

CHAPTER 93: SOLID WASTE

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GENERAL PROVISIONS

§ 93.01 YARD WASTES.

(A) *Landfilling of leaves and yard wastes prohibited.* Commencing September 1, 1991, and thereafter, no person within the municipal boundaries of the city shall be permitted to place leaves and yard wastes in any receptacle, or to cause leaves and yard wastes to be picked up by any person or disposal service, for delivery to a Type II sanitary landfill. All leaves and yard wastes in the city shall be disposed of by utilization on the premises from which the leaves and yard wastes originated or were gathered, or otherwise in conformity with this section. Provided, such leaves and yard wastes may be placed in or delivered to, in accordance with provisions adopted by the City Council regarding the manner, time, place, and fees for so doing, an alternative solid waste composting disposal area licensed and maintained on behalf of the city in conformity with Public Act 328 of 1988, as amended, being M.C.L.A. §§ 324.19101 et seq., and the Solid Waste Alternative Program Administrative Rules promulgated thereunder.

(B) *Violations.* Any disposal of leaves or yard wastes in violation of the terms of this section shall be a misdemeanor punishable as provided in § 93.99.

(C) *Administrative responsibility.* It shall be the duty of the Police Chief of the Spring Lake-Ferrysburg Police Department to investigate any violation of this section, and to endeavor to secure the conviction of any person violating this section.

(D) *Administrative liability.* No officer, agent, or employee of the city shall render himself or herself liable for any damage that may accrue to any person as a result of any act, decision or other consequence or occurrence arising out of the discharge of his or her duties and responsibilities pursuant to this section.

(Ord. 117, passed 11-28-90) Penalty, see § 93.99

Cross-reference:

Placing yard wastes on street rights-of-way, see § 50.16

Placing yard wastes on sidewalks, see § 50.32

Placing yard wastes on bike paths, see § 50.49

GARBAGE, TRASH, AND RECYCLABLE MATERIAL

§ 93.15 TITLE.

This subchapter shall be known and cited as the “Garbage, Trash, and Recyclable Material Disposal and Collection Ordinance.”

(Ord. 129, passed 12-7-92)

§ 93.16 DEFINITIONS.

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

GARBAGE. Food wastes including waste accumulation of animal, fruit, or vegetable matter used or intended for food or that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit, or vegetables.

RECYCLABLE MATERIAL. Material which is separated from trash prior to the collection of trash and delivered to a material recovery facility. ***RECYCLABLE MATERIAL*** shall include but not be limited to:

(1) ***PLASTICS.*** Colorless or colored plastic which is high density polyethylene (HDPE) or polyethylene terephthalate (PETE), including plastic milk jugs and other plastic containers of HDPE or PETE materials.

(2) ***GLASS.*** Bottles or jars made of silica, sand, soda, ash, and limestone, being transparent or translucent, and used for the packaging or bottling of various materials. This definition does not include plastics or glass products such as window glass, blue glass, flat glass, mirrors, plate glass, safety glass, light bulbs, ceramics, or pieces of broken glass.

(3) ***TIN CANS AND ALUMINUM MATERIAL.*** Steel and tin-coated cans and aluminum cans, foil, and such other household aluminum products used in the kitchen.

(4) ***NEWSPAPERS.*** Newspaper-grade paper, the common, inexpensive, machine-finished paper made chiefly from wood pulp, which is printed and distributed. This definition does not include magazines, slick paper, and telephone books.

TRASH. Nonputrescible solid waste, consisting of both combustible and noncombustible waste, including paper, cardboard, metal, plastic, ashes, wood, glass, fabric, crockery, waste building materials, or litter of any kind that may be a detriment to the public health or safety. (Ord. 129, passed 12-7-92)

§ 93.17 CONTAINER REQUIREMENTS; PLACEMENT; TIME RESTRICTIONS.

The occupant of a residential building or structure having garbage, trash, and/or recyclable material pick-up service provided by a person licensed to render such service pursuant to this subchapter shall put all garbage in a closed, watertight bag or container, shall put all trash in a watertight bag or other appropriate container suitable for storing and carrying trash, and shall put all recyclable material in a watertight bag or other appropriate bin or box. Prior to the collection of garbage, trash, and/or recyclable material by a pick-up service, all bags, containers, bins, or boxes shall be placed in a location where they are readily accessible for pick-up. An occupant shall not place any garbage, trash, and/or recyclable material bags, containers, bins or boxes in any front yard or in the nontraveled portion of any street right-of-way prior to 6:00 p.m. on the day before the scheduled collection day established by the collector. An occupant shall not permit any garbage, trash, and/or recyclable material bags, containers, bins or boxes to remain in any front yard or in the nontraveled portion of any street right-of-way after 7:00 p.m. on the scheduled collection day established by the collector.

(Ord. 129, passed 12-7-92) Penalty, see § 93.99

Cross-reference:

Blight; disposal of garbage, trash, and the like, see § 91.01

Placing rubbish or other material on street rights-of-way, see § 50.16

Placing rubbish or other material on sidewalks, see § 50.32

Placing rubbish or other material on bike paths, see § 50.49

§ 93.18 SCAVENGING PROHIBITED.

No person, other than the owner, tenant or occupant of the premises for which garbage, trash, and/or recycling bags, containers, bins or boxes have been placed in a front yard or in the nontraveled portion of a street right-of-way for collection, shall disturb, pick over, remove, strew, or scatter any item from any bags, containers, bins or boxes which have been placed in a front yard or in the nontraveled portion of a street right-of-way for collection.

(Ord. 129, passed 12-7-92) Penalty, see § 93.99

§ 93.19 LICENSE FOR GARBAGE, TRASH, OR RECYCLABLE MATERIALS COLLECTION.

No person shall engage in the business of picking up, collecting, or hauling garbage, trash, or recyclable material within the city unless such person shall first have obtained a license therefor. The word **PERSON** as used in this section shall refer to a corporation, partnership, association or similar entity, or a natural person.

(Ord. 129, passed 12-7-92) Penalty, see § 93.99

§ 93.20 APPLICATION FOR LICENSE.

Any person desiring to engage in the business of picking up, collecting, or hauling garbage, trash, or recyclable material within the city shall make application to the City Manager on a form provided by the city.

(Ord. 129, passed 12-7-92)

§ 93.21 REQUIREMENTS FOR ISSUANCE OF LICENSE.

No license shall be issued to any person to engage in the business of picking up, collecting, or hauling garbage, trash, or recyclable material within the city unless the applicant has filed with the City Manager a complete application form demonstrating the applicant's ability to comply with the following requirements:

(A) To offer garbage, trash, and recyclable material pick-up services at least once each week to any person in the city desiring such service;

(B) To offer 90-gallon containers for garbage and trash collection to any person in the city desiring such containers;

(C) To offer 18-gallon containers for recyclable material collection to any person in the city desiring such containers;

(D) To offer garbage and trash bags on a fee-per-bag basis to any person in the city who desires such bags, and to charge for such service on a fee-per-bag basis;

(E) To offer recyclable material bags on a fee-per-bag basis to any person in the city who desires such bags, and to charge for such service on a fee-per-bag basis;

(F) To provide enclosed trucks, constructed so they cannot leak or spill any collected material, as shall be necessary for the efficient collection of garbage, trash and recyclable material in the city;

(G) To provide to all customers in the city, once prior to commencement of service to each customer and at least once each year thereafter, a brochure describing any rules, regulations, procedures, schedules, and rates for garbage, trash, and recyclable material collection services offered;

(H) To offer roll-off container or dumpster service to any person or business in the city who desires such service, provided said service complies with the requirements of the city's zoning ordinance, as amended, regarding dumpsters;

(I) To deliver all garbage and trash picked up to a facility licensed to receive such material;

(J) To deliver all recyclable material picked up to a material recovery center where collected materials shall be recycled to the fullest extent possible;

(K) To file with the City Manager on or before January 1 of each year, and at least 30 days prior to the effective date of any rate increase, a schedule of rates for any and all services offered to customers in the city, and a schedule of established pick-up dates for customers in the city;

(L) To file with the City Manager on an annual basis a record of the number of garbage, trash, and recyclable material pick-up customers, by category, in the city, and a record of the number of tons of garbage and trash picked up, and a record of the number of tons of recyclable material picked up;

(M) To obtain and to maintain any state licenses required to conduct a garbage, trash, and recyclable material pickup business;

(N) To insure each truck or piece of equipment to be used in the conduct of the business in the city for property damage in an amount not less than \$100,000 and for personal injury or death in an amount not less than \$1,000,000 for a single accident and \$3,000,000 combined limits, and to file certificates of such insurance coverages with the City Manager.

(Ord. 129, passed 12-7-92)

§ 93.22 LICENSE FEE.

The annual fee for a license issued pursuant to this subchapter shall be established by resolution adopted by the City Council from time to time. Renewal of licenses, including remittance of the annual fee, shall be applied for no later than December 1 each year for the succeeding calendar year.

(Ord. 129, passed 12-7-92)

§ 93.23 LICENSE ISSUANCE.

The City Manager, after review of an application for a license to pick up, collect, and haul garbage, trash, and recyclable material, and upon payment of the annual license fee, and upon determination that the applicant meets the requirements for a license described in § 93.21 above, shall issue a license to the applicant.

(Ord. 129, passed 12-7-92)

§ 93.24 LICENSE REVOCATION.

(A) Upon receiving notice of an alleged violation of or non-compliance with any requirement for a license described in this subchapter, the City Manager or his or her agent shall investigate the allegation and determine whether or not a violation has occurred.

(B) If the City Manager or his or her agent determines that no violation has occurred, then a written report of that determination shall be filed with the notice of alleged violation.

(C) If the City Manager or his or her agent determines that the alleged violation has occurred, the City Manager shall determine whether or not the violation will cause an immediate

threat to the health, safety, and welfare of the residents of the city.

(D) If the City Manager determines that the violation will not cause an immediate threat to the health, safety, and welfare of the residents, the City Manager shall give notice of the violation to the licensee and request that the violation be corrected forthwith. All notices of violation and licensee's responses thereto shall be considered in the renewal process of any license. If more than three notices of violation are given to a licensee during the term of any license, the City Manager shall revoke the license of such licensee, shall notify the licensee of the license revocation, and shall notify the licensee of the opportunity to request a City Council hearing on the license revocation. If the licensee requests in writing a City Council hearing, the City Council shall hold the hearing at its next regular meeting. After the hearing, the City Council shall decide whether to uphold the license revocation or to reinstate the license. The decision of City Council shall be final.

(E) If the City Manager determines that the violation will cause an immediate threat to the health, safety, and welfare of the residents, the City Manager shall immediately revoke the license of the licensee, shall immediately notify the licensee of the license revocation, and shall notify the licensee of the opportunity to request a City Council hearing on the license revocation. If the licensee requests in writing a City Council hearing, the City Council shall hold the hearing at its next regular meeting. After the hearing, the City Council shall decide whether to uphold the license revocation or to reinstate the license. The decision of City Council shall be final.

(Ord. 129, passed 12-7-92)

§ 93.25 OPERATIONS REQUIREMENTS FOR COLLECTION BUSINESSES.

All persons licensed to pick up, collect, and haul garbage, trash, and recyclable material in the city pursuant to this subchapter shall:

(A) Comply with the license requirements set forth in § 93.21(A)-(N) of this subchapter;

(B) Comply with all applicable federal, state, and county laws and regulations concerning the operations of picking up, collecting, and hauling garbage, trash, and recyclable material;

(C) Identify on any motorized equipment utilized to pick up, collect, and haul garbage, trash, and recyclable material in the city the name of the licensee and a telephone number where a customer or other person may contact the licensee;

(D) Maintain any motorized equipment utilized in operations in a clean and sanitary condition, as free from offensive odors as possible, and not park any such motorized equipment upon any street, alley or public place in the city nor upon any private premises longer than is reasonably necessary to collect garbage, trash, and recyclable material from the premises of customers;

(E) Pick up, collect, and haul garbage, trash, and recyclable material from residential, commercial, and industrial customers only between the hours of 7:00 a.m. and 7:00 p.m.

(Ord. 129, passed 12-7-92) Penalty, see § 93.99

§ 93.99 PENALTY.

(A) Any disposal of leaves or yard wastes in violation of the terms of § 93.01 shall be a misdemeanor punishable by fine not exceeding \$100 and by jail not exceeding 30 days. (Ord. 117, passed 11-28-90)

(B) A person who violates §§ 93.15 et seq. shall be guilty of a misdemeanor, punishable by a fine not to exceed \$500 plus court costs, or by imprisonment in the county jail for a period not to exceed 90 days, or both. In addition, any violation shall also authorize license revocation proceedings with respect to the license issued pursuant to this subchapter. (Ord. 129, passed 12-7-92)