

CITY COUNCIL ORDINANCE COMMITTEE

**MONDAY, JULY 30, 2018 AT 4:45 P.M.
SECOND FLOOR CONFERENCE ROOM, CITY HALL**

AGENDA

- 1.) Call to Order.
- 2.) Public Comments on Agenda Items.
- 3.) Discussion on Chapter 1024 - Animals on Riverwalk.
- 4.) Discussion on DDA Zoning Amendment Z18-07.
- 5.) Discussion on Chapter 1060 – River Street Refuse Bags.
- 6.) Public Comments.
- 7.) Adjourn.

:cl

Chapter 1024
Sidewalks and Riverwalk

1024.01	Maintenance and repair by owners; notice by City	1024.05	Maintenance of area between gutter line and line of lots abutting streets; injury to vegetation.
1024.02	Failure of owners to construct or repair; action by City	<u>1024.06</u>	<u>Prohibition against dogs, bicycles, skateboards and rollerblades along Riverwalk</u>
1024.03	Service of notices		
1024.04	Liability of owners for defects	1024.99	Penalty

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CROSS REFERENCES
Failure of property owner to keep sidewalks free of obstructions - see M.C.L.A. Sec. 103.4
Liability of City re sidewalks - see M.C.L.A. Secs. 691.1401 et seq.
Animals on sidewalks - see GEN. OFF. 606.08
Obstruction of sidewalks by building materials and firewood - see GEN. OFF. 674.05
Snow and ice removal from sidewalks - see GEN. OFF. 674.07, 674.08
Restoration of pavement upon completion of excavations - see S.U. & P.S. 1022.02, 1022.04

Field Code Changed

1024.01 MAINTENANCE AND REPAIR BY OWNERS; NOTICE BY CITY

All sidewalks in the City shall be kept in good repair by the owner, agent or occupant of the premises adjoining or fronting such sidewalks, and whenever any sidewalk in the City needs repair, does not conform to the established grade or otherwise conflicts with any ordinance of the City, it shall be the duty of the City Manager or his or her designee to notify the owner, agent or occupant of the premises adjoining or fronting such sidewalk needing repair to repair the same within forty-eight hours after receiving such notice. If the owner or agent thereof cannot be found in the City or is unknown, the notice may be served by posting the same in a conspicuous position upon said lot or premises for a period of ten days.

1024.02 FAILURE OF OWNERS TO CONSTRUCT OR REPAIR; ACTION BY CITY

If any owner, agent, occupant or person in charge of any lot or premises in the City shall neglect or refuse to build any sidewalk ordered by the Council within the time specified in a notice served upon such owner, occupant or person in charge of such lot or premises by the City Manager or his or her designee, as provided in Section 1024.01, or shall allow any sidewalk constructed in front of or adjacent to any such lot or premises to become out of repair for forty-eight hours, the City Manager or his or her designee may proceed forthwith to build or repair such sidewalk, as the case may be, and the reasonable and necessary cost thereof, or such portion or amount as shall be determined by the Council, shall be a lien upon such lot or premises and be collected the same as other taxes are assessed and collected within the City.

1024.03 SERVICE OF NOTICES

All notices provided for in this chapter or required herein to be served by the City Manager or his or her designee may be served by the City Manager or his or her designee or by any police officer of the City.

1024.04 LIABILITY OF OWNERS FOR DEFECTS

Whenever a sidewalk is in a state of disrepair or in a defective condition, the abutting landowner has the duty of repairing such sidewalk as provided for in this chapter, and the City shall not be liable for any such sidewalk defects, even though no notice of defect or order to repair was given as provided in Section 1024.01.
(1973 Code §93.33)

1024.05 MAINTENANCE OF AREA BETWEEN GUTTER LINE AND LINE OF LOTS ABUTTING STREETS; INJURY TO VEGETATION

The portion of every street lying between the gutter line and the line of lots abutting on any street will be regarded and treated as City walks for the purpose of entry thereon, and such walks shall be used by the City for the purpose of public improvements. However, where the owner of any abutting property, on a street devoted to residences, shall properly grade the space between the line of his or her lot and the sidewalk, and the gutter line, such space shall be, in fact, lawn, and such owner shall keep the grass thereon properly trimmed and mowed. Further, such lawn shall be deemed to be public property and any defacement thereof or injury thereto is hereby prohibited. The driving of animals or vehicles thereon or the use of any portion thereof as places upon which to walk, causing injury to the grass or flowering plants growing thereon, or any act which shall cause any defacement or injury to any such lawns, is hereby prohibited. (Ord. Unno. Passed 6-3-14.)

1024.06 PROHIBITION AGAINST DOGS, BICYCLES, SKATEBOARDS AND ROLLER BLADES ALONG RIVERWALK

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No dogs, bicycles, skateboarding or rollerblading shall be permitted along the City of Manistee Riverwalk, except as may be authorized as part of a Special Event approved by the City. This Section shall not apply to boaters at the City Marina that may cross the Riverwalk with dogs traveling upon a boat docked at the City Marina.

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1024.99 PENALTY

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)



Memorandum

TO: Thad Taylor, City Manager

FROM: Denise Blakeslee, Planning & Zoning Director 

DATE: July 13, 2018

RE: Zoning Amendment Z18-07 DDA Request

Denise Blakeslee
Planning & Zoning
Administrator
70 Maple Street
Manistee, MI 49660
231.398.2805
dblakeslee@manisteemi.gov
www.manisteemi.gov

Thad, on July 12, 2018 the Planning Commission held a public hearing for Zoning Amendment Z18-08 request from the DDA for changes to the

The Planning Commission held a public hearing on February 1, 2018 for Zoning Amendment Zoning Ordinance Amendment Z18-07 - to Amend Article 3: Districts Dimensional Standards Uses Table and Zoning Map and Article 15: C-3 Central Business District by:

- ADDING Animal Grooming, Day Care Commercial, Day Care Group, Dwelling Accessory, Educational Facility, Tattoo Parlor and Veterinary Clinic as a use by right in C-3
- ADDING Motel as a Special Use (on a key street segment) in C-3;
- CHANGING Duplex, Laundry and Dry-Cleaning, Parking Facility, Public from a Special Use to a use by right in C-3;
- CHANGING Sports and Recreation Club from a Special Use (on a key street segment) to a use by right in C-3

During the business session of the meeting the Commission made recommendation to City Council to approve the amendment.

This item is ready to go before the Council Ordinance Review Committee for their consideration. A copy of the proposed zoning amendment is enclosed for Council's consideration.



Planning Commission/Planning & Zoning
 City Hall
 70 Maple Street
 Manistee, MI 49660
 231.398.2805 (phone)
 231.723.1546 (fax)

Zoning Amendment Request

Please Print

Zoning Amendment Request Requirements		
<p><i>Request must be received 30 days prior to the City of Manistee Planning Commission meeting to be placed on the agenda.</i> Notice of the Public Hearing shall be held before the Planning Commission. Notice shall include publication in a newspaper and posting in City Hall. Fee for Petition of Zoning Amendment is \$1,000.00 which needs to be submitted with the application. You or your representative should be present at the meeting to explain your request to the Planning Commission and to answer any questions. After the public hearing, the Planning Commission will make a recommendation to the City Council. Two readings are required for Zoning Amendments at regularly scheduled Council Meetings. The City Council will consider final action on your petition.</p>		
Applicant Information		
Name of Owner: Manistee Downtown Development Authority (DDA)		
Address: 70 Maple Street, Manistee, MI 49660		
Phone #: 231.398.3262	Cell#: 616.402.5684.	e-mail: tyler.leppanen@manisteedowntown.com
Name of Agent (if applicable): n/a		
Address:		
Phone #:	Cell#:	e-mail:
Property Information		
Address: n/a		Parcel #
Present use of Property:		
This area is <input type="checkbox"/> un-platted, <input type="checkbox"/> will be platted <input type="checkbox"/> is platted – Name of Plat:		

RE-ZONE AMENDMENTS	
<input type="checkbox"/>	Re-Zone: Rezone Parcel # _____ from _____ to _____ Attach narrative stating the reason for the change.
Has a previous application for a variance, special use permit or re-zoning on this land been made in the past? <input type="checkbox"/> yes <input type="checkbox"/> no. If yes when _____. Decision: <input type="checkbox"/> approved <input type="checkbox"/> denied	
✓	Please answer the following questions
	State specifically the reason for this Amendment request at this time
	Legal Description of Property affected
	List of Deed Restrictions (cite Liber & Page)
	Names and addresses of all persons, firms or corporations having a legal or equitable interest in the land
	Will this re-zoning be in conformance with all adopted development plans of the City of Manistee?
	Will this re-zoning be in conformance with all adopted development plans of and Manistee County?
	What do you anticipate the impacts of the proposed zone change on the adjacent property to be? What steps do you propose to take to mitigate any negative impacts associated with the proposed change?
	Does the proposed re-zoning conform to the plans? If not, why should the change be made? Please be specific, brief and attach any supporting documentation which substantiates your claim. This could include an allegation that the existing zoning is in error which would be corrected by the proposed change, or that specific changes or changing conditions in the immediate area make the re-zoning necessary to promotion of public health, safety and general welfare.

Site Plan Requirements

May be waived by the Zoning Administrator

Attach a site plan drawn to the scale of one (1) inch equals (10) feet, showing all existing structures on the property, all proposed structures and marking those structures that will be removed or razed. Also, the general shape, size and location of all existing structures within 100 feet of the property along with their uses shall be depicted on the site plan, along with all abutting roads, streets alleys or easements.

TEXT AMENDMENTS

Text Amendment:

Amend Article 3 and 15 Section attached to [delete, supplement, or clarify] the Manistee City Zoning Ordinance. *Attach copy of proposed ordinance language.*

Authorization

CERTIFICATION AND AFFIDAVIT:

The undersigned affirm(s) that he/she/they is/are the owner, owner's representative, involved in the petition and that the answers and statements herein contained and the information submitted are in all respects true and correct to the best of his, her or their knowledge and belief.

Signature: Tyler Lippin Date: 6-20-18

Signature: _____ Date: _____

By checking this box permission is given for Planning Commission Members to make a site inspection if desired.

Office Use Only

Fee: \$1,000.00 <u>Waived by City Council 6-19-18</u>	Receipt # <u>n/a</u>
Date Received: <u>6-20-18</u>	Hearing Date: <u>7-12-18</u> PC-201807

DOWNTOWNMANISTEE

michigan

DATE: June 20, 2018

TO: Denise Blakeslee

FROM: Tyler Leppanen

RE: Zoning Ordinance Amendment

The Business Development Committee of the DDA extensively reviewed uses within the C-3 zoning district to identify if there were opportunities to allow additional uses to encourage economic growth. The driving factors that resulted in the requested amendments are to allow more uses to occupy vacant properties, allow for businesses that would service people living in the downtown area, and encouraging higher density residential within the district.

Uses	Current	Recommendation
Animal Grooming	Not Permitted	Use by Right
Day Care, Commercial	Not Permitted	Use by Right
Day Care, Group	Not Permitted	Use by Right
Duplex	Special Land Use	Use by Right
Dwelling Accessory	Not Permitted	Use by Right
Educational Facility	Not Permitted	Use by Right
Laundry & Dry-Cleaning	Special Land Use	Use by Right
Motel	Not Permitted	Special Land Use permitted on key street segments
Parking Facility	Special Land Use	Use by Right
Sports & Recreation Club	Special Land Use*	Use by Right
Tattoo Parlor	Not Permitted	Use by Right
Veterinary Clinic	Not Permitted	Use by Right

Ordinance Z18-07

**AN ORDINANCE TO AMEND IN PART
AN ORDINANCE ENTITLED "MANISTEE CITY ZONING ORDINANCE"
WHICH WAS ADOPTED FEBRUARY 21, 2006,**

To Amend the Manistee City Zoning Ordinance

**Article 3: Districts Dimensional Standards Uses Table and Zoning Map
Table 3-2 be AMENDED by ADDING Animal Grooming, Day Care Commercial, Day Care Group,
Dwelling Accessory, Educational Facility, Tattoo Parlor and Veterinary Clinic
as a use by right in C-3**

ADDING Motel as a Special Use (on a key street segment) in C-3

**CHANGING Duplex, Laundry and Dry-Cleaning, Parking Facility, Public from a Special Use
to a use by right in C-3**

**CHANGING Sports and Recreation Club from a Special Use (on a key street segment)
to a use by right in C-3**

Article 15: C-3 Central Business District

**AMEND Section 1500 Purpose and Intent by ADDING Animal Grooming, Day Care
Commercial, Day Care Group, Dwelling Accessory, Educational Facility, Tattoo Parlor and
Veterinary Clinic as a permitted use**

ADDING Motel as a Special Use (on a key street segment) in C-3

**CHANGING Duplex, Laundry and Dry-Cleaning, Parking Facility, Public
from a Special Use to a permitted use**

**CHANGING Sports and Recreation Club
from a Special Use (on a key street segment) to a permitted use**

**AMEND Section 1501 Uses Permitted by Right by ADDING Animal Grooming, Day Care
Commercial, Day Care Group, Duplex, Dwelling Accessory, Educational Facility, Laundry and
Dry-Cleaning, Parking Facility, Public Sports and Recreation Club, Tattoo Parlor
and Veterinary Clinic**

**AMEND Section 1502 Uses Permitted by Special Land Use Permit by DELETEING Duplex,
Laundry and Dry-Cleaning, Parking Facility, Public
and Sports and Recreation Club (requires key street frontage)**

**AMEND Section 1502 by Uses Permitted by Special Land Use Permit ADDING Motel as a
Special Use (on a key street segment) in C-3**

THE CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN, ORDAINS:

- Article 3: Districts Dimensional Standards Uses Table and Zoning Map; Table 3-2 be AMENDED by ADDING Animal Grooming, Day Care Commercial, Day Care Group, Dwelling Accessory, Educational Facility, Tattoo Parlor and Veterinary Clinic as a use by right in C-3; ADDING Motel as a Special Use (on a key street segment) in C-3; CHANGING Duplex, Laundry and Dry-Cleaning, Parking Facility, Public from a Special Use to a use by right in C-3; CHANGING Sports and Recreation Club from a Special Use (on a key street segment) to a use by right in C-3 as follows:

CITY OF MANISTEE – Table of Land Uses												
Table 3-2 Uses Permitted by Right and Special Land Use Permit												
(R=Use by Right; SLU=Use Permitted as Special Land Use; * Indicates Use Permitted as Special Land Use on Key Street Segment)												
** Indicates Use Permitted as Special Land Use as part of a Mixed Use Development and requires a Special Use Permit												
USES	P-D Peninsula District	G-C Golf Course	R-1 Low Density	R-2 Med Density	R-3 High Density	R-4 Mfg. Housing	W-F Water- front	C-1 Reg'l Com	C-2 Neigh. Bus	C-3 Central Bus	L-I Light Ind	G-I Gen Ind
Animal Grooming	SLU							R	SLU	R		
Day Care, Commercial	SLU				SLU		SLU	SLU	SLU	R	SLU	
Day Care, Group	SLU		SLU	SLU	R	SLU	SLU	SLU	R	R		
Duplex	SLU		SLU	SLU	SLU	SLU	SLU		SLU	SLU R		
Dwelling - Accessory				SLU	SLU					R		
Educational Facility				SLU*	SLU*				SLU	R	SLU	SLU
Laundry & Dry Cleaning Establishment								SLU	SLU*	SLU R	R	
Motel							SLU*	R		SLU*		
Parking Facility, Public	SLU			SLU*	SLU*		SLU	SLU	SLU	SLU R		SLU
Sports and Recreation Club			SLU				SLU*	R	SLU*	SLU * R	SLU*	
Tattoo Parlor								SLU		R		
Veterinary Clinic								R	SLU	R	R	

- That Article 15: C-3 Central Business District, Section 1500 Purpose and Intent, be AMEDNED BY ADDING Animal Grooming, Day Care Commercial, Day Care Group, Dwelling Accessory, Educational Facility, Tattoo Parlor and Veterinary Clinic as a permitted use; ADDING Motel as a Special Use (on a key street segment) in C-3; CHANGING Duplex, Laundry and Dry-Cleaning, Parking Facility, Public from a Special Use to a permitted use; CHANGING Sports and Recreation Club from a Special Use (on a key street segment) to a permitted use as follows:

PERMITTED USES

- ◆ Accessory buildings with floor area less than or equal to the footprint of the principal structure
- ◆ Accessory uses related to uses permitted by right
- ◆ **Animal Grooming**
- ◆ Community Garden, subject to Section 534
- ◆ Convenience Store w/o fuel pumps
- ◆ **Day Care, Commercial**
- ◆ **Day Care, Group**
- ◆ **Duplex**
- ◆ **Dwelling, Accessory**
- ◆ Dwelling, Upper Story Accessory, subject to Section 1504
- ◆ Eating and Drinking Establishment
- ◆ **Educational Facility**
- ◆ Financial Institution
- ◆ Gallery or Museum
- ◆ Home Occupation, Minor, subject to Section 1847, B, 1.
- ◆ Hotel
- ◆ **Laundry and Dry Cleaning Establishment**
- ◆ Medical or Dental Office
- ◆ Mixed Use Development
- ◆ Outdoor Recreation, Park
- ◆ **Parking Facility, Public**
- ◆ Personal Service Establishment
- ◆ Place of Public Assembly, Small
- ◆ Professional Office
- ◆ Professional Service Establishment
- ◆ Retail Business
- ◆ **Sports and Recreation Club**
- ◆ Studio for Performing and Graphic Arts
- ◆ Subdivision, Plat or Condo (of permitted uses)
- ◆ **Tattoo Parlor**
- ◆ Theater
- ◆ Uses similar to uses permitted by right, subject to Section 530
- ◆ **Veterinary Clinic**
- ◆ Wind Energy Conversion System, Accessory subject to Section 515.G

SPECIAL USES

- ◆ Accessory buildings with floor area greater than the footprint of the principal structure
- ◆ Accessory uses related to special uses
- ◆ Adaptive Reuse
- ◆ Bed & Breakfast
- ◆ Contractor's Facility
- ◆ Drive-through Establishment
- ◆ ~~Duplex~~
- ◆ Dwelling, Multiple unit
- ◆ Home Occupation, Major
- ◆ ~~Laundry and Dry Cleaning Establishment~~
- ◆ Marina
- ◆ ~~Parking Facility, Public~~
- ◆ Planned Unit Development
- ◆ Uses similar to permitted special uses

SPECIAL USES

Requires Key Street Frontage

- ◆ **Motel**
- ◆ Place of Public Assembly, Large
- ◆ ~~Sports and Recreation Club~~

4. That Article 15: C-3 Central Business District, Section 1501 Uses Permitted by Special Land Uses, be AMENDED by ADDING Items C. Animal Grooming, F. Day Care Commercial, G. Day Care Group, H. Duplex, I. Dwelling Accessory, L. Educational Facility, Q. Laundry and Dry-Cleaning, U. Parking Facility, Public AA. Sports and Recreation Club, DD. Tattoo Parlor and GG. Veterinary Clinic as follows:

- C. Animal Grooming**
- F. Day Care, Commercial**
- G. Day Care, Group**
- H. Duplex**
- I. Dwelling, Accessory**
- L. Educational Facility**
- Q. Laundry and Dry Cleaning**
- U. Parking Facility, Public**
- AA. Sports and Recreation Club**
- DD. Tattoo Parlor**
- GG. Veterinary Clinic**

Renumber list as needed

5. That Article 15: C-3 Central Business District, AMEND Section 1502 by DELETED Duplex, Laundry and Dry-Cleaning, Parking Facility, Public and Sports and Recreation Club (requires key street frontage) as follows:

- ~~G. Duplex, subject to **Section 1829**~~
 - ~~J. Laundry and Dry Cleaning Establishment, subject to **Section 1850**~~
 - ~~L. Parking Facility, Public, subject to **Section 1865**~~
 - ~~O. Sports and Recreation Club, subject to **Section 1880 - Requires Key Street Frontage**~~
- Renumber list as needed*

6. That Article 15: C-3 Central Business District, AMEND Section 1502 by ADDING Motel as a Special Use (requires key street segment) as follows:

- J. Motel, subject to **Section 1861 - Requires Key Street Frontage**

7. CONFLICTING ORDINANCES: that any and all ordinances of City of Manistee which may conflict with the provisions of this ordinance be and are hereby rescinded.

8. EFFECTIVE DATE: This Ordinance shall take effect ten days after publication in the Manistee News Advocate.

James W. Smith, Mayor

Dated

ATTEST:

Heather Pefley Dated
 City Clerk

CITY OF MANISTEE PLANNING COMMISSION

70 Maple Street
Manistee, MI 49660

MEETING MINUTES

July 12, 2018

A meeting of the Manistee City Planning Commission was held on Thursday, July 12, 2018 at 7pm in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

Meeting was called to order at 7:00 pm by Chair Wittlieff

ROLL CALL

Members Present: Marlene McBride, Bob Slawinski, Michael Szymanski, Rochelle Thomas, Mark Wittlieff

Members Absent: Maureen Barry (excused), Roger Yoder

Others: Tyler Leppanen (Executive and Economic Development Director Manistee Downtown Development Authority), Denise Blakeslee (Planning & Zoning Director), Kelly McColl and others

APPROVAL OF AGENDA

Motion by Bob Slawinski, seconded by Rochelle Thomas that the agenda be approved as prepared.

With a Roll Call vote this motion passed 5 to 0.

Yes: Thomas, Slawinski, Szymanski, McBride, Wittlieff
No: None

APPROVAL OF MINUTES

Motion by Marlene McBride, seconded by Bob Slawinski that the minutes of the June 7, 2018 Planning Commission Meeting be approved as prepared.

With a Roll Call vote this motion passed 5 to 0.

Yes: Thomas, Szymanski, Slawinski, McBride, Wittlieff
No: None

PUBLIC HEARING

Chair Wittlieff opened the Public Hearing at 7:05 pm

PC-2018-08 - Downtown Development Authority, Zoning Ordinance Amendment Z18-07 - to Amend Article 3: Districts Dimensional Standards Uses Table and Zoning Map and Article 15: C-3 Central Business District

A request has been received from the Downtown Development Authority for Zoning Ordinance Amendment Z18-07 that would amend Article 3: Districts Dimensional Standards Uses Table and Zoning Map and Article 15: C-3 Central Business District by:

- ADDING Animal Grooming, Day Care Commercial, Day Care Group, Dwelling Accessory, Educational Facility, Tattoo Parlor and Veterinary Clinic as a use by right in C-3
- ADDING Motel as a Special Use (on a key street segment) in C-3;
- CHANGING Duplex, Laundry and Dry-Cleaning, Parking Facility, Public from a Special Use to a use by right in C-3;
- CHANGING Sports and Recreation Club from a Special Use (on a key street segment) to a use by right in C-3

Tyler Leppanen, Executive and Economic Development Director Manistee Downtown Development Authority – Mr. Leppanen gave the commission background information on the request. DDA Board compared the business regulations of downtown Manistee to 8 other similar communities.

Denise Blakeslee, Planning and Zoning Director – Ms. Blakeslee reviewed the proposed changes with the commissioners and answered questions.

Chair Wittlieff opened the hearing for public comments.
None

Chair Wittlieff asked if any correspondence had been received in response to the request.
None

There being no additional comments from the public in attendance, Chair Wittlieff closed the public hearing at 7:18 pm.

PUBLIC COMMENT ON AGENDA RELATED ITEMS

Chair Wittlieff asked if anyone in attendance had any comments on Agenda Related Items.
None

NEW BUSINESS

PC-2018-08 - Downtown Development Authority, Zoning Ordinance Amendment Z18-07 - to Amend Article 3: Districts Dimensional Standards Uses Table and Zoning Map and Article 15: C-3 Central Business District

A public hearing was held earlier in response to a request from the Downtown Development Authority

for a Zoning Ordinance Amendment Z18-07 - to Amend Article 3: Districts Dimensional Standards Uses Table and Zoning Map and Article 15: C-3 Central Business District.

MOTION by Michael Szymanski , seconded by Rochelle Thomas that the Planning Commission could take action to approve/deny the request from the Downtown Development Authority for a Zoning Ordinance Amendment Z18-07 - to Amend Article 3: Districts Dimensional Standards Uses Table and Zoning Map and Article 15: C-3 Central Business District.

With a Roll Call vote this motion passed 5 to 0.

Yes: McBride, Slawinski, Szymanski, Thomas, Wittlieff
No: None

OLD BUSINESS

None

PUBLIC COMMENTS AND COMMUNICATIONS

None

CORRESPONDENCE

None

STAFF REPORTS

Denise Blakeslee, Planning & Zoning Director –

Denise announced her retirement, set for August 31, 2018.

She reminded the members that Chair Wittlieff would be giving their annual report presentation to City Council on Wednesday, August 8.

MEMBERS DISCUSSION

Commissioner Szymanski thanked Denise.

The next regular meeting of the Planning Commission will be held on Thursday, August 2, 2018.

ADJOURNMENT

Motion by Bob Slawinski, seconded by Michael Szymanski that the meeting be adjourned. MOTION PASSED UNANIMOUSLY.

Meeting adjourned at 7:26 pm.

MANISTEE PLANNING COMMISSION

Kelly McColl, Recording Secretary

**Chapter 1060
Garbage and Rubbish Collection and Disposal**

1060.01	Definitions	1060.08	Condition and size of refuse containers or other receptacles
1060.02	Purpose and intent; promulgation of rules and regulations by City Manager	1060.09	Hazardous materials
1060.03	Unlawful deposits of solid waste	1060.10	Fees; billing by Water Department; special collection charges for clean-up by City
1060.04	Disposal of building materials	1060.11	Collection of charges
1060.05	Disposal of junk	1060.12	Other rates and charges
1060.06	Mandatory yard waste recycling/composting program	1060.99	Penalty
1060.07	Placement of refuse containers for collection		

- Field Code Changed

CROSS REFERENCES
Health and sanitation generally - see Mich. Const. Art. 4, Sec. 51; M.C.L.A. Secs. 325.1 et seq., 327.1 et seq., 750.466 et seq.; GEN. OFF. Ch. 674
Garbage and refuse generally - see M.C.L.A. Secs. 46.171 et seq., 123.241 et seq., 123.361 et seq.
Municipal authority - see M.C.L.A. Secs. 123.301 et seq.
Nuisances generally - see GEN. OFF. Ch. 654
Depositing of garbage and rubbish in Manistee River or Manistee Lake - see GEN. OFF. 670.02
Burning of garbage and rubbish - see GEN. OFF. 674.02

- Field Code Changed

1060.01 DEFINITIONS

Field Code Changed

As used in this chapter, unless the context specifically indicates otherwise:

- A. "Building materials" means all refuse material resulting from the raising, repair, excavation or construction of buildings or structures, including, but not limited to, lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws or any other materials used in the construction of a structure.
- B. "Contractor" means the contractor hired by the City to collect refuse as defined herein.
- C. "Hazardous waste" includes dangerous materials or substances, such as poisons, acids, caustics, infected materials, explosives and other materials not suitable for a Class II landfill.

- D. "Junk" includes parts of machinery or motor vehicles, boat hulls, unused stoves or other appliances, furniture or other cast-off material of any kind, except building material, refuse and yard waste.
- E. "Living unit" includes any single-family dwelling and each living unit in a multiple dwelling.
- F. "Refuse" includes all of the following: kitchen wastes, including cans, bottles, household food, accumulations of animal food and vegetable matter attendant to the preparation, use, cooking and serving of food; general household trash, including ashes, empty cartons, crates, boxes, wrapping materials, newspapers, magazines, cloth materials, empty cans, discarded toys and similar materials; and all miscellaneous debris, except building materials, junk, hazardous waste and yard waste.
- G. "Solid waste" includes building materials, hazardous waste, junk, refuse and yard waste, generically referring to subsections A, C, D, F and H hereof.
- H. "Yard waste" includes grass clippings, weeds, bushes, brush clippings and branch clippings when such are capable of being disposed of in bags provided by the City. (Ord. Unno. Passed 3-20-90.)

1060.02 PURPOSE AND INTENT; PROMULGATION OF RULES AND REGULATIONS BY CITY MANAGER

It is the intent of the City Council that this chapter be liberally construed for the purpose of providing a sanitary and satisfactory method for the collection and disposal of all solid wastes. The City Manager is hereby authorized to make such rules and regulations as from time to time are necessary to carry out this intent, provided, however, that such rules and regulations may not be in conflict with this chapter or any other ordinance of the City and are subject to approval by the City Council. (Ord. Unno. Passed 3-20-90.)

1060.03 UNLAWFUL DEPOSITS OF SOLID WASTE

- A. No person shall deposit or place any solid waste in any alley, street or other place within the City, except for collection and disposal as provided for in this chapter.
- B. The occupant of any premises within the City shall be responsible for the sanitary condition of the premises occupied by such occupant, and no person shall place, deposit or allow to be placed or deposited on his or her premises any solid waste, except as designated by the terms of this chapter.
- C. No persons shall deposit, throw or leave any solid waste on the premises of another person, and no person shall bury solid waste anywhere in the City.
- D. Any person responsible for generating or disposing of solid waste not covered by this chapter shall make arrangements for the collection and disposal of such solid waste and shall comply in all respects with the terms of this chapter. (Ord. Unno. Passed 3-20-90.)

1060.04 DISPOSAL OF BUILDING MATERIALS

The person responsible for generating building materials is responsible for the proper, lawful disposal of that building material. A resident of the City may dispose of building materials at the Municipal dumpsters (if any) only if that building material was generated at his or her primary residence and his or her primary residence is within the corporate limits of the City. No contractors, commercial or industrial agents or concerns, nonresidents or residents not working on their primary dwelling within the City, may dispose of building materials at the Municipal dumpsters (if any). Building materials not authorized for deposit at the Municipal dumpsters shall be properly disposed of at a licensed landfill.

Building material may not be deposited for City collection and disposal during the annual spring trash haul (if any). (Ord. Unno. Passed 3-20-90.)

1060.05 DISPOSAL OF JUNK

Junk may be disposed of under rules and regulations established for the same, as provided for in Section 1060.02, during the annual spring trash haul (if any), or at the Municipal dumpsters (if any). Junk may be disposed of as refuse within the volume and weight limits established in such rules and regulations. (Ord. Unno. Passed 3-20-90.)

1060.06 MANDATORY YARD WASTE RECYCLING/COMPOSTING PROGRAM

A mandatory yard waste recycling/composting program is hereby established in the City. Yard waste shall be disposed of in biodegradable bags under the rules and regulations of that program as established by the City, as provided for in Section 1060.02. Yard waste is not eligible for collection as refuse or for collection during the annual spring trash haul (if any) or at Municipal dumpsters (if any). (Ord. Unno. Passed 3-20-90.)

1060.07 PLACEMENT OF REFUSE CONTAINERS FOR COLLECTION

It shall be the duty of the owner, occupant or person in charge of any premises to cause to be placed in refuse receptacles or containers any and all refuse created or accumulated on his or her premises or under his or her control. It shall be the further duty of the owner, occupant or person in charge of any living unit to place or cause to be placed, on the day scheduled by the City for the collection of refuse from such premises, the receptacles or containers at such place or places as may be designated by the City. (Ord. Unno. Passed 3-20-90.)

1060.08 CONDITION AND SIZE OF REFUSE CONTAINERS OR OTHER RECEPTACLES

- A. All refuse containers shall be leak proof and shall be kept in a clean and sanitary condition by the owner. They shall be equipped with handles suitable for carrying. No refuse container shall be loaded so that it cannot be conveniently handled without spilling its contents. Plastic bags may be used if securely fastened, except that no plastic bags and only sealed receptacles or containers shall be used in the Central Business District (Central Business District is defined in Section 862.02 A.).
- B. Receptacles or containers that are broken or rotted or otherwise fail to meet the requirements of this chapter may be claimed as refuse. After notice to the person

responsible for such a receptacle, collection from that receptacle may be refused by the contractor.

- C. Containers may not exceed forty-five gallons by volume or fifty pounds by weight, except for City-provided, wheeled, ninety-six gallon totes. (Ord. Unno. Passed 3-20-90.)

1060.09 HAZARDOUS MATERIALS

Hazardous materials shall not be collected by the City or a duly authorized contractor. The owner, occupant or person in charge of any premises which generates or has custody of any hazardous material shall be solely responsible for its lawful disposal in accordance with the rules, regulations and statutes of the State. (Ord. Unno. Passed 3-20-90.)

1060.10 FEES; BILLING BY WATER DEPARTMENT; SPECIAL COLLECTION CHARGES FOR CLEAN-UP BY CITY

- A. Refuse will be picked up and collected under the provisions of this chapter, subject to payment based on a fee schedule provided, from time to time, by resolution of the City Council, and such charges so established shall continue until changed by the City Council. All living units as defined in this chapter are required to comply with the requirements of this section and are subject to the charge as determined by the City Council.
- B. All refuse collection charges shall be billed by the City Water Department through its usual billing procedure, except as herein provided for low volume users electing to use the metered bag option as provided in the rules and regulations promulgated pursuant to Section 1060.02.
- C. Special collection charges shall be levied on a time and equipment basis in accordance with Chapter 654 of the General Offenses Code whenever the City is required to clean up premises. (Ord. Unno. Passed 3-20-90.)

1060.11 COLLECTION OF CHARGES

All bills must be paid within fifteen days from the date on the bill. Ten percent will be added to the amount of the bill if it is not paid within fifteen days from the date of the bill.

Charges for refuse collection are hereby made a lien on the premises served and are hereby recognized to constitute such a lien. Whenever any such charge against any piece of property is delinquent for more than sixty days, the charge shall be certified to the taxing officer of the City on March 1 and September 1 of each year, whereupon such charge shall be entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general City taxes against such premises are collected and the lien thereof enforced. (Ord. Unno. Passed 3-20-90.)

1060.12 OTHER RATES AND CHARGES

Other rates and charges may be established by the City Council from time to time by resolution. (Ord. Unno. Passed 3-20-90.)

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1060.99 PENALTY

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)