~

~~(Rev. 10/15/01)~~

~~(2) — It shall be unlawful for any person to burn refuse within the corporate limits of the City.~~

~~(Rev. 10/15/01)~~

~~(3) — It shall be unlawful for any person to bury refuse within the corporate limits of the City.~~

~~(Rev. 10/15/01)~~

2.4 — Containers - General.

~~(1) — Every owner, tenant or occupant of any building, and the owner of any property or use which generates refuse shall provide sufficient size containers to hold the accumulated refuse between weekly scheduled refuse collections.~~

~~(Rev. 10/15/01)~~

Chapter 16 – Municipal Solid Waste and Recycling

- ~~(2) — Cardboard boxes, buckets, bushel baskets, paper bags, paint pails, and other similar containers are considered unapproved containers and the City may not collect refuse when placed in these unapproved containers.~~

~~(Rev. 10/15/01)~~

- ~~(3) — The City may also refuse to collect refuse placed in containers that exceed the size and weight limitation or otherwise do not conform to the provisions of this article.~~

~~(Rev. 10/15/01)~~

~~2.5 — Approved Container Size and Weight.~~

- ~~(1) — Containers for refuse must be portable, watertight, vermin-proof, of substantial construction, and have handles and a tight-fitting cover. The container must have a capacity of at least ten (10) gallons, but not more than thirty-five (35) gallons. Mechanically lifted carts which exceed 35-gallons may be used with prior permission of the City Public Works Department.~~

~~(Rev. 10/15/01)~~

- ~~(2) — Strong, securely closed plastic bags holding up to 32 gallons of refuse are also acceptable.~~

~~(Rev. 10/15/01)~~

- ~~(3) — For regular, scheduled pick-up, item(s) of refuse, including containers filled with refuse, shall weigh less than sixty (60) pounds. In addition, items of refuse shall not exceed three (3) feet in length or three (3) feet in girth.~~

~~(Rev. 10/15/01)~~

~~2.6 — Rejection of refuse, tagging of containers~~

- ~~(1) — If any refuse is rejected by the city waste collector because it does not conform to the requirements of this chapter, the city waste collector shall give notice to the owner or occupant of the premises by placing a tag on the rejected refuse. The tag shall advise the owner or occupant of the non-conformity and shall include a telephone number to call for additional information and possible alternatives.~~

~~(Rev. 10/15/01)~~

- ~~(2) — If the City of Troy Department of Public Works determines the owner or occupant has failed to correct the tagged violation, the Department of Public Works may make a special collection of the rejected refuse. The property owner shall be liable for any expense(s) the city incurs to make the special collection.~~

~~(Rev. 10/15/01)~~

~~2.7 Disturbing Containers. No person other than the owner of refuse containers or his agents, or employees of licensees of the City shall disturb, remove, or attempt to remove refuse containers or their covers or disturb or remove or attempt to remove the contents of such containers or~~

Chapter 16 – Municipal Solid Waste and Recycling

~~disturb, remove or attempt to remove any refuse not in containers whether same is on public or private property.~~

~~(Rev. 10/15/01)~~

~~2.8 Container Maintenance. The refuse containers and contents shall be stored in suitable places between collection periods. The containers shall be inaccessible to vermin, domestic animals, and insects, so as to prevent a nuisance.~~

~~(Rev. 10/15/01)~~

~~2.9 Quantity of refuse collected.~~

~~(1) In every case where the owner, occupant, or user of any residential premises accumulates more than two (2) cubic yards of refuse within any one week period, it shall be the responsibility of such owner, occupant, or user to arrange for private collection and disposal.~~

~~(Rev. 10/15/01)~~

~~(2) Commercial/industrial buildings may place at the curb up to 4 bags or cans per week for collection. These cans shall not exceed a thirty-five (35) gallon limit nor weigh more than 60 pounds. If the owner or occupant accumulates more than 4 bags or cans per week, it shall be the responsibility of the owner or occupant to arrange for private collection and disposal.~~

~~(Rev. 10/15/01)~~

~~2.10 Preparation of Refuse.~~

~~(1) Hazardous waste shall be the responsibility of the producer, or owner thereof and shall not be disposed of within the City. In addition, hazardous waste shall not be stored or transported within the City without the written approval of the City Manager or Public Works Director. Written approval will not be granted unless the City Manager designates a supervisor who has knowledge of the safety measures required to protect the public health and safety during the storage, transport, or disposal of hazardous waste.~~

~~(Rev. 10/15/01)~~

~~(2) Large residential refuse items shall be broken down or disassembled and placed in approved containers or securely tied in bundles which do not exceed sixty (60) pounds in weight, three (3) feet in length, and three (3) feet in girth. No item shall exceed 60 pounds.~~

~~(Rev. 10/15/01)~~

~~(3) Bulky residential refuse items, such as large appliances or furniture, which cannot be broken down or disassembled, shall be placed at the curb by 7:00 a.m. on the normally scheduled collection day. For safety reasons refrigerator doors shall be removed before placing item(s) at the curb. No item shall exceed 250 pounds.~~

Chapter 16 – Municipal Solid Waste and Recycling

~~(Rev. 10/15/01)~~

~~(4) No person shall leave any materials that could ignite waste in a container or waste collection vehicle.~~

~~(Rev. 10/15/01)~~

~~2.11 – Preparation of Yard Recyclables:~~

~~(1) Yard recyclable collection typically runs for 35 weeks, from mid-April through the first week in December. The Public Works Director or his designated representative will announce the yard recyclable collection dates each year.~~

~~(Rev. 10/15/01)~~

~~(2) Yard recyclables shall be placed in container(s) not exceeding thirty-five (35) gallons that have yard waste sticker(s) affixed to the can. The yard recyclable container(s) shall be placed so that the yard waste sticker faces the street. The container shall be placed at the curb on the opposite side of the driveway from the regular refuse by 7:00 a.m. on the normally scheduled collection day. Thirty (30) gallon yard waste paper bags may also be used.~~

~~(Rev. 10/15/01)~~

~~(3) At no time will the City collect yard waste packaged in any other manner, including yard waste that is placed in plastic bags.~~

~~(Rev. 10/15/01)~~

~~(4) Container(s) marked as yard recyclables shall not be used to collect regular refuse.~~

~~(Rev. 10/15/01)~~

~~(5) No yard recyclables container shall exceed 60 pounds in weight.~~

~~(Rev. 10/15/01)~~

~~2.12 – Preparation of recyclables:~~

~~(1) Recyclables shall be placed in a City of Troy approved recycling bin. The bin shall be placed on the opposite side of the driveway as the refuse. The bin shall be placed at the curb by 7:00 a.m. on the normally scheduled collection day.~~

~~(Rev. 10/15/01)~~

~~(2) Recyclables may also be placed in an approved container with a recyclables sticker placed on it. The container must conform to all provisions of section 2.4 and 2.5. The container shall be placed so that the sticker faces the street and the container is clearly distinguished from regular refuse. The container shall be placed on the opposite side of the driveway as the refuse.~~

~~(Rev. 10/15/01)~~

Chapter 16 – Municipal Solid Waste and Recycling

~~2.13.1 Disposal of construction refuse — It shall be the duty of the owner, contractor, occupant or other person responsible for construction work to arrange, at their own expense, the removal of such construction refuse from the premises within a reasonable time after the completion of such construction work.~~

~~(Rev. 10/15/01)~~

~~2.14 Placing at Curb.~~

~~(1) — Refuse, recyclables, and recyclable yard waste will be collected Monday through Friday, beginning at 7:00 a.m., with the exception of the following legal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. When a holiday occurs on a weekday, refuse collection shall be made on the day following the regularly scheduled collection day. If the normally scheduled collection day is Friday, collection shall be made on Saturday.~~

~~(Rev. 10/15/01)~~

~~(2) — No refuse shall be placed at the curb or street for collection prior to 5:00 p.m. on the day preceding the day scheduled for collection.~~

~~(Rev. 10/15/01)~~

~~(3) — After the collection of container contents has been made, the empty containers shall be removed from the curb or street as soon as possible, but in no case later than twenty-four (24) hours after collection of refuse has been made.~~

~~(Rev. 10/15/01)~~

~~2.15 Collection of Refuse.~~

~~(1) — Nothing in this Chapter shall be interpreted to prohibit or deny the owner or producer of refuse the right to dispose of their refuse, so long as no provisions of the Code are violated.~~

~~(Rev. 10/15/01)~~

~~2.16 Collection Vehicles. Vehicles used for collection, transportation of refuse within or through the City shall be water tight, covered, and conform to all laws regulating axle and road limitations.~~

~~(Rev. 10/15/01)~~

~~2.17 Disposal of Refuse. The contractor for the City of Troy shall dispose of all refuse collected from within the corporate limits of the City at the facilities of the Southeastern Oakland County Resource Recovery Authority.~~

~~(Rev. 10/15/01)~~

~~2.18 Routes to be Designated. The City shall designate the route to be taken by trucks of haulers of refuse through the City and to the facilities of the Southeastern Oakland County Resource Recovery Authority.~~

~~(Rev. 10/15/01)~~

Chapter 16 – Municipal Solid Waste and Recycling

2.19 — Composting

(Rev. 10/15/01)

~~The restrictions of Chapter 39, Section 39.90.03; Chapter 88, Section 9.13; Chapter 48, Section 6.101(5), and Section 6.107 shall not be deemed to prohibit composting on private property.~~

~~The construction and maintenance of yard waste composting bins/piles shall be permitted subject to the following conditions:~~

- ~~(1) — The contents of compost bins/piles may consist of a combination of biodegradable material including those items listed as acceptable by composting authorities such as the Department of Natural Resources or Southeastern Oakland County Resource Recovery Authority.~~
- ~~(2) — The contents of compost bins/piles shall not include meats, bones, fish, dairy products, vegetable or animal fats, cooked foods, carnivorous animal manure, plastics, synthetics, or other non-biodegradable material.~~
- ~~(3) — Compost bins/piles are not permitted in drainage or utility easements.~~
- ~~(4) — Compost bins/piles are permitted in rear yards, a minimum of three (3) feet from any lot line and fifteen (15) feet from any dwelling located on adjacent property.~~
- ~~(5) — Composting bins/piles are limited in size to a maximum of 3 feet x 3 feet in area and 3 feet in height. Each parcel is limited to a maximum of three (3) bins/piles.~~

(Rev. 12/17/01)

- ~~(6) — Composting must be maintained in a manner to prevent the escape of offensive, unwholesome, or nauseous odor to adjacent property and not be an active attraction /refuge for rodents. In addition, there must be adequate screening to shield any compost bins/piles from the view of adjoining residential properties.~~

(Rev. 12/17/01)

CITY OF TROY
AN ORDINANCE TO DELETE
CHAPTER 48 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as a deletion of Chapter 48 of the Code of the City of Troy.

Section 2. Amendment

~~CHAPTER 48 - LITTER~~

~~6.101 - Definitions.~~

~~— In the interpretation of this Chapter, the following definitions shall apply, except where the context clearly indicates that another meaning is intended:~~

- ~~— (1) "Private premises" shall mean any lot or parcel of land owned or occupied by any person whether or not improved with any dwelling, house, building, or other structure, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to any dwelling, house, building, or other structure erected thereon.~~
- ~~— (2) "Public place" shall mean any and all streets, sidewalks, boulevards, alleys, or other public ways and any and all public parks, squares, spaces, grounds, and buildings.~~
- ~~— (3) "Garbage" shall mean putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.~~
- ~~— (4) "Refuse" shall mean all putrescible and nonputrescible solid wastes including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, junk and solid market and industrial wastes.~~
- ~~— (5) "Rubbish" shall mean nonputrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.~~
- ~~— (6) "Litter" shall mean garbage, refuse, and rubbish as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.~~

~~6.102 - Litter in Public Places.~~

~~No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the~~

Chapter 48 - Litter

~~City except in public receptacles, or in authorized private receptacles for collection.~~

~~6.103 Use of Waste Receptacles:~~

~~Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.~~

Chapter 48 - Litter

~~6.104 - Sweeping Litter Into Gutters.~~

~~No person shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.~~

~~6.105 - Merchants' Duty to Keep Sidewalks Clean.~~

~~No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the City shall keep the sidewalk in front of their business premises free of litter.~~

~~6.106 - Litter on Occupied Private Property.~~

~~No person shall throw or deposit litter on any private premises within the City, whether owned by such person or not, except the owner or person in control of occupied private premises may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.~~

~~6.107 - Owner to Maintain Premises Free of Litter.~~

~~The owner or person in control of any private premises shall at all times maintain the premises free of litter; Provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.~~

~~6.108 - Enforcement - Notice to Abate.~~

~~The City Superintendent of Public Works is hereby charged with the enforcement of this Chapter. No person being the owner or person in charge of or occupant of any private premises shall accumulate or permit the accumulation of any litter on the private premises owned, controlled or occupied by him in a manner prohibited by the provisions of this Chapter. When any litter shall be accumulated or permitted to accumulate on any private premises in a manner prohibited by this Chapter, the enforcing officer shall notify the owner, person in control or occupant of such private premises to remove the litter and clear said private premises within a time limited in the notice, such time not to be less than two (2) days nor more than ten (10) days from the time said notice is served. Such notice shall be served as provided in section 1.11 of this Code.~~

~~If the owner, person in charge or occupant of any premises notified to abate a nuisance consisting of the accumulation of litter on any private premises shall fail to abate the same within the time limited in said notice therefor, the enforcing officer is hereby authorized to enter upon such private premises and abate said nuisance by removing said litter and clearing said private premises. The cost of abating such nuisance plus an additional fifteen (15%) percent for overhead and other expenses shall constitute a lien against the private premises and shall be charged to the occupant thereof or to the owner of unoccupied premises, as the case may be. If not paid within sixty (60) days after the bill for such charges is rendered, such charges may be collected as a single lot assessment against said premises in the manner provided by the City Charter or in any other manner authorized for the collection of debts owed the City.~~

AN ORDINANCE TO AMEND
CHAPTER 88 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 88 of the Code of the City of Troy.

Section 2. Amendment

BILLPOSTING-LITTERING

~~9.13 — Deposit of Unwholesome Substances. No person shall, within the limits of the City, by himself or by another, throw, place, deposit or leave in the street, lane, alley, public place or private lands, any animal or vegetable substance, dead animals, fish, shavings, dirt, rubbish, excrement, filth, unclean or nauseous water or liquor, hay, straw, soot, offal, garbage, swill, or any other article or substance whatever which may cause any offensive, unwholesome, or nauseous smell, or endanger the health of the public.~~

~~9.134 — Billposting. No person shall himself or by another post, attach, place, print, paint or stamp any placard, circular, show bill or advertisement of any description whatever, except such as what may be expressly authorized by law, on any street, or sidewalk, or upon any election booth or other public place or object, with the exception of legally permitted billboards, in the City, or upon any fence, building or property belonging to the City, or upon any telegraph pole, telephone pole, electric light pole, or tower, or bridge or curb stone in any public street or alley in the City; provided, however, that a service, religious or charitable organization may make application to the Board of Appeals for the erection of a sign upon City property, and the Board of Appeals may in their discretion grant such application and designate the size, type and place at which said sign is to be erected, and shall be removed upon written notice at the discretion of the City Council; provided further that the Engineering Department shall first make a recommendation on the location, type and size of signs.~~

~~—————(Rev. 03-26-79)~~

~~9.15 — Paper, Rubbish. No person shall throw or place, or through insecure fastening, or otherwise, cause or suffer to be placed or thrown or to fall in or upon any public street, alley, sidewalk, or other public thoroughfare or any public park or private property of the City, any loose paper or other rubbish of any nature.~~

~~—————(Rev. 03-26-79)~~

~~9.16 — Injurious Substances. No person shall by himself or by another, throw, place, deposit or leave in any street, highway, lane, alley, public place or square, or in any private place or premises, any glass, broken or unbroken, or any metal, stone, earthenware, tacks, cinders or other substances of a nature likely to cause injury to travelers or pedestrians, automobiles, bicycles, or vehicles, or to injure any horse or other~~

Chapter 88 - Nuisances

~~animal or which might injure, cut or puncture any pneumatic tire.~~

24. Municipal Civil Infractions

A violation of sections 9.1, 9.2, 9.3, 9.5, 9.9, ~~9.13, 9.14, 9.15,~~ 9.17, 9.18, 9.20, and 15 of this Chapter is a Municipal Civil Infraction subject to the provisions of Chapter 100 of the Code of the City of Troy. Each day that a violation continues is a separate Municipal Civil Infraction violation. Sanctions for each violation of said sections shall include a fine of not more than \$500, costs, damages and injunctive orders as authorized by Chapter 100.

(03-01-06)

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on _____.

Louise E. Schilling, Mayor

Tonni Bartholomew, City Clerk

AN ORDINANCE TO AMEND CHAPTER 3 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 3, Administrative Service, of the Code of the City of Troy.

Section 2. Amendment

Chapter 3, Section 1.141(1), shall be amended as follows:

1.141(1) A City of Troy Police Service Aide assigned to Road Patrol Duty shall have authority to issue and serve upon a person an appearance ticket, a Municipal Civil Infraction notice of violation, and/or a Municipal Civil Infraction citation, if he/she has reasonable cause to believe that the person has committed a violation of any of the following provisions of the Troy City Code:

~~Chapter 16: Garbage and Rubbish~~

Chapter 16: Refuse, Recycling, Yard Waste, and Litter

Chapter 26: Parks - General Regulations

Chapter 29: Cemetery

Chapter 39: Zoning (provisions related to the parking of vehicles)

Chapter 47: House Trailers and Trailer Courts

~~Chapter 48: Litter~~

Chapter 75: Pet Shops

Chapter 88: Nuisances

Chapter 90: Animals

Chapter 98.07.01: Hunting

Chapter 98-07.02 Trapping

Chapter 106: Traffic (Provisions related to the parking of vehicles)

Chapter 3 - Administrative Service

Chapter 3, Section 1.141(6) shall be amended as follows:

1.141(6) A City of Troy Building Department Inspector shall have authority to issue and serve upon a person an appearance ticket, a Municipal Civil Infraction notice of violation, and/or a Municipal Civil Infraction citation, if he/she has reasonable cause to believe that the person has committed a violation of any of the following provisions of the Troy City Code.

Chapter 2: House Numbering and Street Naming

Chapter 13: Historic Preservation

~~Chapter 16: Garbage and Rubbish~~

[Chapter 16: Refuse, Recycling, Yard Waste and Litter](#)

Chapter 18: City Water Utility

Chapter 19: City Sewer Service

Chapter 20: Water and Sewer Rates

Chapter 39: Zoning

Chapter 47: House Trailers and Trailer Courts

~~Chapter 48: Litter~~

Chapter 64: Gasoline Stations

Chapter 67: Dances and Dance Halls

Chapter 68: Amusements and Recreation Places

Chapter 69: Miscellaneous Licensed Businesses

Chapter 70: Self Service Laundries and Dry Cleaners

Chapter 71: Auto Wash

Chapter 73: Drive-In Restaurant

Chapter 76: Adult Use Businesses Licenses

Chapter 77: Smoking Lounges

Chapter 79: General Building Regulations

Chapter 82: Property Maintenance Regulations

Chapter 82-A: Rental and Dwelling Inspection and Enforcement

Chapter 3 - Administrative Service

Chapter 82-B: Dangerous Buildings

Chapter 83: Fences

Chapter 85: Signs

Chapter 88: Nuisances

Chapter 93: Fire Prevention (provisions related to building codes)

Chapter 97: Coin-Operated Amusement Devices and Arcades

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective ten (10) days after adoption or publication, whichever occurs later.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, 2008.

Louise Schilling, Mayor

Tonni Bartholomew, City Clerk