

ORDINANCE NO. 159

ORDINANCE AMENDING THE VILLAGE OF PINCKNEY CODE OF ORDINANCES BY AMENDING TITLE XV, LAND USAGE, TO ADD A NEW CHAPTER 156, COLLECTION BINS

The Village of Pinckney ordains:

Section 1. Title XV, *LAND USAGE*, of the Village of Pinckney Code of Ordinances, is hereby amended to add a new Chapter 156, *COLLECTION BINS*, to read as follows:

Chapter 156: COLLECTION BINS

§ 156.001 PURPOSE AND INTENT.

This Chapter is intended to create regulations to promote and protect the public's health, safety and welfare of all citizens who use collection boxes. The intent of this collection boxes section is to impose restrictions and conditions on all collection boxes in the Village so that they are and remain clean and safe and do not create hazards to pedestrians and to vehicular traffic by providing minimum standards for the placement, operation and maintenance of collection bins within the Village. The purpose of these regulations is to provide a clear understanding of the expectations for collection bin operators, property owners, local residents, other businesses, and local officials.

§ 156.002 DEFINITIONS.

The following words, terms, and phrases when in this Chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

(A) "Collection bin" means any metal container, receptacle, or similar object that is located on any parcel or lot of record within the Village and that is used for soliciting and/or collecting the receipt of clothing, household items or other personal property. This term applies to all such containers regardless of whether the solicitation of property is made by a for-profit or non-profit entity. This term does not include recycle bins for the collection of recyclable material, any rubbish or garbage receptacle or any collection box located within an enclosed building.

(B) "Local agent" means an individual or company representing the owner. The local agent is responsible for the operation of the owner's property located within the Village of Pinckney.

(C) "Owner" means the individual(s), company, corporation, governmental or private agency, or any other entity listed on the recorded

deed, or the purchaser under a recorded land contract, and shown as the owner of real property within the Village of Pinckney.

D) "Person" shall have the meaning as defined in Village of Pinckney Code of Ordinances, Title I, Chapter 10, § 10.02.

§ 156.003 Regulations.

The following regulations shall apply to all collection bins within the village:

- A. Collection bins are allowed with an approved permit only in the ROB, SBD, RTO and O Zoning Districts under the Village of Pinckney Zoning Ordinance
- B. Collection bins shall be fabricated of durable and waterproof materials.
- C. Collection bins are required to be placed on a paved or concrete surface.
- D. Collection bins must be level and stable.
- E. Collection bins shall be locked with a tamper resistant locking mechanism so contents cannot be accessed by anyone other than those responsible for retrieval of the contents. Collection bins shall be tightly covered at all times to prevent the harboring of rodents and the scattering of debris.
- F. Collection bins shall be maintained in good condition and appearance with no structural damage, holes, visible rust, or graffiti. The area surrounding the bin shall be maintained free from any overflow items, furniture, rubbish, debris, hazardous materials, and noxious odors.
- G. Collection boxes shall be serviced and emptied as needed, but at least every thirty (30) days.
- H. Collection bins shall be no larger than 84 inches high, sixty (60) inches wide and sixty (60) inches deep.
- I. Collection bins shall have in, at minimum, one-half (1/2) inch lettering visible from the front of each collection box the name, address, email, website and phone number of the operator, as well as whether the collection box is owned and operated by a for profit company or a not-for-profit company. Notice should also include the type of material that may be deposited, frequency of pickup and notice that no materials shall be left outside the collection bin. The signage must be flat, either painted directly on the bin or affixed flat

to the bin and projecting no more than two (2) inches from the side of the bin. The collection box shall not have information, advertising or logos other than those relating to the operator.

- J. No more than two (2) collection bins shall be allowed per property.
- K. Collection bins shall not be permitted:
 - 1. On any unimproved lot or parcel that is not currently used or occupied or where the principal building or structure has been closed or unoccupied for more than thirty (30) days;
 - 2. Within a landscaped area;
 - 3. Within the required main building setbacks for the zoning district;
 - 4. Within a parking space required as a part of the approved site plan or required to meet the parking requirements for the principal building or structure;
 - 5. Within five hundred (500) feet from the property line of any lot used or zoned for residential purposes or within fifty (50) feet of any entrance driveway; or
 - 6. Within a designated fire lane, or adjacent to a handicap parking space.
- L. Collection bins shall not cause a visual obstruction to vehicular or pedestrian or block access to required parking, emergency vehicle routes, building entrances or exits, easements, pedestrian walkways and dumpsters or trash enclosure areas.

§156.004 PERMIT REQUIRED.

Any person desiring to secure a permit for a Collection Bin in the Village of Pinckney shall make an application to the Village Zoning Department. No person to whom a permit has been issued shall transfer, assign, or convey such permit to another person or legal entity. The following procedures shall apply to the permitting process.

- A. A permit shall be obtained for each Collection Bin proposed. A separate fee shall be paid for each Collection Bin.
- B. The application for a permit shall be upon a form provided by the Zoning Department and shall require the following information.

1. The signature of an individual who is an officer, director, manager, or member of the applicant entity.
 2. The name, address, and email address of all partners of a partnership or all members of an LLC.
 3. Name, address, email, and telephone number of a contact person for all matters related to the Collection Bin during the application and once licensed.
 4. The physical address of the real property where the Collection Bin is proposed to be located.
 5. A scaled drawing sufficient to illustrate the proposed location of the Collection Bin on the property and the dimensions of the proposed Collection Bin.
 6. A picture of rendering of the proposed Collection Bin.
 7. An affidavit, signed by the property owner providing written permission for the Collection Bin on the property.
 8. A nonrefundable fee in an amount established by resolution of the Village Council shall accompany all applications for Collection Bins.
- C. The Village Zoning Administrator shall approve or deny the application within ten (10) days of the submittal of a complete application.

§156.005 PENALTY FOR FAILURE TO COMPLY.

- A. Any person, firm, owner, corporation, local agent, or individual who violates any provision of this chapter is deemed responsible for committing a municipal civil infraction and shall be subject to payment of a civil fine as specified in § 131.57, plus costs and other sanctions for each infraction. Repeat offenses shall be subject to increased fines as provided by Chapter 131 herein. Each day that such violation continues shall constitute a separate violation.
- B. The real property owner, local agent, and permittee shall be jointly and severally liable for each violation and for payment of any fine and costs of abatement.
- C. The imposition of a penalty for any violation of this chapter shall not excuse the violation nor shall the violation be permitted to continue.

- D. A violation of this chapter is also declared to be a public nuisance and the village may enforce same by injunction or other remedy, including the right to correct the violation and recover the cost of obtaining the necessary correction from the owner or person in charge of the premises.
- E. Nothing in this ordinance shall prevent the Village from pursuing any other remedy provided by law in conjunction with or in lieu of prosecuting persons under this section for violation of this ordinance.
- F. No fines shall be imposed for a violation of this ordinance until ninety (90) days after its effective date. All collection bins existing at the effective date of the article shall apply for a permit as required herein within thirty (30) days of the effective date. Any collection bins not in compliance with this ordinance after ninety (90) days of the effective date shall be subject to all remedies for violation as provided herein.

Section 2. Repealer Clause. Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. Savings Clause. This ordinance shall in no manner affect pending litigation, either civil or criminal, founded or growing out of any ordinance, resolution, order or parts thereof, hereby repealed, and this ordinance shall in no manner affect any rights, claims, privileges, immunities or causes of action of the Village, County or other person, either criminal or civil, that may have already occurred, accrued or grown out of any ordinance, resolution, order or policy, or any part thereof, hereby repealed. This Ordinance shall in no manner affect pending litigation, either civil or criminal, founded or growing out of any Ordinance, Resolution, Order or parts thereof, hereby repealed.

Section 4. Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such a holding shall not be construed as affecting the validity of the remaining portions of the Ordinance.

Section 5. Effective Date. This Ordinance shall be effective twenty (20) days after its passage, or from and after its publication, whichever is later.

Jill Chapman, Village Clerk

Adopted: 3/14/2022
Published: 3/29/2022
Effective:n 4/03/2022