

CHAPTER 1060

Solid Waste

EDITOR'S NOTE: The previous Chapter 1060 was repealed on January 18, 2011.

1060.01	Definitions.	1060.08	Revocation of Waste Hauler License.
1060.02	Prohibited Storage or Disposal.	1060.09	Single Hauler Waste Collection and Disposal Program.
1060.03	Prohibited Collection.	1060.10	Violations and Penalties.
1060.04	Prohibited Placement of Waste.	1060.11	Severability.
1060.05	Storage Regulations.		
1060.06	Disposal Regulations.		
1060.07	Waste Hauler License Required.		

CROSS REFERENCES

Authority to regulate disposal of garbage and rubbish, MCL 123.361 et seq., 324.4301 et seq., MSA 5.2726(1) et seq., 13A.4301 et seq.;

Hazardous waste management, MCL 324.11101 et seq., MSA 13A.11101 et seq.;

Solid waste management, MCL 324.11501 et seq., MSA 13A.11501 et seq.;

Waste management and resource recovery finance, MCL 324.11901 et seq., MSA 13A.11901 et seq.;

Recycling and related subjects, MCL 324.16101 et seq., MSA 13A.16101 et seq.;

Disposal of medical waste, MCL 333.13801 et seq., MSA 14.15(13801) et seq.;

Low-Level Radioactive Waste Authority Act, MCL 333.26201 et seq., MSA 14.528(362) et seq.

1060.01 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:

- (A) *Act 451* means Public Act. No 451 of 1994, MCL 324.101 *et seq.*
- (B) *Bulk Item* means large solid waste items, including furniture, appliances, washers, dryers, heaters, carpet, wood, metal, construction and demolition debris not in excess of 1 cubic yard, and other items with a weight and volume greater than allowed for container collection.
- (C) *Commingled* means recyclable materials that have been mixed at the site of generation and placed in the same container for curbside pickup.
- (D) *Compost* means the humuslike product of the composting process.
- (E) *Compostables* means yard clippings and residential compostables.
- (F) *Container* means a vermin proof, watertight, wooden, metallic, plastic or masonry receptacle for the storage and placement of solid waste.
- (G) *Curbside* means a location near the traveled portion of the roadway or alley used for the collection of solid waste, recyclable materials or yard clippings.
- (H) *Designated Facility* means a facility that the County of Grand Traverse has identified as an approved location for the disposal of solid waste or the collection process and marketing of yard waste or recyclable material as defined by Ordinance No. 17.
- (I) *Designated Waste Hauler* means any person awarded a contract by the City of Traverse City to engage in the business of collecting of solid waste, recyclable materials, yard clippings, and bulk items from Residential Generation Sites within the City of Traverse

SOLID WASTE

- City and hauling, transporting or disposing of such materials.
- (J) *Garbage* means rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruits or vegetables.
 - (K) *Generator of waste* means any person who has acquired or stored any waste at a site of generation.
 - (L) *Hazardous waste* means waste or a combination of waste and other discarded material, including solid, liquid, semisolid or contained gaseous material, that because of its quantity, quality, concentration or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible illness or serious incapacitating but reversible illness, or may pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed of or otherwise managed. Hazardous waste does not include material that is solid or dissolved material in domestic sewage discharge, solid or dissolved material in an irrigation return flow discharge, industrial discharge that is a point source subject to permits under section 402 of title IV of the Federal Waste Pollution Control Act, chapter 758, 86 Stat. 880, 33 USC 1342, or is a source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, chapter 1073, 68 Stat. 919.
 - (M) *Licensed Waste Hauler* means a waste hauler who has been issued a hauler license by the County of Grand Traverse.
 - (N) *Litter* means all rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, debris or other foreign substances of every kind and description.
 - (O) *Newspaper* means all newsprint and materials which are part of a newspaper except the glossy inserts placed in the newspaper.
 - (P) *Ordinance No. 17* means the County of Grand Traverse, Ordinance No. 17 regulating the collection, transportation, delivery and disposal of solid waste, yard waste, and recyclable materials as may be amended from time to time and its rules and regulations.
 - (Q) *Premises* means any area of land used for residential, commercial, industrial or governmental purposes, separately or in combination, to which a separate street address, postal address or box number, tax roll description, or other similar identification has been assigned or is in use by a person having control of such area.
 - (R) *Recyclable materials* means source-separated materials, site-separated materials, high-grade paper, glass, metal, plastic, aluminum, newspaper, corrugated paper, yard clippings and other material deemed to be recyclable materials by the County of Grand Traverse, Ordinance No. 17 or resolution of the City Commission unless the Licensed Hauler is capable of sorting Recyclable Materials at a Designated Facility.
 - (S) *Residential compostables* means fruit and vegetable material which is produced incidental to the preparation of food for human consumption in residential structures.
 - (T) *Residential Generation Site* means all single-family residential structures and multi-family residential structures with 4 or less residential units per parcel located within the City of Traverse City.
 - (U) *Rubbish* means nonputrescible solid waste, excluding ashes, consisting of both combustible and noncombustible waste, including paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, or litter of any kind that may be a detriment to the public health and safety.
 - (V) *Site of generation* means any premises in or on which litter is generated by any person.
 - (W) *Site-separated material* means glass, metal, wood, paper products, plastics, rubber,

SOLID WASTE

textiles, garbage, yard clippings or other material that may be recycled that is separated from solid waste for the purpose of conversion into raw material or new products. Site-separated material does not include the residue remaining after glass, metal, wood, paper products, plastics, rubber, textiles or other recyclable materials is separated from solid waste.

- (X) *Site separation* means the act of removing site-separated material from rubbish.
- (Y) *Solid waste* means solid waste as the term is defined in Act 451.
- (Z) *Specialty Waste Hauler* means a Licensed Waste Hauler that accepts specialty recyclable or other waste materials in a truck weighing 1 ton or less.
- (AA) *Waste solid waste, litter, garbage, recyclable materials, yard clippings, hazardous waste, and all other waste regulated by Act 451.*
- (BB) *Waste hauler* means any person engaged in the business of collecting waste within the City and hauling, transporting or disposing of such materials.
- (CC) *Yard clippings* means leaves, grass clippings, vegetables or other garden debris, shrubbery, brush or tree trimmings less than four feet in length and two inches in diameter, that can be converted to compost humus. This term does not include stumps, agricultural wastes, animal waste, roots, sewage, sludge or garbage.

Terms, words and phrases not otherwise specifically defined in this section shall have the meanings ascribed to them in Act 451.

(Ord. 901. Passed 1-18-11.)

1060.02 PROHIBITED STORAGE OR DISPOSAL.

It shall be unlawful for any person to store or dispose of Waste except as expressly authorized by this chapter.

(Ord. 901. Passed 1-18-11.)

1060.03 PROHIBITED COLLECTION.

All Waste shall become the property of the Licensed Waste Hauler at the time the material is collected at Curbside or other designated collection location. It shall be unlawful for any person other than a Licensed Waste Hauler or the Generator of the Waste to collect or cause to be collected any Waste after it has been placed at Curbside or other designated collection location.

(Ord. 901. Passed 1-18-11.)

1060.04 PROHIBITED PLACEMENT OF WASTE.

It shall be unlawful for any person to place or cause to be placed Waste for disposal upon the premises of another person or with the Waste of another person placed at Curbside without the permission of the owner of the Premises.

(Ord. 901. Passed 1-18-11.)

1060.05 STORAGE REGULATIONS.

All Waste at any Site of Generation shall be stored in the following manner:

- (A) Solid Waste. All Solid waste shall be:
 - (1) Gathered, stored and placed in a closed container or containers sufficient in number and size to store such waste;
 - (2) Shielded from public view upon the site of generation; and
 - (3) Not commingled with yard clippings.
- (B) Recyclable materials. All recyclable materials not commingled with solid waste shall be:
 - (1) Site-separated from other waste and stored and placed in a recycling collection container suitable for such purpose; or if newspapers or other recyclable paper

SOLID WASTE

- products, be stored and placed in recycling collection containers, paper bags or tied into bundles weighing not more than 50 pounds; and
- (2) Rinsed and cleaned before storage if metal, glass or plastic.
- (C) Residential compostables. All residential compostables not commingled with solid waste shall be collected, stored and disposed of pursuant to the following conditions:
- (1) Compost piles shall not be located within any drainage easement.
- (2) Compost piles shall not be located in any side yard or closer than five feet to any property line.
- (3) Compost piles shall not exceed four feet by eight feet or six feet in diameter and shall not exceed four feet in height.
- (4) Double compost piles may be utilized, provided the total size does not exceed the above. Compost piles shall be maintained in a manner to prevent the escape of offensive odors to adjacent property, the harboring of rodents, becoming a public nuisance.
- (D) Yard clippings. All yard clippings shall be site-separated from other waste and:
- (1) Stored in a manner that will not harbor rodents or become a public nuisance; and
- (2) Not commingled with solid waste or other recyclable materials.
- (E) Other. The storage of all other waste not expressly prescribed in this section shall be stored in accordance with Act 451 at any Site of Generation.
- (Ord. 901. Passed 1-18-11.)

1060.06 DISPOSAL REGULATIONS.

All Waste at any Site of Generation shall be disposed of in the following manner:

- (A) Solid waste. All solid waste shall be removed from the Site of Generation within 30 days or before it becomes a nuisance or danger to the public health, safety or welfare by a licensed waste hauler or transport of a Generator of Waste's own solid waste to a Designated Facility.
- (B) Recyclable materials. All recyclable materials not commingled with solid waste shall be removed from the Site of Generation within 30 days or before such materials become a nuisance or danger to the public health, safety or welfare by a licensed waste hauler or transport by a Generator of Waste's own recyclable materials to a Designated Facility.
- (C) Yard clippings. All yard clippings shall be site-separated from other waste and, unless composted at the site of generation in accordance with Section 1060.05(3) of this Chapter or applied to the Site of Generation for use in mulching, enhancing soil, erosion control or compost or a combination of these, removed from the Site of Generation before such clippings become a nuisance or danger to the public health, safety or welfare by:
- (1) A licensed waste hauler; or
- (2) A person engaged in the business of providing landscaping services.
- (D) Preparation of yard clippings for disposal. If collected by the Licensed Waste Hauler, twigs, brush and branches shall be prepared as specified by the Licensed Waste Hauler. All other yard clippings shall be placed in bulk carts or containers or kraft paper bags clearly marked as yard clippings. Bulk disposal of yard clippings pursuant to rules and regulations of the City for pick-up by the City shall be allowed.
- (E) Other. The disposal of all other waste not expressly prescribed in this section shall be in accordance with Act 451.
- (F) Curbside placement.
- (1) No Waste or containers for same shall be placed or left at curbside for more than 48 hours;

SOLID WASTE

- (2) It shall be presumed that the owner, lessee or occupant in physical possession of a site of generation abutting a curbside where waste is located is the person who placed such waste at the curbside; and
 - (3) The presumption of placement may be rebutted by competent evidence.
- (G) Collection refusal by Waste Hauler. A Waste Hauler may refuse to collect waste from any site of generation if such waste is not prepared for disposal in accordance with the provisions of this Chapter.
- (Ord. 901. Passed 1-18-11.)

1060.07 WASTE HAULER LICENSE REQUIRED.

- (A) It shall be unlawful for any person to operate as a Waste Hauler within the City without a valid license.
 - (B) A license issued to such person by the County of Grand Traverse in accordance with Ordinance No. 17 shall be a valid license for operation within the City unless revoked by the City under Section 1060.08.
- (Ord. 901. Passed 1-18-11.)

1060.08 REVOCATION OF WASTE HAULER LICENSE.

- (A) A license to operate in the City may be revoked by the City Manager upon any violation of a federal or state law, local ordinance or related rules and regulations in accordance with the following:
 - (1) Written notification shall be served on the Waste Hauler by depositing the notice in the United States mail, postage prepaid, certified or registered mail, return receipt requested, addressed to the Waste Hauler at the address shown on the Waste Hauler's license as issued by the County of Grand Traverse. Such notice shall be deemed served upon the Waste Hauler upon deposit in the mail.
 - (2) The notice shall inform the Waste Hauler of the reasons for such revocation, the beginning date of the revocation, and the right to appeal under the provisions of this Chapter.
 - (3) The revocation shall be effective ten days after written notice is served on the Waste Hauler.
- (B) A revocation may be appealed to the City Commission in accordance with the following:
 - (1) The appeal shall be filed in writing within ten days of service of the notice of revocation.
 - (2) The appeal shall state what action is being appealed and shall have attached a copy of the notice of revocation and shall specifically set forth the reasons for believing the action was in error.
 - (3) Upon receipt of an appeal pursuant to this Section, the City Clerk shall schedule such appeal for a hearing before the City Commission at a regularly scheduled meeting following the next regularly scheduled meeting of the City Commission and inform the person who initiated the appeal of the time and place of such meeting and the opportunity to appear and be heard by the City Commission.
 - (4) The City Commission may set aside the action appealed from and reinstate a license as the facts may warrant based upon the provisions of this Chapter, Ordinance No. 17, or other conditions as the City Commission may deem advisable. The decision of the City Commission shall be made within 10 days of the date of the public hearing, and the City Clerk shall notify the person who initiated the appeal of the City Commission's decision in writing at the address

provided by the person in its appeal. A decision of the City Commission shall be final.

- (5) An appeal shall automatically stay the revocation pending the final decision of the City Commission.

(Ord. 901. Passed 1-18-11.)

1060.09 SINGLE HAULER WASTE COLLECTION AND DISPOSAL PROGRAM.

- (A) Residential Generation Sites. Commencing on the effective date of the contract between the City and the Designated Waste Hauler, collection and disposal of solid waste, recyclable materials, yard clippings, and bulk items from Residential Generation Sites shall be in accordance with the following provisions:

- (1) Except as set forth in this Section, no person shall dispose of any Waste generated from a Residential Generation Site within the City other than by means of the Designated Waste Hauler contracted by the City of Traverse City for such purpose.
- (2) The Designated Waste Hauler shall deliver solid waste to a Designated Facility for disposal of such materials.
- (3) Except as set forth in this Section, no Waste Hauler except the Designated Waste Hauler shall engage in the business of collection, transporting, delivery or disposal of waste generated by Residential Generation Sites within the City of Traverse City.
- (4) The Designated Waste hauler shall comply with Act 451, Ordinance No. 17, as applicable, and all applicable federal, state and county laws, local ordinances, and rules and regulations in the collection, transportation and delivery of Waste.
- (5) No person shall knowingly place Hazardous Waste at curbside or other designated locations for collection, and the Designated Waste Hauler shall not knowingly collect or deliver Hazardous Waste to a processing or disposal site.
- (6) Exceptions:
 - (a) Yard clippings in accordance with Section 1060.06(3).
 - (b) Compost in accordance with Section 1060.05(2).
 - (c) A Generator of Waste's own waste transported by the Generator of Waste to a Designated Facility or Waste not accepted by the Designated Waste Hauler and accepted by a Specialty Waste Hauler.
 - (d) Bulk yard clipping collection by the City pursuant to rules and regulations of the City.
 - (e) Solid Waste collected from units in a Condominium where the Association for the Condominium has entered into an agreement with a Waste Hauler for the collection of solid waste, recyclable materials, yard clippings, or bulk items for those units.
 - (f) Solid waste, recyclable materials, yard clippings, or bulk items collected pursuant to a prepaid agreement with a Waste Hauler entered into prior to the effective date of this Section until the expiration of the prepaid agreement or April 1, 2012, whichever occurs first.

- (B) Rates, charges, and payments for solid waste and recycling collection and disposal services. The designated waste hauler shall charge fees for collection and disposal of waste and shall bill for such services in accordance with the following:

- (1) The designated waste hauler shall charge fees for collection and disposal of waste

placed for collection as set forth in the contract between the designated waste hauler and the city.

- (2) The designated waste hauler shall send a quarterly invoice, in advance, to each Residential Generation Site for which services are provided in the City. Such invoice shall represent charges for services to be rendered in the following quarter.
- (3) Unless otherwise specified by the City, the invoice shall be delivered by regular mail at least three weeks prior to the beginning of the quarter for which charges are imposed.

Ord. 901. Passed 1-18-11.)

1060.10 VIOLATIONS AND PENALTIES.

- (A) **Violations.** A violation of this Chapter is a municipal civil infraction and is further declared to be a nuisance per se and subject to abatement as provided in this code and by state law.
- (B) **City Costs.** Upon failure of any person to store or dispose of garbage or refuse in the manner set forth in this chapter and when such improper storage or disposal creates or is likely to create nuisance by virtue of littering, odor, putrefaction, rodent or insect attraction, or broken or hazardous substances, the enforcing officer may take immediate steps to abate such nuisance. All costs thereof shall be recoverable shall be collected as a debt from the owner maintaining or permitting the violation and shall be assessed against the real estate involved pursuant to the Single Parcel Special Assessment Procedure set forth in Section 232.04 of this Code. City costs shall include, but not be limited to, actual attorney fees and expense of removal and abatement.
- (C) **Penalties.** Penalties for violations shall be as follows:
 - (1) **Residential Generation Site.** All violations of this Chapter by owners or occupants of Residential Generation Sites pertaining to Waste collected or generated on the property of the Residential Generation Site shall be municipal civil infractions and upon conviction thereof, shall be punishable by a fine of \$25.00.
 - (2) **Waste Haulers.** Penalties for violations by Waste Haulers shall be municipal civil infractions as follows:
 - (a) All violations of this Chapter by Waste Haulers shall be subject to sanctions as provided in Section 202.99(c).
 - (b) Repeated violations of this article by a Waste Hauler shall be cause for suspension or revocation of a waste hauling unit license by the City.
- (D) **Each day separate offense.** Every day that a violation occurs or continues shall be deemed a separate offense.

Ord. 901. Passed 1-18-11.)

1060.11 SEVERABILITY.

In the event any provision of this section is held to be invalid or unenforceable by a court of competent jurisdiction or any other such legal authority, then the remaining subsections shall remain in such full force and effect as permitted by law.

Ord. 901. Passed 1-18-11.)