



**CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1269**

AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 86 "SOLID WASTE", ARTICLE II "COLLECTION AND DISPOSAL", DIVISION 1 "GENERALLY", SECTIONS 86-33 AND 86-34 TO CORRECT REFERENCES AND MAKE LANGUAGE CONSISTENT WITH OTHER PROVISIONS IN THE CODE.

THE CITY OF YPSILANTI HEREBY ORDAINS:

Section 1: Amendments, additions, and deletions to the Code of Ordinances, City of Ypsilanti, Michigan.

That Chapter 86 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Solid Waste", Article II "Collection and Disposal", Division 1 "Generally", Section 86-33 "Commercial properties; blight violation", is hereby amended as follows:

Sec. 86-33. - Commercial properties; blight violation.

- (a) No accumulation of garbage or rubbish from commercial or manufacturing establishments shall be placed out for collection prior to the time specified by the city manager in rules and regulations for the collection of garbage and rubbish as promulgated by him, after approval by resolution of the city council from time to time, and published in a newspaper of general circulation within the city.
- (b) Receptacles for commercial garbage or rubbish shall be removed immediately following collection of such materials, if it has been placed out for collection. Receptacles shall have functioning lids that shall be kept closed so that the receptacles' contents are not visible to the public and so that the receptacles' contents cannot blow, drift, or drop from the receptacles.
- (c) A person who violates any provision of this section is responsible for a blight violation, subject to payment of a civil fine as set forth in section ~~70-38~~ 71-73. Repeat offenses under this section shall be subject to increased fines as set forth in ~~the schedule of blight violation fines section 71-73.~~

That Chapter 86 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Solid Waste", Article II "Collection and Disposal", Division 1 "Generally", Section 86-34 "Residential properties; blight violation", is hereby amended as follows:

Sec. 86-34. - Residential properties; blight violation.

(a) No accumulation of garbage or rubbish from residences shall be placed out for collection at the curb prior to 3:30 p.m. of the day preceding the designated collection day and all receptacles, and any remaining accumulation of trash and debris, must be taken in prior to 8:00 a.m. of the day following the day of collection and placed behind the building line and out of general view. In addition to a citation being issued, a warning tag will be left on the containers or items, and on the door of the residence. The warning tag shall notify the property owner and/or responsible tenant that if the violation is not corrected within 24 hours, the city's independent contractor will remove the remaining accumulation of trash and debris and the owner or responsible tenant shall be assessed the actual cost incurred, plus all other expenses (direct and indirect) to which the city has been put in connection with this infraction, to the extent allowed for a municipal civil infraction by law. During special events and peak times, no 24-hour warning tag will be issued and the city may remove the accumulated trash and debris immediately, and the owner or responsible tenant shall be assessed the actual cost of removal, plus all other expenses (direct and indirect) to which the city has been put in connection with this infraction, to the extent allowed for a municipal civil infraction by law.

(b) Peak times, for the purposes of this section, shall be those established at section 86-51 of this Code.

(c) For the purposes of this section, a special event shall include the following: The Heritage Festival, Frog Island Beer Festival, student move-in and move-out dates, the 4th of July Parade, Memorial Day Procession, and other special events as designated by the city manager, or by resolution of the city council. Events designated by the city manager or city council resolution shall be published in the newspaper seven days in advance of the event.

(d) Landlords/property owners will be held responsible for violations of this section when:

- (1) The identity of the responsible tenant is not readily apparent or available (the identity of the tenant shall be readily available if the landlord/property owner has provided that information to the building department);
- (2) The tenant is unavailable due to moving, vacation, or any other reason;
or
- (3) Repeat offenses occur at the same address.

(e) A person who violates any provision of this section is responsible for a blight violation, subject to payment of a civil fine as set forth in section 71-73 ~~the schedule of blight violation fines~~. Repeat offenses under this section shall be subject to increased fines as set forth in section 71-73 ~~the schedule of blight violation fines~~.

2. Severability. If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

3. Repeal. All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

4. Savings Clause. The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

5. Copies to be available. Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

6. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published according to Section 11.13 of the City Charter. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS 19th DAY OF April, 2016.

Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. 1269 was published according to Section 11.13 of the City Charter on the 27th day of April, 2016.

Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the 19th day of April, 2016.

Frances McMullan, City Clerk

Notice Published: March 29, 2016

First Reading: April 5, 2016

Second Reading: April 19, 2016

Published: April 27, 2016

Effective Date: May 19, 2016