

35.050

**TRASH-GARBAGE, RECYCLE, BRUSH, LEAVES: DISPOSAL OF
VILLAGE OF SHEPHERD, MICHIGAN
ord. no. 35.050 amendment eff. February 22, 2014**

An Ordinance to repeal Ordinance 35.050 eff. February 22, 2014 in its entirety

An Ordinance to control the act of disposing of the above entitled items in a manner required by the Village of Shepherd; to establish rates to be paid by occupants of the residence for collecting; to define terms used; and to provide penalties for violation of the Ordinance.

THE VILLAGE OF SHEPHERD ORDAINS:

35.051

Sec. 1. DEFINITIONS.

As used in this Ordinance, the words "Trash-Garbage, Recycle, brush, leaves" shall have the following meanings.

- A. **TRASH-GARBAGE:** Waste of normal household functions, disposal of smaller items normally accumulated from day to day residential activities. In no case shall "trash-garbage: contain yard debris. Items placed in a container for pickup must be no longer than 4 feet.
- B. **RECYCLABLES:** Shall include recyclable items such as newspaper, magazines, catalogs, boxboard, cardboard, brown bags, office paper, clear glass, brown glass, plastic bottles/jugs, aluminum, and tin.
- C. **BRUSH:** Brush shall mean and include normal sticks and limbs which are the result of individual property owner trimming, or limbs and sticks blown from trees onto his or her property.
- D. **LEAVES:** Includes leaves which accumulate as a normal drop from trees.

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Sec. 2. WINDBLOWN MATERIAL

It shall be unlawful to cause or permit to accumulate any Trash, Garbage, Recyclables, Brush or Leaves on any individual's property so that it might be blown or moved by any other force onto another person's property; nor allow it to accumulate so as to become a nuisance to other property owners.

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Sec. 3. DISPOSAL OF:

TRASH-GARBAGE: Village residents will have their "Trash-Garbage" items collected by a contractor chosen by the Village of Shepherd. Residents will have collections done weekly as per scheduled agreed to by Village and Contractor. Material must be on curbside no later than 7:00 am the scheduled day of collection. Trash containers shall not be at curbside more than 24 hours previous nor after scheduled pickups have been made.

RECYCLE: Collection of recyclable material will occur every other week per a schedule agreed to by Village and contractor. Collection containers shall be provided for each residence, but if items don't fit or there is too much for the collection container, additional recyclables may be placed next to the collection container, provided that the items outside of collection container are secured to prevent items from being blown away by the wind and are covered to protect items from precipitation.

- A. Should a resident who has had a recycle collection **container** issued to them for use while a resident of the Village of Shepherd misplace said **container**, the Village will replace the **container** for a fee to be determined by the Shepherd Village Council.
- B. It shall further be noted that if a resident who has had a Recycle Collection **container** issued to them for use while a resident of the Village of Shepherd should move from the Village, said Recycle Collection **container** must be returned to the Village Department of Public Works. Should the Recycle Collection **container** not be returned a cost will be incurred by the property owner. This cost shall be determined by the Shepherd Village Council.

BRUSH: The Village Council shall schedule Brush collection and notify residents of that schedule. The **amount of brush allowable for removal and the manner in which brush is to be placed at the street for removal is determined by the Village of Shepherd Brush Removal Policy.**

LEAVES: The Village Council shall schedule Leaf Removal and shall notify residents of that schedule. The Leaves must be placed next to the street (but not in the street) so that they may be reached and removed by equipment and personnel. No sticks, brush **or other foreign material** may be in the leaves as it endangers personnel and causes damage to equipment.

35.54 Sec. 4. RATES, LIENS, EXEMPTIONS.

- A. **FEES:** The fees for such collections shall be established by the Village of Shepherd Council and paid quarterly. All single-family residences and housekeeping units which are occupied by a senior citizen shall be invoiced at one-half the current rates. It shall be the responsibility of such senior citizen to notify the Village Clerk of his or her age status.
- B. **BILLING:** The occupant of each residence or housekeeping unit shall be billed quarterly for the collection services. It shall be the responsibility of each occupant to advise the Village Clerk of his or her vacating the premises which have previously been billed in his or her name. It shall also be the responsibility of each new occupant to advise the Village Clerk of such new occupancy.
- C. **DELINQUENT CHARGES, PENALTY:** Each occupant subject to the fee schedule shall be required to pay the stated fee within thirty (3) days of billing. Failure to pay within that time shall subject the account to an additional fee of ten (10) percent for each thirty (30) days of delinquency. Failure to pay before the next billing shall be grounds for refusal of further collection of Trash, Garbage, recycle, Brush or Leaves.
- D. **UNPAID CHARGES; LIEN:** All unpaid charges for services furnished to each occupant subject to the fee schedule, which on March 1 of each year have been unpaid for a period of three (3) months or more, shall be reported to the Council by the Village Clerk at the first Council meeting in March. The Council thereupon shall order the publication in a newspaper of general circulation in the Village of a notice that all unpaid charges not paid by April 15 will be assess upon the tax rolls against the property to which the services were supplied or furnished. Thereafter, if these charges remain unpaid by April 15, the Village Clerk shall cause to be recorded in the Treasurer's office of the Village a sworn statement showing the amount due. The recording of such statement shall constitute a lien on the property and shall remain in full force and effect for the stated fee, plus the additional fees of ten (10) percent for each thirty (30) days of delinquency until the final payment has been made and shall be collected in the same manner provided by law for the collection of ad valorem real property taxes.

35.055 Sec. 5. LIMITATIONS OF AMOUNTS.

The limit of Trash-Garbage shall be four thirty (30) gallon bags or the equivalent thereof. However, in no case shall the containers of these items weight in excess of 50 pounds. If additional amounts need to be collected, tags may be purchased from the office of the Village Clerk at a cost established by the Village of Shepherd Council.

35.056 Sec. 6. PENALTY.

Any person, firm or corporation violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and subject to a penalty of a fine not exceeding One Hundred Dollars (\$100) and or a maximum of ninety (90) days in the County jail. It shall be deemed a separate offense on each day during or on which a violation occurs or continues.

35.057 Sec. 7. PRESUMPTION.

The fact that Trash, Garbage, Recycle, Brush or Leaves remain on any occupant's premises in the Village in violation of this Ordinance shall be prima facie evidence that the occupant of such premises is responsible for the violation of this Ordinance.

35.058 Sec. 8. REPEAL.

This Ordinance shall repeal Ordinance 35.050, 7607 eff. Oct. 22, 1972, and Oct. 28, 2010 of the Shepherd Village Ordinance Code. All ordinances, resolutions or orders, or parts thereof, in direct conflict with the provisions of this Ordinance are to the extent of such direct conflict hereby repealed.

AYES: DeGraw, Edwards, Myers, Reynolds, Roth, Yates, Coughlin

NAYS: None

ABSENT: None

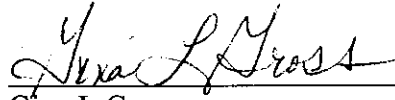
35.059 Effective date

This ordinance shall take effect 15 days after its publication:

Adopted: February 3, 2014
Published: February 7, 2014
Effective: February 22, 2014

CERTIFICATION

I, the undersigned, the duly qualified and Clerk of the Village of Shepherd, Michigan do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Village Council at a regular meeting held on February 3, 2014 an original of which is on file in my office, and that such meeting was conducted and public notice thereof was given pursuant to and in compliance with Act No. 267, Michigan Public Acts of 1976, as amended, and that minutes of such meeting were kept and are available as required by such Act.

A handwritten signature in cursive script, appearing to read "Gina L. Gross", written over a horizontal line.

Gina L Gross
Village Clerk

VILLAGE OF SHEPHERD BRUSH PICK-UP POLICY

The Village of Shepherd's brush program operates April through October. Brush removal is on the first and third Thursdays of those months.

Placement and Removal

Brush for scheduled removal must be at the street no later than 7:00 am on the scheduled day of removal. Brush shall not be placed within the right-of-way until five days prior to scheduled removal date.

Brush must be neatly piled with the butt ends of the branches facing the street. BRUSH ONLY – grass clippings, leaves, stumps, roots, weeds, vines, flowers, wire or other foreign materials are NOT permitted. Limbs cannot exceed six (6) inches in diameter.

Village ordinance provides that brush placed at the street shall not obstruct Village sidewalks, right-of-way or view of traffic.

Brush removal is subject to inclement weather conditions, the volume of brush to be removed and other obligations the Village crew may have. The volume of the brush pile placed at the street must not exceed 15 feet long by 4 feet high. If brush scheduled for removal has not been removed by 4:00 pm the following Thursday, contact Public Works at 989-828-5062.

If a resident has more than the allowed amount of material they may contract with the village to chip the excess brush. This must be done prior to brush chipping day so the DPW can plan for the extra work. The village rate is \$80.00 per hour. The Village will bill the resident for this service at the stated hourly rate after the service is provided. Prior to the Village providing this service, the resident must sign an agreement to pay the Village at the stated hourly rate.

Residents may obtain the agreement form Monday through Friday, 8:00 am to 4:00 pm at the Department of Public Works, 208 W Boulevard, Shepherd MI 48883 or 8:30 to 4:30 pm at the Village Clerk's Office, 251 W Wright Ave, Shepherd MI 48883.

Residents are encouraged to read and follow the guidelines as set forth above. Failure to comply with the guidelines and restrictions of the program will result in the property owner/resident being held responsible for removing brush from the public right-of-way in a timely manner.

If you have any questions or comments please contact the Department of Public Works at 989-828-5062, hours 7:00 am to 4:00 pm or the Village Clerk at 989-828-5278, hours 8:30 am – 4:30 pm.

Commercial Disposal Services: See the yellow pages under tree service

VILLAGE OF SHEPHERD

Ordinance Changes

The Village of Shepherd, at a regularly scheduled Council Meeting on Monday, February 3, 2014 at 7:00 p.m., at the Coe Township Hall, 309 Wright Ave., Shepherd, Michigan approved to adopt the following ordinance changes. These ordinances may be viewed in full at the Clerk's office or on the Village of Shepherd's website at www.villageofshepherd.org

The changes to these ordinances shall take effect fifteen (15) days after their publication:

Adopted: February 3, 2014
Published: February 12, 2014
Effective: February 27, 2014

Ordinance # 20.025 Truck Traffic amendment for the purpose of truck route and road restrictions and to add engine/compression brake restrictions in the village limits.

Ordinance offered by: Roth Supported by: DeGraw
Ayes: DeGraw, Edwards, Myers, Roth, Reynolds, Yates, Coughlin
Nays: None Absent: None

Ordinance #35.050 Trash-Garbage, Recycle, Brush, Leaves: Disposal of and Brush Policy amendments for the purpose of adding brush policy and amount restrictions for brush and materials allowed.

Ordinance offered by: Roth Supported by: Yates
Ayes: DeGraw, Edwards, Myers, Roth, Reynolds, Yates, Coughlin
Nays: None Absent: None

Ordinance #40.008, Sec. 5208 Bonfires amendment for the purpose of allowing bonfires with restrictions.

Ordinance offered by: DeGraw Supported by: Edwards
Ayes: DeGraw, Edwards, Myers, Roth, Reynolds, Yates, Coughlin
Nays: None Absent: None

CERTIFICATION

I, the undersigned, the duly qualified and Clerk of the Village of Shepherd, Michigan do hereby certify that the foregoing is a true and complete copy of new ordinances adopted by the Village Council at a regular meeting held on February 3, 2014 an original of which is on file in my office, and that such meeting was conducted and public notice thereof was given pursuant to and in compliance with Act no. 267, Michigan Public Acts of 1976, as amended, and that minutes of such meeting were kept and are available as required by such Act.

Gina L. Gross
Village Clerk
Signed: February 3, 2014