AN ORDINANCE TO AMEND THE CODE OF THE CITY OF EAST GRAND RAPIDS BY ADDING A NEW SECTION 2.15 TO CHAPTER 21 OF TITLE II OF THE CITY CODE TO REGULATE DUMPSTERS AND ENCLOSURES

THE CITY OF EAST GRAND RAPIDS ORDAINS:

1. Chapter 21 of Title II of the Code of the City of East Grand Rapids is amended by adding a new Section 2.15 to read in its entirety as follows:

2.15. Dumpsters and Enclosures

A. Purpose and Intent

An Ordinance to regulate the construction, placement, and use of Dumpsters and their Enclosures in a manner consistent with the environmental, health, safety, and aesthetic objectives of the City of East Grand Rapids.

B. Definitions

'Dumpster' means a bin or other rigid container that is placed long-term at a property for the purpose of temporary storage of Solid Waste, Site-Separated Materials, or Source-Separated Materials as defined in this chapter, for periodic pick-up by a Waste Hauler.

'Enclosure' means a permanent structure designed so as to screen one or more dumpsters from ground-level view from streets, public sidewalks, or adjacent properties. An enclosure shall not be considered an accessory structure as provided in Section 5.14, Article II of Chapter 50 of the City Code, nor shall they be regulated as fences or walls pursuant to Article I of Chapter 83 of the City Code.

C. Regulations

- 1. Dumpsters shall be constructed and maintained with covers, doors, floors and sides sufficient to prevent loss of contents by wind, by leakage, or by animals.
- 2. Dumpster covers must not allow rain, snow, etc., to enter the dumpster so as to create spillage and run-off when emptied.
- 3. Drain plugs, when so equipped, must be leak-proof.
- 4. Drain plugs, doors, lids, covers, and gates shall be kept securely closed at all times.
- 5. Dumpsters shall not be overfilled in a manner that prevents closure of doors or lids or allows spillage of contents.

- 6. Outdoor storage of excess Solid Waste, Site-Separated Materials, or Source-Separated Materials is prohibited unless they are stored in the dumpster as required in this section. The owner shall arrange for disposal of any excess waste within 24 hours.
- 7. Dumpsters shall be enclosed on all sides within a permanent enclosure, unless the location itself is shielded by buildings or other structures so as to be reasonably inconspicuous to ground-level view from streets, public sidewalks, or adjacent properties. If not more than two household-sized containers, each with less than one-half cubic yard or one hundred (100) gallon capacity, are used on a parcel, enclosure will not be required.
- 8. Enclosures shall consist of a wall or fence on all sides and shall be equipped with a gate.
- 9. Height of walls and gate shall be sufficient to shield the enclosed dumpster(s) from ground-level view from streets and adjacent properties, but shall not exceed six (6) feet from the finish grade at the gate unless attached to a taller structure.
- 10. The enclosure and gate shall be a permanent structure constructed of high quality materials which prevent visibility, and which are consistent with the building materials of the main building on the site.
- 11. Enclosures shall be maintained to retain their original appearance, shape, and configuration in accordance with the Property Maintenance Code of the City of East Grand Rapids.

12. Fire Safety Regulations:

- a. All dumpsters, and any associated combustible enclosures, must have a minimum separation of ten (10) feet from the nearest building or building overhang.
- b. The minimum separation distance may be reduced, or the enclosure may be attached to a building, if protected by fire-rated materials in compliance with the Building Code.
- c. Dumpsters and enclosures shall not block access to any fire safety equipment such as stand pipe connections, hydrants, or other fire safety fixtures.

13. Location:

a. Dumpsters and Enclosures shall be placed at the rear or side of a building at a place which is reasonably inconspicuous.

- b. Detached enclosures must be at least three (3) feet from property lines, fences, and structures in order to allow for periodic maintenance to be performed.
- 14. Any Person or Entity, including the owner, occupant, or hauler who violates the terms of this Section shall be subject to a civil infraction violation in accordance with Chapter 11, Title I of the City Code.

D. Exceptions

Paper recycling containers may be placed on the property of a church or school for the purpose of fund-raising. Such containers will not require an enclosure, provided that the container is placed so as to be reasonably inconspicuous from adjacent residential uses.

Temporary Rubbish Containers as defined in Chapter 21 are exempt from the requirements of this section.

E. Variances

- 1. The City Commission may authorize exceptions from the strict requirements of this section relating to location and screening, upon written application and following a public hearing. The procedure, the standards, and the fee for such application and hearing shall be as set forth in Chapter 50 of this Code with respect to variances from the city zoning chapter.
- 2. In no case shall the City Commission have the authority to grant a variance when the matter concerns requirements of this section relating to environmental protection, fire safety, or building code.
- 2. This ordinance shall be effective on June 18, 2010.
- 3. This ordinance shall be published in full pursuant to the provisions of Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids.

CITY OF EAST GRAND RAPIDS

By Karer K. Brower City Clerk