

- **Sec. 66-27. - Declaration of necessity and interpretation.**

(a) It is declared to be necessary to govern the storage, collection, transportation and disposal of refuse and other rejected, unwanted or discarded waste materials within the city limits so that the public health, safety and welfare may be protected. It is the intent of the city council that this article be liberally construed, in accordance with Act No. 641 of the Public Acts of Michigan of 1978 (MCL 299.401 et seq.), the Solid Waste Management Act (act 164).

(b) It is further declared to be a paramount municipal concern to reduce the size of the solid waste stream generated from the residents of the city. To that end, the city has adopted the county solid waste plan. This article is enacted pursuant to the initiatives set forth discussed in such solid waste plan and to carry out the mandates to reduce the size of the solid waste stream from the city.

(c) Each owner, occupant or person in possession of any premises shall be responsible for disposal of his refuse in accordance with this article and in accordance with the rules and regulations promulgated under this article.

(Code 1984, § 22-15; Ord. No. 1984-8, § 2, 9-10-84; Ord. No. 94-1, § 2(22-15), 10-17-94; Ord. No. 95-5, § 2(22-15), 6-19-95)

- **Sec. 66-28. - City manager's responsibility.**

(a) The authority to inspect, investigate and report on the collection, transportation, recycling and disposal of refuse and other waste material by any licensee under this article is vested in the city manager.

(b) The city manager is authorized to make such rules and regulations as from time to time appear to him to be necessary to carry out the intent of this article, provided that such rules are not in conflict with this or any other law of the city or any other government with jurisdiction and provided, further, that such rules are approved by the city council. Failure to observe any approved rule or regulation shall be a violation of this article. Such rules and regulations shall be published and available for distribution at the city clerk's office.

(Code 1984, § 22-16; Ord. No. 1984-8, § 2, 9-10-84; Ord. No. 94-1, § 2(22-16), 10-17-94; Ord. No. 95-5, § 2(22-16), 6-19-95)

- **Sec. 66-29. - Powers of county health department and other regulatory agencies.**

This article shall not be construed as limiting the powers of the county health department or the state department of environmental quality or the EPA, in reference to sanitary or environmental health conditions existing on any property in the city.

(Code 1984, § 22-17; Ord. No. 1984-8, § 2, 9-10-84; Ord. No. 94-1, § 2(22-17), 10-17-94; Ord. No. 95-5, § 2(22-17), 6-19-95)

- **Sec. 66-30. - Responsibility of owners and occupants.**

Every owner, occupant or person in possession of a residential premises in the city is required to have accumulations of refuse removed and disposed of in accordance with this article

and in accordance with the rules and regulations promulgated under this article. Every owner, occupant or person in the city in possession of multiple residential or nonresidential premises shall be responsible for the storage, collection and disposal or recycling of his own refuse by any means authorized by law.

(Code 1984, § 22-18; Ord. No. 1984-8, § 2, 9-10-84; Ord. No. 94-1, § 2(22-18), 10-17-94; Ord. No. 95-5, § 2(22-18), 6-19-95)

- **Sec. 66-31. - Compliance required.**

No owner, occupant, tenant or lessee of any building, structure, property or premises in the city shall store, collect, transport or dispose of any refuse, garbage, rubbish or other rejected, unwanted or discharged waste materials, except in compliance with this article and applicable county, state and federal statutes, rules and regulations.

(Code 1984, § 22-19; Ord. No. 1984-8, § 2, 9-10-84; Ord. No. 94-1, § 2(22-19), 10-17-94; Ord. No. 95-5, § 2(22-19), 6-19-95)

- **Sec. 66-102. - Storage on residential premises.**

(a) Under this article, the property owner or resident shall provide one or more containers, with a combined minimum capacity of 90 gallons, of rigid construction and a tightly fitting cover in which to store refuse. The licensee shall transfer the contents of the containers for which they have contracted with the customer a minimum of one time per week if the customer does not recycle all available recyclable materials. If the customer recycles all available recyclable materials, the licensee shall transfer the contents of the containers for which they have contracted with the customer a minimum of one time every other week. Containers must be located in such a manner as to prevent them from being overturned. Receptacles and containers shall be kept in a clean and sanitary condition and free from any substance which will attract or breed flies, mosquitoes or other insects.

(b) Each container shall be constructed of substantial plastic, metal or fiberglass; shall have a tightly fitting lid; shall be portable, watertight and vector and vermin proof; and shall be provided with handles or bails. The mouth of a container shall have a diameter greater than or equal to that of the base. Wrapped garbage and other refuse shall be secured in plastic bags before storing in a container.

(c) For ashes, each container shall be portable, of substantial metal construction and provided with handles or bails.

(d) Rubbish which cannot be secured in a container may be secured in bundles or may be deposited in plastic bags.

(e) Yard waste must be separated from other solid waste and must be disposed of at an appropriate site or composting facility.

(f) The act of composting shall be for the sole purpose of creating naturally, decayed material for future soil enhancement. Such composting activity shall be located in the rear yard area and no less than five feet from the rear or any side yard property line in an area defined by a boundary no greater than 20 feet in diameter (i.e., five feet by five feet) and a storage height no greater than four feet. Accumulation of compostable yard waste shall be naturally occurring and originate on site.

(Code 1984, § 22-44; Ord. No. 1984-8, § 2, 9-10-84; Ord. No. 94-1, § 2(22-44), 10-17-94; Ord. No. 95-5, § 2(22-44), 6-19-95; Ord. No. 2000-21, § 2, 7-3-00; Ord. No. 2000-22, § 2, 8-7-00; Ord. No. 2005-02, § 2, 4-18-05)

- **Sec. 66-103. - Storage on commercial premises.**

The owner and occupant of commercial premises shall provide containers or receptacles of sufficient number and size for the storage of refuse between collections. All containers and receptacles shall be kept clean and in good repair. After enactment of this ordinance, dumpsters located on a new commercial premises shall be stored on a concrete pad and appropriately screened from public view on all four sides.

(Code 1984, § 22-45; Ord. No. 1984-8, § 2, 9-10-84; Ord. No. 94-1, § 2(22-45), 10-17-94; Ord. No. 95-5, § 2(22-45), 6-19-95; Ord. No. 2005-02, § 2, 4-18-05)

- **Sec. 66-108. - Private property.**

Storage of refuse from private property, whether occupied or unoccupied, shall generally remain the responsibility of the owner and occupant of such property.

(Code 1984, § 22-50; Ord. No. 1984-8, § 2, 9-10-84; Ord. No. 94-1, § 2(22-50), 10-17-94; Ord. No. 95-5, § 2(22-50), 6-19-95)

- **Sec. 66-110. - Accumulation of leaves or combustible matter.**

Accumulations of leaves, hay, grass, straw, weeds and Christmas trees shall be promptly removed by the owner thereof.

(Code 1984, § 22-52; Ord. No. 1984-8, § 2, 9-10-84; Ord. No. 94-1, § 2(22-52), 10-17-94; Ord. No. 95-5, § 2(22-52), 6-19-95)

- **Sec. 66-138. - Types of collection.**

As the basic pickup service under this article, each licensee shall provide either back yard or curb service at least once per week to residential customers who do not fully recycle. Other types of collection shall be offered as items on each hauler's menu of services, in accordance with this article. Containers may be placed there on the day of collection or the night before the day of collection and shall be removed therefrom by 7:00 p.m. on the day of collection. The service shall include the collection of all normal household garbage and rubbish. Bulky waste, commercial refuse, dirt and construction waste shall not be placed for the usual residential collection, but the resident may make special arrangements with a licensed hauler to remove all such waste.

(Code 1984, § 22-62; Ord. No. 1984-8, § 2, 9-10-84; Ord. No. 94-1, § 2(22-62), 10-17-94; Ord. No. 95-5, § 2(22-62), 6-19-95)

- **Sec. 66-139. - Refuse disposal generally.**

(a) No person shall dispose of any refuse within the city other than by means of an approved incinerator, use of recycling, an approved garbage disposal unit, a private refuse collector duly licensed by the city, open burning of yard clippings or any method approved in writing by the city manager.

(b) A list of each licensee approved by the city for the purpose of residential premises refuse collection shall be made available at the office of the city manager. **Each owner or occupant of the residential premises shall contract with a valid licensee to provide refuse collection for each residential premise owned or occupied by him.**

(c) Each licensee shall submit to the city manager a list of the addresses within the city for which he is providing residential service. Each licensee shall inform the city manager of any additions, deletions or changes to his customer list in a timely fashion.

(d) Each licensee shall make special arrangements to serve the needs of seniors and qualified disabled persons.

(e) When it has been determined that residential premises, as defined in this article, are not in fact receiving refuse service, the city manager shall assess a fine of \$100.00 per day. Before any fines are so assessed, the city manager shall notify such property owners in writing by first class mail and allow a minimum of ten days after receipt for compliance.

(Code 1984, § 22-64; Ord. No. 1984-8, § 2, 9-10-84; Ord. No. 94-1, § 2(22-64), 10-17-94; Ord. No. 95-5, § 2(22-64), 6-19-95)

- **Sec. 66-140. - Unacceptable items for collection.**

Unacceptable items for collection at the city curb include but are not limited to yard waste, logs, stumps, trees except Christmas trees, bulky waste, construction waste, commercial waste, industrial waste, stable matter, hazardous waste, human body waste, liquid waste, pathogenic and radioactive waste or other waste regulated by statute.

(Code 1984, § 22-65; Ord. No. 1984-8, § 2, 9-10-84; Ord. No. 94-1, § 2(22-65), 10-17-94; Ord. No. 95-5, § 2(22-65), 6-19-95; Ord. No. 2005-02, § 2, 4-18-05)

- **Sec. 66-142. - Incinerators producing nauseous odors.**

(a) An incineration method which produces nauseous odors is prohibited.

(b) Incinerators used for the disposal of refuse must comply with the standards of and receive the approval of all local, state and federal authorities, where applicable. Special incinerator permits may be obtained from the building inspector and, where applicable, from the state department of environmental quality, air pollution control division.

(Code 1984, § 22-67; Ord. No. 1984-8, § 2, 9-10-84; Ord. No. 94-1, § 2(22-67), 10-17-94; Ord. No. 95-5, § 2(22-67), 6-19-95)

- **Sec. 66-144. - Commercial refuse.**

Every owner, occupant or person in possession of a commercial establishment shall be responsible for the storage, collection and disposal of his refuse by contracting with a person licensed by the city or by the use of an approved incinerator. Such refuse must be removed as frequently as necessary to prevent the creation of a nuisance which, for single and multiple residences, shall be once a week. Commercial establishments include establishments for group eating, such as clubs, restaurants and institutions, and establishments such as markets, commission houses, grocery stores, fruit and vegetable stands, bakeries, canneries, butcher shops and similar

establishments. Garbage and food waste need not be wrapped but shall be placed or stored in covered or closed containers. No garbage or food waste of any kind shall be placed or stored in an uncovered receptacle, nor shall garbage be burned in a container, receptacle or unapproved incinerator.

(Code 1984, § 22-69; Ord. No. 1984-8, § 2, 9-10-84; Ord. No. 94-1, § 2(22-69), 10-17-94; Ord. No. 95-5, § 2(22-69), 6-19-95)

• **DIVISION 5. - BILLINGS**

• **Sec. 66-176. - Responsibility for payment.**

Although the occupant or person in possession of residential premises may make arrangements with private haulers for payment for the required refuse pickup, the owner of record as titleholder, as reflected in the records of the city assessor, shall be responsible for all refuse collection charges for services to the owner's residential premises. If the premises are serviced by the city contracted refuse hauler because the resident did not make arrangements with a licensed private hauler or did not pay for the services from the hauler and the services are discontinued, the owner of record as titleholder, as reflected in the records of the city assessor, shall be billed for and responsible for the refuse collection charges of the city.

(Code 1984, § 22-84; Ord. No. 1984-8, § 2, 9-10-84; Ord. No. 94-1, § 2(22-84), 10-17-94; Ord. No. 95-5, § 2(22-84), 6-19-95)

• **Sec. 66-177. - Continuation of service; change of occupancy.**

Residential premises' refuse collection and appropriate charges for service shall continue, regardless of the customer's response to the billing procedure, so long as the residential unit is deemed occupied. The owner of the premises shall advise the city and its contractor of any change in occupancy of the residential unit for purposes of service and billing.

(Code 1984, § 22-85; Ord. No. 1984-8, § 2, 9-10-84; Ord. No. 94-1, § 2(22-85), 10-17-94; Ord. No. 95-5, § 2(22-85), 6-19-95)

• **Sec. 66-178. - Vacation of premises; notice.**

(a) Owners and occupants of residential premises shall notify the city treasurer if such premises are being vacated between billings. An owner or occupant taking title to or possession of residential premises in the city shall notify the treasurer immediately to avoid delay in refuse collection.

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

(Code 1984, § 22-86; Ord. No. 1984-8, § 2, 9-10-84; Ord. No. 94-1, § 2(22-86), 10-17-94; Ord. No. 95-5, § 2(22-86), 6-19-95)

• **Sec. 66-179. - Procedures.**

The following billing procedures shall be controlling as to the residential premises recycling education program provided by the city employed licensee/program director/educator:

- (1) Statements shall be rendered one time per quarter for the months left in the year and sent to the owner of the residence so serviced. The bill shall be payable to the city at the office of the city treasurer.
- (2) A late charge of ten percent of the unpaid bill shall be assessed on bills paid more than 30 days after the due date.

(Code 1984, § 22-87; Ord. No. 1984-8, § 2, 9-10-84; Ord. No. 94-1, § 2(22-87), 10-17-94; Ord. No. 95-5, § 2(22-87), 6-19-95)

- **Sec. 66-180. - Liens, special assessments and deposits.**

(a) Fines for not employing a refuse collector shall constitute a lien on such premises as though they are a delinquent utility fee.

(b) In addition to the methods of collection of fees imposed by or pursuant to this article, the director of finance shall annually certify all unpaid charges for such service furnished to any premises which, as of such dates, have remained unpaid for a period of six months, to the city treasurer who shall place with charges on the tax roll of the city. Such charges shall be collected in the same manner as a delinquent utility fee as a lien against the property as set forth in [section 17.4](#) of the Charter and [chapter 86](#)

(Code 1984, § 22-88; Ord. No. 1984-8, § 2, 9-10-84; Ord. No. 94-1, § 2(22-88), 10-17-94; Ord. No. 95-5, § 2(22-88), 6-19-95)