



CITY of NOVI CITY COUNCIL

Agenda Item D
June 5, 2017

SUBJECT: Approval of Ordinance No. 17-183-01, an ordinance to amend the City of Novi Code of Ordinances at Chapter 21, Nuisances, Article II, Related to Property, Division 8, Refuse Collection, Section 144, Receptacles, in order to amend the requirements for placement of refuse receptacles. **SECOND READING**

SUBMITTING DEPARTMENT: City Attorney

CITY MANAGER APPROVAL: *PA*

BACKGROUND INFORMATION:

With the adoption of the Single Waste Hauler Ordinance last year, and the requirement for new trash receptacles, the existing provisions in the City's Code of Ordinances relating to the placement of residential trash or waste receptacles have gained attention. Currently, the ordinance requires that all trash containers be stored in a garage (or other enclosed building) or in the rear yard of a home. However, enforcement of the ordinance by the City's Code Compliance Officers has been limited.

With the distribution of the new large green containers, violations of the existing ordinance resulting from residents storing the receptacles in their front or side yards have become more noticeable.

The Ordinance Review Committee met on May 8, 2017, to consider whether the ordinance should be amended to reflect existing practices. Attached is a draft ordinance prepared following discussion by the ORC, which amends the existing regulation by allowing storage of carts in the side yard, as well as the rear yard and/or in a garage or other enclosed building. The ORC recommended adoption of the ordinance by a vote of 2 to 1, with one member suggesting that there be no limitation on the placement of the receptacles.

RECOMMENDED ACTION: Approval of Ordinance No. 17-183-01, an ordinance to amend the City of Novi Code of Ordinances at Chapter 21, Nuisances, Article II, Related to Property, Division 8, Refuse Collection, Section 144, Receptacles, in order to amend the requirements for placement of refuse receptacles. **SECOND READING.**

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 17-183.01

AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES, AT CHAPTER 21, "NUISANCES," ARTICLE II, "RELATED TO PROPERTY," DIVISION 8, "REFUSE COLLECTION," SECTION 144, "RECEPTACLES," IN ORDER TO AMEND REQUIREMENTS FOR PLACEMENT OF REFUSE RECEPTACLES.

THE CITY OF NOVI ORDAINS:

PART I. That Chapter 21, "Nuisances," Article II, "Related to Property," Division 8, "Refuse Collection," Section 21-144, "Receptacles," of the City of Novi Code of Ordinances is hereby amended as follows:

Sec. 21-144. - Receptacles.

- (a) *Specifications, maintenance.* It shall be the responsibility of both the owner and the person in control of the premises to keep the premises free of any refuse unless the same be kept in receptacles which shall be tightly covered at all times with suitable covers, except for times of filling and collection, and in no case shall any such receptacles be made of wood. Such receptacles must be placed within a totally enclosed building or ~~placed upon in~~ an area of either the rear yard or side yard of the occupant's property so as not to create a nuisance to surrounding residents. It shall be the duty of both the owner and the occupant to keep the receptacles clean and in a sanitary condition and in a good state of repair. All receptacles shall be located and maintained on an even, hard surface base or pad of cement, asphalt, or gravel.

PART II. Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III. Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART IV. Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

PART V. Effective Date. The provisions of this Ordinance are ordered to take effect following publication in the manner prescribed by the Charter of the City of Novi.

PART VI. Adoption. This ordinance is hereby declared to have been adopted by the Novi City Council in a meeting thereof duly held and called on the ___ day of _____, 2017, in order to be given publication in the manner prescribed by the Charter of the City of Novi.

Moved by _____ and supported by _____.

Robert J. Gatt, Mayor

Cortney Hanson, City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the ___ day of _____, 2017.

Cortney Hanson, City Clerk