CODE NO. 8-03 – MUNICIPAL SOLID WASTE ORDINANCE

Ordinance No. 69

AN ORDINANCE TO REGULATE THE HANDLING AND COLLECTION OF MUNICIPAL SOLID WASTE, TO PROVIDE A PENALTY FOR THE VIOLATION THEREOF AND TO REPEAL ORDINANCE #24 ENTITLED "AN ORDINANCE TO REGULATE THE DEPOSIT, COLLECTION, REMOVAL AND DISPOSAL OF GARBAGE OFFAL AND OTHER ANIMAL OR VEGETABLE REFUSE" AND ALL ORDINANCES OR PARTS OF ORDINANCES CONTRAVENING THE PROVISIONS OF THIS ORDINANCE.

The City of Grosse Pointe Farms Ordains:

Section 1. Definitions

The following definitions shall apply for the purpose of this ordinance:

(a) Municipal Solid Waste:

Municipal solid waste or wastes consist of certain discarded products incident to or resulting from housekeeping and commercial or community service enterprises, as further defined under the subdivisions pertaining to garbage, rubbish and yard waste.

(b) Garbage:

Garbage is all animal, fruit and vegetable waste matter incident to or resulting from the use, storage, and preparation of food, including spoiled food but excluding food containers and dead animals.

(c) Rubbish:

Rubbish is all miscellaneous waste matter, except garbage and yard waste as herein defined, incident to or resulting from housekeeping, residential premises, ordinary business, commercial or community service enterprises, but does not include (i) waste from building construction, alteration and repair, (ii) earth or dirt from excavations, (iii) Hazardous Materials, and (iv) such other materials or waste matter as may be excluded from time to time by the Department.

(d) Department:

Department means the Department of Public Works of the City of Grosse Pointe Farms.

(e) Director:

Director means the Director of Public Service.

(f) Hazardous Materials:

Hazardous Materials shall mean any and all hazardous materials as defined under applicable Michigan statutes, as amended from time to time, and as identified in the administrative rules promulgated from time to time by the Michigan Department of Natural Resources or the Michigan Department of Environmental Quality, and waste from an institution such as a hospital or an institution of like nature and waste from pharmaceutical establishments and doctors' offices that does not fall within the definition of rubbish.

(g) Recyclable Materials:

Recyclable materials shall mean the following commingled and/or pre-sorted materials that are separated from other rubbish prior to the collection thereof, and whether left at curb-side or at a drop-off center for collection: high grade paper, glass, metal, plastic, aluminum, newspaper or corrugated paper.

(h) Yard Waste:

Yard waste shall mean cut grass, yard clippings, fallen leaves and other discarded vegetation materials incidental to gardening or the maintenance of lawns and landscaped areas.

Section 2. Receptacles

The occupant or occupants of every building where wastes accumulate, and in case of a multiple dwelling as defined in the Michigan Housing Code, the owner, lessee or agent, shall cause to be provided for said building, keep clean and in place, receptacles as herein described. Receptacles that are badly broken or otherwise fail to meet the requirements of this ordinance may be classified as rubbish and after due notice to the users, be collected as rubbish by the Department.

(a) Garbage must be kept in a suitable container (as described below) and placed in a location convenient for collection. Rubbish must be kept in a suitable container (as described below), or so wrapped or tied as to prevent scattering, unless it is of sufficient size or weight to be handled separately, and placed in a location convenient for collection. Yard waste shall be placed in the types of bags that are designated by the Department for such purpose, separated from garbage and rubbish, and placed in a location convenient for collection. The City Council may by resolution designate a separate procedure for the seasonal collection of fallen leaves. Pieces of trees shall be broken or cut so as not to exceed four (4) feet in length. Recyclable materials shall be kept in the container designated by the Department for such purpose and placed in a location convenient for collection.

(b) All receptacles and containers shall be located within private property lines and on the ground level of the premises, except as otherwise directed or permitted in writing by the Department, and shall not be overloaded. No person shall disturb the contents of any waste receptacle, container or bundle and leave the receptacles, containers or contents in a condition other than this ordinance provides. All receptacles and containers must be maintained in a sanitary condition.

Section 3. Collection

(a) Garbage, rubbish and yard waste will be collected by the Department from residential premises without additional charge on schedules approved by the City Council. The containers for garbage and rubbish from residential premises shall be of the metal galvanized type of garbage container, not exceeding thirty (30) gallons, or a hard plastic container not exceeding thirty (30) gallons, or shall be of a plastic bag no less than two (2) mills thick. All containers shall be tightly secured with a water tight lid or in the event of a plastic bag shall be tied or fastened at the top so that when filled the contents are prevented from being spilled, blown, strewn or molested by the forces of nature, animals, insects or persons. Rubbish collectors shall not remove from residential property or premises any refuse not properly deposited and secured as provided in this Ordinance. The maximum weight of any said containers or bags when filled shall not exceed forty (40) pounds including the weight of the container or bag. Recyclable materials will be collected on schedules approved by the City Council subject to a collection fee established by the City Council from time to time by resolution.

(b) Garbage and rubbish will be collected by the Department from business, commercial and community service establishments on schedules approved by the City Council and at the rates for such services as established by the City Council from time to time by resolution. Garbage and rubbish from business, commercial and community service

establishments shall be placed upon such premises either in a metal container that is waterproof and rodent-proof, which metal container may be a "front load container" with a capacity of two (2) or three (3) cubic yards, or in a container of the type described for use by residential premises in Section 3(a) of this Ordinance. Any business, commercial or community service establishments encompassed within this subsection having a high volume of refuse may have up to two (2) additional containers and/or such establishments may have a compactor type container, provided in either event that such special arrangement is agreed upon in advance with prior approval of the Director. Yard waste shall not be collected from business, commercial or community service establishments unless special arrangements have been made with prior approval of the Director.

Garbage and rubbish containers at business, commercial and community service establishments shall be placed upon the premises in a manner that on the collection day a rubbish disposal truck may drive directly to the container.

All of said containers shall be windproof and equipped with a lid that a rubbish vehicle will automatically open said lid for dumping purposes. Such lid shall otherwise always be closed except when the container is being filled with refuse or is being emptied.

All garbage and rubbish containers and collection areas shall be properly enclosed by an obscuring structural appurtenance or landscaping as required by the City of Grosse Pointe Farms Zoning Ordinance, Ordinance No. 192, as amended.

Two (2) or more business, commercial or community service establishments may utilize the same container(s).

It shall be unlawful for any business, commercial or community service establishment to permit refuse upon any portion of the premises outside of buildings that is not confined in the type of container described in this subsection, provided, however, those establishments which pack or bail their own cartons may store such refuse (provided all boxes and cartons are broken down and tied into bundles) in a suitable container or in such other manner on the premises as may be approved by the Director.

Any business, commercial or community service establishment may have more than its regularly scheduled pick-ups if prior approval is obtained from the Director.

(c) Any business, commercial or community service premises or establishment which because of its volume may have containers of a compactor type exceeding two (2) cubic yards of loose material or any such premises which uses a "roll-off" container or closed top compaction roll-off skid may, with the permission of the Director and upon payment to the City of a fee in an amount as established by resolution of the City Council from time to time, make its private arrangement for the disposal of refuse with an independent contractor.

(d) The rubbish collection services of the City shall be under the supervision and direction of the Director. The Director shall adopt such reasonable rules and regulations concerning the collection of rubbish as he or she shall deem proper, subject to the approval of the City Council. No person shall fail to observe any such rule or regulation so adopted.

Section 4. Litter

No person shall deposit or cause to be deposited, sort, scatter, or leave any garbage or rubbish, or any yard waste, or any other waste or discarded material, including waste or discarded materials or lumber from building construction, alteration and repair and earth or dirt from excavations in any public street, alley, or place, or public property of the City of Grosse Pointe Farms, or maintain any structure or thing containing the same in any public street, alley, place or public property of the City of Grosse Pointe Farms, except as provided in this ordinance or by other regulations or ordinances of the City of Grosse Pointe Farms. To the extent permitted by resolution of the City Council from time to time, fallen leaves may be placed adjacent to the public right-of-way on designated days to facilitate timely collection.

Section 5. Human and Animal Excreta

It shall be unlawful for any person, firm, or corporation to place or deposit or cause to be placed or deposited any human or animal excreta or animal manure in any receptacle used for garbage or rubbish, provided that animal excreta from pets or other domestic animals may be disposed of in plastic bags not less than two (2) mills thick (or double-bagged to achieve such thickness) and securely tied.

Section 6. Authorized Hauling of Refuse and Duties of Private Collectors

(a) It shall be unlawful for any person, firm, partnership, limited partnership, corporation, limited liability company, association or business entity of any type to engage in the collection, transportation, hauling or

disposal of refuse or recyclable materials deposited for collection under this Ordinance unless the same are employed by the City or authorized to make such collections by a resolution of the City Council. The City Council may by resolution authorize certain persons, firms, partnerships, limited partnerships, corporations or limited liability companies (hereinafter referred to as "Private Collectors") to collect municipal solid wastes or recyclable materials. Any such Private Collector so authorized by the City Council to collect municipal solid wastes or recyclable materials shall comply with the following requirements:

(i) Such Private Collector shall be responsible for any act or omission which results in the discharge of any contents of any vehicle upon the streets, alleys or other private or public places in the City of Grosse Pointe Farms, and it shall be the driver's duty forthwith to remove from any such street, alley or other private or public places in the City of Grosse Pointe Farms any refuse or recyclable materials which have been so discharged. It shall be the duty of the Director to enforce the provisions of this Ordinance, and the Director shall have the right to impound any vehicle associated with any violation of this subsection until the Director receives adequate assurance of full and continued compliance with this subsection.

(ii) Such Private Collector shall furnish at its own expense and keep in force at all times sufficient liability insurance protecting both the Private Collector and the City of Grosse Pointe Farms. Such insurance shall be supplied in an amount of not less than One Million Dollars ($1,000,000) for injuries or death to any one person, and property damage insurance in an amount of not less than Five Hundred Thousand Dollars ($500,000) for any occurrence. The Private Collector shall submit to the Director a certificate of insurance naming the City of Grosse Pointe Farms as an "Additional Insured" and "Certificate Holder" entitled to thirty (30) days written notice prior to any cancellation or reduction in the coverages afforded by such insurance. Such Private Collector also shall supply all necessary insurance required by applicable federal and state regulations.

(iii) Such Private Collector shall comply with the requirements of the Michigan Workers' Compensation laws, and shall at its own expense maintain such insurance as will protect such Private Collector from any and all claims under said laws.

(iv) Such Private Collector shall at its own expense maintain such additional insurance as will protect such Private Collector from any other claims for personal injuries, including death, which may arise from operations under any contract between the Private Collector and the City of Grosse Pointe Farms, whether such operation is by the Private Collector or by anyone directly or indirectly employed by such Private Collector. The Private Collector will protect, defend and hold harmless the City of Grosse Pointe Farms from and against any damage, claim, liability or expense whatsoever, or any amount paid in compromise thereof, arising out of or connected with the performance of such contract.

(b) It shall be unlawful for any person, firm, partnership, limited partnership, corporation, limited liability company, association or business entity of any type to engage in the collection, transportation, hauling or disposal of municipal solid waste from any business, commercial or community service establishment (including without limitation any school, church, private club, hospital, fraternal organization, office or other commercial establishment) within the City of Grosse Pointe Farms without having a valid license issued by the City permitting such activity. The provisions of this Section 6(b) shall not apply to persons, firms, partnerships, limited partnerships, corporations, limited liability companies, associations or business entities engaged in or contracting for the collection, transportation, hauling or disposal of any hazardous materials or recyclable materials. Any person, firm, partnership, limited partnership, corporation, limited liability company, association or business entity desiring a license to collect, transport, haul or dispose of municipal solid waste from any business, commercial or community service premises within the City of Grosse Pointe Farms shall file an application for such license with the City Clerk on forms provided for such applications. The City Clerk may consider applications and issue licenses subject to the following requirements:

(i) All licensees must satisfy the requirements for Private Collectors set forth in Section 6(a) of this Ordinance. In addition, each licensee must provide to the Director (A) a list of customers and the estimated number of cubic yards of solid waste and refuse to be collected from such customers on a monthly basis; (B) a current copy of any contract or agreement for the disposal of such waste or refuse; (C) an agreement that

the licensee will comply with the City requirement that all permitted municipal solid waste and refuse (excepting recyclable materials) collected by the licensee will be disposed of at the transfer station and/or landfill designated by the City for disposal of municipal solid wastes, and providing that the licensee will pay to the City of Grosse Pointe Farms the amount of charges made to the City by any applicable refuse disposal authority for all items disposed of at such authority by the licensee in accordance with any schedule adopted by resolution of the City Council; and (D) a letter of credit, cash bond or other security satisfactory to the City Clerk, in the amount of Five Thousand Dollars ($5,000.00) in favor of the City of Grosse Pointe Farms to ensure that the licensee will comply in full with its contractual and monetary requirements as aforesaid. Such letter of credit or other security must be issued by an institution satisfactory to the City Clerk. Any cash bond shall be retained by the City for a period of ninety (90) days after the expiration of any license, and thereafter the unused portion shall be returned to the licensee with interest thereon at the rate of six percent (6%) per annum. If the City is billed directly by the refuse disposal authority for charges related to items disposed of by the licensee, the licensee shall reimburse the City promptly upon receipt of an invoice for such charges.

(ii) Each license application shall be accompanied by payment of One Hundred Dollars ($100.00), payable to the City of Grosse Pointe Farms as an annual license fee. Each license issued under the provisions of this Ordinance shall expire on the 30th day of June of each year. The fee for any new license shall be reduce by one-twelfth (1/12) for each full month that has elapsed from the June 30th immediately preceding the date of submission of the license application.

(iii) Each licensee shall receive from the City Clerk a license plate or tag, which shall be posted conspicuously on the left side of any motor vehicle operated in connection with the licensee's business. If any licensee uses more than one motor vehicle, additional license plates or tags will be furnished at a charge of Five Dollars ($5.00) for each additional plate or tag.

(iv) No licensee shall be deemed to be an agent of the City of Grosse Pointe Farms for any purpose. The licensee shall be held responsible for full compliance with the rules and regulations of any

applicable refuse disposal authority concerning the type of materials acceptable by such authority for disposal. Any violation of the rules or regulations of such authority resulting in damage to any disposal facilities, or creating a stoppage of such facilities or the imposition of any penalty by governmental authorities upon such authority, shall be charged to the licensee. The licensee shall indemnify, defend and hold harmless the City of Grosse Pointe Farms for any liability or responsibility in connection with any such violation or damage.

(v) Any license issued hereunder may be revoked by action of the City Council upon a finding that the licensee has failed, neglected or refused to comply with the regulations set forth in this Ordinance or the applicable regulations of the applicable refuse disposal authority. Prior to such revocation, the City Council shall cause the licensee to be advised of the alleged violation, and the licensee shall be afforded the opportunity for a hearing before the City Council to respond to the alleged violation. Any license revoked by action of the City Council shall not be reissued or reinstated to such former licensee for a period of at least one year from the date of revocation.

(vi) Should any licensee fail, neglect or refuse to reimburse the City for charges made to the City by the refuse disposal authority for solid waste or refuse delivered to such authority by the licensee, and should such charges remain unpaid by the licensee to the City for a period of thirty (30) days from and after the date of any invoice submitted to the licensee, the license issued hereunder shall automatically be revoked and said licensee shall not be authorized to collect any refuse within the City until such invoice is paid in full, together with a reinstatement fee in the amount of Two Hundred Fifty Dollars ($250.00).

(vii) Each licensee shall cause to be delivered monthly to the refuse disposal authority all burnable rubbish and refuse collected within the City of Grosse Pointe Farms.

Section 7. Disposal of Hazardous Materials; Disposal of Batteries

It shall be unlawful for any person, firm, partnership, limited partnership, corporation, limited liability company, association or business entity of any type to dispose of any hazardous

materials in the rubbish in the City of Grosse Pointe Farms. All hazardous materials must be handled and/or disposed of strictly in compliance with applicable Michigan statutes, regulations and directives of state authorities and agencies. It shall be unlawful for any person, firm, partnership, limited partnership, corporation, limited liability company, association or business entity of any type to dispose of any battery, including, but not limited to any car, household, dry cell, alkaline, rechargeable or button cell battery, in the rubbish in the City of Grosse Pointe Farms except in accordance with this Ordinance. All batteries to be disposed of shall be separated from other rubbish and placed for pick-up by the Department with the regularly scheduled collection of rubbish in a separate clear bag or other container which is clearly visible to the refuse collector. Nothing contained in this Section shall be deemed to prevent or make it unlawful for any recycling center or any other drop-off or collection place for used or spent batteries.

Section 8. Charges for Service

The owner or occupant of business, commercial and community service establishments shall be charged for refuse collection and disposal at the rates as established by resolution of the City Council from time to time.

The charges for refuse collection and disposal from business, commercial and community service premises or establishments shall be billed by the City of Grosse Pointe Farms to each owner or occupant having control of any business, commercial or community service establishment in the City. Such billing shall be on a regular basis and in such a manner as established by the City Council.

All charges for the services rendered in this Ordinance may be changed from time to time by resolution of the City Council with notice of such change and a copy of the resolution being published in a newspaper of general circulation within the City of Grosse Pointe Farms.

Section 9. Penalty

Any person, firm, partnership, limited partnership, corporation, limited liability company, association or other business entity found guilty of violating any provision or this Ordinance shall be punished by fine not exceeding Five Hundred Dollars ($500.00) or by imprisonment in a County jail for a period not to exceed thirty (30) days, or both such fine and imprisonment in the discretion of the court.

Section 10. Repeal

Ordinance #24 entitled "An Ordinance to regulate the deposit, collection, removal and disposal of garbage offal and other animal or vegetable refuse", and all other ordinances or parts of ordinances in conflict with the provisions of this ordinance, be and the same are hereby repealed.

Section 11. If any clause, sentence, paragraph or part of this Ordinance shall for any reason be adjudged or decreed to be invalid by any court of competent jurisdiction, such judgment or decree shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effect to the clause, sentence, paragraph or part hereof directly involved in the controversy in which said judgment or decree shall have been rendered.

Section 12. It shall be unlawful for any person other than regularly employed persons or employees of the Department to collect, disturb, scavenge, rifle or in any other manner interfere with, damage, destroy or remove rubbish or recyclable materials placed in receptacles or containers or to interfere in any manner with rubbish or recycling receptacles or containers in the City of Grosse Pointe Farms, except as otherwise provided in this Ordinance.

Section 13. This Ordinance shall take effect twenty (20) days after it is enacted.

Enacted December 20, 1943

Sections 1, 2, 3, 6, 8, 9 and 12 Amended June 18, 1990, Ord. No. 303
Sections 1 and 6 Amended October 15, 1990, Ord. No. 305
Section 6 Amended June 15, 1992, Ord. No. 313
Technical Amendments, July 9, 2018, Ord. No. 392

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