

ORDINANCE NO. 10-003

AN ORDINANCE TO REGULATE THE USE, DURATION OF USE, AND PLACEMENT OF PORTABLE OUTDOOR STORAGE AND REFUSE CONTAINERS. TO PROVIDE A STRUCTURE OF FEES AND PERMITS FOR THE EXTENDED USE OF SAID CONTAINERS IN THE CITY AND TO PROVIDE FOR PENALTIES FOR THE VIOLATION THEREOF.

The City of Belleville ordains:

ARTICLE I
INTENT AND PURPOSE

Where the City finds that the unregulated and extended use of outdoor storage and refuse containers represent a serious risk to the health, safety and welfare of the citizens of Belleville and that a system of regulation and permitting of the extended use of such units is in the best interest of the City and its residents and hereby amends Chapter 106 of the Belleville City Code by adding to Article XV a new section 15.23 Portable Outdoor Storage and Refuse Containers, to read as follows:

Section 15.23 Portable Outdoor Storage and Refuse Containers

(A) The following words, phrases and terms, when used in this Article, shall have the meaning described to herein, except to where contrary indication of a different meaning is clear:

(1) The term "storage container" shall include any unlicensed portable container that is owned by a property owner or a third party, including but not limited to storage or moving companies, intended or used to store, save, or transport items of personal property.

(2) The term "refuse containers" shall include unlicensed containers designed or intended for the collection and disposal of trash, refuse, and/or unwanted or discarded items, but shall not include trash cans or dumpsters, as regulated under Chapter 70 of the City Code.

(3) The term "property" shall mean any real property within the City of Belleville, which is not a street or highway.

(4) The term "resident" shall mean any property owner, tenant or occupant of property.

- (B) Residents of property within the City of Belleville may place not more than two storage containers and/or refuse containers upon their property for a period not in excess of thirty (30) consecutive days. A storage or refuse container may not be located on a parcel of property more than once in any six month period.
- (C) Storage containers and refuse containers may only be used for the intended purpose of short term storage and may not be put to any other use or occupancy.
- (D) Storage and/or refuse containers shall not exceed 2000 cubic feet in size.
- (E) Residents who wish to have a storage container or refuse container upon property for a period of greater than thirty (30) consecutive days or located on their property twice or more within a six month period, must submit an application and obtain a permit from the City of Belleville, Department of Public Services.
- (F) A resident who has a current open building permit for the subject property, for the construction or remodeling or improvements on that property, is exempt from the provisions of this Ordinance, during the time said permit is in place.
- (G) The areas adjacent to any storage or refuse containers shall be maintained free of items of personal property, trash, refuse or litter.
- (H) All storage and refuse containers shall be placed upon a gravel or hard surface area intended for a driveway or vehicular parking purposes.
- (I) Permits for the extended use of storage or refuse containers shall be granted for a period of not in excess of ninety (90) days, subject to the following requirements:
 - (1) An application shall be submitted on a form provided by the City of Belleville Department of Public Services, which includes the following information:
 - (a) Name, address and phone number of the resident.

- (b) Name, address and phone number of the property, if different from the resident.
 - (c) Size and description of the storage or refuse container.
 - (d) Name, address and phone number of the owner of the container.
 - (e) General description of the items intended for storage.
 - (f) Proposed date for the removal of said container for the property.
- (2) Permits shall be posted in a clearly visible manner upon the container at all times.
 - (3) The City shall collect a fee for each permit in an amount as set by City Council Resolution at the time of the issuance of the permit.
 - (4) A resident may request a ninety day extension of a permit granted under this section by doing the following:
 - (a) Submitting an application for extension on the form provided by the City of Belleville Department of Public Services.
 - (b) Allowing an inspection of the storage unit and its contents by the City Building inspector and or the City Fire Chief.
 - (c) Paying a fee for the extension permit in an amount as set by City Council Resolution at the time of the issuance of the permit.
- (J) If any storage container or refuse container is found to be in violation of any provision of this Ordinance, the City shall provide the occupant notice of said violation, by First Class Mail, mailed to the registered owner of itself. If the unit is not brought into compliance with the provisions of this Ordinance within seventy-two (72) hours of the posting, or date of notice, the City shall issue a violation notice.
 - (K) Any individual found in violation of the provisions of this Ordinance, shall be responsible for a civil infraction and fine of One Hundred Dollars (\$100) per day, for each day as computed after the original notice of violation.

ARTICLE II
RIGHTS

Rights and duties which have matured, penalties which have incurred, proceedings which have begun and prosecution for violations of law occurring before the effective date of this Ordinance are not affected or abated by this Ordinance.

ARTICLE III
SEVERABILITY

Should any section, clause or paragraph of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same will not affect the validity of the Ordinance as a whole or part thereof other than the part declared invalid.

ARTICLE IV
REPEAL

All other ordinances inconsistent with the provisions of this Ordinance are to the extent of such inconsistencies hereby repealed.

ARTICLE V
EFFECTIVE DATE

This Ordinance shall be published in a newspaper of general circulation within the City and shall become effective the 19th day of November, 2010.

Ordinance No. 10-003

An ordinance to regulate portable outdoor storage and refuse containers.

CERTIFICATION

The foregoing Ordinance was duly adopted by the City Council of the City of Belleville at its regular meeting called and held on the 1st day of November 2010, and was ordered to be given publication in the manner required by law.



Lisa Long, City Clerk/Treasurer

Introduced: October 18, 2010
Adopted: November 1, 2010
Published: November 18, 2010
Effective: November 19, 2010