

**STATE OF MICHIGAN
COUNTY OF HURON
VILLAGE OF PORT AUSTIN**

ORDINANCE NO. 105 - 04

**AN ORDINANCE REGARDING THE USE OF DUMPSTERS
IN THE VILLAGE OF PORT AUSTIN**

THE VILLAGE OF PORT AUSTIN ORDAINS:

Section 1. Definitions.

A.) *Garbage* means the putrescible and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

B.) *Rubbish* means the miscellaneous waste material resulting from housekeeping, including ashes, cartons, tin cans, small packing boxes and waste papers; and excluding discarded materials from building construction and automobile bodies or component parts of any substantial weight or size.

C.) *Dumpster* means a metal or plastic container having an internal volume of one (1) cubic yard or greater, by actual measurement, which temporarily receives and holds garbage and or rubbish for ultimate disposal either by unloading into the body or loading hopper of a garbage and or rubbish collection vehicle or by any other means.

Section 2. Location of Dumpsters.

1. No dumpster shall be located in any single-family residential zone unless in connection with the approval of a special use of such premises granted by either the village council or the zoning board of appeals.

2. No dumpster shall be placed on any property in the Village until the location of such dumpster has been approved by the Village Waste Management Committee. In approving such location, the Village Waste Management Committee shall take into consideration a location which will provide adequate access for service vehicles and which will not be detrimental or injurious to adjoining properties.

Section 3. Screening of Dumpsters.

1. All dumpsters located in the village must be enclosed or screened from public view. Such screening shall consist of a completely obscuring wall or fence, including doors or gates, not less than six (6) feet in height on all sides of the enclosure. Posts or bumpers shall be provided within the enclosure to protect it from damage from the dumpster. The inside clearance of the enclosure shall be not less than ten (10) feet in depth and ten (10) feet in width, or as otherwise determined by the Waste Management Committee.

2. Screening materials shall consist of any of the following:

- a.) Masonry, either brick, concrete block, or reinforced concrete.
- b.) Wood, provided the wood is heartwood cedar, redwood, marine grade exterior plywood or equivalent of at least five-eighths-inches thickness or other types of wood which have been pressure treated with preservatives. If cedar, redwood, or plywood is used in the screening, it shall be protected from possible rot or decay by the application of an exterior stain of a neutral color. Wood that has been pressure treated need not be further protected from possible rot or decay.
- c.) Other materials approved by the Waste Management Committee.

3. All of the existing dumpsters located within the Village of Port Austin shall comply with the provisions of this section on or before June 15, 2005. The Village Waste Management Committee may grant a waiver of all or part of the provisions of this section upon a finding that, by reason of the shape or area of the specific property on which the existing dumpster has been installed, the strict application of this section would result in practical difficulties or undue hardship to the owner. In granting a waiver, the Committee may impose reasonable conditions in fulfillment of the purpose of this section.

4. This section is not intended to require the screening of any dumpster used on a temporary basis during the construction of any building, provided that such dumpster is removed from the premises or is moved to an approved screened location on the site prior to the issuance of a final certificate of occupancy for the building under construction.

5. An Authorized Village Official as provided for in the Municipal Civil Infraction Ordinance is hereby charged with the enforcement of this section.

Section 4. Emptying Dumpsters.

No dumpster located within five hundred (500) feet of any structure intended for use as a residential dwelling, except hotels and motels, shall be emptied between the hours of 6:00 p.m. and 7:00 a.m. of the day following.

Section 5. Offense Grade.

Persons, firms, corporations, or partnerships violating this ordinance shall be responsible for a Grade B (Level 2) civil infraction. Each and every day of noncompliance is a separate violation.

Section 6. Adoption.

This Ordinance shall take effect twenty (20) days after publication in a newspaper in general circulation within the Village of Port Austin.

This Ordinance is hereby declared to have been adopted by the Village of Port Austin Council at a meeting thereof duly called and held on the 11th day of October, 2004. This Ordinance published on October 26th, 2004.

Presented at a regular meeting of the Village of Port Austin held in the Village Hall on the 11th day of October, 2004

Motion by: Hogan

Seconded by: Radlinski

Yeas: Hogan, Loewe, Preston, Kasper, Radlinski, Ruth
Nays: None

Absent: Bruce

Abstain: None

Ordinance adopted on the 11th day of October, 2004.

Judy Binkley, Clerk

Marilyn Bruce, President

Clerk's Certification

Judy Binkley, Clerk of the Village of Port Austin, certifies that:

- 1.) A regular meeting on the ordinance was conducted in the Village Hall on the 11th day of October, 2004 at 7:30 p.m.
- 2.) The ordinance was adopted on the 11th day of October, 2004.
- 3.) The ordinance or a synopsis thereof was published on the 26th day of October, 2004.
- 4.) The ordinance is effective 20 days thereafter, on the 15th day of November, 2004.