

**CHARTER TOWNSHIP OF VAN BUREN  
ENVIRONMENTAL COMMISSION AGENDA**

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**Wednesday, March 15, 2017 – 7:00 PM  
Denton Room**

**CALL TO ORDER**

**ROLL CALL**

**ENVIRONMENTAL COMMISSION**

Chairman Brownlee	_____	Commissioner Merritt	_____
Commissioner Jahr	_____	Commissioner Emekpe	_____
Commissioner Debuck	_____	Board Representative White	_____
Commissioner Gibson	_____	Director Akers	_____
Deputy Director Best	_____	Recording Secretary Halstead	_____

**APPROVAL OF AGENDA**

**ACCEPTANCE OF THE MINUTES OF THE PREVIOUS MEETING**

1. February 15, 2017 Minutes

**COMMUNICATIONS**

**UNFINISHED BUSINESS**

1. Coal Tar Ordinance Update
2. Shoreline Zoning Ordinance Update
3. Proposed Ordinance Updates
  - a. Deceased or Dangerous Trees, Plants and Shrubs
  - b. Animal Waste
  - c. Removal of Snow and Ice from Sidewalks, Walks and Ramps
  - d. Trash Receptacles
4. Fifth Amendment to the Host Community Agreement

**NEW BUSINESS**

**ANNOUNCEMENTS/COMMENT**

**ADJOURNMENT**

***\*\* If you are unable to attend, please contact Developmental Services at 699-8913 before noon on March 15, 2017\*\****

**CHARTER TOWNSHIP OF VAN BUREN**  
**Environmental Commission**  
**Wednesday-February 15, 2017**  
**MINUTES - DRAFT**

The meeting was called to order at 6:59 pm in the Denton Room by Chairperson Brownlee.

**ROLL CALL:**

Present: Brownlee, Jahr, Gibson, Merritt, White

Absent Excused: Debuck

Staff: Akers, Best, Halstead

Audience: 1

**APPROVAL OF AGENDA:**

Motion White, Seconded by Gibson to approve the February 15, 2017 agenda. Motion Carried.

**APPROVAL OF MINUTES:**

Motion White, Seconded by Merritt to approve the January 18, 2017 Minutes. Motion Carried.

**COMMUNICATIONS:** Akers found information on Ypsilanti Twp. website regarding the Tyler Dam construction project. There is a presentation on the website if the commissioners wanted to get more information.

Question was asked about who to address noise complaints to regarding the freeway. It was suggested they contact MDOT with any concerns.

**UNFINISHED BUSINESS:**

**1. Coal Tar Ordinance Changes/Conference Call with HRWC:**

The Coal Tar Ordinance, being a general ordinance and not a zoning ordinance, does not need to go before the planning commission. The next step will be to get the Coal Tar Ordinance on the Township board agenda.

Best had a conference call with the HRWC and representatives from Austin, Texas and Washington D.C. who have been involved in the coal tar regulation. They discussed a simple testing method (mineral Spirits and a glass vial) to determine if what was applied was coal tar based.

**2. Shoreline Zoning Ordinance Amendment and General Ordinance:**

The Township Planning Commission held a public hearing for the proposed Lakeshore Ordinance on January 25, 2017. It was well attended and well received by the residents. There were comments and questions at the public hearing that were answered by

Township Staff. The Planning Commission made a recommendation to the Township Board. It will be on the Township Board Work Study on February 21, 2017.

**3. Landfill Gas Facility- WM Canton:**

There are no new updates, but Deputy Director Best wanted to remind the Commissioners that if they are contacted by anyone who has questions regarding the Landfill they can refer them to him.

**NEW BUSINESS:**

**1. HHW Day at EQ- Promotion Efforts:**

The HHW Collection Day will be Saturday, October 14, 2017, from 9am-2pm at US Ecology. There is a flyer that has been made by the Parks and Recreation Dept. to advertise the HHW Collection Day, it is on the VBT Website, Social Media pages, and also has been put on the VBT cable channel.

Wayne County has set aside some funding for the Township to do a tire recycling day with a pick-up location in Van Buren Twp. A date has not been set.

**2. Proposed Ordinance Updates:**

There were four specific ordinance updates the Supervisor wanted the Environmental Commission to look at and discuss if they thought there were any environmental concerns.

- a. Deceased or dangerous trees, plants and shrubs
- b. Animal waste
- c. Removal of snow and ice from sidewalks, walks, and ramps
- d. Trash Receptacles

At the next meeting the Commissioners will bring back any concerns they want to address with these four ordinance updates.

**3. Fifth Amendment to the Host Community Agreement:**

This agreement has been presented to the Township and the Township is considering it. Brownlee asked commissioners to bring to the next meeting any questions and environmental concerns they have regarding the Host Community Agreement.

**COMMENTS: None**

**Motion White, seconded by Merritt to adjourn at 9:22 pm.**

**MOTION CARRIED**

Respectfully submitted,

Anna Halstead, Recording Secretary

# Charter Township of Van Buren

Agenda Item: \_\_\_\_\_

## REQUEST FOR BOARD ACTION

**MEETING DATE: FEBRUARY 21, 2017**

Consent Agenda	New Business X	Unfinished Business	Public Hearing
ITEM (SUBJECT)	Discussion/approval of an amendment to Article VI of Chapter 42 – DISEASED OR DANGEROUS TREES, SHRUBS AND PLANTS.		
DEPARTMENT	Police Department		
PRESENTER	Lt. Charles Bazy		
PHONE NUMBER	(734) 699-8930		
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)			

### Agenda topic

#### ACTION REQUESTED

Approval of an amendment to Article VI of Chapter 42.

#### BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)

The addition of Article VI of Chapter 42 provides enforcement power/remedies to the township to take action against these nuisances as well as civil infraction penalties for violation.

#### BUDGET IMPLICATION

#### IMPLEMENTATION NEXT STEP

DEPARTMENT RECOMMENDATION Approval

#### COMMITTEE/COMMISSION RECOMMENDATION

ATTORNEY RECOMMENDATION Approval

(May be subject to Attorney/Client Privilege and not available under FOIA)

#### ADDITIONAL REMARKS

APPROVAL OF SUPERVISOR \_\_\_\_\_

**CHARTER TOWNSHIP OF VAN BUREN**  
**County of Wayne, State of Michigan**

**Ordinance No.:** \_\_\_\_\_  
**(Township Board Meeting Date)**

**The Charter Township of Van Buren hereby ordains that Article VI of Chapter 42 of the Township General Code of Ordinances be amended as follows:**

**ARTICLE VI. - DISEASED OR DANGEROUS TREES, SHRUBS AND PLANTS**

**Sec. 42-275. - Purpose.**

The purpose of this article is to protect the public health, safety and welfare from the hazards of dangerous trees and diseased shrubs and plants.

**Sec. 42-276. - Definitions.**

The following terms when used in this article shall have the meanings set forth as follows:

*Branch* includes any limb, trunk, or twig of a tree, shrub or plant.

*Dangerous tree* means a tree that it is likely to fall and injure persons or property because: 1) it is cracked, split, leaning, or otherwise is physically damaged to the degree that it is likely to fall and injure persons or property; or 2) the tree has sustained deterioration or decay to the limbs, stem, or root system causing an imminent danger of falling.

*Dead* means no longer living.

*Diseased* means a disease of nature, including insect infestation, that without treatment or pruning is likely to spread to adjacent trees, shrubs, or plants and cause such adjacent trees, shrubs, or plants to become diseased.

*Imminent* means a threat is impending or about to happen.

*Owner* means a person who owns, rents, leases, or occupies any lot or parcel of land in the township upon which trees, shrubs and plants are located.

*Plant* means a photosynthetic organism that has cellulose cell walls, growing in soil or water, with leaves and sometimes flowers, lacking locomotion, and without obvious nervous or sensory organs from the kingdom classification of plantae.

*Privately owned* means under the legal or equitable control of an owner as defined above, and excludes all property owned by a public entity.

*Regulated woodland* means an area identified as a woodland on the official woodland map for the township.

*Shrub* means any form of plant life less than four and one-half (4½) feet in height.

*Stump* means that part of a tree, shrub, or plant remaining attached to the root after the trunk is cut.

*Tree* means any form of plant life at least four and one-half (4½) feet or more in height and at least four (4) inches or more in diameter. The diameter size shall be measured four and one-half (4½) feet from the base of the tree.

*Wooded area* means a relatively small area of land containing a dense collection of trees, shrubs and/or plants.

Sec. 42-277. - Imminent danger.

- (a) *Tree removal required.* The owner shall remove a dangerous tree that poses an imminent danger causing injury to persons or property from falling or blowing over due to physical damage, disease, infestation, deterioration or decay.
- (b) *Regulated woodland, wetland and/or environmental features area.* A request to remove a dangerous tree(s) located within a regulated woodland, wetland, and/or environmental features area which presents an imminent danger, shall be made in person or in writing provided to the building department. The tree(s) shall be inspected and the request approved by the ordinance department prior to removal. The removal of a dangerous tree(s) located within a regulated woodland, wetland, and/or environmental features area shall comply with all township policies and applicable ordinances. Failure to comply with the applicable ordinances may subject the owner to additional fines, fees and penalties as authorized by those applicable ordinances

Sec. 42-278. - Trimming, pruning or removal of encroachment onto public property.

The owner shall trim, prune or remove any part of a tree, shrub or plant, including any stump or branch thereof, which overhangs or encroaches onto public property.

Sec. 42-279. - Stump removal.

Unless located within a regulated woodland, wetland, or an environmental features area, the owner shall remove a stump below the surface of the ground so that the top of the stump does not project above the pre-existing surface of the ground. Further, the pre-existing surface of the ground may not be raised in order to hide or cover the stump. Within a wooded area, a wetland, or an environmental features area stumps may be left no higher than twenty-four (24) inches above grade.

Sec. 42-280. - Maintenance, treatment and removal.

- (a) *Maintenance.* It is the responsibility of the owner to maintain the trees, shrubs and plants located on the owner's property and to treat, exterminate, or remove any tree, shrub or plant that is attacked by contagious or destructive insects or diseases or parasitic vegetation.
- (b) *Regulated woodland, wetland or environmental features area.* When maintaining, treating, trimming, pruning or removing a tree, shrub or plant located within a regulated woodland, wetland and/or environmental features area, the owner shall

comply with all township policies and applicable ordinances. Failure to comply with the applicable ordinances may subject the owner to additional fines, fees and penalties as authorized by those applicable ordinances.

Sec. 42-280. - Owner's cost and expense; ownership disputed.

- (a) *Cost.* The owner shall comply with this article at his or her sole cost and expense.
- (b) *Ownership disputed.* If the purported owner disputes that the tree, shrub or plant is located on his or her property, the person shall provide a signed and sealed property survey to establish that the tree, shrub or plant is not located on his or her property.

Sec. 42-281. - Notice and order of abatement.

When the township discovers a tree, stump or branch that poses an imminent danger, the township shall serve written notice, by first class mail and posting the property, upon the owner of the subject property. The notice shall describe the tree, its location, the nature of the danger and order the owner to abate the danger by trimming, pruning or removal of the tree. The notice shall specify the date for compliance by the owner not less than thirty (30) days from the date of the notice. The owner shall comply within the time period specified therein, unless the owner provides written proof to the township from an arborist, certified by the International Society of Arboriculture, or equivalent, stating that the tree, stump or branch thereof, is not dangerous and does not require trimming, pruning or removal.

Sec. 42-282. - Warrant to perform work; costs become a lien.

If the owner fails to abate the dangerous condition as noticed, the township may seek a warrant to enter upon the lot or parcel of land to abate the dangerous condition. Upon completion of the work, the township shall send a bill of all costs, including reasonable attorney fees, if any, incurred by the township to the owner by first class mail. Costs incurred as specified in the written notice shall be secured by a lien on the property. The costs shall be paid within thirty (30) days from the date of mailing the notice. The township shall have a lien upon such developed land or subdivided land for such expense, such lien to be enforced in the manner prescribed by the general laws of the state providing for the enforcement of tax liens.

Sec. 42-283. - Emergency removal.

When a dangerous tree, including a stump or branch thereof, constitutes an imminent danger to public health, safety and welfare and the delay of notification would serve to further endanger the public, the township may enter upon a lot or parcel of land, perform the work required to alleviate the danger, and assess the cost thereof to the owner. Imminent danger includes but is not limited to circumstances such as, a tree is endangering a utility pole or line, or an existing structure, home, building, street, road or highway.

Sec. 42-284. - Penalty.

*Misdemeanor.* A person who violates or fails to comply with any of the provisions of this article shall be guilty of a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00) and/or a maximum of ninety (90) days imprisonment. Each day a violation is committed, or permitted to continue, shall constitute a separate offense and shall be treated as a separate offense.

**Effective Date**

This amendment shall become effective upon publication in a newspaper of general circulation within the Charter Township of Van Buren.

THIS ORDINANCE IS HEREBY DECLARED TO HAVE BEEN ADOPTED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF VAN BUREN, COUNTY OF WAYNE, STATE OF MICHIGAN, AT A REGULAR MEETING, CALLED AND HELD ON THE \_\_\_\_\_ day of \_\_\_\_\_, 2017.

YEAS (in favor of amendment): \_\_\_\_\_

NAYS (opposed to amendment): \_\_\_\_\_

ABSENT: \_\_\_\_\_

I hereby approve the foregoing Ordinance.

\_\_\_\_\_  
Kevin McNamara,  
Supervisor, Charter Township of Van Buren

\_\_\_\_\_  
Leon Wright,  
Clerk, Charter Township of Van Buren

Adopted: \_\_\_\_\_

Published: \_\_\_\_\_

Effective: \_\_\_\_\_



# Charter Township of Van Buren

Agenda Item: \_\_\_\_\_

## REQUEST FOR BOARD ACTION

**MEETING DATE: FEBRUARY 21, 2017**

	Consent Agenda	New Business X	Unfinished Business	Public Hearing
ITEM (SUBJECT)	Discussion/approval of an amendment to Ordinance 14-36 – Animal Waste.			
DEPARTMENT	Police Department			
PRESENTER:	Lt. Charles Bazzy			
PHONE NUMBER	(734) 699-8930			
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)				

### Agenda topic

ACTION REQUESTED	
Approval of an amendment to Sec. 14-36.	
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	
The addition of Ordinance 14-36 provides enforcement power/remedies to the township to take action against this nuisance as well as civil infraction penalties for violation.	

BUDGET IMPLICATION	
IMPLEMENTATION NEXT STEP	
DEPARTMENT RECOMMENDATION	Approval
COMMITTEE/COMMISSION RECOMMENDATION	
ATTORNEY RECOMMENDATION	Approval
(May be subject to Attorney/Client Privilege and not available under FOIA)	
ADDITIONAL REMARKS	
APPROVAL OF SUPERVISOR	_____

**CHARTER TOWNSHIP OF VAN BUREN**  
**County of Wayne, State of Michigan**

**Ordinance No.:** \_\_\_\_\_  
**(Township Board Meeting Date)**

**The Charter Township of Van Buren hereby ordains that Ordinances 14-36 of the Township General Code of Ordinances be amended as follows:**

**Sec. 14-36. – Animal Waste**

- (a) It shall be unlawful for any person having custody of any dog to allow, suffer or permit such dog to deposit feces on public or private property, including the public right of way, other than the property of the dog's owner or keeper, without immediately removing such feces and depositing the same in a suitable waste receptacle.
- (b) Any person having custody of any dog which deposits feces on public or private property, other than the property of the owner, shall, upon being made aware of such fact, immediately remove such feces and deposit the same in a suitable waste receptacle.
- (c) A property owner or lessee shall regularly pick up dog waste on his or her property and deposit the waste material in an appropriate receptacle or container so as not to cause dog waste to unnecessarily accumulate and thereby cause an unpleasant odor or other nuisance to adjacent properties.
- (d) Any person violating this section shall be responsible for a municipal civil infraction. The fine for violation of this section shall be one hundred fifty dollars (\$150.00) for a first offense, two hundred fifty dollars (\$250.00) for a second offense, and five hundred dollars for a third or subsequent offense (\$500.00).

**Effective Date**

This amendment shall become effective upon publication in a newspaper of general circulation within the Charter Township of Van Buren.

**THIS ORDINANCE IS HEREBY DECLARED TO HAVE BEEN ADOPTED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF VAN BUREN, COUNTY OF WAYNE, STATE OF MICHIGAN, AT A REGULAR MEETING, CALLED AND HELD ON THE \_\_\_\_\_ day of \_\_\_\_\_, 2017.**

**YEAS (in favor of amendment):** \_\_\_\_\_

**NAYS (opposed to amendment):** \_\_\_\_\_

**ABSENT:** \_\_\_\_\_

I hereby approve the foregoing Ordinance.

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Kevin McNamara,  
Supervisor, Charter Township of Van Buren

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Leon Wright,  
Clerk, Charter Township of Van Buren

Adopted: \_\_\_\_\_

Published: \_\_\_\_\_

Effective: \_\_\_\_\_

# Charter Township of Van Buren

Agenda Item: \_\_\_\_\_

## REQUEST FOR BOARD ACTION

**MEETING DATE: FEBRUARY 21, 2017**

Consent Agenda	New Business X	Unfinished Business	Public Hearing
ITEM (SUBJECT)	Discussion/approval of an amendment to Ordinances 74-27 to 74-29 – Removal of snow and ice from sidewalks, walks, and ramps.		
DEPARTMENT	Police Department		
PRESENTER	Lt. Charles Bazzy		
PHONE NUMBER	(734) 699-8930		
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)			

### Agenda topic

#### ACTION REQUESTED

Approval of an amendment to Ordinances 14-29.

#### BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)

The addition of the snow removal ordinance, Sec. 74-27 to 74-29, includes civil infraction penalties for violation.

#### BUDGET IMPLICATION

#### IMPLEMENTATION NEXT STEP

DEPARTMENT RECOMMENDATION Approval

#### COMMITTEE/COMMISSION RECOMMENDATION

ATTORNEY RECOMMENDATION Approval

(May be subject to Attorney/Client Privilege and not available under FOIA)

#### ADDITIONAL REMARKS

APPROVAL OF SUPERVISOR \_\_\_\_\_

**CHARTER TOWNSHIP OF VAN BUREN**  
**County of Wayne, State of Michigan**

**Ordinance No.:** \_\_\_\_\_  
**(Township Board Meeting Date)**

**The Charter Township of Van Buren hereby ordains that Sections 74-27 to 74-29 of the Township General Code of Ordinances be amended as follows:**

**Sec. 74-27. - Removal of snow and ice from sidewalks, walks, and ramps.**

- (1) All snow and ice which has accumulated prior to 6:00 a.m. on a sidewalk adjacent to property not zoned residential shall be removed by the owner or occupant by noon. The owner or occupant of the property shall also remove snow and ice from walks and ramps that are at bus stops or that lead to a marked or unmarked crosswalk. Provided that when ice has so formed upon any sidewalk, walk or ramp that it cannot be removed, then the owner or occupant shall keep the same effectively sprinkled with sand, salt or other suitable substance in such manner as to prevent the ice from being dangerous, until such time as it can be removed, and then it shall be promptly removed.
- (2) Within 24 hours after the end of each accumulation of snow greater than 1 inch, the owner or occupant of every property zoned residential shall remove the accumulation from the adjacent sidewalk and from walks and ramps that are at bus stops or that lead to a marked or unmarked crosswalk.
- (3) Within 18 hours after any ice forms, the owner or occupant of every property zoned residential shall treat the ice on the adjacent sidewalk and on walks and ramps that are at bus stops or that lead to a marked or unmarked crosswalk with sand, salt or other substance to prevent it from being slippery.
- (4) The requirements in this section apply to the accumulation of snow and/or ice from any source, including, but not limited to, precipitation, drifting of snow, and drainage or spilling of water onto the sidewalk, walk or ramp.
- (5) Compliance with this section requires making sidewalks, walks, and ramps free of snow and ice for their entire constructed width and length.
- (6) Snow and/or ice that is removed as required by this section or that is removed from private property shall not be placed on a sidewalk or street.
- (7) "Owner," for purposes of this section and Sec. 74-28, means the owner as shown in the records of the Township Assessor.
- (8) "Walk," for purposes of this section means any walkway that is paved with sidewalk material and that is contiguous with the sidewalk adjacent to the owner or occupant's property regardless of whether or not it is parallel to the right-of-way.
- (9) An owner of the property or an occupant who fails to comply with this section shall be responsible for a civil infraction, which shall be punishable by a civil fine of not

more than \$100.00 for the first citation issued in a six month period, not more than \$250.00 for the second citation issued in a six month period, and not less than \$500.00 and up to \$1,000.00 for each additional or subsequent citation issued in a six month period, plus costs and all other remedies available by statute. The maximum fine for any offense shall not exceed \$1,000.00. If the penalty is not paid within 45 days, the township shall have a lien upon such developed land or subdivided land for such expenses and such lien shall be enforced in the manner prescribed by the general laws of the state providing for the enforcement of tax liens.

**Sec. 74-28. - Issuance of citation and removal by township.**

- (1) Each season, the first time snow or ice is not removed or treated by the owner or occupant as required in section 74-27, the township will give notice to the owner or occupant. The notice may be made in person, by telephone, by mail or by written notice left at the property. The notice will indicate that if the owner or occupant fails to remove the snow and/or ice within 24 hours of the notice, a citation may be issued and the township may cause such snow and/or ice to be removed at the owner's expense. For second or subsequent days on which snow or ice is not removed or treated as required in section 74-27, the township may issue a citation and remove the snow and/or ice at the owner's expense without further notice.
- (2) Any time the Township has snow and/or ice removed under this section, the actual cost of removal of snow and/or ice that is incurred by the township plus an administrative fee of \$50.00 will be charged to the owner of the property. If the owner fails to pay the charge within 45 days, the township shall have a lien upon such developed land or subdivided land for such expenses and such lien shall be enforced in the manner prescribed by the general laws of the state providing for the enforcement of tax liens. The charges under this section are separate from any fine imposed under section 74-27 and are not waivable or alterable by the court in proceedings on a citation issued under section 74-27.

**Sec. 74-29. - Financial hardship.**

Upon proof of financial hardship the Township Supervisor may authorize charges under section 74-28(2) to be paid in installments, to be reduced, or to be cancelled.

**Effective Date**

This amendment shall become effective upon publication in a newspaper of general circulation within the Charter Township of Van Buren.

THIS ORDINANCE IS HEREBY DECLARED TO HAVE BEEN ADOPTED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF VAN BUREN, COUNTY OF WAYNE, STATE OF MICHIGAN, AT A REGULAR MEETING, CALLED AND HELD ON THE \_\_\_\_\_ day of \_\_\_\_\_, 2017.

YEAS (in favor of amendment): \_\_\_\_\_

NAYS (opposed to amendment): \_\_\_\_\_

ABSENT: \_\_\_\_\_

I hereby approve the foregoing Ordinance.

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Kevin McNamara,  
Supervisor, Charter Township of Van Buren

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Leon Wright,  
Clerk, Charter Township of Van Buren

Adopted: \_\_\_\_\_

Published: \_\_\_\_\_

Effective: \_\_\_\_\_

# Charter Township of Van Buren

Agenda Item: \_\_\_\_\_

## REQUEST FOR BOARD ACTION

**MEETING DATE: FEBRUARY 21, 2017**

Consent Agenda	New Business X	Unfinished Business	Public Hearing
ITEM (SUBJECT)	Discussion/approval of an amendment to Ordinance 66-30 – Receptacles.		
DEPARTMENT	Police Department		
PRESENTER	Lt. Charles Bazzy		
PHONE NUMBER	(734) 699-8930		
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)			

### Agenda topic

#### ACTION REQUESTED

Approval of an amendment to Ordinance 66-30.

#### BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)

The amendment trash receptacles ordinance, Sec. 66-30, provides rules for the storage of receptacles as well as the amount and type of waste that will be picked up.

#### BUDGET IMPLICATION

#### IMPLEMENTATION NEXT STEP

DEPARTMENT RECOMMENDATION Approval

#### COMMITTEE/COMMISSION RECOMMENDATION

ATTORNEY RECOMMENDATION Approval

(May be subject to Attorney/Client Privilege and not available under FOIA)

#### ADDITIONAL REMARKS

APPROVAL OF SUPERVISOR \_\_\_\_\_



**CHARTER TOWNSHIP OF VAN BUREN**  
**County of Wayne, State of Michigan**

**Ordinance No.:** \_\_\_\_\_  
**(Township Board Meeting Date)**

**The Charter Township of Van Buren hereby ordains that Ordinances 66-30 of the Township General Code of Ordinances be amended as follows:**

Sec. 66-30. - Receptacles.

- (a) *Provision by owners or occupants.* The owners or occupants of every building where garbage or waste accumulates and in case of a multiple dwelling, as defined in section 2 of Act No. 167 of the Public Acts of Michigan of 1917 (MCL 125.402, MSA 5.2772), as amended, the owners, lessees, or agent shall cause to be provided for such building, and keep clean and in place, proper receptacles. Receptacles that are badly broken or otherwise fail to meet the requirements of this article may be classified as rubbish and, after due notice to the users, be disposed of as rubbish.
- (b) *Garbage and rubbish.* Receptacles for garbage and rubbish shall be portable, and shall be securely tied, watertight plastic bags, or shall be of watertight metal or plastic with tightfitting covers to prevent the disturbances of their contents by cats and dogs and to prevent propagation of rats and flies or other insects or vermin and equipped with pails or handles for easy handling.
- (c) *Recycling.* Recycling receptacles shall be plastic bins issued by Waste Management or shall be of metal or plastic with covers to prevent scattering of the contents by the wind and to prevent the propagation of vermin and equipped with pails or handles for easy handling. The combined weight of any container and its contents shall not exceed 50 pounds.
- (e) *Yard waste.* Receptacles for yard waste shall be paper compost bags or plastic or metal with covers to prevent scattering of the contents by the wind and to prevent the propagation of vermin. Yard waste receptacles must be clearly marked as such. Yard waste shall not be disposed of in plastic bags. Yard waste will be picked up seasonally per Van Buren Township guidelines.
- (f) *Location.* All garbage, rubbish, recycling, yard waste and their respective receptacles (whether they or not they have waste in them) shall be stored outside of the public view. A person may satisfy this requirement by storing all garbage, rubbish, recycling, yard waste and their respective receptacles in the person's garage. A person choosing not to store all or part of the garbage, rubbish, recycling, yard waste and their respective receptacles in the person's garage may otherwise satisfy this requirement by storing the garbage, rubbish, recycling, yard waste and their respective receptacles in the person's rear yard provided the person also meets the following requirements. The garbage, rubbish, recycling, yard waste and

their respective receptacles stored in the person's rear yard must be stored such that the garbage, rubbish, recycling, yard waste and their respective receptacles are not visible from the street adjacent to the person's front yard. All garbage, rubbish, recycling, yard waste and their respective receptacles shall not be stored in the alley except that in the case of existing structures which extend to the alley line, receptacles for waste may be placed in a public alley. No person shall disturb the contents of any waste receptacle or leave the receptacles or contents in a condition other than as this article provides. All receptacles shall be maintained in a sanitary condition.

- (g) *Standards for placing garbage, rubbish, recycling, yard waste and their respective receptacles for the curbside collection of waste.* Any person placing waste and receptacles out for the curbside collection of the waste must comply with all of the following requirements:

(1) All receptacles must comply with the requirements of this section.

(2) Unless a waste receptacle is a ninety-six (96) gallon receptacle issued by Waste Management, the maximum volume of waste in any one (1) receptacle shall be thirty-two (32) gallons. If the waste is not contained in a receptacle, the maximum volume of waste bundled or packaged together shall be thirty-two (32) gallons.

(3) The maximum weight of waste in any one (1) receptacle shall be fifty (50) pounds. If the waste is not contained in a receptacle, the maximum weight of waste bundled or packaged together shall be fifty (50) pounds. Bundled brush must also not exceed three (3) feet in length or eighteen (18) inches in circumference.

(4) Waste and receptacles shall be placed curbside for the collection of waste no earlier than 6:00 p.m. on the day prior to the regularly scheduled collection.

(5) No person shall place more than thirty (30) receptacles for curbside collection per week.

(6) Receptacles shall be retrieved from curbside 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 (f) of this section.

- (h) Penalties for violation of ordinance prohibiting litter, trash and rubbish, improper disposal of residential waste and recyclables; abandoned materials, property and vehicles. A violation of this section shall be deemed to be a municipal civil infraction. The following civil fines shall apply in the event of a determination of responsibility for a violation of any portion of this article:

(1) First offense. The civil fine for a first offense violation shall be in an amount of \$150.00, plus cost and other sanctions, for each offense. In addition to ordering the defendant determined to be responsible for a municipal civil infraction to pay

civil fines, costs, damages and expenses, the judge or magistrate shall be authorized to issue any judgment, writ or order necessary to enforce, or enjoin violation of this article.

(2) Second offenses. The civil fine for a second offense violation shall be in an amount of \$300.00, plus cost and other sanctions, for each offense. In addition to ordering the defendant determined to be responsible for a municipal civil infraction to pay civil fines, costs, damages and expenses, the judge or magistrate shall be authorized to issue any judgment, writ or order necessary to enforce or enjoin violation of this article.

(3) Third or subsequent offenses. Any person, firm, or corporation who violates any of the provisions of this article for a third or subsequent time shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00, or by imprisonment for a period of not to exceed 90 days, or by both such fine and imprisonment.

(4) Continuing offenses. Each day that a violation continues to exist shall constitute a separate offense.

(5) Remedies not exclusive. In addition to any remedies provided for in this article, any equitable or other remedies available may be sought. The district judge shall also be authorized to impose costs, damages and expenses as provided by law.

**State Law reference**— Receptacles for ashes, garbage and rubbish, MCL 125.478, MSA 5.2850.

**Effective Date**

This amendment shall become effective upon publication in a newspaper of general circulation within the Charter Township of Van Buren.

THIS ORDINANCE IS HEREBY DECLARED TO HAVE BEEN ADOPTED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF VAN BUREN, COUNTY OF WAYNE, STATE OF MICHIGAN, AT A REGULAR MEETING, CALLED AND HELD ON THE \_\_\_\_\_ day of \_\_\_\_\_, 2017.

YEAS (in favor of amendment): \_\_\_\_\_

NAYS (opposed to amendment): \_\_\_\_\_

ABSENT: \_\_\_\_\_

I hereby approve the foregoing Ordinance.

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Kevin McNamara,  
Supervisor, Charter Township of Van Buren

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Leon Wright,  
Clerk, Charter Township of Van Buren

Adopted: \_\_\_\_\_  
Published: \_\_\_\_\_  
Effective: \_\_\_\_\_