

Chapter 62 SOLID WASTE*

***Cross reference(s)**--Buildings and building regulations, ch. 14; environment, ch. 34; littering, ' 50-166; waste containers in parks, ' 54-3; utilities, ch. 86.

State law reference(s)--Solid waste management, MCL 324.11501 et seq., MSA 13A.11501 et seq.; garbage disposal act, MCL 123.361 et seq., MSA 5.2726(1) et seq.; authority to provide for and regulate disposal of solid waste, MCL 324.4310 et seq., MSA 13A.4310 et seq.

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ARTICLE I. IN GENERAL

Sec. 62-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Department means the public works department of the city.

Director means the director of the public works department of the city.

Garbage means all putrescible wastes, except sewage and body wastes, including vegetable and animal offal and carcasses of dead animals, but excluding recognizable industrial byproducts, and shall include all such substances from all public and private establishments and from all residences.

Rubbish means dirt, leaves, grass trimmings, tin cans, wastepaper, ashes, straw, shavings, junk and, in general, nonputrescible wastes normally incident to the lawful use of the premises on which accumulated.

(Code 1971, ' 2.1)

Cross reference(s)--Definitions generally, ' 1-2.

Secs. 62-2--62-30. Reserved.

ARTICLE II. COLLECTION AND DISPOSAL

Sec. 62-31. Supervision.

- (a) The garbage collection service of the city shall be under the supervision and direction of the director. The director shall make such reasonable rules and regulations concerning the collection of garbage as he shall deem proper, subject to approval of the council. No person shall fail to observe any such rule or regulation so adopted and approved. Upon order of the director, the garbage collection service may be discontinued to any premises where the occupant fails or refuses to comply with the provisions of this chapter or any rule or regulation adopted pursuant to this chapter; and such service need not thereafter be reinstated until such violation is remedied to the satisfaction of the director.

- (b) Because collection of garbage and its disposition is so significant to the public health and welfare, the city reserves the exclusive right to provide this service for its residents.

(Code 1971, ' 2.2)

Sec. 62-32. Garbage containers.

- (a) The owner and each occupant of any premises on which any garbage shall be accumulated which is not disposed of by an approved incinerator or approved garbage grinder shall maintain on the premises one or more garbage containers, each having a capacity of not less than five gallons nor more than 32 gallons, except for city-approved dumpsters provided by the city-authorized garbage collection service company, and the number of containers kept on each premises shall be sufficient to conveniently store the normal accumulation of garbage on the premises over a period of not less than seven days. Such containers shall be of metal not easily corrodible, of sturdy synthetic material or plastic bags of sufficient strength to contain the garbage while being handled. All containers shall be covered or secured so as to be impervious to rain or snow. Garbage shall be drained of water and suitably wrapped before deposited in containers. Containers to which garbage is frozen or which contain water or slop will not be emptied by the collector. Reusable containers must be maintained in a clean and sanitary condition.
- (b) All dumpsters will be painted, covered and well maintained. Located on each vertical face must be a two-inch-high numerical identification number with written instructions as to the proper city ordinance regulations.

(Ord. No. 83, ' 2.3, 5-13-1992)

Sec. 62-33. Location of garbage containers.

Garbage containers shall be stored at the rear or side of buildings at a place reasonably inconspicuous and off street rights-of-way and away from places occupied by other persons. Such garbage containers, other than dumpsters, shall, however, be placed on the curb for pickup not earlier than 7:00 a.m. of the day of collection. Not in excess of 50 pounds of garbage shall be placed in any one garbage container other than a dumpster, and no container shall be filled beyond its capacity. All dumpsters shall be set within a three-sided enclosure with the sides being at least as high as the height of the dumpster.

(Ord. No. 83, ' 2.4, 5-13-1992)

Sec. 62-34. Rubbish collection.

Rubbish shall be collected under the direction of the director. The director shall make reasonable rules and regulations concerning the collection and disposition of rubbish. Such rules and regulations shall be subject to approval of the council. No owner or occupant shall fail to observe any rule or regulation so adopted and approved. The collection and disposition of rubbish shall be subject to the following rules:

- (1) No rubbish shall be placed on the curbing or in an alley for pickup unless in a completely covered container.
- (2) No wastepaper or cardboard containers shall be placed upon the curbing or in an alley for collection unless they are securely baled or tied.
- (3) No containers or baled papers, or baled cardboard cartons, or other rubbish, shall be placed on the sidewalk, street or alley in such way as to interfere with either pedestrian or vehicular traffic.
- (4) All empty containers must be removed from the curbing promptly following the city pickup.

(Ord. No. 83, ' 2.5, 5-13-1992)

Sec. 62-35. Rubbish collectors.

No person shall engage in the business of collecting, transporting or disposing of rubbish within the city without first obtaining a license. Licenses shall be issued upon application to the city clerk on forms provided by him and upon payment of such fee as shall be prescribed by the council. 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 rubbish 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 rubbish collection, transportation and disposition as he may deem necessary. The director shall revoke the license of any rubbish collector who fails to abide by any such rule or regulation adopted by the director or any provision of this chapter. Prior revocation of a license shall be sufficient grounds for the refusal by the director to certify any future application by such licensee.

(Code 1971, ' 2.6)

Sec. 62-36. Littering and accumulation.

No person shall throw or deposit any garbage or rubbish upon or into any street, alley or other property, public or private. It shall be the duty of every occupant of property and of the owner of unoccupied property, at all times to maintain the premises occupied or owned by him, in a clean and orderly condition, permitting no deposit or accumulation of garbage or rubbish upon such premises unless stored or accumulated as permitted by this chapter.

(Code 1971, ' 2.7)

Sec. 62-37. Disposition of garbage.

No person shall dispose of any garbage within the city other than by means of an approved incinerator, approved garbage grinder, or the city collection service.

(Code 1971, ' 2.8)

Sec. 62-38. Accumulation and disposition of rubbish.

Any rubbish accumulated or stored outside of a dwelling or building on any premises shall be placed in containers of not less than one bushel capacity, which containers shall be placed at the rear or side of buildings at a place which is reasonably inconspicuous and away from streets and places occupied by other persons. No rubbish may be stored or accumulated which is contaminated by any garbage unless stored as garbage. Ashes shall be stored in metal containers. Rubbish shall be disposed of only to a licensed rubbish collector or the city collection service, except that any person may dispose of his own rubbish:

- (1) By an approved incinerator located within a building.
- (2) If permitted by the director, by transporting the rubbish to the city landfill, but only in accordance with the rules and regulations pertaining to the landfill. No person transporting any rubbish in accordance with this section shall fail to securely cover and secure the load so that no part of the load shall be lost while being transported.

(Code 1971, ' 2.9)

Secs. 62-39--62-70. Reserved.

ARTICLE III. HAZARDOUS WASTE*

***Cross reference(s)**--Fire prevention and protection, ch. 38.

State law reference(s)--Hazardous waste management, MCL 324.11101 et seq., MSA 13A.11101 et seq.; hazardous materials transportation act, MCL 29.471 et seq., MSA 13A.11201 et seq.

Sec. 62-71. 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:

Dangerous or hazardous substance or material means any substance or material which, because of its quantity, quality, concentration or physical, chemical or infectious characteristics, may cause or contribute to an increase in mortality or an increase in serious irreversible illness, or serious incapacitating but reversible illness, or pose a present or potential hazard to human health or the environment if improperly stored, transported, disposed of or otherwise managed. Dangerous or hazardous substance or materials include but are not limited to:

- (1) Petroleum and liquid and semisolid petroleum products;
- (2) Radioactive materials;
- (3) Liquid flammables;
- (4) Ethiological (biologic) agents;
- (5) Hazardous waste as defined in MCL 324.11101 et seq., MSA 13A.11101 et seq.;
- (6) Hazardous substance as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, PL 96-510, 94 Stat. 2767.

(Ord. No. 111, ' 9.60, 9-10-1997)

Cross reference(s)--Definitions generally, ' 1-2.

Sec. 62-72. Responsible persons and entities.

- (a) Every person owning, managing and/or operating the property, equipment, vehicle or vessel upon which or from which dangerous or hazardous substance or material has spilled, leaked or escaped shall immediately remove the dangerous or hazardous substance and clean the property onto which such substance and/or material has spilled, leaked or escaped in such a manner that such property is fully restored to its condition prior to such occurrence.
- (b) Every person causing or contributing to the spilling, leaking or escape of dangerous or hazardous substances or materials is obligated to provide reimbursement to the city for the cost of cleanup and disposal of such dangerous or hazardous substances or materials and of the soil and any other material that has become contaminated by such dangerous or hazardous substances or materials.

(Ord. No. 111, ' 9.61, 9-10-1997)

Sec. 62-73. Failure to clean up and dispose of.

Any responsible person or entity failing to comply with its duty to clean up and dispose of a hazardous or dangerous substance and to restore the affected areas shall be fully liable to and shall pay the city all costs and expenses for the complete abatement, cleanup and restoration of the affected areas. Costs incurred by the city shall include but shall not necessarily be limited to all actual labor costs of city personnel including workers' compensation benefits, fringe benefits, administrative overhead, the cost of equipment operation, the cost of materials realized by the city for use in the cleanup activity and the cost of any and all other contract labor and materials.

(Ord. No. 111, ' 9.62, 9-10-1997)

Sec. 62-74. Enforcement.

If any responsible party fails to reimburse the city as provided in section 62-73 and is the owner of the property on which or from which the dangerous or hazardous substance or material spilled, leaked or escaped, the city shall have the right and power to add all costs of cleanup, disposal and restoration of the affected property to the tax roll of the property of the responsible party and to levy and collect such costs in the same manner as provided for the levy and collection of real property taxes against the property. The city shall also have the right to bring an action in the appropriate court against each responsible party to collect such costs if it deems such action to be necessary or appropriate.

(Ord. No. 111, ' 9.63, 9-10-1997)