

## CHAPTER 4

### SOLID WASTE COLLECTION & DISPOSAL

#### 4.01 DEFINITIONS

##### **BULKY WASTE**

stoves, refrigerators, water tanks, washing machines, furniture and other household waste of this nature.

##### **BUNDLE**

tree, shrub and brush trimmings, newspapers and/or magazines securely tied together forming an easily handled package, not to exceed four feet in length or fifty pounds in weight.

##### **COMMERCIAL REFUSE**

the miscellaneous waste material, such as garbage, rubbish and ashes, resulting from the operation of business enterprises and institutions. Such term includes construction waste, but excludes industrial trade waste.

##### **CONSTRUCTION WASTE**

waste from building construction, alteration, demolition or repair and dirt from excavations.

##### **CONTAINER**

a receptacle with a capacity of twenty gallons or greater, constructed of plastic, metal or fiberglass, having a tight-fitting lid, being water tight, and vermin proof. No container shall have ragged or sharp edges or any other defect liable to hamper or injure any person depositing refuse or collecting the contents thereof.

##### **CURBSIDE**

that portion of a right-of-way adjacent to paved or traveled City roadways.

##### **CURBSIDE UNLIMITED**

a residential premises refuse collection service option which allows the customer to place an unlimited amount of residential refuse generated at such residential premises at the curb for pickup once a week.

## **GARBAGE**

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

## **HAZARDOUS WASTE**

waste, or a combination of waste and other discarded material, including solid, liquid, semisolid or contained gaseous material, which, because of its quality, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible illness or serious incapacitating, but reversible illness, or pose a substantial present or potential hazard to human health or the environment, if improperly treated, stored, transported, disposed of or otherwise managed. "Hazardous waste" does not include material which is sold for recycling or treatment or stored for one year or less, solid or dissolved material in domestic sewage discharge, solid or dissolved material in an irrigation return flow discharge, authorized industrial discharge to a Municipal treatment system or industrial discharge which is a point source subject to permits under Section 402 of the Clean Water Act of 1977, 33 USC 1342, or is a source, special nuclear or by-product material, as defined by the Atomic Energy Act of 1954, 42 USC 2011 to 2282. (See Hazardous Waste Management Act of Michigan, No. 64, P.A. of 1979, as amended.)

## **INDUSTRIAL WASTE**

all trade wastes peculiar to industrial manufacturing or processing plants, including hazardous refuse, but not including commercial refuse.

## **LICENSEE**

a person who has been issued a license by the City to collect, transport or dispose of refuse.

## **MULTIPLE RESIDENTIAL PREMISES**

a parcel of land containing five or more residential units.

## **NONRESIDENTIAL PREMISES**

commercial, industrial or other institutional premises.

## **OPEN BURNING**

the burning of materials wherein products of combustion are emitted directly into ambient air. Open burning does not include road flares, smudge pots and similar devices associated with safety or occupational uses.

**History:** (Amnd 01-11-07; -)

## **PLASTIC BAG**

a polyethylene or similar plastic bag of not less than one and one-half mils thickness, designed to store refuse and secure in a manner to prevent spillage, leakage or other release of its contents by the use of wire, string or ties appropriate for this purpose. The total weight of a bag and its contents shall not exceed fifty pounds, and not be used for compost materials.

**History:** (Amnd 09-13-07; -)

## **PREMISES**

a parcel of land including any building, improvement or appurtenance thereon, which, by legal construction or by actuality, forms an enclosure with it.

## **RECYCLABLE MATERIAL**

Glass (brown, green and clear), plastic No. 2 (milk jugs, etc.), tin (Campbell soup cans, etc.), and aluminum (e.g. cat food cans), and such other material capable of being recycled as may be specified in the regulations promulgated pursuant to 4.03.

## **REFUSE**

putrescible and nonputrescible solid wastes, except body wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, small dead animals, bulky waste, and solid construction, hazardous industrial and market wastes.

## **RESIDENTIAL PREMISES**

a parcel of land containing four or fewer residential units.

## **RESIDENTIAL REFUSE**

refuse generated from normal household use. "Residential refuse" does not include commercial refuse, construction waste, hazardous waste, industrial waste or small dead animals exceeding ten pounds in weight.

## **RUBBISH**

nonputrescible solid waste, excluding ashes, consisting of both combustible and noncombustible waste, including paper, cardboard, metal containers, yard clippings, tree trimmings, wood, glass, bedding, crockery, demolished building materials, or litter of any kind that may be a detriment to the public health and safety.

## **SMALL DEAD ANIMALS**

carcasses of small animals, fish and fowl not exceeding ten pounds in weight.

## **STORAGE**

the accumulation of materials which are awaiting collection, transportation, and disposal.

**History: (Amnd 09-25-91; -)**

### **4.02 RESPONSIBILITY OF OWNERS AND OCCUPANTS**

Every owner, occupant, or person in possession of a residential or non residential premises in the City is required to have accumulations of refuse removed and disposed of in accordance with this chapter and in accordance with rules and regulations promulgated under this chapter.

### **4.03 RULES AND REGULATIONS**

The City Manager is hereby authorized to make such rules and regulations as from time to time appear to him or her to be necessary to carry out the intent of this chapter, provided that such rules are not in conflict with this or any other law of the City of other appropriate governmental until, and provided, further, that such rules are approved by the City Commission. Failure to observe any approved rule or regulation shall be a violation of this chapter. Such rules and regulations shall be published and available for distribution at the City Clerk's Office.

### **4.04 COMPLIANCE REQUIRED**

No owner, occupant, tenant or lessee of any building, structure, property or premises in the City shall store, collect, transport or dispose of any refuse, garbage, rubbish or other rejected, unwanted or discharged waste materials, except in compliance with this chapter and applicable State, Federal and local laws, rules and regulations.

#### **4.05 PREPARATION OF GARBAGE**

All garbage intended for collection shall be drained of all free liquid. The garbage shall be wrapped or placed in closed containers.

#### **4.06 CONSTRUCTION WASTE**

The owner, contractor, occupant or other person responsible for construction work shall remove from the land, within a reasonable time after the completion of such construction work, all construction waste. Such materials shall be removed to an approved disposal area.

#### **4.07 HAZARDOUS WASTE**

Hazardous waste disposal shall be the responsibility of the person who produced, used or possessed the same and shall not be disposed of within the City. The Hazardous Waste Management Act of Michigan, Public Act 64 of 1979, as amended, shall apply where appropriate.

#### **4.08 NUMBER OF CONTAINERS**

(a) The owner and/or occupant of all premises within the City shall provide containers of sufficient number and size for the storage of refuse between collections. All containers shall be kept clean and in good repair.

#### **4.09 CONSTRUCTION AND DEMOLITION SITES**

All owners or persons in control of construction and demolition sites shall provide adequate numbers of containers for loose debris, paper, building material waste, and other trash produced by those working on the site. All loose refuse shall be containerized at the end of each day, and the site shall be kept in a reasonably clean and litter-free condition.

#### **4.10 PARKING LOTS**

All owners or persons in control of parking lots, including drive-in restaurants, tavern, shopping centers, supermarkets and grocery stores, shall have an adequate number of refuse containers. All persons using such parking areas shall use such refuse receptacles or containers for the purposes intended, and no person shall dump, scatter or throw upon any such parking lot any refuse, garbage or trash of any kind.

#### **4.11 PREPARATION OF REFUSE AND RECYCLABLE MATERIAL FOR PICKUP**

- (a)** Garbage shall be wrapped or placed in closed containers. Rubbish shall be placed in a container so as to prevent scattering or littering, or may be cut, baled, tied, bundled or packaged so as not to exceed fifty pounds in weight or four feet in length. Residential refuse that is larger than that which can be stored according to this section shall be stored in accordance with rules and regulations promulgated pursuant to this chapter.
- (b)** Recyclable material shall not be wrapped in plastic nor paper bags when placed in the recyclable bins for the curbside pickup. Only the recyclable material itself shall be placed in the recyclable material bins.

**History:** (Amnd 09-25-91; -)

#### **4.12 STORAGE ON RESIDENTIAL PREMISES**

- (a)** Every owner, occupant or person in possession of residential premises in the City shall provide for his or her residential unit adequate numbers of proper containers or receptacles, as provided in this chapter. Containers must be located in such a manner as to prevent them from being overturned. Containers shall be kept in a clean and sanitary condition and free from any substance which will attract or breed flies, mosquitoes or other insects.
- (b)** Every owner, occupant or person in possession of residential premises in the City shall keep recyclable material bins and garbage containers in a clean and sanitary condition and free from any substance which will attract or breed flies, mosquitoes, or other insects. The bins and containers must be located in such a manner so as to prevent them from being overturned.
- (c)** Rubbish and yard waste which cannot be secured in a container may be secured in bundles or may be deposited in biodegradable paper bags. No plastic bags are allowed or will be picked up that contain yard waste.

**History:** (Amnd 09-13-07; -)

- (d)** For bulky waste, containerization is not required. However, such bulky waste items shall be secured so as to prevent scattering.
- (e)** No person shall use plastic bags for unprotected outdoor storage or refuse. Plastic bags containing all forms of refuse, with the exception of compost material (grass, leaves, etc.), may be set out for scheduled collection in accordance with Section 4.15. Storage of plastic bags containing refuse shall be considered unprotected when not used as liners for approved containers or not place in an enclosure affording reasonable protection.

**History:** (Amnd 09-13-07; -)

- (f) No person shall use a refuse container of another.
- (g) No person shall store refuse or recyclable material in the front of their premises except in accordance with Section 4.15.  
**History: (Amnd 09-25-91; -)**

#### **4.13 TYPES OF COLLECTION SERVICES**

For residential premises, and for mobile home parks, licensees shall:

- (1) Include, with option for solid waste collection, the pickup of recyclable materials at least once a week.
- (2) Provide the option of curbside unlimited collection service (to include pickup of garbage, refuse, leaves, lawn debris and once a week pickup of recyclable material).

Licensee may offer other options for different types of collection service to owners and/or occupants of dwelling units by licensee must include the pickup of recyclable materials at least once a week with any other option of collection service offered to owners and/or occupants at residential premises and to owners and/or occupants of individual dwelling units in mobile home parks.

**History: (Amnd 06-24-92; -)**

#### **4.14 PLACEMENT OF CONTAINERS AND BAGS FOR COLLECTION: REMOVAL OF DOORS FROM APPLIANCES.**

For curbside unlimited collection, all containers, bags, bundles and bulky wastes shall be place at curbside in a manner to prevent scattering. The licensee may decline to collect any container, bag, bundle and bulky waste item not so placed. Doors from refrigerators and freezers must be removed before being stored for collection.

#### **4.15 TIME FOR DEPOSITING REFUSE AND REMOVING CONTENTS**

For residential premises, recyclable material, garbage or refuse shall not be placed for collection earlier than 1:00 p.m. on the day prior to scheduled collection. After the collection of refuse and/or recyclable material has been made, empty bins and containers shall be removed by the customer from the curb area no later than 9:00 a.m. on the day following collection.

**History: (Amnd 09-25-91; -)**

#### **4.16 NUISANCES**

- (a) Accumulations or deposits of refuse remaining on premises are hereby declared to be a nuisance. No owner or occupant of any premises within the City shall permit the accumulation of refuse upon the premises for a period of more than ten days. No person shall permit accumulations or deposits of refuse to remain upon premises occupied or owned by him or her, except as permitted by this chapter.
  
- (b) The City shall first investigate the existence of an alleged nuisance to determine whether or not a nuisance exists and to further determine the person who has created or is committing or maintaining such nuisance. The City shall then give written notice to the person responsible for the creation, commission or maintenance of such nuisance, specifying in particular the nature thereof, the corrective action to be taken to abate the same and the time limit for the abatement of such nuisance, which shall be a reasonable time. If, at the expiration of the time limit in such notice, the person responsible for the commission, creation or maintenance of the nuisance has not complied, the City may initiate such cleanup as identified in the notice. The cost of such cleanup shall be a debt owed the City by the person responsible for the commission, creation or maintenance of such nuisance, and if the nuisance is attributable to the use, occupancy or ownership of any land or premises within the City, such cost may be charged against such premises.

#### **4.17 INTERFERENCE WITH CONTAINERS, REFUSE AND RECYCLABLE MATERIAL.**

No person other than the owner or person lawfully in control of any premises or any authorized employee of a person licensed by the City for the collection or removal of refuse, shall interfere in any manner with a container or plastic bags used for the accumulation or storage of refuse or recyclable material or remove any such container from the location where it shall have been placed by the owner or person lawfully in control of the premises; nor shall any such person disturb or remove refuse or recyclable material placed for collection.

**History:** (Amnd 09—25-91; -)

#### **4.18 UNLAWFUL DUMPING**

No person shall dump, deposit, place or scatter any refuse, ashes or yard wastes within the City, except at an approved disposal area and in compliance with applicable local, State and Federal laws, rules and regulations.

#### **4.19 LITTERING: SCATTERING OF REFUSE**

No person shall cast, spill, place, sweep or deposit anywhere within the City any refuse 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 onto any other premises within the City.

The owner and/or occupant of any premises shall clean up and remove any scattered refuse resulting from the breakage, opening or handling of any container, plastic bag or receptacles placed by him or her for collection from the premises after the same has been scattered.

#### **4.20 VACANT LOTS**

Any person owning or having a possessory interest in any lot or parcel of land within the City which is vacant is responsible for securing, collecting and disposing of refuse which may accumulate thereon by contracting with a person licensed in accordance with this chapter or by self-removal through proper collection and storage of refuse, transporting the refuse in a manner to prevent littering or any other nuisance and depositing the same at an approved disposal area, in accordance with applicable local, State and Federal laws, rules and regulations.

#### **4.21 OPEN BURNING PROHIBITED**

No persons shall kindle or maintain any open fire or authorize any such fire to be kindled or maintained on any premises without having obtained a permit or other proper authorization therefore from the fire code official. This restriction shall not apply to the use of charcoal and similar materials for the purpose of food preparation. Burning of firewood, lumber, construction waste, furniture, brush, leaves, grass, garbage, small dead animals, any material made of or coated with rubber, plastic, leather, petroleum based materials or flammable or combustible liquids is prohibited.

Exceptions:

- 1) The fire code official may permit the burning of firewood for warming purposes only, and only at commercial or special events. Permits will be issued solely at the discretion of the fire code official, based on weather and property conditions.

**History: (Amnd 01-11-07; -)**

- 2) Daily use of the designated pit at the Water Tower Travel Trailer Park is permitted between May 1 and October 31 unless a local burning ban has been imposed by the fire code official. The fire pit is available for the use of persons staying at the campground, and by City residents by appointment.

**History: (Amnd 09-18-08;-)**

#### **4.22 SCAVENGING**

No person shall scavenge refuse left for disposal or rifle the same, and no person shall damage or destroy bags or containers of refuse placed for storage.

#### **4.23 COLLECTION AND DISPOSAL AS BUSINESS; LICENSE REQUIRED**

No person shall engage in the business of collection, transportation or disposal of refuse in the City without first obtaining a license therefore as provided in this chapter.

#### **4.24 LICENSE APPLICATION**

Application for a license under this chapter shall be made in writing to the City Clerk's office upon blanks furnished by such office. Each applicant in such application shall state the following:

1. Name of individual completing application.
2. Residence and business address.
3. The number, year, and style of vehicles to be used and owned by the applicant.
4. Place or places where vehicles to be used are parked overnight.
5. Whether applicant has ever been denied a license similar to the one being requested for any other municipality.
6. Whether the applicant has ever had a license revoked for any other municipality.
7. How many years the applicant has been in business as a solid waste hauler under the present business name.
8. Supply a financial statement of applicant.
9. Two municipal references.
10. Customer fee schedule.

Such application shall also contain an agreement by the applicant to comply with all provisions of this chapter and all other laws, ordinances, rules and regulations

applicable to the conduct of such business now in force or which may hereafter be adopted.

#### **4.25 LICENSEE INDEMNIFICATION**

A licensee shall indemnify the City from any and all liability, loss or damage, including court costs and attorney fees, which the City may suffer from as a result of claims, demands, settlements, or judgments against it arising from activities relating to refuse collection and disposal.

#### **4.26 LICENSEE VEHICLE REQUIREMENTS**

All vehicles of any licensee carrying refuse under this chapter shall have on both sides thereof a sign containing the name of the licensee, with the telephone number and the number of the vehicle, all of which shall be painted thereon in plain and unobscured letters not less than four inches in height. The number of the vehicle shall be registered in the office of the City Clerk.

#### **4.27 LICENSEE FEE, BONDING AND INSURANCE REQUIREMENTS**

Every person who engages in the business of collection, transportation or disposal of refuse in the City shall meet the bonding and reasonable insurance requirements established by the City. The license year shall be from July 1st to the succeeding June 30th and the fee shall be payable in advance. The licensing fee shall be as listed in the City of Lapeer Fee Schedule.

**History: (Intro 09-06-11, Adopt 09-19-11, publication 09-22-11; -)**

#### **4.28 COMPLIANCE OF LICENSEE**

The City Manager may recommend that the City Commission consider the revocation of any license issued pursuant to this ordinance. The licensee shall be given an opportunity to appear before the City Commission and present evidence as to why a license should not be revoked. Ground for revocation of a license include the following:

1. Making of any false or misleading statements in the application for a license.
2. Operating the licensed vehicles in a manner causing or likely to cause damage to persons or property.
3. Conviction of a licensee or any employee of licensee of any criminal offense reasonably related to the issue of whether the licensee is suitable to continue as a licensee.

4. Violations by the licensee or any employees of the licensee of any of the terms and provisions of this ordinance.
5. The licensee or any employees of any licensee using abusive language to City residents or City employees, creating a disturbance in the performance of the work under this license, damaging property during the performance of the work under this license, or creating or maintaining a traffic hazard during the performance of the work under this license.

#### **4.30 LICENSEE VEHICLE MAINTENANCE**

Vehicles used in the transportation of refuse shall be kept clean and in good repair. The hauling body shall be watertight and completely enclosed on all sides. Vehicles shall be maintained and operated so that no portion of their contents is spilled or allowed to remain on any public highway. All vehicles shall be cleaned at intervals frequent enough to maintain the unit in a sanitary condition as free from disagreeable odor as possible to prevent nuisance or vermin attraction. A vehicle that fails to meet the requirements of this chapter shall be removed from service until it complies or its use shall be discontinued.

#### **4.31 LICENSEE OPERATION**

- (a) The openings of each vehicle shall be closed and doors or covers shall be secured by an adequate latch or restraining mechanism to keep them closed while transporting refuse. The driver and licensee shall see that the available cover is in the proper position. A special covering shall be used where conditions require control of odor, vermin, liquids, dust or smoke.
- (b) It shall be the duty of licensee to transfer the contents of all containers for which they have contracted for collection with a customer into vehicles licenses under this chapter, using care to avoid spilling. It shall be the duty of the licensee or his or her designated agent to clean up all garbage or rubbish spilled during collection and completely empty the containers and replace the lids thereon.
- (c) Each vehicle shall be loaded in a manner to minimize the spilling of materials.
- (d) The operator of a refuse transporting unit shall be responsible for immediately cleaning up any spillage which might occur.
- (e) No vehicle shall be parked in a residential area longer than necessary to collect refuse unless it is parked not less than 500 feet from adjacent

residences. Vehicles shall not be parked or stored at any location so as to cause a hazard to health or nuisance.

- (f) All licensees shall provided a toll-free telephone number to receive complaints through normal daytime business hours and provide someone to answer and dispose of such complaints within twenty-four hours.
- (g) The licensee shall not damage cans which are owned by customers or other property while making collections and shall return cans to their designated place of collection.
- (h) A complaint log shall be maintained by the licensee indicating the time and date complaints are received and the date and time the responsive action was taken.
  - (i) No refuse shall be collected from residential premises in the City except between the hours of 6:00 a.m. and 6:00 p.m.
  - (j) Licensee shall not raise the rates or charges for the work performed under this license during the duration of such license without the prior approval of the City Commission.
  - (k) Licensee serving residential premises and mobile home parks shall provide a semi-annual report to City which lists the number and percentage (%) of customers participating in recycling and which describes how and where the recyclable materials are disbursed. The report shall include such documentation, records, receipts, and other objective information as shall be reasonably necessary for the City to determine that no materials collected in the recycling program were sent to a landfill, incinerator, or otherwise not properly recycled.

**History: (Amnd 08-12-87; Amnd 09-27-91; -)**