

**Excerpt
FARMINGTON, MICHIGAN
Codified through
Quarter Ending Sept. 30, 2006.**

Chapter 16 GARBAGE AND RUBBISH*

***Editor's note:** Ord. No. C-582-91, § 1, adopted May 20, 1991, amended the Code by repealing provisions contained in Ch. 16, §§ 16-1--16-11 and replacing them with similar provisions designated as Ch. 16, §§ 16-1--16-18. Such provisions have been designated as Art. II, §§ 16-21--16-38 for purposes of classification.

Cross references: Waste containers and drive-in restaurants, § 15-31; cost of rubbish removal charged to owner of drive-in restaurant, § 15-32; nuisances generally, Ch. 19; unlawful noise from removal of rubbish, § 19-134; property maintenance, Ch. 24; soil removal and landfills, Ch. 26; water and sewers, Ch. 34.

State law references: Garbage disposal act, MCL 123.361 et seq.

Art. I. Reserved, §§ 16-1--16-20

Art. II. Recycling, Composting and Solid Waste Disposal, §§ 16-21--16-38

ARTICLE II. RECYCLING, COMPOSTING AND SOLID WASTE DISPOSAL

Sec. 16-21. Definitions.

The following words, terms and phrases when used in this chapter shall have the meanings ascribed to them in this section:

Approved container means a container, approved by the city for the purpose of collecting all recyclables and/or compostable/yard waste.

Ashes means residue from fires, including, but not limited to, fires used for cooking and/or heating buildings.

Bulk items means large pieces of furniture, bed springs, refrigerators, stoves and other such items incidental to the major routine of housekeeping. Bulk item does not include discarded appliances and other equipment resulting from an appliance or other equipment replacement program in a multiple family residence.

Compostables/yard waste means the miscellaneous waste materials resulting from landscaping and/or maintenance of a home including, but not limited to, grass clippings, weed clippings, leaves, shrub clippings, twigs and other items as outlined in the rules and regulations promulgated by the city manager and/or his designee.

Construction waste means and includes waste materials resulting from alteration, repair or construction of buildings or structures.

Garbage means rejected food wastes and all refuse of animal, fruit or vegetable matter including that used or intended for food or that attends the preparation, use, cooking, handling, processing or storing of meat, fish, fowl, fruit or vegetables.

Hazardous waste means any material or substance which by reason of its composition or characteristics is:

- (1) Hazardous waste as defined in the Solid Waste Disposal Act, 42 U.S.C. § 6907 et seq., as amended, replaced or superseded, and the regulations implementing the same; or
- (2) Material the disposal of which is regulated by the Toxic Substance Control Act, 15 U.S.C. § 2601 et seq., as amended, replaced or superseded, and the regulations implementing the same; or
- (3) Special nuclear or by-products material within the meaning of the Atomic Energy Act of 1954; or
- (4) Hazardous waste as defined in Public Act No. 64 of 1979, as amended from time to time, and as identified in the reasonable rules and regulations promulgated by the city manager and/or his designee and/or by regulations adopted by the Department of Natural Resources.

Industrial special waste means nonhazardous wastes generated by industrial users, which due to their size or composition, require special handling and/or disposal procedures including, but not limited to, foundry, sand, incinerator/boiler bottom ash, fly ash, sludge, scrap pallets and other wastes from manufacturing processes which require special handling and/or disposal procedures.

Mixed waste means a mixture of rubbish and garbage.

Person means any individual, firm, public or private corporation, partnership, trust, public or private agency or any other entity or any group of such persons.

Premises means any property used for single-family residential purposes as defined in Chapter 35, Zoning, of the Farmington City Code, to which a separate street address, postal address or box or tax roll description or other similar identification has been assigned. Premises shall not include single-family dwellings which do not have a

separate distinct individual entrance from the dwelling unit to an open area which abuts a public or private street and/or access easement and shall also not include any property used for multiple-family residential purposes as defined in Chapter 35, Zoning, of the Farmington City Code.

Recyclables means presorted materials that are separated from solid waste prior to collection. Materials may include, but are not limited to, newspapers, tin, glass bottles and jars and plastic containers and any other materials and items designated in the reasonable rules and regulations promulgated and published by the city manager and/or his designee.

Rubbish means miscellaneous materials including, but not limited to, paper, magazines, ashes, glassware, dishes and other items incidental to the usual routine of housekeeping but not including dirt, gravel, sand or construction debris.

Solid waste means garbage, rubbish, compostables/yard wastes and recyclables and/or a mixture thereof. Solid waste does not include hazardous waste and/or industrial special waste.

(Ord. No. C-582-91, § 1, 5-20-91)

Sec. 16-22. Collection schedule.

The city manager and/or his designee shall establish a schedule for the collection of solid waste, compostables/yard waste and recyclables throughout the city and shall provide or contract for the proper labor and equipment for carrying out such schedule. The city manager shall change the schedule for collection of solid waste, compostables, yard waste and recyclables whenever he deems such change advisable however, notice of any such change shall be published at least once in a newspaper of general circulation or notice shall be delivered to the residences or businesses effectuated by the change.

(Ord. No. C-582-91, § 1, 5-20-91)

Sec. 16-23. Disposal/scavenging.

(a) No solid waste, hazardous waste, industrial special waste, animal waste or vegetable waste shall be disposed of within the city by burial or by dumping nor shall solid waste, hazardous or industrial special waste be used as fill. No solid waste or hazardous waste or industrial special waste shall be disposed of into a lake, stream or other body of water.

(b) It shall be unlawful for any person, other than the owner or occupant, his or her employees or agents, city employees and/or the city's contractor to tamper or meddle with, take, carry away, pick through or scavenge any container, bundle or approved container for recyclables and remove the contents thereof from the location where the same has been properly placed pending collection.

(Ord. No. C-582-91, § 1, 5-20-91)

Sec. 16-24. Containers.

It shall be the duty of owners, proprietors or persons in charge of every home or other building authorized by the city to receive solid waste, compostables/yard waste and recyclable collection services to place or cause to be placed all solid waste accumulating on the property in suitable containers provided by such owner or such other persons. Those person who are subject to the mandatory separation of recyclable materials and/or compostables/yard waste provisions of this chapter shall use the approved containers provided by the city for the collection of the recyclables and the containers approved by the city for the collection of compostables/yard waste. Any solid waste placed outside of buildings, whether it be on public or private property, shall be placed in suitable tightly covered containers or other containers approved by the city. All containers for solid waste shall be water tight containers. Receptacles shall not be larger than thirty (30) gallons in size unless approved by the city manager and/or his designee. Containers constructed of rigid materials shall be equipped with handles by which they may be lifted. The combined weight of the container and its contents shall not exceed sixty (60) pounds. All bulk refuse such as cardboard containers, wooden crates and other similar refuse shall be flattened and tied in bundles or packed in suitable containers of a size that may be readily handled by one solid waste collector, and in no case shall such bundle or container be larger than three (3) feet by four (4) feet. Brush shall be cut into lengths not exceeding four (4) feet and tied into bundles which can be readily handled by an individual solid waste collector. Tree limbs exceeding eight (8) inches in diameter will not be collected by the city and/or its contractor.

(Ord. No. C-582-91, § 1, 5-20-91)

Sec. 16-25. Owner's duty as to solid waste.

It shall be the duty of the owner, occupant or person in charge of any dwelling unit, manufacturing company or other building where solid wastes accumulate to provide suitable containers and to cause to be placed therein the

solid waste created or accumulated on the property owned or controlled by him. It shall be the further duty of such owner, occupant or other person in charge of a dwelling unit or other building that is approved by the city to receive solid waste disposal collection services and/or recyclable and compostable/yard waste disposal collection services to place or cause to be placed on the day scheduled for collection the required and approved containers containing solid waste and/or where required by this chapter recyclables and/or compostables/yard waste at the curbside in front of the building. Such containers shall not be placed out for collection prior to 12:00 noon preceding the day for collection and shall be removed by 12:00 noon the next day following collection, provided that such containers shall not be set out for collection or be allowed to remain at the curb side either before or after collection between the hours of 7:00 a.m. and 7:00 p.m. on Sundays.
(Ord. No. C-582-91, § 1, 5-20-91)

Sec. 16-25.5. Dumpsters provided upon public parking lots.

The owner, occupant, or manager of a business, office, apartment or other non-single-family building which utilizes public parking lots to meet minimum parking requirements of this Code may be required to utilize dumpsters as placed within the public parking lots as the exclusive means of disposing of solid waste created or accumulated on their property. Such obligation will commence ninety (90) days following the mailing of written notice of the availability of such dumpsters to the address of the owner, occupant or manager shown on the city's registration and/or tax rolls. Said notice shall provide information concerning the location of the dumpster, any restrictions upon its use and may provide the allocation of costs of maintenance of the facility and disposal of the solid waste among its users in the event it is not addressed by private contract. In its determination or allocation of such costs, the city and the owner shall be governed by chapter 11, Special Assessments of the City Charter, section 11.9.
(Ord. No. C-662-2000, § 1, 1-18-00)

Sec. 16-26. Collection business license.

Commencing on July 1, 1992, no person shall engage in the business of collecting, transporting or disposing of solid waste within the city without first obtaining a license therefor. Licenses shall be issued upon application to the city clerk upon forms provided by the city clerk and upon payment of such fee as required by Chapter 8, Business Registration and Licensing, of the Farmington City Code. No such license shall be issued except upon certification by the city manager and/or his designee that the equipment and the ability of the licensee is such that the licensee is able to conduct a solid waste collection business in accordance with the terms of this chapter and rules and regulations adopted by the city manager and/or his designee hereunder. The city manager and/or his designee shall promulgate and publish such reasonable rules and regulations governing the operation of the business of solid waste collection, transportation and disposition as may be deemed necessary to effectuate the intent of this ordinance. The city manager and/or his designee may revoke the license of any solid waste collector who fails to abide by any such rule or regulation promulgated and published by the city manager and/or his designee or any provisions of this chapter after giving the solid waste collector reasonable written notice and an opportunity to be heard.
(Ord. No. C-582-91, § 1, 5-20-91)

Sec. 16-27. Mandatory separation of recyclable materials into approved containers.

- (a) Commencing on July 1, 1991, all persons who are owners, lessees or occupants of any premises shall separate all recyclable materials and place them in an approved container at the curb on their designated collection day and in the manner set forth by the provisions of this chapter and the rules and regulations promulgated and published by the city manager and/or his designee.
- (b) If a container is lost, stolen or damaged, it shall be the responsibility of the property owner to replace the receptacle with a container approved by the city unless such loss, theft or damage is the fault of the solid waste collection contractor. All containers shall remain the property of the city. Any unauthorized possession of containers shall be a violation of this ordinance.
- (c) Nonrecyclable materials shall not be placed in the recycling containers.
- (d) Failure to separate recyclables as required in this section excuses the city and/or its contractors from any obligation to remove the solid waste from the curb in addition to the other penalties imposed pursuant to this chapter.
(Ord. No. C-582-91, § 1, 5-20-91)

Sec. 16-27.5. Exemption from mandatory separation of recyclable materials.

The following individuals shall be exempt from the mandatory recycling provisions and requirements of this chapter:

- (1) Individuals who are living alone and who have been determined by a physician licensed in the State of Michigan to be blind to the extent that they are unable to distinguish recyclable materials from nonrecyclable materials.
- (2) Individuals who are living alone and who have been determined by a physician licensed in the State of Michigan to be permanently physically disabled to such an extent to prevent the individual from complying with the mandatory recycling provisions and requirements of this chapter.
- (3) Individuals who are living alone and who have been determined by a physician licensed in the State of Michigan to be temporarily physically disabled to such an extent to prevent the individual from complying with the mandatory recycling provisions and requirements of this chapter shall for the period of their temporary physical disability be exempt from the mandatory recycling provisions and requirements of this chapter.
(Ord. No. C-589-91, § 1, 8-19-93)

Sec. 16-28. Separation of compostables/yard waste.

- (a) Commencing on July 1, 1991, all persons who are the owners, lessees or occupants of any detached single-family residences located on acreage parcels, or in subdivisions or in condominium developments wholly comprised of such detached single-family residences, shall either dispose of compostables/yard waste on their property in a manner which will not create a nuisance and/or be injurious to the public health or shall participate in the compostable/yard waste program and separate compostables/yard waste from solid waste. If participating in the compostables/yard waste program, compostables/yard waste must be placed at the curb in approved containers on pick up day and in the manner set forth by the provisions of this chapter and in the rules and regulations promulgated and published by the city manager and/or his designee.
- (b) Failure to separate compostables/yard waste as required in this section excuses the city and/or its contractors from any obligation to remove the solid waste from the curb, in addition to other penalties imposed pursuant to this chapter.
(Ord. No. C-582-91, § 1, 5-20-91)

Sec. 16-29. Construction wastes.

It shall be the duty of the owner, contractor or other person responsible for construction work to remove from the property within a reasonable time after completion of such construction work, all surplus construction material and refuse building material. Such materials shall be removed outside the city limits or disposed of within the city in accordance with the directions of the city manager and/or his designee.
(Ord. No. C-582-91, § 1, 5-20-91)

Sec. 16-30. Uncollectable materials.

It shall be unlawful for any person to place at curb side and/or place in his container for collection any material that might endanger the collection personnel including, but not limited to, hazardous wastes, industrial special waste, hot ashes, gaseous, solid or liquid poisons, ammunition, explosives, concrete, dirt or any other material that possesses heat sufficient to ignite any other collected materials.
(Ord. No. C-582-91, § 1, 5-20-91)

Sec. 16-31. Littering and accumulation.

No paper, lawn cuttings, rakings, leaves, weeds, ashes or any other waste material whatsoever shall be thrown or swept into any street, gutter, intake, alley, vacant lot, park, greenbelt or other property whether public or private. It shall be the duty of every tenant, lessee, owner or occupant of any property at all times to maintain the property in a clean and orderly condition, permitting no deposit or accumulation of materials other than those ordinarily attendant upon the day-to-day use for which the premises are legally intended. It shall be unlawful to deposit, throw or leave solid waste and/or other refuse on the property of any other person.
(Ord. No. C-582-91, § 1, 5-20-91)

Sec. 16-32. Unlawful transportation of waste.

It shall be unlawful for any person, other than a solid waste disposal collector licensed by the city, to transport, cart, carry or convey through or over any of the streets, alleys or public places in the city any solid waste and/or other waste materials except under a permit granted by the city manager and/or his designee.
(Ord. No. C-582-91, § 1, 5-20-91)

Sec. 16-33. Medical waste.

(a) *Disposal.* Needles, syringes, scalpels and intravenous tubing with needles attached which are generated from households, homes for the aged or home health care agencies shall be disposed of in a waste container that is constructed to prevent injury to those person involved in waste collection and/or disposal.

(b) *Breaking.* Needles, syringes, scalpels and intravenous tubing with needles attached which are generated from households, homes for the aged and home health care agencies shall be rendered useless by breaking the needle, syringe, scalpel and/or intravenous tubing with needles attached prior to disposal in an appropriate waste container.

(c) Medical waste as defined in the Medical Waste Regulatory Act, MCL 333.13801 et seq., shall be disposed of pursuant to the procedures and requirements set forth in said Act.

(Ord. No. C-582-91, § 1, 5-20-91)

Sec. 16-34. Fees.

(a) The fees to be charged for solid waste disposal and collection and other services provided pursuant to this ordinance shall be established by resolution of the city council. The fees shall be billed as provided for in the reasonable rules and regulations to be promulgated and published by the city manager and/or his designee and all fees shall be timely paid.

(b) Unpaid fees for solid waste disposal and collection and other services provided pursuant to this ordinance shall be a lien against the property for which the services have been provided and amounts delinquent for three (3) months or more may be certified annually by the city assessor to be entered upon the next tax roll against the property to which the services have been provided. Fees shall be collected and the lien enforced in the same manner as provided for in the collection of taxes assessed upon the tax roll and the enforcement of the lien for unpaid taxes. The time and manner of certification and other details with respect to the collection of the fees is to be established by resolution of the city council. This lien remedy does not preclude any other remedy provided for by law.

(Ord. No. C-582-91, § 1, 5-20-91)

Sec. 16-34.5. Waiver of recycling fees.

Except as otherwise provided in this chapter, the following individuals if subject to the mandatory recycling provisions of this chapter shall comply with said mandatory recycling provisions, but shall be eligible to receive a waiver of recycling fees:

(1) An individual that has an annual gross household income classified as "extremely low income" by the U.S. Department of Housing and Urban Development in its current community development block grant program, and who timely files with the city clerk an application for waiver of recycling fees along with proof of annual gross household income from the previous year shall receive a waiver of all of the recycling fees required by this chapter for the year for which the application for waiver of recycling fees asfiled.

(2) An individual that has an annual gross household income classified as "very low income" by the U.S. Department of Housing and Urban Development in its current community development block grant program, and who timely files with the city clerk an application for waiver of recycling fees along with proof of annual gross household income for the previous year shall receive a waiver of one-half (1/2) of all of the recycling fees required by the chapter for the year for which the application for waiver of recycling fees was filed.

(3) An individual filing an application for waiver of recycling fees pursuant to subsections (1) and (2) of this section shall file said application for waiver of recycling fees each year on or before July 1 to be eligible for the waiver of recycling fees for the following twelve-month period.

(4) An individual who does not qualify for a waiver of recycling fees pursuant to subsection (1) or (2) of this section and who is affected by special circumstances or hardships which have substantially reduced the individual's annual gross household income thereby significantly affecting said individual's ability to pay the recycling fees required by this chapter may submit an application for waiver of recycling fees to the recycling board of review. The recycling board of review shall be comprised of three (3) members who shall be the city assessor, city treasurer and assistant city manager and the recycling board of review shall review each application for waiver of recycling fees submitted pursuant to this subsection. The recycling board of review shall have the authority to waive the recycling fees or any part thereof for a period of up to twelve (12) months if it finds that special circumstances or hardships exist which have substantially reduced the individual's annual gross household income thereby significantly affecting said individual's ability to pay the recycling fees.

(5) Those persons who pursuant to section 16-27.5(1) and (2) qualify for exemptions from the mandatory recycling provisions and requirements of this chapter shall be exempt from all recycling fees required by this chapter. Those

persons who, pursuant to section 16-27.5(3), qualify for a temporary exemption from the mandatory recycling provisions of this chapter shall not be exempt from paying the recycling fees required by this chapter.
(Ord. No. C-589-91, § 1, 8-1-91; Ord. No. C-689-2001, § 1, 1-7-02)

Sec. 16-35. Promulgation of rules.

The city manager and/or his designee shall have the authority to promulgate and publish rules and regulations concerning the implementation of this ordinance.
(Ord. No. C-582-91, § 1, 5-20-91)

Sec. 16-36. Authority to delegate.

The city may by resolution of the city council transfer, assign and/or delegate the administration and/or implementation of the collection and disposal of solid waste, recyclables and compostables/yard waste and the collection of fees and billings with respect thereto to the Resource Recovery and Recycling Authority of Southwest Oakland County and/or other similar body and/or agency and may further transfer, assign and/or delegate any contract between the city and a contractor for the collection and disposal of solid waste, recyclables and compostables/yard waste to the Resource Recovery and Recycling Authority of Southwest Oakland County and/or other similar body and/or agency.
(Ord. No. C-582-91, § 1, 5-20-91)

Sec. 16-37. Enforcement.

Authorized employees and representatives of the public safety department, department of public services and code enforcement officer are herein authorized to issue citations to any person violating the provisions of this ordinance.
(Ord. No. C-582-91, § 1, 5-20-91)

Sec. 16-38. Penalties.

Any person violating any of the provisions of this ordinance shall be subject to the penalties set forth in section 1-8 of the Farmington City Code.
(Ord. No. C-582-91, § 1, 5-20-91)

**Excerpt
CODE OF ORDINANCES
City of
FARMINGTON HILLS, MICHIGAN**

**Codified through
Ord. No. C-3-2006, adopted March 20, 2006.
(Supplement No. 18)**

Chapter 14 RECYCLING, COMPOSTING AND SOLID WASTE DISPOSAL*

***Editor's note:** Section 2 of Ord. No. C-6-91, adopted May 20, 1991, repealed former Ch. 14, Garbage and Rubbish, substantive provisions of which consisted of §§ 14-1--14-5, and which derived from Code 1981, §§ 43.010--43.050. In addition, § 1 of Ord. No. C-6-91 enacted a new Ch. 14 set out above.

Cross references: Nuisances, Ch. 17; littering, § 18-86; refuse and trash disposal in parks, § 19-56; refuse on premises of junk dealers, § 23-26; deposit of litter on streets, § 30-375; water and sewers, Ch. 33.

State law references: Authority to regulate disposal of garbage and rubbish, MCL 123.241 et seq., 123.361 et seq.; MSA 5.2661 et seq., 5.2726(1) et seq.; littering, MCL 752.901, MSA 28.603(1).

Sec. 14-1. Definitions.

The following words and phrases when used in this chapter shall have the meanings ascribed to them in this section:

Approved container means a container provided by the city for the purpose of collecting all recyclables.

Ashes means residue from fires, including, but not limited to, fires used for cooking and/or heating buildings.

Bulk items means large items of furniture, bed springs, refrigerators, stoves, large appliances and other such items incidental to housekeeping for and in single-family residences and condominiums as defined in the definition for premises. "Bulk item" does not include discarded appliances resulting from an appliance replacement program in a multiple-family residential building and/or multiple-family residential complex.

Compostables/yard waste means the miscellaneous organic waste material resulting from landscaping and/or maintenance of a home and/or property including, but not limited to, grass, weeds, fallen leaves, shrub and plant clippings, plant materials, twigs and other items as further outlined in the rules and regulations promulgated by the director of public services.

Dumpster shall mean a container used for the temporary storage of solid waste pending collection, having capacity of at least one (1) cubic yard.

Garbage means rejected food waste and all refuse of animal, fruit or vegetable matter including that used or intended for food or that attends the preparation, use, cooking, handling, processing or storing of meat, fish, fowl, fruit and/or vegetables.

Hazardous waste means any material or substance which by reason of its composition or characteristics is:

- (1) Hazardous waste as defined in the Solid Waste Disposal Act, 42 USC, section 6907 et seq., as amended, replaced or superseded, and the regulations implementing the same; or
- (2) Material the disposal of which is regulated by the Toxic Substance Control Act, 15 USC section 2601 et seq., as amended, replaced or superseded, and the regulations implementing the same; or
- (3) Special nuclear or by-products material within the meaning of the Atomic Energy Act of 1954; or
- (4) Hazardous waste as defined in Act No. 64 of the Public Acts of Michigan, 1979, as amended from time to time, and as identified in the reasonable rules and regulations promulgated by the director of public services and/or by regulations adopted by the department of natural resources.

Industrial special waste means nonhazardous wastes generated by industrial users which, due to their size or composition, require special handling and/or disposal procedures, including, but not limited to, foundry, sand, incinerator/boiler bottom ash, fly ash, sludge, scrap pallets and other wastes from manufacturing processes which require special handling and/or disposal procedures.

Mixed waste means a mixture of rubbish and garbage.

Person means any individual firm, public or private corporation, partnership, trust, public or private agency or any other entity or any group of such persons.

Premises means any property used for single-family residential purposes as defined in chapter 34 of this Code, to which a separate street address, postal address or box or tax roll description or other similar identification has been assigned. Premises shall not include single-family dwellings which do not have a separate distinct individual

entrance from the dwelling unit to an open area which abuts a public or private street and/or access easement and shall also not include any property used for multiple-family residential purposes as defined in chapter 34 of this Code.

Recyclables means presorted materials that are separated from solid waste prior to collection. Materials may include, but are not limited to, newspaper, tin cans, glass bottles and jars and plastic containers or any other materials designated in the reasonable rules and regulations promulgated and published by the director of public services.

Rubbish means miscellaneous materials including, but not limited to, paper, magazines, ashes, glassware, dishes and other items incidental to the usual routine of housekeeping but not including dirt, gravel, sand or construction debris.

Solid waste means garbage, rubbish, compostables/yard wastes and recyclables and/or a mixture thereof. Solid waste does not include hazardous waste and/or industrial special waste.

(Ord. No. C-6-91, § 1, 5-20-91; Ord. No. C-42-92, § 1, 11-23-92)

Sec. 14-2. Disposal/scavenging.

(a) No solid waste, hazardous waste or industrial special waste shall be disposed of within the city by burial or by dumping nor shall solid waste, hazardous or industrial special waste be used as fill. No solid waste or hazardous waste or industrial special waste shall be disposed of into a lake, stream or other body of water. A person shall not place hazardous waste, industrial special waste or hot ashes at curb side or other designated location for collection.

(b) It shall be unlawful for any person, other than the owner or occupant, his or her employees or agents, city employees and/or the city's contractor to tamper or meddle with, take, carry away, pick through or scavenge any container, bundle or approved container for recyclables and remove the contents thereof from the location where the same has been properly placed pending collection.

(Ord. No. C-6-91, § 1, 5-20-91)

Sec. 14-3. Containers.

No person shall be permitted to accumulate upon his or her premises any solid waste unless it is placed and maintained in containers which are tightly covered and also animal-proof and rodent-proof. Containers for solid waste shall be of reasonably substantial construction to permit handling and shall also be large enough and secured to prevent the scattering of materials. Persons who are subject to the mandatory separation of recyclable material provisions of this chapter shall use the approved containers provided by the city for the collection of the recyclables.

(Ord. No. C-6-91, § 1, 5-20-91)

Sec. 14-4. Collection business; license.

Commencing on July 1, 1992, no person shall engage in the business of collecting, transporting or disposing of solid waste within the city without first obtaining a license therefor. Licenses shall be issued upon application to the city clerk upon forms provided by the city clerk and upon payment of such fee as is required by section 8-23. No such license shall be issued except upon certification by the director of public services that the equipment and the ability of the licensee is such that the licensee is able to conduct a solid waste collection business in accordance with the terms of this chapter and rules and regulations adopted by the director of public services hereunder. The director of public services shall promulgate and publish such reasonable rules and regulations governing the operation of the business of solid waste collection, transportation and disposition as may be deemed necessary to effectuate the intent of this chapter. The director of public services may revoke the license of any solid waste collector who fails to abide by any such rule or regulation adopted by the director of public services or any provision of this chapter after giving the solid waste collector reasonable written notice and an opportunity to be heard.

(Ord. No. C-6-91, § 1, 5-20-91)

Sec. 14-5. Establishments.

(a) *Term defined; proper storage required.* The term "establishment," as used in this section, shall mean any mercantile, industrial or service business, such as, but not limited to, a store, shop, restaurant, theater, bowling alley, drive-in, gas station, car wash, office building selling goods or services, either retail or wholesale, office buildings and other nonresidential establishments and residential units not receiving solid waste collection from the city. Every "establishment" shall provide for the proper storage of solid waste in receptacles as herein provided and shall place such receptacles in such a location as approved by the city.

(b) *Duty to keep premises clean.* It shall be the duty of the owner or occupant of any lot or premises on which an

establishment is operated to keep the premises in a clean, neat and orderly condition.

(c) *Weekly collection.* Every establishment shall provide for the weekly collection of all its refuse.

(d) *Responsibility for wind-blown refuse.* Every establishment shall be responsible for wind-blown refuse and all other refuse on its premises.

(e) *Responsibility for escaping refuse.* Every establishment shall be responsible for escaping refuse emanating from its premises onto neighboring premises.

(f) Existing dumpsters shall be screened from the view of adjacent properties and public streets. Where existing structures (on site or off-site) or vegetation will not screen the dumpster, it shall be screened by installation of a wall, solid fence, berm, evergreen plantings or a combination thereof, subject to the following:

(1) The nature, size and extent of the screening shall be reviewed and approved by the director of planning and community development, or his designee who shall take into consideration screening design principles established and adopted by the planning commission. Review and approval shall take into consideration that the proposed screening shall not operate to impose unreasonable restrictions on the use of the dumpster, that the presence of overhead wires may prevent the location of a dumpster in a screened area, and that screening and placement of the dumpster should not result in the loss of required parking spaces or interfere with traffic circulation on the property.

(2) The director or his designee may grant temporary waivers of the screening requirements for an initial period not to exceed three (3) years, which may be renewed for successive three-year periods without limitation upon written application (notice of expiration shall be sent to applicant by city), when it is determined that one or more of the following conditions exist:

a. The adjacent property is vacant or undeveloped and the dumpster is not visible from occupied property in the vicinity.

b. Screening may not be provided without bringing the property into greater noncompliance with the city's Zoning Ordinance.

c. Screening may not physically be provided without violation of any provisions of the City Code.

d. Where the dumpster may be viewed solely from properties zoned LI-1 and the local streets providing access to the site abut solely nonresidential properties.

(3) In the administration of this section the director may impose reasonable conditions to further the intent and purpose of this section.

(Ord. No. C-6-91, § 1, 5-20-91; Ord. No. C-42-92, § 1, 11-23-92; Ord. No. C-15-96, § 1, 10-21-96)

Sec. 14-6. Mandatory separation of recyclable materials into approved containers.

(a) Commencing on July 1, 1991, all persons who are owners, lessees or occupants of any premises shall separate all recyclable materials and place them in an approved container at the curb on their designated collection day and in the manner set forth by the rules and regulations promulgated by the director of public services.

(b) If a container is lost, stolen or damaged, it shall be the responsibility of the property owner to replace the receptacle with a container approved by the city unless such loss, theft or damage is the fault of the solid waste collection contractor. All containers shall remain the property of the city. Any authorized possession of containers shall be a violation of this chapter.

(c) Nonrecyclable materials shall not be placed in the recycling containers.

(d) Failure to separate recyclables as required in this section excuses the city and/or its contractors from any obligation to remove the solid waste from the curb in addition to the other penalties imposed pursuant to this chapter.

(Ord. No. C-6-91, § 1, 5-20-91)

Secs. 14-6.1--14-6.4. Reserved.

Sec. 14-6.5. Exemption from mandatory separation of recyclable materials.

The following individuals shall be exempt from the mandatory recycling provisions and requirements of this chapter:

(1) Individuals who are living alone and who have been determined by a physician licensed in the State of Michigan to be blind to the extent that they are unable to distinguish recyclable materials from nonrecyclable materials.

(2) Individuals who are living alone and who have been determined by a physician licensed in the State of Michigan to be permanently physically disabled to such an extent to prevent the individual from complying with the mandatory recycling provisions and requirements of this chapter.

(3) Individuals who are living alone and who have been determined by a physician licensed in the State of Michigan to be temporarily physically disabled to such an extent to prevent the individual from complying with the

mandatory recycling provisions and requirements of this chapter shall for the period of their temporary physical disability be exempt from the mandatory recycling provisions and requirements of this chapter.
(Ord. No. C-15-91, § 1, 8-19-91)

Sec. 14-7. Separation of compostables/yard waste.

(a) Commencing on July 1, 1991, all persons who are the owners, lessees or occupants of any detached single-family residences located on acreage parcels, or in subdivisions or in condominium developments wholly comprised of such detached single-family residences, shall either dispose of compostables/yard wastes on their property in a manner which will not create a nuisance and/or be injurious to the public health or shall participate in the compostable/yard waste program and separate compostables/yard waste from solid waste. If participating in the compostables/yard waste program, compostables/yard waste must be placed at the curb in appropriate containers on pickup day and in the manner set forth in the rules and regulations promulgated by the director of public services.

(b) Failure to separate compostables/yard waste as required in this section excuses the city and/or its contractors from any obligation to remove the solid waste from the curb, in addition to other penalties imposed pursuant to this chapter.

(Ord. No. C-6-91, § 1, 5-20-91)

Sec. 14-8. Medical waste.

(a) *Disposal.* Needles, syringes, scalpels and intravenous tubing with needles attached which are generated from households, homes for the aged or home health care agencies shall be disposed of in a waste container that is constructed to prevent injury to those persons involved in waste collection and/or disposal.

(b) *Breaking.* Needles, syringes, scalpels and intravenous tubing with needles attached which are generated from households, homes for the aged and home health care agencies shall be rendered useless by breaking the needle, syringe, scalpel and/or intravenous tubing with needles attached prior to disposal in an appropriate waste container.

(c) *Procedures and requirements of state law.* Medical waste as defined in the Medical Waste Regulatory Act, MCLA 333.13801 et seq., shall be disposed of pursuant to the procedures and requirements set forth in such Act.
(Ord. No. C-6-91, § 1, 5-20-91)

Sec. 14-9. Fees.

(a) The fees to be charged for solid waste disposal and other services provided pursuant to this chapter shall be established by resolution of the city council. The fees shall be billed as provided for in the reasonable rules and regulations to be promulgated and published by the director of public services and all fees shall be timely paid.

(b) Unpaid fees for solid waste disposal and other services provided pursuant to this chapter shall be a lien against the property for which the services have been provided and amounts delinquent for three (3) months or more may be certified annually by the city assessor to be entered upon the next tax roll against the property to which the services have been provided. Fees shall be collected and the lien enforced in the same manner as provided for in the collection of taxes assessed upon the tax roll and the enforcement of the lien for unpaid taxes. The time and manner of certification and other details with respect to the collection of the fees is to be established by the resolution of the city council. This lien remedy does not preclude any other remedy provided for by law.

(Ord. No. C-6-91, § 1, 5-20-91)

Secs. 14-9.1--14-9.4. Reserved.

Sec. 14-9.5. Waiver of recycling fees.

Except as otherwise provided in this chapter, the following individuals, if subject to the mandatory recycling provisions of this chapter, shall comply with such mandatory recycling provisions, but shall be eligible to receive a waiver of recycling fees:

(1) An individual that has an annual gross household income of less than or equal to eight thousand dollars (\$8,000.00) and who timely files with the city assessor's office an application for waiver of recycling fees along with proof of annual gross household income from the previous year shall receive a waiver of all of the recycling fees required by this chapter for the year for which the application for waiver of recycling fees was filed.

(2) An individual that has an annual gross household income of more than eight thousand dollars (\$8,000.00) but less than or equal to thirteen thousand five hundred dollars (\$13,500.00) and who timely files with the city assessor's office an application for waiver of recycling fees along with proof of annual gross household income from the previous year shall receive a waiver of one-half of all of the recycling fees required by this chapter for the year

for which the application for waiver of recycling fees was filed.

(3) An individual filing an application for waiver of recycling fees pursuant to subsections (1) and (2) of this section shall file the application for waiver of recycling fees each year on or before July 1 to be eligible for the waiver of recycling fees for the following twelve-month period.

(4) An individual who does not qualify for a waiver of recycling fees pursuant to subsection (1) or (2) above and who is affected by special circumstances or hardships which have substantially reduced the individual's annual gross household income thereby significantly affecting the individual's ability to pay the recycling fees required by this chapter may submit an application for waiver of recycling fees to the recycling board of review. The recycling board of review shall be comprised of three (3) members who shall be the city assessor, deputy city treasurer and senior adult coordinator, and the recycling board of review shall review each application for waiver of recycling fees submitted pursuant to this subsection. The recycling board of review shall have the authority to waive the recycling fees or any part thereof for a period of up to twelve (12) months if it finds that special circumstances or hardships exist which have substantially reduced the individual's annual gross household income thereby significantly affecting such individual's ability to pay the recycling fees.

(5) Those persons who pursuant to section 14-6.5(1) and (2) qualify for exemptions from the mandatory recycling provisions and requirements of this chapter shall be exempt from all recycling fees required by this chapter. Those persons who pursuant to section 14-6.5(3) qualify for a temporary exemption from the mandatory recycling provisions of this chapter shall not be exempt from paying the recycling fees required by this chapter.

(Ord. No. C-15-91, § 1, 8-19-91)

Sec. 14-10. Promulgation of rules.

The director of the department of public services or his designee shall have the authority to promulgate rules and regulations concerning the implementation of this chapter.

(Ord. No. C-6-91, § 1, 5-20-91)

Sec. 14-11. Authority to delegate.

The city may by resolution of the city council transfer, assign and/or delegate the administration and/or implementation of the collection and disposal of solid waste, recyclables and compostables/yard waste and the collection of fees and billings with respect thereto to RRRASOC and/or other similar body and/or agency and may further transfer, assign and/or delegate any contract between the city and a contractor for the collection and disposal of solid waste, recyclables and compostables/yard waste to RRRASOC and/or other similar body and/or agency.

(Ord. No. C-6-91, § 1, 5-20-91)

Sec. 14-12. Enforcement.

Authorized employees and representatives of the police department, the department of public services and the department of planning and community development are hereby authorized to issue citations to any person violating the provisions of this chapter.

(Ord. No. C-6-91, § 1, 5-20-91)

Sec. 14-13. Penalties.

Any person violating any of the provisions of this chapter shall be subject to the penalties set forth in section 1-13 of the Farmington Hills City Code.

(Ord. No. C-6-91, § 1, 5-20-91)

**Excerpt
CITY CODE
of
SOUTHFIELD, MICHIGAN**

**Codified through
Ord. No. 1417, adopted March 30, 1998.**

CHAPTER 17. GARBAGE AND RUBBISH*

***Cross references:** Duties of department of public works, § 1.132; landfill dumping operations, § 5.263.

Sec. 2.1. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

(1) *Family unit* shall mean any one (1) of the following groupings, if maintaining a household with common use of the facilities for preparation and serving of food:

- (a) Man and/or wife, their children and dependent relatives;
- (b) Brothers and/or sisters and dependent relatives;
- (c) Not more than four (4) unrelated persons maintaining a household in cooperation without the benefit of paid housekeeper or servants.

Any number of bona fide guests may be included in a family unit.

(2) *Residential unit* shall mean a structure or any part thereof together with any land area in connection therewith set aside or retained for the use of a single family unit.

(3) *Garbage* includes all animal or vegetable wastes which accumulate in the course of marketing, processing, preparing and serving of goods.

(4) *Rubbish* includes all forms of dry waste material which may accumulate in the home, in places of business, in industrial establishments or in public buildings and institutions.

(5) *Yard wastes* include grass clippings, leaves, trimmings from shrubs, and any other wastes that accumulate from the normal maintenance of lawns and landscaping, excluding earth.

(6) *Refuse or wastes and waste materials* shall mean refuse and waste materials including garbage, rubbish and yard wastes, but do not include materials which may be retained and processed for their salvage value.

(7) *Mandatory provisions.* The enforcement of this chapter with respect to certain acts or methods that are specifically prohibited is mandatory. In other provisions, "shall" or "must" is mandatory and "may" is permissive.

(8) *Private premises* shall mean any lot or parcel of land owned or occupied by any person whether or not improved with any dwelling, house, building or other structure, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to any dwelling, house, building or other structure erected thereon.

(9) *Public place* shall mean any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

(10) *Litter* shall mean garbage, refuse and rubbish as defined in this section and all other waste material which, if thrown or deposited as prohibited in this chapter, tends to create a danger to public health, safety and welfare.

(11) *Dumpster* shall mean any container of more than one (1) cubic yard capacity, whether covered or not, used for the depositing and/or temporary storage of rubbish ordinarily with the collection, transportation and disposal of such rubbish by motor vehicle.

(12) *Director* shall mean the director of public services of the city.

(Ord. No. 1039, § 1, 6-30-80)

Cross references: Definitions and rules of construction generally, § 1.7.

Sec. 2.2. Licensing.

Nothing in this chapter shall be construed as denying to any person the right to transport or dispose of the wastes originating in his own home or business establishment in any lawful manner; but every person desiring to collect refuse on a commercial basis with one (1) or more regular customers, and to transport garbage or other refuse on the streets and ways of the city, shall first obtain a license for refuse collection and transportation from the city clerk. Licenses shall be issued upon application to the city clerk on forms provided by him and upon payment of such fee as shall be required by section 7.36. No such license shall be issued except upon certification by the

director that the equipment and the ability of the licensee is such that the licensee is able to conduct a refuse collection business in accordance with the terms of this chapter and rules and regulations adopted by the director under this chapter. The director shall make such rules and regulations governing the operation of the business of refuse collection, transportation and disposition as he may deem necessary. Revocation of licenses shall be in accordance with section 7.17 of this Code. Prior revocation of a license shall be sufficient grounds for the refusal by the director to certify any future application by such licensee.

Cross references: Business and trade licenses, § 7.1 et seq.

Sec. 2.3. Residential collection.

The city will provide for the regular collection of refuse or waste materials from residential units according to a published schedule, with the following exceptions:

- (1) Liquid wastes;
- (2) Hazardous material, including explosives, active chemicals, radioactive or highly inflammable materials;
- (3) Tree trunks or branches or parts thereof with a diameter greater than three (3) inches or a length greater than four (4) feet;
- (4) Refuse from new construction or from extensive repairs or alterations.

The above exceptions are classified as commercial rubbish and shall be cared for by the contractor doing the work. The wastes from such projects as are ordinarily done by the householder will be accepted up to a limit of fifty (50) pounds.

Sec. 2.4. Containers.

Garbage must be kept in metal containers of ten (10) to twenty (20) gallons' capacity, with metal handles or bale and tight-fitting covers or such other containers as may be authorized by the city. Garbage must be securely wrapped. Garbage and rubbish may be mixed.

Cross references: Rubbish receptacles in public alleys or public places, § 4.7.

Sec. 2.5. Regulations.

- (1) Rubbish must be kept dry until collected. Substantial containers of metal, plastic or wood may be used.
- (2) Newspapers must be tied in bundles.
- (3) Cardboard cartons must be flattened and tied in bundles.
- (4) Wooden crates or boxes must be broken up and tied in bundles, not to exceed three (3) feet by three (3) feet by four (4) feet.
- (5) Brush and small trees must be cut into sections not more than three (3) feet long and tied.
- (6) Articles of rubbish that cannot be placed in containers may be flattened, folded or tied.
- (7) No single article or bundle shall be more than four (4) feet long.
- (8) The weight limit for each container, article or bundle must not exceed a total of sixty (60) pounds.
- (9) Any time a container is not collected because of nonconformance to these requirements it shall be tagged, stating the reason the collection was not made.

Sec. 2.6. Placing refuse at curb.

Containers and bundles shall be placed at the front curb or at the edge of the public street upon which the residence fronts, not earlier than 4:00 p.m. of the day before collection and the empty containers must be removed therefrom no later than noon of the day following collection.

(Ord. No. 1417, § 1, 3-30-98)

Sec. 2.7. Refuse collection charge.

- (1) The owners of residential property for which the collection of refuse or waste material is provided under this chapter shall pay a charge therefor as shall be determined by a resolution of the city council.
- (2) Such charge shall be provided for in the annual budget adopted by the city and shall be certified to the assessor and assessed against the premises served and shall be collected or returned in the same manner as other municipal taxes are certified, assessed, collected and returned.
- (3) The owner of any new residential unit completed after July 1 of any year for which the collection of refuse or waste material is provided under this chapter shall pay a proportionate amount of the above charge at the time of issuance of the certificate of occupancy for the period from the date of issuance of the certificate of occupancy through the following June 30.

Sec. 2.8. Commercial and industrial refuse.

It is not the intent of this chapter to restrict the handling of commercial and industrial refuse more than is necessary for the protection of public health, safety and convenience. All such refuse must, however, be stored and disposed of in accordance with the following regulations:

- (1) Garbage must be kept in ratproof, insect proof containers and collected at frequent intervals to prevent any nuisance, public or private.
- (2) Rubbish must be stored in a suitable covered place, enclosed or screened from public view, and the premises must be kept clean and free from rats.
- (3) Contracts for collection, transportation and disposal shall be made only with contractors licensed by the city.

Sec. 2.9. Prohibitions.

The following acts are expressly prohibited.

- (1) Burning garbage in an open air incinerator;
- (2) Burning leaves, grass or rubbish on any paved or bituminous surfaced street;
- (3) Burning any type of refuse where smoke, ashes or odor will create a nuisance, public or private;
- (4) Burning rubbish less than fifteen (15) feet from a building;
- (5) Leaving a rubbish fire unattended;
- (6) Burying garbage where it will attract rats or other animals;
- (7) Throwing or depositing litter in or upon any street, sidewalk or other public place within the city, except in public receptacles, in authorized private receptacles for collection or in official city dumps;
- (8) Collecting, accumulating, processing or storing junk, used machines, old automobiles or materials for salvage, unless such use is permitted under Chapter 45 (Zoning) and a certificate of occupancy for such use has been issued in accordance with Chapter 98 (Building Code) and Chapter 45 (Zoning) of this Code;
- (9) Allowing garbage, rubbish or other wastes to become scattered about or to accumulate on any public or private premises. The owner, tenant or lessee of such premises must keep all such materials in proper storage while awaiting collection and disposal;
- (10) Placing litter in public receptacles or in authorized private receptacles except in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or public place or private property;
- (11) Sweeping into or depositing in any gutter, street or other public place within the city litter, grass clippings, leaves or other debris from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter;
- (12) Throwing or depositing litter on any private premises within the city, except that the owner or any person in control of private premises may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

Cross references: Depositing waste in parks and playgrounds, § 3.2; depositing rubbish likely to attract rodents or vermin declared a nuisance, § 9.3; littering of public and private property, § 9.133; fire prevention regulations, § 9.181 et seq.

Sec. 2.10. Litter.

The owner or person in control of any private premises shall at all times maintain the premises free of litter.

Provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection. The department of public service is hereby charged with the enforcement of this section. No person being the owner or person in charge of, or occupant of, any private premises shall accumulate or permit the accumulation of any litter on the private premises owned, controlled or occupied by him in a manner prohibited by the provisions of this chapter. When any litter shall be accumulated or permitted to accumulate on any private premises in a manner prohibited by this chapter, the enforcing officer shall notify the owner, person in control or occupant of such private premises to remove the litter and clear such private premises within a time limited to the notice, such time not to be less than ten (10) days nor more than twenty (20) days from the time the notice is served. Such notice shall be served in the manner provided in Chapter 1 of this Code. If the owner, person in charge or occupant of any premises notified to abate a nuisance consisting of the accumulation of litter on any private premises shall fail to abate the same within the time limited in the notice therefor, the enforcing officer is hereby authorized to enter upon such private premises and abate the nuisance by removing the litter and clearing the private premises. The cost of abating such nuisance plus an additional fifteen (15) percent for overhead and other expenses shall constitute a lien against the private premises and shall be charged to the occupant thereof or to the owner of unoccupied premises, as the case may be. If not paid within sixty (60) days after the bill for such

charges is rendered, such charges may be collected in the manner provided by Chapter 1 of this Code or in any other manner authorized for the collection of debts owed the city.

Cross references: Official notice to abate nuisance, § 1.14; littering of public and private property, § 9.133.

Sec. 2.11. Clearing ice and snow.

No person shall shovel or push by means of plow or otherwise cause to be placed or deposited in or upon the traveled portion of any street or sidewalk or within any ditch or gutter in any public street, any snow or ice removed by him or under his direction from any private property, or from any public property abutting any private property owned or occupied by him. The existence of any deposit of snow or ice deposited by artificial means in the traveled portion of any street or sidewalk or within any ditch or gutter in any public street shall be prima facie evidence that the occupant of the abutting property closest thereto placed or deposited such ice or snow therein.

Cross references: Keeping sidewalks clear of ice, snow and other obstructions, § 4.75.

Sec. 2.12. Location of dumpsters.

(1) No dumpster shall be located in any single-family residential zone unless in connection with the approval of a special use of such premises granted by either the city council or the zoning board of appeals under the provisions of section 5.62, Article 5, of Chapter 45, of this Code.

(2) No dumpster shall be placed on any property in the city until the location of such dumpster has been approved by the city planner or the city traffic engineer. In approving such location, the city planner or city traffic engineer shall take into consideration a location which will provide adequate access for service vehicles and which will not be detrimental or injurious to adjoining properties.

(Ord. No. 1039, § 2, 6-30-80)

Cross references: Placement of rubbish receptacles in public alleys and public places, § 4.7.

Sec. 2.13. Screening of dumpsters.

(1) All dumpsters located in the city must be enclosed or screened from public view. Such screening shall consist of a completely obscuring wall or fence not less than six (6) feet (1.8288 meters) in height on three (3) sides. Posts or bumpers shall be provided within the enclosure to protect it from damage from the dumpster. The inside clearance of the enclosure shall be not less than ten (10) feet (3.0480 meters) in depth and ten (10) feet (3.0480 meters) in width.

(2) Screening materials shall consist of any of the following:

(a) Masonry, either brick, concrete block or reinforced concrete;

(b) Wood, provided the wood is heartwood cedar, redwood, marine grade exterior plywood or equivalent of at least five-eighths-inch thickness (1.5875 centimeters) or other types of wood which have been pressure treated with preservatives. If cedar, redwood or plywood are used in the screening, it shall be protected from possible rot or decay by the application of an oil-base exterior stain of a neutral color. Wood that has been pressure treated need not be further protected from possible rot or decay.

(3) All of the existing dumpsters located within the city shall comply with the provisions of this section within six (6) months from the effective date of this section (June 30, 1980). The director of the department of building and safety engineering may grant a waiver of all or part of the provisions of this section upon a finding that by reason of the shape or area of the specific property on which the existing dumpster has been installed, the strict application of this section would result in practical difficulties or undue hardship to the owner. In granting a waiver, the director of building and safety engineering may impose reasonable conditions in fulfillment of the purpose of this section.

(4) This section is not intended to require the screening of any dumpster used on a temporary basis during the construction of any building, provided that such dumpster is removed from the premises or is moved to an approved, screened location on the site prior to the issuance of a final certificate of occupancy for the building under construction.

(5) The director of the department of building and safety engineering is hereby charged with the enforcement of this section.

(Ord. No. 1039, § 2, 6-30-80)

Cross references: Placement of rubbish receptacles in public alleys and public places, § 4.7.

Sec. 2.14. Emptying of dumpsters.

No dumpster located within five hundred (500) feet of any structure intended for use as a residential dwelling, except hotels and motels, shall be emptied between the hours of 6:00 p.m. and 7:00 a.m. of the day following.

(Ord. No. 1258, § 1, 1-9-89)

**Excerpt
City of South Lyon Code of Ordinances
Chapter 74
SOLID WASTE**

**ARTICLE I.
IN GENERAL**

Secs. 74-1– 74-30. Reserved.

**ARTICLE II.
GARBAGE AND RUBBISH**

Sec. 74-31. 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 solid residue of combustion of fuel used in heating and cooking operations, as occurring in households, apartments, offices or other business places, but not to include residue from industrial plants or operations.

Commercial rubbish means miscellaneous waste and materials resulting from any business and industrial operations of every kind but excludes construction and trade wastes which have been abandoned as worthless and having no property value or which would constitute a nuisance when allowed to accumulate.

Construction waste means miscellaneous waste and materials resulting from construction, alterations, repairs, demolition, renovation, and includes earth, offensive dirt and fill dirt from excavating which has been abandoned as worthless and having no property value or which would constitute a nuisance when allowed to accumulate.

Domestic rubbish means waste material and refuse of every character from normal household or living conditions including but not limited to house dirt and trash, except garbage. In general, rubbish is paper, rags, bottles, tin cans, glass, cardboard, plastic, worn-out clothing, furniture, excelsior, offensive dirt, and the like, which waste material and refuse have been abandoned as worthless and having no property value or which would constitute a nuisance when allowed to accumulate.

Garbage means every refuse or waste material accumulation of animal, fruit, or vegetable matter, liquid or otherwise, decayed or not, that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit, or vegetables including offal, tin cans and other containers in which foodstuffs are packaged, which refuse has been abandoned as worthless and having no property value or which would constitute a nuisance when allowed to accumulate.

Garden rubbish means garden, lawn, or tree trimmings, leaves and dead garden plants from the normal household. It shall not include rubbish from work of landscape gardeners or private companies such as landscaping firms and nurseries.

Hazardous material means explosives, flammable gas, flammable compressed gas, nonflammable compressed gas, flammable liquid, oxidizing material, poisonous gas, poisonous liquid, irritating material, etiologic material, radioactive material, corrosive, or liquified petroleum gas, as defined by MCL 257.19b, and subject to any changes therein.

Rubbish means domestic, garden and commercial rubbish unless specifically restricted to mean a particular type of rubbish in a particular section of this article.

(Code 1988, § 2.1; Ord. of 9-13-99, § 1)

Sec. 74-32. Accumulation of garbage, rubbish, construction waste and ashes.

It shall be unlawful for any person to accumulate, permit or allow to be accumulated, to place, dump or permit to be dumped or placed, to scatter, bury or permit to be scattered or buried in or on property or premises owned by him or under his control, any garbage, domestic, commercial, or garden rubbish, ashes, construction waste, manure, or any other form of waste, having no property value or constituting a nuisance when so accumulated, except where such substances are placed in proper receptacles for removal.

(Code 1988, § 2.2)

Sec. 74-33. Dumping of garbage, rubbish, construction waste and ashes.

It shall be unlawful for any person to dump, bury, place, scatter, deposit or cause to be deposited, any garbage, domestic, commercial, or garden rubbish, ashes, manure, construction waste or other forms of waste in any public place or on private property, with or without the owner's permission, except where such substances are dumped in a place designated by the city council for such purpose or except where such substance is sold pursuant to a commercial arrangement for its commercial value and a permit is issued from the city upon a showing that such disposal method will not constitute a nuisance and upon the city setting forth conditions of the permit which will insure that a nuisance will not occur if the permit is issued. When any such permit is issued, a violation of the conditions attached to it will cause the permit to be terminated immediately.

(Code 1988, § 2.3)

Sec. 74-34. Duty of owners, occupants, or other persons in charge of any building or residence or lot.

In all business, industrial and residential districts of the city, it shall be the duty of owners, occupants, or other persons in charge of any building or residence or lot to see that no rubbish, either combustible or noncombustible, is placed or permitted to remain in any street, or alley or other public place, or in any private place except a building or other suitable storage place. It shall also be unlawful for any such person to store any inflammable rubbish or other waste material where it would cause a fire hazard. When any such owner, occupant or other person in charge of any premises permits any rubbish or combustible material to accumulate in any public alley, street or other public place, or in any private place, outside of a storage or other approved building, after the last regularly scheduled time for collection in any week by the city vehicles according to the published schedule hereinbefore provided, the city shall have the authority to cause to have collected such rubbish or other material at any time between the last scheduled collection at the end of said week and the first scheduled regular collection in the following week. The cost of said special collections shall be charged to the owners or occupants of the property permitting such rubbish or other material to accumulate. The city shall establish a schedule of charges sufficient to cover the cost of such special collections. It shall be the duty of the director of public safety to enforce the provisions of this article. He shall see that no rubbish or other combustible material is permitted to accumulate on any premises or in any public or private place except in accordance with the provisions of this chapter. He shall cooperate with the garbage collection service in determining where special collection of rubbish and waste materials should be made. He shall have the authority to determine where special collections of rubbish and other waste material are required and in otherwise enforcing the provisions of this article.

(Code 1988, § 2.4)

Sec. 74-35. Alleys, streets and easements.

In the case of any alley, street, or easement where any substance has been deposited in violation of this article, it shall be the duty of every owner or occupant of any lot or premises to remove from one-half of said alley, or street, or easement, adjoining said lot or premises all such substances. It shall be the duty of every occupant of premises abutting upon an alley, street, or easement to keep his adjoining half of said alley, street, or easement, in a clean, neat and orderly condition and to keep all weeds and grasses removed or cut to a height not to exceed one foot at all times.

(Code 1988, § 2.5)

Sec. 74-36. Collection.

Garbage, rubbish, manure, ashes and other forms of waste shall be placed in proper receptacles and shall be collected by the city or by others under public contract to the city pursuant to an established collection schedule and at such charge, tax, or assessment as may be established by the city reasonably commensurate to the cost of such collection.

(1) It shall be unlawful for any other person to collect and dispose of such substances within the city limits.

(2) It shall be unlawful for any person to bring into and deposit, dump, bury, place, scatter such substances obtained from outside the city limits, even at a place designated by the city council for such purpose unless duly licensed to do so by the city council.

(3) It shall be unlawful for any person to place or deposit, or permit another to place or deposit, any garbage, ashes or rubbish, either domestic, garden or commercial, in any refuse dumpster which is either owned by a proprietor or rented from a disposal company by a proprietor or lessee of property within the city unless the refuse is from the premises served by the refuse dumpster, or with the express consent of the person or organization served by said dumpsters.

(4) It shall be unlawful to use city refuse dumpsters for disposal of any garbage, trash, ashes or rubbish except that refuse generated or collected in city streets, parks, and public lands within the city limits. Refuse from households shall not be placed in city refuse dumpsters nor in privately owned dumpsters.

(5) It shall be unlawful for any person to place refuse or bags of refuse on the ground surrounding these locations.

(6) Any person found to be in violation of this section shall be guilty of a misdemeanor and shall be subject to 90 days in jail and/or a fine of \$500.00.

(7) Construction waste will not be collected by the city.

(8) Industrial waste and refuse will not be collected by the city.

(9) This section is drafted pursuant to the amendment procedure in section 1-11.

(Code 1988, § 2.6; Ord. of 9-9-96(1), § 1)

Sec. 74-37. Containers.

The occupant of any premises within the city, in which any garbage or rubbish shall be accumulated which is not disposed of by an approved incinerator or approved garbage grinder, shall maintain on said premises the number of containers sufficient to conveniently store the normal accumulation of garbage on said premises over a period of not less than seven days. Every such container shall be kept tightly covered with an impervious cover. Garbage containers shall be kept in a clean and sanitary condition at all times. The city may approve the use of plastic or waterproof paper bags of a capacity and quality sufficient for the storage and disposal of refuse.

(Code 1988, § 2.7)

Sec. 74-38. Recycling.

The recycling center for the City of South Lyon, as designated by the city council, shall be for the exclusive use of the residents of the City of South Lyon, and persons authorized by contract.

(1) It shall be unlawful for any person who is not a resident of the City of South Lyon or authorized by contract to utilize the recycling facilities at the recycling center.

(2) It shall be unlawful for any person to deposit material into any receptacle other than the one for which the receptacle is so designated.

(3) It shall be unlawful for any person to bring into and deposit, or cause to be deposited at the recycling center any recyclable material obtained from outside the city limits or a contracting municipality.

(4) It shall be unlawful for any person to dump, bury, place, scatter or deposit any material, recyclable or otherwise, outside of, on, or around any receptacle or on any portion of the premises of the recycling center.

(5) It shall be unlawful for any person to dump, bury, place, scatter, deposit, or cause to be deposited, any hazardous materials into, on, around or outside of any of the receptacles, or on any portion of the premises of the recycling center.

(Ord. of 9-13-99, § 1)

**Excerpt
CODE OF ORDINANCES
City of
WALLED LAKE, MICHIGAN**

**Codified through
Ord. No. C-260-05, enacted Jan. 3, 2006.
(Supplement No. 4)**

Chapter 62 SOLID WASTE*

***Cross references:** Erosion and sedimentation control, § 34-96 et seq.; natural resources, ch. 46.

ARTICLE II. COLLECTION AND DISPOSAL

Sec. 62-26. Short title.

This article may be known and cited as the Solid Waste Disposal and Resource Recovery Ordinance.
(Code 1981, § 21.1)

Sec. 62-27. 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:

Aluminum means all products made of aluminum including aluminum cans, foil, wrappers, containers for prepared dinners or other foods, screen frames and lawn chairs excluding recyclable aluminum cans.

Building means a structure used in whole or in part for human habitation, manufacturing, sales or other purposes.

City manager means the manager of the city or his duly authorized representative.

Commercial solid waste means the miscellaneous waste material resulting from the operation of mercantile enterprises, and includes garbage and rubbish and excludes all hazardous waste.

Commercial solid waste collection means solid waste pickup from all commercial, business, institutional, condominium development, and multiunit residential establishments (those consisting of three or more dwelling units).

Construction materials means waste from building, street or other construction, alteration or repair, including dirt from excavation.

Demolition debris means refuse which is incidental to demolition of buildings, other structures or appurtenances on a premises.

Department means the department of public works of the city.

Designated collector means a licensed collector who has been issued a contract within the city to collect solid waste, leaves, yard waste and/or recyclable materials.

Director of public works means the director of public works of the city or his duly authorized representative.

Dwelling unit means the same as residential unit.

Garbage means all waste, animal, fish, fowl, fruit or vegetable matter incident to the use, preparation and storage of food for human consumption. It does not include food processing wastes from canneries, slaughterhouses, packinghouses or similar industries, which shall be classified as industrial refuse or hazardous waste.

Hazardous waste means any material that has been identified by state or federal regulation to be unsuitable for disposal in a type II sanitary landfill.

Industrial solid waste means all waste materials resulting from industrial or manufacturing operations or processes of every nature whatsoever, including organic wastes from canneries, slaughterhouses, packinghouses and other industrial food processing operations. The term includes refuse material resulting from cleaning up in connection with such industrial or manufacturing operations, and refuse material resulting from offices, stores, lunch rooms, warehouses or other operations established in conjunction with such industrial or manufacturing operations, as well as garbage and rubbish and excludes hazardous waste.

Inspector means a person designated or appointed by the city manager to have charge or control of a waste or recyclable collection and transfer site and/or the authority to enforce this article.

Leaves means foliage from plants, shrubs and trees.

Medical waste means any material that has been identified by state or federal regulation to be medical, biohazardous or pathological waste and subject to special handling and disposal regulations.

Multiple residential means residential establishments consisting of three or more dwelling units.

Person means the owner, proprietor, occupant or agent in charge of any premises, whether an individual,

partnership or corporation.

Premises means a parcel of land within the city including the adjoining street right-of-way or legal easement, separated from adjacent parcels of land by legal description.

Recyclable material means materials specifically designated in accordance with the provisions of this article to be separated from solid waste for the express purpose of preparation for and delivery to a secondary market or other use.

Refuse means the same as solid waste.

Residential solid waste collection means weekly solid waste pickup from residential buildings.

Residential unit means a building, or portion thereof, designed for occupancy exclusively by one family for residential purposes and having cooking facilities and separate sanitary facilities.

Rubbish means the miscellaneous waste materials resulting from housekeeping and ordinary mercantile enterprises, and includes such material as packing boxes, cartons, excelsior paper, ashes, cinders, bottles, metal and rubber, and excludes hazardous waste.

Solid waste means garbage, rubbish and ashes. Solid waste does not include human body waste, liquid waste, materials that have been separated either at the source of a processing site for the purpose of reuse, recycling or composting, or any material that has been identified by state or federal regulation to be unsuitable for disposal in a type II sanitary landfill.

Special refuse means white goods, furniture, household appliances, brush, large tree limbs and other bulky refuse items, and excluding construction and demolition debris, that are unsuitable for regular solid waste collection services.

Type II sanitary landfill means the same as defined in Act No. 641 of the Public Acts of Michigan of 1978 (MCL 299.401 et seq., MSA 13.29(1) et seq.), as amended.

Yard waste means grass clippings, weeds, hedge clippings, garden waste and twigs.

(Code 1981, § 21.3)

Cross references: Definitions generally, § 1-2.

Sec. 62-28. Purpose and intent.

(a) It is the intent of the city council that this article be liberally construed for the purpose of providing a sanitary and satisfactory method of preparation, collection and disposal of solid waste, and recyclable materials, as well as the maintenance of public and private property in a clean, orderly and sanitary condition, for the health, safety and welfare of the community, and to provide for a reasonable system of user fees to defray the cost incurred by the city in collecting and administering waste removal. The city council recognizes that in order to conserve our natural resources, as well as to control the ever increasing cost of solid waste disposal, that the separation, collection and sale of recyclable materials will reduce the amount of solid waste to be disposed of, reduce the cost of landfilling solid waste, extend the life of the existing and future landfills and protect and conserve our limited natural resources. All citizens are encouraged to voluntarily recycle and to make use of the facilities therefor provided by the city.

(b) The city manager and his agents are hereby authorized to make such rules and regulations as from time to time appear to be necessary to carry out this intent; provided, however, that such rules are not in direct conflict with this Code or the laws of this state.

(Code 1981, § 21.2)

Sec. 62-29. Enforcement.

The director of the department of public works, inspectors and the police department are hereby authorized and directed to enforce this article. The city manager is hereby authorized and directed to establish and promulgate reasonable regulations as to the manner, days and times for the collection of waste or recyclables in accordance with the terms of this article. The city council may, by majority vote, change, modify, repeal or amend any portion of the rules and regulations. The city manager is hereby authorized to employ inspectors to have the care and control of established collection and transfer sites and to enforce this article. Such inspector may be clothed with police power and duly authorized to issue tickets and shall enforce the rules that are or may hereafter be promulgated for the government and control of solid waste and recyclables.

(Code 1981, § 21.15)

Sec. 62-30. Penalty.

Any person who violates or neglects to comply with any provisions of this article, or any regulation promulgated pursuant thereto, shall, upon conviction thereof, be punishable by a fine not to exceed \$500.00 and the cost of

prosecution, except that the maximum fine for failure to comply with this article, and rules and regulations issued pursuant thereto, shall not exceed \$100.00 for an initial violation, and the cost of prosecution or in default of the payment thereof, by imprisonment at the discretion of the court. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements in this article.

(Code 1981, § 21.16)

Sec. 62-31. Promulgation of rules and regulations.

The city manager shall promulgate rules and regulations to carry out the provisions of this article. The city council is authorized to adopt such resolutions as may be necessary or advisable to carry out the provisions of this article.

(Code 1981, § 21.17)

Sec. 62-32. General obligations.

It shall be mandatory for all persons to dispose of their solid waste as provided in this article, or as specified by a subsequent resolution of the city council adopted pursuant to this article, and to separately bundle or contain the items for proper disposal, collection and/or recycling, in accordance with the provisions in this article.

(Code 1981, § 21.4)

Sec. 62-33. Accumulation of solid waste.

(a) No owner or occupant of a residential dwelling unit, commercial establishment, or industrial facility shall permit the accumulation of refuse, rubbish or garbage upon their premises for a period in excess of six days.

(b) Leaves, yard waste and vegetable waste may be stored for composting purposes in a manner which will not harbor rodents, subject adjacent property owners to an unreasonably offensive odor, or become a public nuisance.

(c) In the case of an alley or lawn extension (the area between the sidewalk and the street) where any refuse, rubbish, garbage or yard waste shall exist or be, or has been deposited, it shall be the duty of every owner or occupant of any lot or premises to remove from the one-half of the alley adjoining the lot or premises or the entire lawn extension adjoining the lot, all such substances. It shall be the duty of every occupant abutting upon an alley to keep his half of the alley in a clean, neat and orderly condition.

(Code 1981, § 21.5)

Sec. 62-34. Unauthorized dumping and littering.

No person shall throw or deposit any refuse upon or into any street right-of-way, alley, portable container, nonportable container, or any other property on any premises, public or private, without the permission of the owner, proprietor, occupant, or agent in charge of that premises.

(Code 1981, § 21.6)

Sec. 62-35. Precollection requirements; separation; containers.

(a) All persons within the city who shall place for disposal, removal or collection the following items shall do so in strict conformity with the following regulations:

(1) *Solid waste.* Solid waste shall be contained in an acceptable solid waste container or bag.

(2) *Yard waste.* Yard waste must be separated and contained in any acceptable yard waste bag.

(3) *Special refuse.* All special refuse shall be separated and must be removed using an approved method.

Approved methods shall be limited to arrangements with the city's collector or transport to a city-designated collector and transfer site.

(4) *Bulk rubbish.* All bulk rubbish, such as wooden crates and similar rubbish, shall be separated and shall be flattened and tied in bundles or packed in suitable containers of a size that may be readily handled by one collector, and in no case shall such bundle or container be larger than three feet by three feet by four feet, nor weigh more than 50 pounds and clearly marked with a city solid waste tag.

(5) *Industrial solid waste.* All industrial solid waste shall be collected by licensed collectors privately contracted for by the industrial user, and shall otherwise comply with this article.

(6) *Construction and demolition debris.* All construction and demolition debris shall be separated and collected by licensed contractors privately contracted for by the person who produced the waste, and shall otherwise comply with this article.

(7) *Hazardous waste.* All hazardous waste shall be separated and collected by licensed collectors privately contracted for by the person who produced the waste, and shall otherwise comply with this article.

(8) *Medical waste.* All medical waste shall be separated and disposed of in accordance with any and all

applicable state and federal regulations, and shall be collected by licensed contractors privately contracted for by the person who produced the waste, and shall otherwise comply with this article.

(b) Items not put in an appropriate bag or container will not be picked up unless otherwise provided in this article. The collection of solid waste or recyclables is conditioned upon the observance of all provisions of this article. Collection is subject to weather and other conditions beyond the city's control.

(Code 1981, § 21.7)

Sec. 62-36. Gross weight limit.

The gross weight of the city-provided recyclable or yard waste bags, as well as the owner-provided solid waste or yard waste bag, shall not exceed 50 pounds.

(Code 1981, § 21.8)

Sec. 62-37. Receptacles.

(a) *Duty to provide.* The owner, occupant, tenant or lessee of any building, house or structure used for any purpose whatsoever where refuse accumulates shall provide and maintain proper refuse receptacles as defined in this section, and shall place or cause to be placed in the receptacles all refuse accumulating on the premises, provided that bulk rubbish may be stored in a condition properly prepared for collection as specified in this article.

(b) *Residential and small commercial.* The occupant of every single- or two-family building or small commercial establishment where refuse accumulates shall provide, keep clean and in place proper receptacles of a portable type, as defined in this section, to house their bagged solid waste.

(c) *Commercial, industrial and multiple residential.* The owner, lessee or agent of every building consisting of three or more dwelling units, and every building used for a commercial or industrial business shall provide, keep clean and in place proper receptacles of a portable type, as defined in this section, provided that where the city manager determines that portable receptacles are not practical for multiple dwellings, commercial or industrial businesses, he may authorize the use of nonportable receptacles of the type that can be mechanically hoisted by a refuse collection vehicle, and with specifications established and approved by him and as further defined in this section.

(d) *Portable receptacles.* Portable receptacles for refuse shall be of metal, fiberglass, plastic or other substantial construction approved by the city manager and shall have handles or bails and tightfitting covers; they shall not exceed 40 gallons each in capacity nor 50 pounds each in weight when full; provided that receptacles used exclusively for yard rubbish such as brush and yard clipping need not have covers; and provided further that the city manager may approve the use of plastic bags of a capacity and quality specified by him for the storage and disposal of solid waste.

(e) *Nonportable receptacles.* Nonportable receptacles for solid waste shall be of substantial metal construction, shall have a capacity of not more than eight cubic yards, and shall meet all specifications established by the city manager on the basis of the requirements of the solid waste collection equipment being used by the city or a licensed collector, and the necessities of health and safety. All garbage shall be properly wrapped or within a closed plastic bag before placing it in the nonportable receptacle.

(f) *Nonconforming receptacles.* Receptacles that are badly broken or otherwise fail to meet the requirements of this article may be classified as rubbish and, after due notice to the owner, may be collected as rubbish by the department.

(g) *Location of receptacles.* All residential receptacles shall be so located that the city's collector will not have to trespass on private property in order to pick up such receptacles. The point of collection shall be determined by the city manager. Such solid waste containers shall not be set out for collection prior to five o'clock p.m. preceding the day of collection, and after such receptacles are emptied, they shall be removed from the street on the same day collections are made. Commercial solid waste receptacles shall be placed at such location as may be approved by the city. No receptacle shall be placed in or upon public property or public rights-of-way without first obtaining the city manager's approval in writing.

(Code 1981, § 21.9; Ord. No. C-224-01, § 1, 6-19-01)

Sec. 62-38. Materials become property of city; scavenging prohibited.

From the time of placement at the curb for collection, any leaves, yard waste or recyclable material separated from the resident's solid waste in accordance with this article for the purposes of collection shall be the property of the city or its authorized agent. No person shall take, collect or transport any leaves, yard waste or recyclable material from any street, right-of-way, alley or dumpster of this city, without the approval of the city or a private contract.

(Code 1981, § 21.10)

Sec. 62-39. Sale of recyclable materials permitted.

Anything in this article to the contrary notwithstanding, any person may donate or sell recyclables to any other person whether that person operates for profit or not for profit. Under no circumstances, however, may the transferred recyclables be picked up from curbside on or immediately preceding the regular curbside collection. (Code 1981, § 21.11)

Sec. 62-40. Transportation.

(a) *Transporting.* The transportation of all garbage, offal, rubbish or other waste materials through the streets, alleys or thoroughfares of the city shall be conducted in such a manner as to create no nuisance. It shall be unlawful for any person to transport, cart, carry or convey through or over any of the streets, alleys or public places of the city any garbage, unwashed refuse or unwashed food containers without the written consent of the city manager. Whenever such permission is granted, the vehicle used for such purposes shall be watertight and provided with a suitable covering. It shall be unlawful for any person to transport or otherwise convey through or over any of the streets or public places of the city any rubbish or other waste material except under written regulations or with the written consent of the city manager except rubbish or waste material accumulating on property owned or controlled by him and then only by approved methods of conveyance.

(b) *Vehicles.* Vehicles conveying waste must be of such construction and so operated that contents shall not spill upon the public streets or alleys, or otherwise create a nuisance.

(Code 1981, § 21.12)

Sec. 62-41. Notice to remove waste or recyclable from premises when not in compliance; removal by city.

(a) The city manager is hereby authorized and empowered to notify, in writing, the owner, proprietor, occupant, agent and/or tenant of any premises to remove solid waste, yard waste, special refuse, and/or recyclable (waste or recyclables) found to be not in compliance on the premises (unless it is on the abutting public right-of-way in which case no notice is required). The notice shall be by hand delivery or first class mail, addressed to the owner and/or tenant at the last known address.

(b) If solid wastes are not removed from the premises within six days after the date of mailing the notice, or if the waste or recyclables are on abutting public right-of-way, the owner, proprietor, occupant, agent and/or tenant of the premises shall be subject to penalties as set forth in section 62-30. The city manager is also hereby authorized and empowered to pay for the removal of the waste or recyclable or to order the removal by the city.

(c) When the city has effectuated the removal of the waste or recyclable or has paid for its removal, the actual cost thereof, plus accrued interest at the rate of one percent per month from the date of removal, shall be charged to the fee owner of the premises on the next regular tax bill forwarded to such owner by the city, and the charge shall be due and payable at the time of payment of the tax bill.

(d) Where the cost of removal is not paid by an owner within 60 days after the removal of such waste or recyclable as set forth in subsections (b) and (c) of this section, the city manager shall cause to be recorded in the treasurer's office the date and premises on which removal was done. The recording of the statement shall constitute a lien on the property and shall remain in full force and effect for the amount due in principal and interest until final payment has been made and shall be collected in the manner provided by law for collection of taxes; further, the total amount shall be subject to a delinquent penalty of one percent per month in the event same is not paid in full on or before the date of the tax bill upon which the charge appears becomes delinquent; the sworn statements recorded in accordance with the provisions of this section shall be notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the premises described in the statement that the same is due. (Code 1981, § 21.13)

Sec. 62-42. Prohibited waste.

(a) No person shall place in any container or receptacle any material that might endanger the collection personnel, nor deposit or deliver any hazardous waste, medical waste or any other waste or recyclable to a disposal site which would be detrimental to the normal operation of collection, incineration, recycling or disposal, for example: gaseous, solid or liquid poison, dead animals, ammunition, explosives, undrained garbage of a liquid or semiliquid nature, whether in containers or not, concrete, dirt, auto, or equipment parts, or any materials that possess heat sufficient to ignite any other collected materials. No motor vehicle shall be dumped or abandoned at any site.

(b) No person shall be permitted to dispose of the item except in conformance with this article or city council resolution.

(Code 1981, § 21.14)

**Excerpt
Wixom Municipal Code**

Chapter 13.24 DISPOSAL OF SOLID WASTE

13.24.010 Definitions.

The following words and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, unless a different meaning is clearly indicated by the context:

"Approved container" means a container provided by the city for the purpose of collecting all recyclables.

"Ashes" means the residue from fires, including, but not limited to, fires used for cooking and/or heating buildings.

"Bulk items" means large items of furniture, bedsprings, refrigerators, stoves, large appliances and other such items incidental to housekeeping for and in single-family residences and condominiums as defined in the definition for "premises." "Bulk item" does not include discarded appliances resulting from an appliance replacement program in a multiple-family residential building and/or multiple-family residential complex.

"Compostables/yard waste" means the miscellaneous organic waste material resulting from landscaping and/or maintenance of a home and/or property including, but not limited to, grass, weeds, fallen leaves, shrub and plant clippings, plant materials, twigs and other items as further outlined in the rules and regulations promulgated by the director of the department of public works.

"Garbage" means rejected food waste and all refuse of animal, fruit or vegetable matter including that used or intended for food or that attends the preparation, use, cooking, handling, processing or storing of meat, fish, fowl, fruit and/or vegetables.

"Hazardous waste" means any material or substance which by reason of its composition or characteristics is (1) hazardous waste as defined in the Solid Waste Disposal Act, 42 USC, 6907 et seq., as amended, replaced or superseded, and the regulations implementing the same; or (2) material the disposal of which is regulated by the Toxic Substances Control Act, 15 USC, 2601 et seq., as amended, replaced or superseded, and the regulations implementing the same; or (3) special nuclear or by-products material within the meaning of the Atomic Energy Act of 1954; or (4) hazardous waste as defined in Act 64 of the Public Acts of 1979, as amended from time to time, and as identified in the reasonable rules and regulations promulgated by the director of the department of public works and/or by regulations adopted by the Department of Natural Resources.

"Industrial special waste" means nonhazardous wastes generated by industrial users, which due to their size or composition require special handling and/or disposal procedures, including, but not limited to, foundry, sand, incinerator/boiler bottom ash, fly ash, sludge, scrap pallets and other waste from manufacturing processes which require special handling and/or disposal procedures.

"Mixed waste" means a mixture of rubbish and garbage.

"Person" means any individual, firm, public or private corporation, partnership, trust, public or private agency or any other entity or any group of such persons.

"Premises" means any property used for single-family residential purposes as defined in the city zoning ordinance, to which a separate street address, postal address or box or tax roll description or other similar identification has been assigned. "Premises" shall not include single-family dwellings which do not have a separate distinct individual entrance from the dwelling unit to an open area which abuts a public or private street and/or access easement and shall also not include any property used for multiple-family residential purposes as defined in the city zoning ordinance.

"R.R.R.A.S.O.C." means the Resource Recovery and Recycling Authority of Southwest Oakland County, a municipal authority established under Act 179 of the Public Acts of 1947, in which the city is a member.

"Recyclables" means presorted materials that are separated from solid waste prior to collection. Materials may include, but are not limited to, newspaper, tin cans, glass bottles and jars and plastic containers or any other materials designated in the reasonable rules and regulations promulgated and published by the director of the department of public works.

"Rubbish" means miscellaneous materials including, but not limited to, paper, magazines, ashes, glassware, dishes and other items incidental to the usual routine of housekeeping but not including dirt, gravel, sand or construction debris.

"Solid waste" means garbage, rubbish, compostables/yard wastes and recyclables and/or a mixture thereof. Solid waste does not include hazardous waste and/or industrial special waste. (Ord. 161 § 1, 1991)

13.24.020 Disposal--Scavenging prohibited.

A. No solid waste, hazardous waste or industrial special waste shall be disposed of within the city by burial or by dumping nor shall solid waste, hazardous or industrial special waste be used as fill. No special waste or hazardous or industrial special waste shall be disposed of into a lake, stream or other body of water. A person shall not place hazardous waste, industrial special waste or hot ashes at curb side or other designated location for collection.

B. It is unlawful for any person, other than the owner or occupant, his or her employees or agents, city employees and/or the city's contractor to tamper or meddle with, take, carry away, pick through or scavenge any container, bundle or approved container for recyclables and remove the contents thereof from the location where the same has been properly placed pending collection. (Ord. 161 § 2, 1991)

13.24.030 Containers.

No person shall be permitted to accumulate upon his or her premises any solid waste unless it is placed and maintained in containers which are tightly covered and also animal-proof and rodent-proof. Containers for solid waste shall be of reasonably substantial construction to permit handling and shall also be large enough and secured to prevent the scattering of materials. Persons who are subject to the mandatory separation of recyclable material provisions of this chapter shall use the approved containers provided by the city for the collection of the recyclables. (Ord. 161 § 3, 1991)

13.24.040 Collection business--License.

Commencing July 1st, 1991, no person shall engage in the business of collecting, transporting or disposing of solid waste within the city without first obtaining a license therefor. Licenses shall be issued upon application to the city clerk upon forms provided by the city clerk and upon payment of such fee as is required by the fee schedule included in the city business licensing ordinance (Chapter 5.04 of this code). No such license shall be issued except upon certification by the director of the department of public works that equipment and the ability of the licensee is such that the licensee is able to conduct a solid waste collection business in accordance with the terms of this chapter and rules and regulations adopted by the director of the department of public works under this chapter. The director of the department of public works shall promulgate and publish such reasonable rules and regulations governing the operation of the business of solid waste collection, transportation and disposition as may be deemed necessary to effectuate the intent of this chapter. The director of the department of public works may revoke the license of any solid waste collector who fails to abide by any such rule or regulation adopted by the director of the department of public works or any provision of this chapter after giving the solid waste collector reasonable written notice and an opportunity to be heard. (Ord. 161 § 4, 1991)

13.24.050 Establishments.

A. The term "establishment" as used in this section means any mercantile, industrial or service business, such as, but not limited to, a store, shop, restaurant, theater, bowling alley, drive-in, gas station, car wash, office building selling goods or services, either retail or wholesale, office buildings and other nonresidential establishments and residential units not receiving solid waste collection from the city. Every establishment shall provide for the proper storage of solid waste in receptacles as provided in this chapter, and shall place such receptacles in such a location as approved by the city.

B. It is the duty of the owner or occupant of any lot or premises on which an establishment is operated to keep the premises in a clean, neat and orderly condition.

C. Every establishment shall provide for the weekly collection of all its refuse.

D. Every establishment shall be responsible for wind-blown refuse and all other refuse on its premises.

E. Every establishment shall be responsible for escaping refuse emanating from its premises onto neighboring premises. (Ord. 161 § 5, 1991)

13.24.060 City contractor.

The city may grant an exclusive contract to the city contractor for the collection of garbage and rubbish for premises within the city. The terms, provisions and conditions of such agreement or contract shall be within the discretion of the city council. (Ord. 161 § 6, 1991)

13.24.070 Mandatory separation of recyclable materials into approved containers.

A. Commencing on July 1, 1992, all persons who are owners, lessees or occupants of any premises shall separate all recyclable materials and place them in an approved container at the curb on their designated collection day and in the manner set forth by the rules and regulations promulgated by the director of the department of public works.

B. If a container is lost, stolen or damaged, it is the responsibility of the property owner to replace the receptacle with a container approved by the city unless such loss, theft or damage is the fault of the solid waste collection contractor. All containers shall remain the property of the city. Any unauthorized possession of containers is a violation of this chapter.

C. Nonrecyclable materials shall not be placed in the recycling containers.

D. Failure to separate recyclables as required in this section excuses the city and/or its contractors from any obligation to remove the solid waste from the curb in addition to the other penalties imposed pursuant to this chapter. (Ord. 161 § 7, 1991)

13.24.080 Separation of compostables and yard waste.

A. Commencing on July 1st, 1992, all persons who are the owners, lessees or occupants of any detached single-family residences located on acreage parcels, or in subdivisions or in condominium developments wholly composed of such detached single-family residences, shall either dispose of compostables/yard wastes on their property in a manner which will not create a nuisance and/or be injurious to the public health or shall participate in the compostables/yard waste program and separate compostables/yard waste from solid waste. If participating in the compostables/yard waste program, compostables/yard waste must be placed at the curb in appropriate containers on pick-up day and in the manner set forth in the rules and regulations promulgated by the director of the department of public works.

B. Failure to separate compostables/yard waste as required in this chapter excuses the city and/or its contractor from any obligation to remove the solid waste from the curb, in addition to other penalties imposed pursuant to this chapter. (Ord. 161 § 8, 1991)

13.24.090 Fees.

A. The fees to be charged for solid waste disposal and other services provided pursuant to this chapter shall be established by resolution of the city council. The fees shall be billed as provided for in the reasonable rules and regulations to be promulgated and published by the director of the department of public works, and all fees shall be timely paid.

B. Unpaid fees for solid waste disposal and other services provided pursuant to this chapter shall be a lien against the property for which the services have been provided and amounts delinquent for three months or more may be certified annually by the city assessor to be entered upon the next tax roll against the property to which the services have been provided. Fees shall be collected and the lien enforced in the same manner as provided for in the collection of taxes assessed upon the tax roll and the enforcement of the lien for unpaid taxes. The time and manner of certification and other details with respect to the collection of the fees is to be established by the resolution of the city council. This lien remedy does not preclude any other remedy provided for by law.

C. A four-percent penalty will be added to all fees unpaid on the stated due date. (Ord. 161-A-1 §1, 1992: Ord. 161 § 9, 1991)

13.24.100 Promulgation of rules.

The director of the department of public works or his designee shall have the authority to promulgate rules and regulations concerning the implementation of this chapter. (Ord. 161 § 10, 1991)

13.24.110 Authority to delegate.

The city may, by resolution of the city council, transfer, assign and/or delegate the administration and/or implementation of the collection and disposal of solid waste, recyclables and compostables/yard waste and the collection of fees and billings with respect thereto to RRRASOC and/or other similar body and/or agency and may further transfer, assign and/or delegate any contract between the city and a contractor for the collection and disposal of solid waste, recyclables and compostables/yard waste to RRRASOC and/or other similar body and/or agency. (Ord. 161 § 11, 1991)

13.24.120 Enforcement.

Authorized employees and representatives of the police department, the department of public works and the building department are authorized to issue citations to any person violating the provisions of this chapter. (Ord. 161 § 12, 1991)

13.24.130 Violation--Penalty.

Any person, firm or corporation who violates or fails to comply with any provision of this chapter shall be guilty of a

misdemeanor and, upon conviction, be fined not more than five hundred dollars or be imprisoned for a period not to exceed ninety days, or both such fine and imprisonment in the discretion of the court. (Ord. 161 § 13, 1991)

13.24.140 Pick-up and emptying of solid waste containers and Dumpsters.

No solid waste container or Dumpster, which is located within five hundred feet of any structure intended for or used as a residential dwelling, except hotels and motels, shall be picked up or emptied between the hours of six p.m. and seven a.m. of the following day. (Ord. 01-02 § 1, 2001)