

CITY OF MOUNT PLEASANT

ORDINANCE NO. 1033

AN ORDINANCE TO AMEND SECTION 50.12 AND SECTION 50.99 OF THE CODE OF ORDINANCES FOR THE CITY OF MOUNT PLEASANT TO RESTRICT THE HOURS OF THE DAY FOR COLLECTION OF REFUSE IN CERTAIN ZONES OF THE CITY AND TO PROVIDE CERTAIN PENALTIES FOR VIOLATIONS OF CHAPTER 50

It is Hereby Ordained by the People of the City of Mount Pleasant:

Section 1. Amendment. Section 50.12 of the Code of Ordinances for the City of Mount Pleasant is amended to read as follows:

§ 50.12 MATERIAL COLLECTION LICENSES.

(A) No person or organization shall engage in the business of collecting or disposing of refuse, leaves, yard waste, or recyclable material without first obtaining a material collection license in the manner outlined in this section. The city expressly reserves the right to restrict the collection of residential refuse and recycling materials to a city designated contractor.

(B) No material collection license shall be issued except upon application to the City Clerk. At a minimum, the application must include the following information:

- (1) A description of the methods and equipment which the applicant proposes to use for collecting refuse, leaves, yard waste and/or recyclable material in the city.
- (2) A description of the type of collection to be provided and the part of the city which it will affect.
- (3) A plan for meeting the pre-collection requirements outlined in § 50.06.
- (4) Proof of liability insurance as required by city policy.
- (5) A plan for meeting all collection and disposal requirements outlined in other relevant city, county, state and federal regulations as appropriate.
- (6) The name and address of the city-designated site or sites to be used to dispose of each material collected.

(C) The City Clerk shall submit all such applications to the Director of Public Works who may approve the applications of such persons or organizations as deemed to be in the best interests of the city and its inhabitants.

(D) The Commission may establish by resolution a license fee to be paid by the applicant upon receipt of the material collection license.

(E) Whenever an application made hereunder has been approved by the Director of Public Works, the City Clerk shall, upon payment of any established fee by the applicant, issue a material collection license.

(F) Unless revoked under circumstances hereinafter provided, every material collection license shall expire on the next succeeding January 1 following its issuance.

(G) The city may restrict the number of material collection licenses issued and the scope of service of such licenses based on the geographic area to be serviced; the population sector to be served such as residential, commercial, or rooming house; the type of material be collected; the points of collection such as the curb, alley, or other location; and/or the schedule of such collections. A license may only be used for the scope of services expressly stated in the material collection license.

(H) No licensed collector shall dispose of refuse, leaves, yard waste and/or recyclable material at sites other than those specified in the terms of the collectors material collection license.

(I) In residential zones and on commercially zoned property that directly abuts residential zones that have dwelling units, no collection of refuse or recycling shall occur before 7:00 a.m. or after 8:00 p.m.

- (1) The City Commission may approve a policy that allows for exceptions to the 7:00 a.m. start time under extenuating circumstances.
- (2) The City Commission may establish by resolution an application fee to be paid by the applicant requesting an exception to the 7:00 a.m. start time.

§ 50.99 PENALTY.

(A) Municipal civil infraction. Any person violating any provision of this chapter shall be held responsible for a municipal civil infraction and prosecuted in accordance with the municipal civil infraction ordinance.

(B) The fine for violation of the provisions of this chapter shall be \$50; the second violation, \$100; and the third or any subsequent violation within one calendar year, \$250.

(C) In addition to imposing a fine for a violation of the provisions of this chapter, a court may order compliance with the provisions of the City Code.

(D) The City may revoke a material collection license issued under this chapter, when either the licensee or a person operating a vehicle or equipment on behalf of the licensee is responsible for three separate incidents (occurring on three separate days) within a twelve month period resulting in a plea of responsibility (with or without explanation), a plea of guilty, a plea of no contest, or a court's determination of responsibility or guilt for a violation of one or more of the following:

- (1) A violation of City Code Section 50.12(J).
- (2) A violation of any provision of this Chapter.
- (3) A violation of any other city, county or state regulation concerning material collection activities.
- (4) A violation of any term of the material collection license.

Section 2. Publication and Effective Date. The City Clerk shall cause to be published a notice of adoption of this ordinance within 10 days of the date of its adoption. This ordinance shall take effect 30 days after its adoption.

Allison Lents, Mayor

Jeremy Howard, Clerk

I, Jeremy Howard, City Clerk for the City of Mt. Pleasant, Michigan, do hereby certify that the foregoing is a true and complete copy of Ordinance No. 1033 as passed and ordained by the City Commission on the 22nd day of January, 2018, and has been published one insertion in The Morning Sun on the 28th day of January, 2018, according to the certificate now on file in my office.

In Witness Whereof, I hereunto set my hand and the seal of the City of Mt. Pleasant, Michigan, this 12th day of February, 2018.

Jeremy Howard, City Clerk

Introduced: January 8, 2018
Adopted: January 22, 2018
Published: January 28, 2018
Effective: February 21, 2018