

ARTICLE III.

JUNK AND TRASH ACCUMULATION AND MAINTENANCE OF UNSAFE OR BLIGHTED STRUCTURES

Sec. 8-46. Definitions.

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

Owner means a person who holds legal title to the vehicle or right of possession of the vehicle.

Junk Automobiles shall include any motor vehicle whether so licensed or not, which is inoperative.

(Comp. Ords. Amended 7-20-2019; 1999, § 71.002; Ord. of 4-7-1964, § 2; Ord. of 6-7-1993, § 2; Ord. of 11-8-1999)

Sec. 8-47. BLIGHTED PROPERTY

1. PURPOSE OF SECTION

The purpose of this section is to promote the health, safety and general welfare of the public by requiring a level of maintenance of private property which will protect the livability, appearance and social and economic stability of the village and which also will protect the public from the health and safety hazards and the impairment of property values which results from the neglect and deterioration of property. It is not the purpose of this section to regulate artistic cultural or religious expression.

2. DEFINITION OF BLIGHTED PROPERTY

Any property in an industrial or commercial zoning district or used as industrial or commercial property on which there exists any one or more of the following conditions or activities is a blighted property for the purposes of this section:

(a) Abandoned Building or Structure

1. A building or structure which is not being inhabited, occupied or used and which is unsecured. For purposes of this section, a building or structure is unsecured when the public can gain entry without the consent of the owner.
2. A partially constructed, reconstructed or demolished building or structure upon which work is abandoned. Work is deemed abandoned when there is no valid and current building or demolition permit or when there has not been any substantial work on the project for a period of six (6) months or more.

(b) Attractive Nuisance

Property which is in an unsecured state so as to potentially constitute an attraction to children, a harbor for vagrants, criminals or other unauthorized persons, or so as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful act.

(c) A Building or Structure Which is in a State of Disrepair

1. Exterior wall and/or roof coverings which have become deteriorated and do not provide adequate weather protections, resulting in termite infestation and/or dry rot.
2. Broken or missing windows or doors which constitute a hazardous condition or a potential attraction to trespassers.
3. Building exteriors, walls, fences, signs, retaining walls, driveways, walkways, sidewalks, or other structures on the property which are broken, deteriorated, or substantially defaced, to the extent that the disrepair is visible from any public right of way or visually impacts neighboring public or private property or presents an endangerment to public safety.
4. Building exteriors, walls, fences, signs, retaining walls, driveways, walkways, sidewalks, or other structures on the property which have been repainted in such a manner that the appearance may be further deteriorated or substantially defaced.

(d) Scrap Vehicles

1. The phrase, scrap vehicles shall include any unlicensed vehicle that is unable to be moved under its own power. If the said vehicle has been setting for over a month in this condition, it will be considered scrap unless there is a verifiable order for parts to repair it. If the vehicle sets for a period in excess of 30 days, shall be kept in a fully enclosed building.
2. All car(s) for sale including scrap vehicles must be registered with the Village.
3. Any vehicle for sale must not be on the Right-of-way.

(e) Property Inadequately Maintained

1. Overgrown, diseased, dead, or decayed trees, weeds or vegetation that:
 - a. Are likely to harbor rats, pigeons, vermin, and other nuisances; or
 - b. Substantially detract from the aesthetic and property values of neighboring properties; or
 - c. Constitute a fire hazard or other condition that is dangerous to public health, safety or welfare; or
2. Solid waste which includes “garbage” “refuse” and “rubbish” constitutes blight and blighted property in the following situations:
 - a. The accumulation of solid waste is visible from a street or public right of way, is not enclosed in an approved container, and is present for more than seventy-two (72) consecutive hours; or
 - b. The accumulation of solid waste is being stored or disposed of in a manner that would allow the material to be transported by wind or otherwise onto or upon any public street, public right of way, or neighboring property, unless the method of storage or disposal is specifically allowed by this code.

3. Any swimming pool, pond or other body of water is abandoned, unattended, unfiltered or not otherwise maintained, resulting in water becoming polluted. Polluted water is defined for the purpose of this section, as water which contains organic growth, including algae, remains of rubbish, refuse, debris, papers, and any other foreign matter or materials, which, because of its nature or locations, constitutes an unhealthy or unsafe condition.

3. PROPERTY BLIGHT-NUISANCE

Any property, which is blighted property, is hereby declared and determined to be a public nuisance.

4. GENERAL OBLIGATION

No person, firm or corporation whether as owner, agent or manager of the subject property, or as lessee, sublessee or occupant in possession of the property shall maintain any property in a blighted condition or shall cause or permit the property to be blighted. No person, firm or corporation shall take any action or allow any action to be taken in violation of any provision of this section or order issued pursuant thereto.

5. ENFORCEMENT RESPONSIBILITY – DELEGATION OF AUTHORITY

The Village is charged with the responsibility for the enforcement of this section. The Village Ordinance Enforcement Officer is authorized to make such inspections and take any action on behalf of the village as may be required to enforce the provisions of this section.

6. PROPERTY BLIGHT-ABATEMENT REQUIRED

The person, firm or corporation whether as owner, agent or manager of the subject property, or as lessee, sublessee or occupant in possession of the property shall immediately cause the property blight to be abated. Whenever the Village finds that a property is blighted, the Village may require or take necessary abatement actions to cause the property blight to be abated in accordance with the provisions of this section or other applicable municipal provisions. Temporary corrective measures may be required prior to the time permanent abatement actions are instituted. The Village or other employees with enforcement responsibilities may authorize a compliance schedule providing such schedule is reasonable in its timetable of corrections and meets the intent of this section.

7. SUPERVISION OF WORK

Any abatement action performed by the Village shall be accomplished under the supervision either

- a. By Village personnel; or
- b. By contract awarded by the Village.

8. WORK STANDARD

Whenever the Village performs any abatement action, the Village shall not be required to perform such abatement actions to the standard that the property, building or structure complies with all applicable provisions of this code. The Village shall perform such actions as are determined by the Village to be necessary to be necessary to abate or remedy the nuisance caused by such property, building or structure. Such limited abatement action by

the Village does not relieve the property owners from any requirement to bring the property into compliance with any applicable provisions of this code.

9. PROCEDURES OF THIS ORDINANCE-CUMULATIVE

- a. Procedures used and actions taken for the abatement of property blight are not limited by this section. Procedures and actions under this section may be utilized in conjunction with or in addition to any other procedure applicable to the regulation of buildings or structures or property. This section shall not constitute a repeal of any other provision of this code except as expressly stated.
- b. All property blight conditions which are required to be abated pursuant to this section shall be subject to all provisions of the Village of Lyons code including, but not limited to building construction, repair or demolition and to all property improvement, zoning and fire code provisions.

10. PENALTIES FOR VIOLATION

Any person violating any of the provisions of this section shall be deemed guilty of an infraction.

- a. A first violation of any provision of this section, by any person, is a municipal civil infraction which shall, upon a determination of responsibility, be punishable by a fine of not less than \$100.00 plus costs;
- b. A second violation of any provision of this section, by any person, is a municipal civil infraction which shall, upon a determination of responsibility, be punishable by a fine of not less than \$250.00 plus costs;
- c. A third or subsequent violation of any provision of this section, by any person, is a municipal civil infraction which shall, upon a determination of responsibility, be punishable by a fine of not less than \$500.00 plus costs;
- d. Each day of continued violation shall constitute a separate offense;
- e. Any fine not paid by the violator shall be assessed to their Village property taxes;
- f. Any person violating any of the provisions of this section with reference to blighted property, more than three (3) times in any twelve (12) month period in addition to abatement of the nuisance and the penalties above shall be required to enter into a continuing maintenance agreement with a qualified person to provide continuing and immediate care to the property so as to avoid and abate conditions of blight and shall present to the Village proof of said agreement.
- g. In addition to the penalties provided by this section, the district court shall have equitable jurisdiction to enforce any judgment, writ, or order necessary to enforce any provisions, the violation of which is a municipal civil infraction, including, but not limited to, abatement of the violating condition or the granting of any injunctive relief.

11. JOINT OR COMMON OWNERSHIP

Whenever blighted property is jointly owned, owned as common property or is otherwise subject to multiple ownership whether in fee or as an easement, the owners of the property shall be jointly and severally liable for the nuisance. The village may apportion each owner's liability in reasonable proportion to each individual's ownership interest in the subject property.

12. SUMMARY ABATEMENT-IMMINENT DANGER

a. Any condition of property blight which is reasonably believed to be imminently dangerous to life, limb, health or safety of the occupants of the property or to the public may be summarily abated by the Village.

b. Actions taken to abate imminently dangerous conditions may include but are not limited to repair or removal of the conditions creating the danger and/or the restriction from use or occupancy of the property on which the dangerous conditions exist or any other abatement action determined by the Village to be necessary.

13. SUMMARY ABATEMENT PROCEDURES; NOTICE POSTING

Whenever the Village reasonably believes property to be blighted and imminently dangerous to life, limb, health or safety, the Village shall declare the same to be a public nuisance and give notice to the owner by posting a notice on the property stating therein that unless a written objection is filed with the Village clerk or such dangerous condition be abated within twenty-four (24) hours by the destruction or removal of such blighted condition, the work of abating such imminently dangerous condition shall be done by the Village and the expense therefore assessed upon the lots and lands from which the blighted condition shall have been destroyed or removed. If the dangerous condition persists and there is no written objection timely filed with the Village clerk within twenty-four (24) hours, the Village, village employees, contracting agents or other representatives are expressly authorized to enter upon private property to abate the dangerous condition. Costs for any summary abatement performed by or on behalf of the Village shall be accounted and reported to the Village council assessed after public hearing and collected pursuant to provisions of this code.

14. RESTRICTION FROM USE

If there exists on a blighted property any condition reasonably believed to be imminently dangerous to life, limb, health or safety should such property be occupied or used, the Village may order the immediate restriction from use or occupancy of the blighted property in addition to requiring other abatement actions to be taken.

15. RESTRICTION FROM USE OR OCCUPANCY - DEFINED

For the purpose of this section, an order to "restrict from use or occupancy" include either total or partial restriction from use or occupancy of either all or some specified portion of a building, structure or property. The methods which may be used for such restriction from use or occupancy include, but not limited to, the construction, erection, installation and maintenance of such fencing, enclosures, barricades and/or other protective devices, used for the purpose of closing, barring, boarding, locking and/or otherwise securing all means of access to a property, building or structure as will effectively prevent entry into the building or structure or onto the property by unauthorized persons and effectively prevent any use or occupancy.

16. RESTRICTION FROM USE OR OCCUPANCY – POSTED

Whenever any property, building or structure is ordered restricted from use or occupancy, the following notice shall be posted. Said notice may be posted at or upon each entrance or exit of the property, building or structure in the following form:

**RESTRICTED
DO NOT ENTER
UNSAFE TO ENTER, USE OR OCCUPY**

It is a misdemeanor to enter, use or occupy this building or premises, or to remove or deface this notice.

Village of Lyons, Mi

17. COMPLIANCE WITH NOTICE REQUIRED

Whenever any property, building, or structure is ordered restricted from use or occupancy and the property is duly posted, no person shall remain in or on or enter the property, building or structure, except that entry may be made to perform abatement actions under permit. Whenever such abatement actions require any permits, such required permits shall be obtained prior to the commencement of any such abatement actions. No person shall remove or deface any such notice after it is posted until the required abatement actions have been completed and inspected and approved by the Village.

18. RESOLUTION DECLARING NUISANCE; PUBLICATION OF NOTICE OR RESOLUTION

Whenever any property is determined by the Village to be blighted and it is further determined that the condition is not imminently dangerous to life, limb, health or safety, the Village shall pass a resolution declaring the same to be a public nuisance and ordering the Village to give notice of the passage of such and stating therein that, unless such nuisance be abated without delay by the destruction or removal of such blighted condition, the work of abating such nuisance shall be done by the Village authorities and the expense thereof assessed upon the lots and lands from which the blighted condition shall have been destroyed or removed. The Village shall provide notice of such resolution by certified mail with return receipt requested addressed to the owner of the property at the address shown on the last available equalized assessment roll for the property, or as otherwise known and by posting notice at or upon each entrance or exit of the property. The Village clerk shall thereupon fix the time and place for hearing any objections to the proposed destruction or removal of such blighted property.

19. HEARING ON NOTICE TO DESTROY OR REMOVE PROPERTY BLIGHT

At the time stated in the notice, the council shall hear and consider any and all comments to the proposed destruction or removal of such property blight and may continue the hearing from time to time. The council, by motion or resolution, shall allow or overrule any and all objections, if any, after which the council shall thereupon be deemed to have acquired jurisdiction to proceed and perform the work of destruction or removal of such property blight.

20. ABATEMENT BY THE VILLAGE UPON ORDER OF COUNCIL; PRIOR ABATEMENT BY PROPERTY OWNER

The council shall by resolution order the abatement of such nuisance or cause the same to be abated as may be determined by the Village council, Village employees, contracting agents or other representatives are hereby expressly authorized to enter upon private property for such purposes. Any property owner shall have the right to abate such nuisance or have the same destroyed or removed at his own expense; provided that such nuisance shall have been completely abated prior to the arrival of the Village council or their authorized representative to abate the nuisance.

21. ACCOUNTING AND REPORTING COSTS OF ABATEMENT BY VILLAGE

The Village shall keep an account of the costs of abating such nuisance and embody such account in a report and assessment list to the council, which shall be filed with the Village clerk. Such report shall refer to each separate lot or parcel of land by description sufficient to identify such lot or parcel, together with the expense proposed to be assessed against each separate lot or parcel of land.

22. ASSESSMENT OF ABATEMENT COSTS – NOTICE OF HEARING

The Village clerk shall post copies of such report and assessment on the bulletin board in the council chambers at the Village office; on the bulletin board in the Village clerk's office located at the Village office; and on the bulletin board near the entrance door of the Village office, together with a notice of the filing thereof and of the time and place when and where it will be submitted to the Village council for hearing and conformations, notifying property owners that they may appear at such time and place and object to any matter contained therein. A like notice shall also be published twice in a newspaper of general circulation published and circulated with the Village. The posting and first publication of such notice shall be made and completed at least ten (10) days before the time such report shall have been submitted to the Village council.

In addition to the posting and publication of such notice described above, the report and assessment list, together with a notice of the filing thereof and of the time and place when and where it will be submitted to the Village council for hearing and confirmation, notifying property owners that they may appear at such time and place and object to any matter contained therein, shall be served on the property owner at least ten (10) days before the hearing by any of the following methods:

- 1) By personal service on the owner of such property; or
- 2) By sending a copy of such notice by registered or certified mail return receipt requested, addressed to the owner of the property at the address shown on the last available equalized assessment roll for the property, or as otherwise known, and by posting notice at or upon each entrance or exit of the property.

23. SAME – HEARING AND CONFIRMATION

At the time and place fixed for receiving and considering such report, the Village council shall hear the same together with any objections which may be raised by any of the property owners liable to be assessed for the work of abating such nuisance; and the Village shall attend such meeting with his record hereof; and upon such hearing, the council may make such modifications in the proposed assessment there for as it may deem necessary, after which such report and assessment all be confirmed by resolution. The amount of the cost of abating such nuisance referred to in such report shall constitute special assessments against

such respective lots or parcels of land and after thus made and confirmed shall constitute a lien on such property for the amount of such assessment until paid.

24. COLLECTION

The Village shall cause the amount of the assessment to be entered on the Village assessment roll opposite the description of the particular property, and the amount shall be collected together with all other taxes thereon upon the property. Thereafter, such amounts shall be collected at the same time and in the same manner as general Village taxes are collected and shall be subject to the same penalties and interest and the same procedure and sale in case of delinquency as provided for the Village taxes. All laws and ordinances applicable to the levy, collection and enforcement of Village taxes are hereby made applicable to such special assessment.

25. SEVERABILITY

The invalidity of any clause, sentence, paragraph, or part of this ordinance shall not affect the validity of the remaining parts of this ordinance.

(Comp. Ords. Amended 7-15-2019, eff. 7-20-2019; Amended 8-20-2018, eff. 9-10-2018; Amended 11-17-2014, eff. 12-2-2014; 1999, § 71.002; Ord. of 4-7-1964, § 2; Ord. of 6-7-1993, § 2; Ord. of 11-8-1999)

Sec. 8-49. Removal.

(a) The county sheriff, or any other agent designated by the village council, shall have the right to enter private property at any reasonable hour of the day or night for the purpose of enforcing the provisions of this article. It shall be unlawful for any person to resist or attempt to prevent said official from carrying out the purposes herein set forth.

(b) The county sheriff or other agent shall be in possession of, while carrying out the duties outlined in subsection (a) of this section, sufficient credentials identifying the county sheriff or other agent and a search warrant issued upon a showing of probable cause.

(c) The county sheriff or other agent is empowered to perform the duties and functions and is hereby given the authority of a regular authorized and appointed police officer of the village in the enforcement of the provisions of this article.

(d) The county sheriff or other agent is further authorized to prepare reasonable rules and regulations deemed necessary to carry out and enforce the provisions of this article.

(e) The county sheriff or other agent shall keep an accurate account of the expense incurred in enforcing this article with respect to each parcel of land entered upon and make a sworn statement of said account. The expense of enforcement by the village shall be charged against the owner or person in charge of the land.

(Comp. Ords. 1999, § 71.004; Ord. of 4-7-1964, § 4; Ord. of 6-7-1993, § 4)

Sec. 8-50. Liability of owner or occupant.

Upon the failure of the owner or occupant of the property on which any of the above violations have been removed or corrected by the village to pay the unrecovered expenses incurred by the village in such removal or correction, a lien shall be placed upon the property for the amount of such expenses.

(Comp. Ords. 1999, § 71.006; Ord. of 4-7-1964, § 6; Ord. of 2-11-1991, § 6)

Sec. 8-51. Penalty: Any person violating any provision of this Article shall be punished as a municipal civil infraction.

A) The fine for a first offense violation shall not be less than \$50.00 (fifty dollars), plus the costs of prosecution. The fine for a second offense violation shall not be less than \$250.00 (two hundred and fifty dollars), plus the costs of prosecution. The fine for a third or any subsequent offense violation shall not be less than \$1,000.00 (one thousand dollars), plus the costs of prosecution. Each day that a person continues to violate the provisions of this article will constitute a separate offense.

B) Any person who continues to violate the provisions of this article will also be assessed a \$150.00 (one hundred and fifty dollar) penalty per day, until the offense violation is cured. This penalty will be in addition to the fine(s) and costs as described in section 8-51 (A).

C) In addition to the penalties provided by this section, the district court shall have the equitable jurisdiction to enforce any judgment, writ, or order necessary to enforce any provision of this code, including, but not limited to, abatement of the violating condition or the granting of any injunctive relief.

D) Contested hearings under this section before the district court may be conducted as an informal hearing and as a formal hearing, as may be applicable, as provided by the Revised Judicature Act of 1961, Public Act 236 of 1961, as amended, M.C.L. §§ 600.101 et seq. (amended 8-21-2017; eff 9-10-2017; approved 10-19-2015; eff. 11-3-2015)

Section 52. Garbage Ordinance

Sec. 52.01) DEFINITIONS

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- a) VILLAGE OF LYONS. Village.
- b) DWELLING UNIT. One room, or rooms, connected together constituting a separate independent housekeeping establishment for one-family occupancy, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, bathing and living facilities.
- c) PERSON. Any person, firm, partnership, association, corporation, company or organization of any kind.
- d) REFUSE. Includes the following:
 1. All kitchen waste, including cans, bottles, household food and accumulations of animal food and vegetable matter attendant to the preparation, use, cooking and serving of food; and

2. General household trash and refuse, including ashes, empty cartons, crates, boxes, wrapping materials, newspapers and magazines when neatly bound in conveniently sized bundles, cloth material and similar materials.
- e) RUBBISH. Includes waste from construction or remodeling, concrete, rocks, sod, earth, automobile or truck parts, tires, manufacturing or trade waste accumulated by residential, commercial, individual or institutional uses and includes all other waste products not otherwise defined under “refuse”.

Sec. 52.02) COLLECTION BY VILLAGE

- A) All refuse from building with dwelling units not exceeding four in number, accumulated in the village, shall be collected, conveyed and disposed of only by a licensed contractor designated by the village. No other person shall collect, convey over any of the streets or alleys of the village, or dispose of any refuse except in the manner as herein set forth.
- B)
 1. *Refuse Collection.* The collection of refuse shall be confined to residential dwelling not exceeding four dwelling units. The village shall contract with one (1) licensed hauler, who shall exclusively collect refuse from the dwellings as herein defined.
 2. *Rubbish collection.* This subchapter shall not prohibit other licensed collectors from collecting rubbish within the village, nor prohibit the actual producers of rubbish, or the owner of the premises upon which rubbish as accumulated, from personally collecting, conveying and disposing of such rubbish, provided such persons dispose of such rubbish in an authorized and approved sanitary landfill.
 3. *Other refuse collection.* This subchapter shall not prohibit a licensed hauler from collecting refuse and rubbish from living units in excess of four units, or from trailer parks, commercial, industrial or institutional businesses, provided that such disposal of refuse and rubbish in an approved sanitary landfill and does not violate the provisions of this chapter and regulations issued hereunder.

Sec. 52.03) COLLECTION SUPERVISED BY THE VILLAGE OF LYONS

All refuse accumulated in the village from a dwelling unit shall be carted, conveyed and disposed of by a licensed contractor under the contract with the village, and under the supervision of the Village. The Village shall have the authority to adopt rules and regulations concerning the days of collection, conveyance and disposal as deemed necessary, and to change and modify the same, after public notice in a newspaper having circulation in the village, provided that such rules or regulations are not contrary to the provisions of this subchapter. Any person aggrieved by any rule or regulation of the Village shall have the right to appeal to the Village Council, which shall have the authority to confirm, modify or revoke any such rule or regulation.

Sec. 52.04) PREPARATION OF REFUSE

- A) *Confinement; free of liquids.* All refuse shall be place in tied polyethylene bags or containers. All garbage, before being placed in such containers, shall have drained from it all free liquids and may be wrapped in paper.
- B) *Refuse containers.* Refuse containers may be provided by the owner, tenant, lessee or occupant of the premises. Refuse containers shall be maintained in good condition and any container that does not conform to the provisions of this subchapter, or that

has ragged or chipped edges or any other defects liable to hamper or injure the person collecting the contents thereof, shall be promptly replaced. The licensed hauler selected by the village shall have the authority to refuse collection service for failure to comply herewith, after giving notice to the Village.

C) *Storing of refuse.*

1. *Public places.* No person shall place any refuse or rubbish in any street, alley or other public place or upon any private property, whether owned by such person or not, with the village, except it be in proper containers for collections, or with express approval given by the Director, nor shall any person throw or deposit any refuse or rubbish in any stream or other body of water.
2. *Unauthorized accumulation.* Any unauthorized accumulation of refuse or rubbish on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse or rubbish, after the effective date of this subchapter shall be deemed a violation of this subchapter.
3. *Scattering of refuse.* No person shall cast, place, sweep or deposit anywhere within the village, refuse or rubbish in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place, or in any occupied premises within the village.

D) *Points of collection.*

1. In all areas of the village not served by public alleys, refuse containers shall be place for collection at ground level between front curb and the sidewalk of dwelling units, and where there is no curb or sidewalk, then at the front property line of the dwelling unit.
2. Refuse containers shall not be placed for collection before 7:00 p.m. on the evening before the day of collection and shall be removed by 9:00 p.m. on the day of collection, said collection day or days to be determined by the Village.

Sec. 52.05) COLLECTION PRACTICES

A) *Frequency of collection.*

1. *Residential.* Refuse accumulated by dwelling units as herein defined shall be collected once each week.
2. *Commercial.* Hotels, restaurants, institutions and such other places as deem it necessary, may enter into an agreement for more frequent collection. Where necessary to protect the public health, the Village shall have the authority to require that more frequent collections be made.

B) *Limits on quantity.* Refuse collection for dwelling units as herein defined, shall be limited to the container plus 2 bags per week.

C) *Special refuse and rubbish problems.*

1. *Contagious disease.* The removal of wearing apparel, bedding or other refuse or rubbish from homes or other places where highly infectious or contagious diseases have prevailed shall be performed under the supervision and direction of the County Health Officer. Such refuse and rubbish shall not be place in containers for regular collections.

2. *Inflammables or explosives.* Highly inflammable or explosive materials shall not be placed in containers for regular collection, but shall be disposed of as directed by the Director at the expense of the owner or possessor thereof.
- D) *Requirements of collectors.* The actual producer of refuse or the owner of the premises upon which refuse is accumulated, who desires personally to collect and dispose of such refuse, and the collectors of refuse from outside the village and who are licensed by the village, shall use a watertight vehicle, provided with a tight cover as approved by the Village, and so operated as to prevent offensive odors escaping therefrom and refuse from being blown, dropped or spilled. The Village shall have the authority to make such other reasonable regulations concerning individual collection and disposal relating to the hauling of rubbish by a licensed hauler, as necessary.
- E) *Refuse property of the village.* Ownership of refuse material set out for collection and collected by a duly licensed hauler approved by the village shall be vested in the village.
- F) *No lawn waste.*

Sec. 52.06) FEES

- A) *Residential.* The fees for collection and dispersal of refuse from the dwelling units, as hereinbefore defined, shall be set by the Village Council, based on its contract with a licensed hauler, and subject to such increases or decreases as established by the Village Council from time to time.
- B) *Nonresidential.* For all collection and disposal of refuse and rubbish not otherwise proved for herein, the property owner may make such agreement with a licensed hauler as deemed to his or her best advantage.
- C) *Payment.* For all dwelling units, as defined herein, the village shall levy a monthly service collection fee, which shall be the obligation of the property owner, as shown by the tax rolls of the village; shall be included in the monthly utility billing, and if unpaid, shall become a lien against the property, if the entire bill is not paid when due, (refer to utility billing ordinance) services to the property shall be terminated and no further collections shall be made.
- D) *Legal remedy.* The stoppage of service for nonpayment of collection charges shall be in addition to the right of the village to pursue collection of such unpaid charges in any manner provided by law for the collection of a claim by the village (refer to utility billing ordinance).

Sec. 52.07) SAVINGS CLAUSE

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this subchapter takes effect are saved and may be consummated according to the law in force when they are commenced. This subchapter shall not be construed to affect any prosecution pending or initiated before, or initiated after the effective date of this subchapter for any offense committed before the effective date of this subchapter.

Sec. 52.08) PENALTY

Any person violating any provision of Sec 52.01 through 52.07 shall be deemed guilty of a civil infraction. Penalties may be imposed up to 90 day's incarceration in the County Jail and/or fine up to \$500 plus the costs of prosecution.

(approved 7-18-2016, eff. 8-6-2016)

Secs. 8-53--8-73. Reserved.