

Chapter 26
SOLID WASTE*

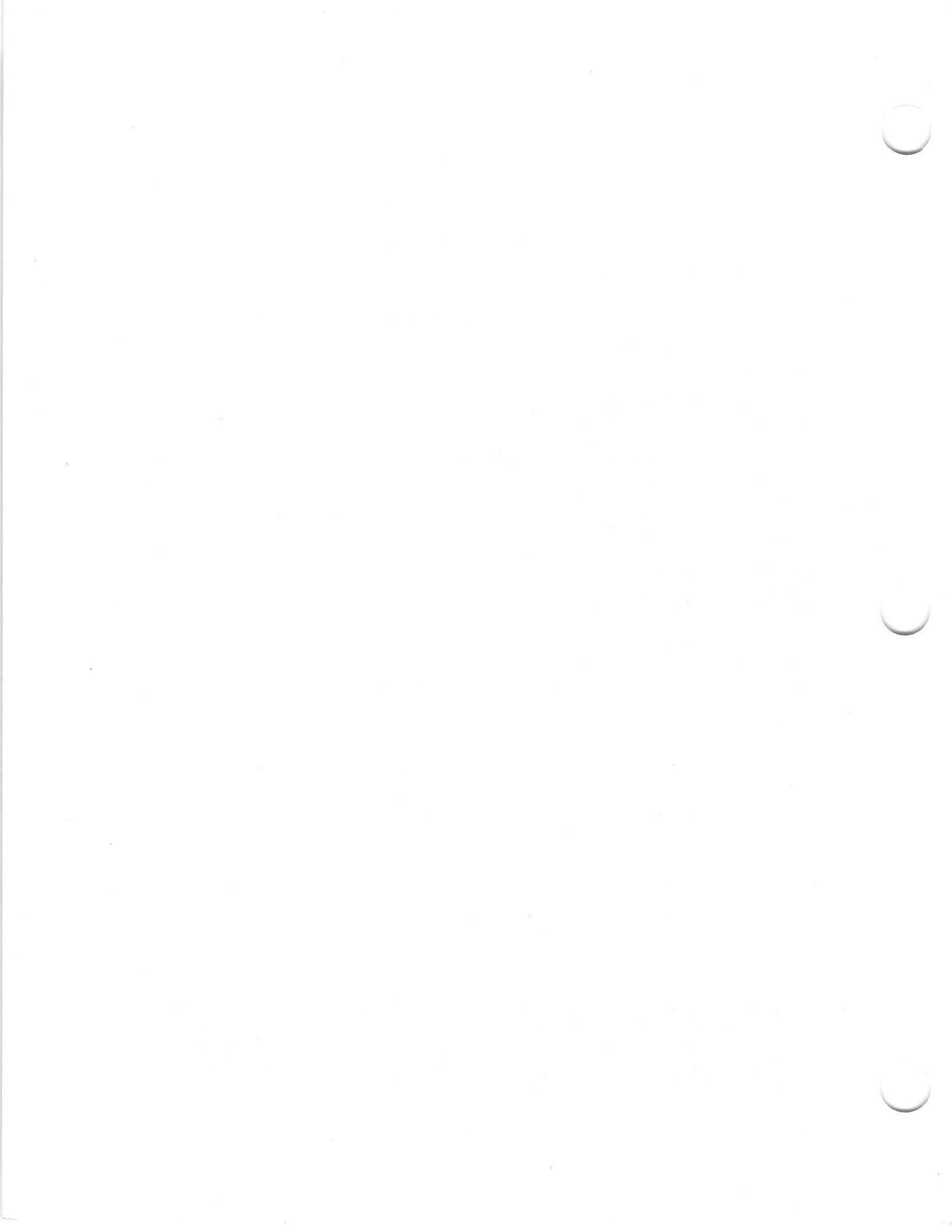
Article I. In General

Secs. 26-1—26-18. Reserved.

Article II. Refuse Management

- Sec. 26-19. Definitions.
- Sec. 26-20. Refuse collection.
- Sec. 26-21. Collection days.
- Sec. 26-22. Producer collection.
- Sec. 26-23. Waste not eligible for collection; procedures.
- Sec. 26-24. Precollection practices.
- Sec. 26-25. Approved receptacles; special markings.
- Sec. 26-26. Storage of refuse on premises.
- Sec. 26-27. Placement of refuse for collection.
- Sec. 26-28. Time for depositing refuse and removing containers.
- Sec. 26-29. Unlawful dumping, littering, scattering of refuse.
- Sec. 26-30. Vacant lots.
- Sec. 26-31. Damaging bags or containers.
- Sec. 26-32. Responsibility for payment; billing practice.
- Sec. 26-33. Exclusive contracts.
- Sec. 26-34. Vehicle requirements.
- Sec. 26-35. Outside collectors.
- Sec. 26-36. Nuisance.
- Sec. 26-37. Violation as a municipal civil infraction.

***State law references**—Garbage disposal act, MCL 123.361 et seq.; solid waste facilities, MCL 324.4301 et seq.; hazardous waste management act, MCL 324.11101 et seq.; hazardous materials transportation act, MCL 29.417 et seq.; solid waste management act, MCL 324.11501 et seq.; waste reduction assistance act, MCL 324.14501 et seq.; clean Michigan fund act, MCL 324.19101 et seq.; low-level radioactive waste authority act, MCL 333.26201 et seq.



ARTICLE I. IN GENERAL

Secs. 26-1—26-18. Reserved.

ARTICLE II. REFUSE MANAGEMENT**Sec. 26-19. 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:

Ashes means the residue from the burning of wood or coal.

Back door means a prearranged approved area in the side or rear yard that is convenient for the contractor and customer.

Bag means a plastic or paper sack designed to store refuse with sufficient strength to maintain physical integrity when lifted by the top. Total weight of a bag and its contents shall not exceed 30 pounds.

Bulky waste means stoves, refrigerators, water tanks, washing machines, furniture and other refuse of this nature which may be in excess of 50 pounds and cannot be bundled or bagged.

Commercial refuse means the refuse resulting from the operation of a nonresidential premises, business enterprise, or an industrial, church, school, or institutional premises.

Construction waste means refuse from building construction, alteration, demolition or repair, and dirt from excavation.

Container means a receptacle constructed of plastic, metal or fiberglass designed for the storage of refuse.

Contractor means a person performing refuse collection under contract with the village.

Curbside means that portion of a street right-of-way adjacent to the paved or traveled portion of the street.

Dead animals means the carcasses of small animals, fish and fowl.

Dwelling unit means a building or portion thereof designated for occupancy by one family for residential purposes.

Food processing waste means food waste, discarded rather than consumed, generated while preparing food.

Garbage means all putrescent and nonputrescent animal, fruit or vegetable waste resulting from the handling, preparation, and cooking of food.

Hazardous waste means 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 in irreversible illness or incapacitating but reversible illness, or that may pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed of, or otherwise managed, together with any other materials that cannot be lawfully disposed of in a type 2 landfill.

Household hazardous waste means waste containing hazardous materials in products purchased for use or stored at residential premises.

Industrial waste means all such trade waste related to industrial or manufacturing plants and processes.

Nonresidential premises means a commercial or multiresidential building containing more than four dwelling units, or industrial, church or institutional premises.

Pathogenic waste means waste associated with medical facility discards.

Producer means an occupant of a dwelling unit who generates refuse.

Putrescent means any matter able to decay or decompose, including animal, fruit or vegetable matter, or any other that attracts insects, rodents or flies.

Recyclable material or *recyclables* means waste materials that can be converted to a useful product and for which there is a market. The term "recyclable materials" includes corrugated cardboard, papers, clear glass and bottles, and certain plastics and metals.

Recycling container means a receptacle approved by the village for curbside recycling and bearing a special marking.

Refuse means all putrescent and nonputrescent solid waste, except animal or human body wastes and hazardous waste, including garbage, rubbish and yard waste.

Refuse bags means a 30-gallon bag approved and sold by the village or authorized agent and bearing special markings.

Refuse cart means a portable curbside wheeled receptacle owned by the contractor, approved by the village, and bearing the special markings.

Refuse container means a contractor refuse bag or contractor refuse cart.

Refuse sticker means a label approved and sold by the village or authorized agent and bearing special markings.

Refuse tag means a tag approved and sold by the village and bearing special markings.

Resident means any person living inside the village limits.

Residential premises means a parcel of land containing four or fewer dwelling units.

Residential solid waste collection means a solid waste collection service provided to a premises with four or fewer dwelling units.

Rubbish means all nonputrescent solid waste consisting of both combustible and noncombustible wastes, including, but not limited to, paper, cardboard, box board, tin cans, wood, glass, metal, bedding, clothing, and similar materials, excluding hazardous waste and yard waste.

Solid waste means all waste.

*Trimming*s means the pieces cut off in the process of trimming, clipping, or pruning trees, shrubs or brush. The maximum size allowed for trimmings is four inches in diameter and four feet in length.

Yard waste means leaves, grass, plants, garden trimmings and tree and shrub cuttings.

Yard waste recycling bag means a biodegradable bag approved and sold by the village or authorized agent bearing a special marking to be solely used for holding yard waste.

(Ord. No. 42, § 2.702, 4-18-2006)

Sec. 26-20. Refuse collection.

All residential refuse accumulated on any premises in the village shall be collected, conveyed and disposed of as required by this article. Collection service to all village residential premises shall be provided one time each week. All qualified residential refuse described in this article shall be disposed of by the contractor under contract to the village. No person other than the contractor shall collect, convey over the streets and alleys of the village, or dispose of any refuse accumulated in the village except as provided in this article. Collection shall be subscribed to by each owner of a residential premises in the village by means of either refuse bag or refuse container service. A residential premises which is rented, leased, loaned or otherwise placed in the care of a nonowner shall not exempt the owner from responsibilities as prescribed herein. No owner of premises in the village shall allow refuse that has not accumulated on the premises to be placed out for refuse service.

- (1) *Refuse bag service.* Refuse bag service may be subscribed to by purchasing refuse bags from the contractor and observing provisions of this article.
- (2) *Refuse container service.* A 90-gallon refuse container shall be provided to all residential premises unless an optional 60-gallon container is chosen. In either case, the container, when fully loaded, may not exceed 200 pounds. Container size or type of service may be changed up to twice per calendar year.

(Ord. No. 42, § 2.703, 4-18-2006)

Sec. 26-21. Collection days.

Residential refuse shall be collected every week. When a legal holiday falls on the designated collection day, refuse collection will take place on the following day.

(Ord. No. 42, § 2.704, 4-18-2006)

Sec. 26-22. Producer collection.

This article shall not prohibit the actual producers of refuse from the premises upon which refuse has accumulated from personally collecting, conveying, and disposing of such refuse, provided the provisions of this article are met.

(Ord. No. 42, § 2.705, 4-18-2006)

Sec. 26-23. Waste not eligible for collection; procedures.

(a) *Construction, commercial and industrial waste.* The owner, occupant, contractor or other person responsible for any construction work shall remove from the premises on which such construction work is taking place, within a reasonable time, but in no case longer than 30 days after completion of such construction, all surplus construction materials and construction waste and convey such surplus materials and waste to a disposal area approved by the state. Every owner, occupant or person in possession of a commercial establishment or industrial, manufacturing or processing plant is responsible for the storage, collection and disposal of refuse and shall contract with a solid waste hauler for disposal thereof.

(b) *Pathogenic waste; disposition of medicines, poisons, etc.* All pathogenic materials which may be contagious from residential premises, hospitals, clinics, convalescent homes, nursing homes, care facilities, doctors' offices, dental offices, or any other similar sources shall be disposed of in accordance with applicable local, state and federal laws.

(c) *Hazardous waste cleanup or abatement; liability for costs.*

- (1) Disposal of hazardous waste shall be the responsibility of the person who produced, used or possessed the same. Hazardous waste shall not be disposed of within the village or allowed to be collected, stored or transported within the village except in accordance with all applicable laws and regulations. All hazardous waste shall be handled in accordance with part 111 of Public Act No. 451 of 1994 (MCL 324.11101 et seq.) on hazardous waste management or other state and federal law or regulations.
- (2) Any person who intentionally or unintentionally causes an improper discharge of hazardous waste shall be liable for the payment of all costs incurred by the village as a result of such cleanup or abatement activity. The remedy provided by this section shall be in addition to any other remedies provided by law.
- (3) For the purposes of this section, costs incurred shall include, but not be necessarily limited to, actual labor costs, fringe benefit costs, administrative overhead, costs for the rental of equipment at the prevailing equipment rental rates, cost of materials obtained, and/or any cost incurred by a contracted abatement specialist, as well as any cost of litigation, including actual attorney fees, incurred by the village or on its behalf.
- (4) The provisions of this section shall apply to all costs incurred and not recovered through other sources such as the hazardous waste service fund in section 11143 of part 111 of Public Act No. 451 of 1994 (MCL 324.11143).

(Ord. No. 42, § 2.706, 4-18-2006)

Sec. 26-24. Precollection practices.

All solid waste shall be prepared for disposal in the following manner:

- (1) *Garbage*. All garbage placed out for collection shall be drained and free from liquids and placed in approved closed containers.
- (2) *Rubbish*. All rubbish before being placed out for collection shall be drained and free from liquids and placed in approved closed containers.
- (3) *Yard waste*. All yard waste, before being placed out for collection, shall be placed in a specially marked yard waste recycling bag, except as provided in section 26-27(3).
- (4) *Bulk waste*. All bulk waste shall have affixed to it a bulk waste tag.
(Ord. No. 42, § 2.707, 4-18-2006)

Sec. 26-25. Approved receptacles; special markings.

All refuse prior to pickup shall be placed in one of the following approved receptacles:

- (1) *Recyclable materials*. Items of refuse determined to be eligible, by resolution of the village council from time to time, for any curbside recycling program.
- (2) *Refuse bag*. Garbage, rubbish and ashes may be placed in a refuse bag for collection.
- (3) *Refuse cart*. Garbage, rubbish and ashes may be bagged and then placed in a refuse cart for collection. Bags placed in a refuse container need not be a refuse bag.
- (4) *Bulk refuse tag*. A tag used on refuse such as described in the definition of "bulky waste" in section 26-19.
- (5) *Yard waste recycling bag*. A biodegradable bag available through the contractor used for leaves, grass and small trimmings.
(Ord. No. 42, § 2.708, 4-18-2006)

Sec. 26-26. Storage of refuse on premises.

(a) *Refuse carts or bags required*. Every owner, occupant or person in possession of a residential premises in the village shall provide for his residential unit adequate numbers of refuse carts or refuse bags as provided in this article. Containers and refuse bags must be placed or secured in such a manner as to prevent them from being overturned. Refuse carts shall be kept in a clean and sanitary condition and free from any substance which will attract or lend itself to the breeding of flies, mosquitoes or other insects. No container shall have ragged or sharp edges or any other defect likely to hamper or injure any person depositing refuse in or collecting the contents thereof.

(b) *Container construction*. Each cart shall be constructed of substantial plastic, metal or fiberglass, watertight, verminproof and shall have a tightly fitted lid and handles or balls.

(c) *Bagged refuse.* Refuse which cannot be stored in a refuse cart may be secured in a refuse bag as provided in this section.

(d) *Bulky refuse.* Bulky refuse which cannot fit into an approved container shall have a bulk waste tag attached. Doors from refrigerators and freezers shall be removed, and an additional tag verifying the removal of freon or ammoniated gas shall be attached.

(e) *Bags unprotected.* No refuse bags shall be stored outdoors in an unprotected manner, provided, however, that refuse bags may be set out for collection in accordance with section 26-27. Storage of refuse in refuse bags shall be considered unprotected when such bags are not used as liners for containers or not placed in an enclosure affording reasonable protection from damage.

(Ord. No. 42, § 2.709, 4-18-2006)

Sec. 26-27. Placement of refuse for collection.

It shall be incumbent upon tenants, lessees, occupants, possessors and owners of premises to provide a safe and convenient entrance to and through the premises for the purpose of collecting refuse. Containers shall be placed where collectors may pick up and empty the same without potential interference from animals.

- (1) *Back door service.* A person may place refuse for pick up in a prearranged approved area in the side or back yard. In no case shall the contractor be required to enter a garage, porch or dwelling.
- (2) *Curbside pickup service.* All containers, bags, and bulky waste shall be placed at the curbside in a manner to prevent scattering. The contractor may decline to collect any container, bag, and bulky waste item not so placed.
- (3) *Village brush pickup program.* The village council may declare a village brush pickup program in which persons may place nonbundled brush at curbside without affixing a refuse tag thereto. Upon such declaration, residents shall be notified of dates, times and policies pertaining to the program. See section 26-20.

(Ord. No. 42, § 2.710, 4-18-2006)

Sec. 26-28. Time for depositing refuse and removing containers.

No refuse shall be placed for collection earlier than 6:00 p.m. on the day prior to collection day. After the collection of container contents has been made, containers shall be removed by the producer from the curbside no later than 9:00 p.m. on collection day.

(Ord. No. 42, § 2.711, 4-18-2006)

Sec. 26-29. Unlawful dumping, littering, scattering of refuse.

(a) No person shall deposit, dump, place or scatter any refuse within the village, except at an approved disposal area, without the expressed written acknowledgment by the village council and in compliance with applicable local, state, and federal laws, rules and regulations.

(b) No person shall cast, spill, place, sweep, or deposit anywhere within the village any refuse in such a manner that it may be carried or deposited by the elements or animals upon any street, sidewalk, sewer, parkway or other public place, or onto any other premises within the village.

(c) 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 refuse bag, refuse cart or yard waste recycling bag placed at curbside of the premises for collection.

(Ord. No. 42, § 2.712, 4-18-2006)

State law reference—Littering, MCL 324.8901 et seq.

Sec. 26-30. Vacant lots.

Any person owning or having a possessory interest in any lot or portion of land is responsible for securing, collecting and disposing of refuse which may accumulate, provided that in areas defined in chapter 36 as within the R-1 single-family residence district, such removal shall be either by contracting with a solid waste hauler or by self-removal, subject to and in accordance with all other provisions of this article.

(Ord. No. 42, § 2.713, 4-18-2006)

Sec. 26-31. Damaging bags or containers.

No person shall rifle refuse or damage or destroy bags, containers, refuse, or commercial or industrial dumpsters placed for storage or collection.

(Ord. No. 42, § 2.714, 4-18-2006)

Sec. 26-32. Responsibility for payment; billing practice.

(a) *Responsibility for payment.* The owner or occupant of a residential premises shall be responsible to the contractor directly to pay for refuse collection service provided to such premises.

(b) *Continuation of service; change in occupancy.* Residential premises refuse collection and appropriate charges for service shall continue unless timely payment for services has not been made, so long as the residential unit is deemed occupied. The owner of the premises shall advise the contractor of any change in occupancy of the residential unit for purposes of service and billing.

(c) *Seasonal or temporary premises; notice.*

(1) Owners and/or occupants of residential premises shall notify the contractor if such premises are being vacated between billing periods. An owner and/or occupant taking title to or possession of residential premises in the village shall notify the contractor immediately to avoid delay in billing and collection procedures.

(2) No charge shall be levied on and no refuse collection shall be rendered to the owner and/or occupant of a residential premises when such premises are temporarily vacated by order of the village.

(Ord. No. 42, § 2.716, 4-18-2006)

Sec. 26-33. Exclusive contracts.

The village council may, either by advertising for bids or otherwise, enter into an exclusive contract with a private party or concern, providing the village council deems the party or concern is qualified, to collect and dispose of residential refuse in the village in accordance with the best interests of the village and its residents. The contract documents shall contain provisions that the contractor shall provide liability insurance as required by the village and operate in full compliance with this article and all other applicable local, state and federal laws, rules and regulations.

(Ord. No. 42, § 2.717, 4-18-2006)

Sec. 26-34. Vehicle requirements.

(a) *Vehicle identification; inspections.* All vehicles carrying refuse under this article shall have on both sides thereof a sign containing the name of the contractor, with the telephone number and the number of the vehicle, all of which shall be painted thereon in plain and unobscured letters. Vehicles shall pass such annual inspections as may be required by the village.

(b) *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 onto or allowed to remain on any public highway or private property other than that of the contractor. All vehicles shall be cleaned at intervals frequent enough to maintain the unit in a sanitary condition and 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.

(c) *Vehicle operation.*

- (1) 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 contractor shall see that such covers are in the proper positions.
- (2) It shall be the duty of contractor to transfer the contents of all containers for which it has contracted with the village into vehicles in accordance with this article, using care to avoid spilling any solid waste. It shall be the duty of the contractor to clean up all solid waste spilled during collection and to completely empty the containers and replace the lids thereon.
- (3) Each vehicle shall be loaded in a manner to minimize the spilling of materials.
- (4) Where spilling does occur from a solid waste transporting unit, the material shall be picked up by the contractor as soon as possible and the area suitably cleaned.
- (5) Each vehicle, when transporting refuse, shall be emptied only in approved disposal areas.

- (6) No vehicle shall be parked in a residential area longer than necessary to collect refuse unless it is parked more than 500 feet from a residence. Vehicles shall not be parked, stored or established at any location so as to cause a hazard to health or at any residentially zoned location so as to cause a nuisance.
 - (7) The contractor collecting in early morning hours shall use every precaution to prevent unnecessary noise.
 - (8) The contractor shall not damage any property, real or personal, while making collections and shall return containers to their curbside locations or, when applicable, their designated back door locations.
 - (9) No refuse shall be collected from residential premises in the village except between the hours of 8:00 a.m. and 6:00 p.m.
- (Ord. No. 42, § 2.718, 4-18-2006)

Sec. 26-35. Outside collectors.

This article shall not prohibit collectors who have collected refuse from outside the village from transporting such refuse over village streets, provided such collectors comply with provisions of this article applicable to transporting refuse and with any other governing law or article.

(Ord. No. 42, § 2.719, 4-18-2006)

Sec. 26-36. Nuisance.

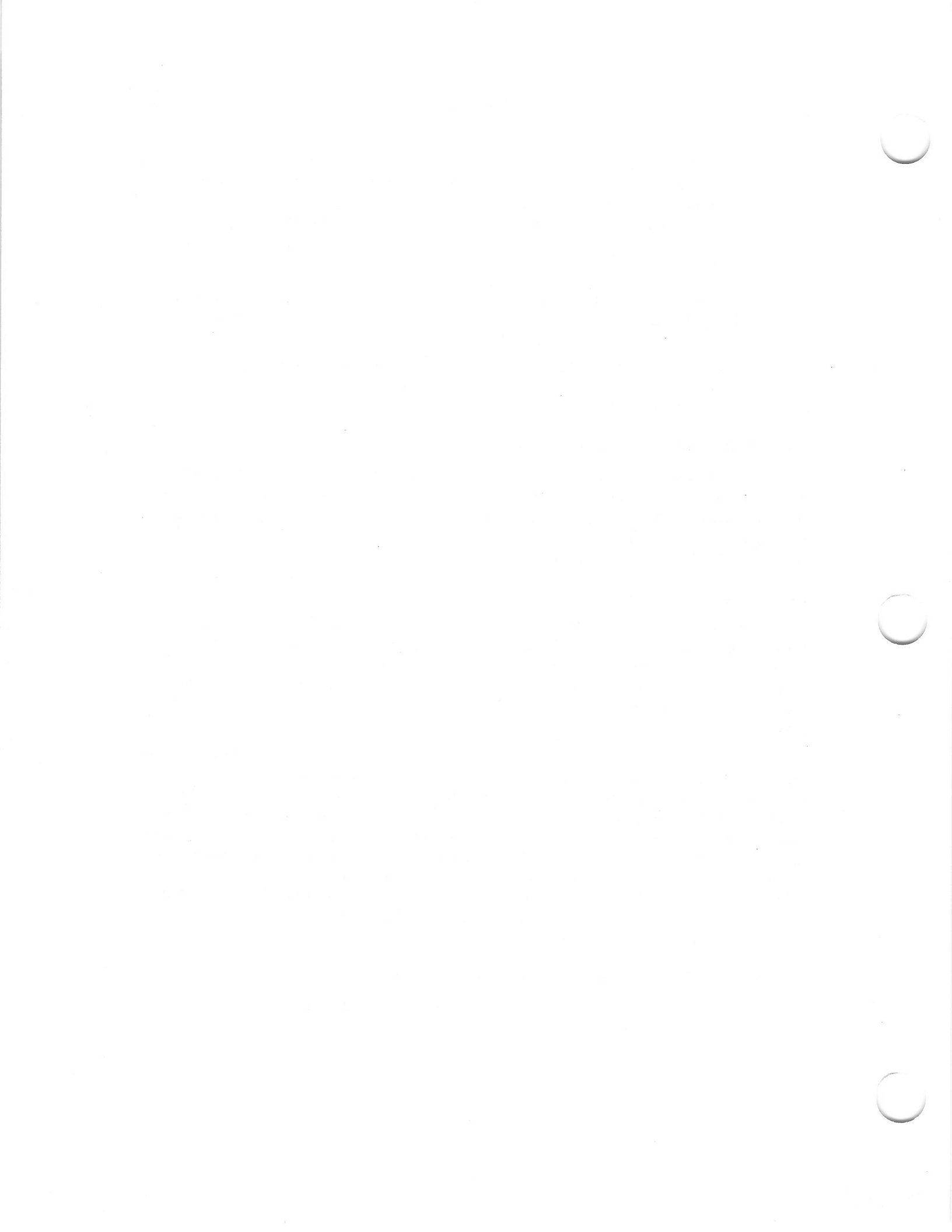
(a) *Accumulations or deposits of refuse.* Accumulations or deposits of refuse remaining on premises are hereby declared to be a nuisance. No owner or occupant of a residential premises shall permit accumulation of refuse upon the premises for a period of more than seven days. No person shall permit accumulations or deposits of refuse to remain on his premises, whether owned or occupied, except as permitted by this article.

(b) *Notice to abate.* The village shall give written notice to the owner of record of any premises, as determined by the village president or his designee, where there is a nuisance. The notice shall specify the nature of the nuisance and the time limit in which the nuisance shall be abated, which shall be three days. If, at the expiration of the time limit for abatement, the owner has not complied with said notice, the village may abate the nuisance. The cost of such abatement, plus 15 percent for costs incurred for administrative overhead, shall be a debt owed by the owner of the premises to the village. Any such debt shall be a lien upon the premises and shall be collected in accordance with this article or in any manner available under law.

(Ord. No. 42, § 2.720, 4-18-2006)

Sec. 26-37. Violation as a municipal civil infraction.

Any person violating this article shall be responsible for a municipal civil infraction.



Chapter 27

RESERVED

