

Chapter 9 GARBAGE AND TRASH*

1.

*Cross references: Garbage disposal units required in certain buildings, § 5-2; disposition of Christmas trees, § 8-3; throwing substances from vehicles, § 8-10; garbage rubbish storage and garbage disposal in housing units, § 11-77; litter, Ch. 13.

Sec. 9-1. Definitions.

For the purpose of this chapter, the following definitions of terms shall apply:

Ashes is the residue from the burning of wood, coal, coke or other combustible materials.

Bags shall mean disposable plastic garbage can liners of polyethylene, polyvinyl chloride, or similar composition which are of adequate strength to hold the contents.

Construction refuse shall mean all unwanted, rejected, discarded, or abandoned materials resulting from the alteration, repair or construction of buildings.

Container shall mean a covered plastic or metal rodent proof container not more than thirty (30) gallons in size.

Garbage is putrescible animal, fish, fowl, fruit and vegetable wastes resulting from the handling, preparation, cooking, storage and consumption of food.

Hazardous refuse shall mean any article or substance dangerous to the public health, safety, or welfare which would by way of illustration, but not by limitation, include pharmaceutical or narcotic preparations, volatile, explosive, or radioactive materials, poisons, and diseased or contaminated matter.

Litter is any garbage, rubbish, refuse, or discarded material of any kind thrown, placed, or allowed to remain upon any public or private property, or in any other manner constituting a nuisance.

Refuse is all putrescible and nonputrescible solid wastes including garbage, rubbish, ashes, street cleanings, and commercial and industrial wastes, but does not include dead animals or abandoned or disabled motor vehicles.

Superintendent of public works or superintendent is the superintendent of public works or his delegated agent or the city's delegated agent for purposes of enforcement of this chapter.

Regular collection days or regular collection shall mean those given days on which refuse

collection is routinely and consistently scheduled.

Rubbish is nonputrescible solid waste (excluding ashes) consisting of both combustible and noncombustible waste material and includes, but is not limited to, paper products of all descriptions, tin cans, glassware and earthenware of all kinds, rubber, rags, wood, leather, grass, leaves, furniture, household appliances, and other similar material.

(Ord. No. 292, § 3, 4-7-80)

Sec. 9-2. General prohibition.

It shall be unlawful for any person to deposit, place, scatter, strew, bury, or burn or to haul, transport, or store any refuse upon private or public property or premises within the city in contravention of this chapter.

(Ord. No. 292, § 2, 4-7-80)

Sec. 9-3. Collection by city.

All refuse accumulated in the city shall be collected, conveyed and disposed of by the city or by contractors retained by the city. No other person engaged in the business of refuse collection and/or disposal shall collect, convey over any of the streets or alleys of the city, or dispose of any refuse accumulated in the city, except as may hereinafter be provided.

(Ord. No. 292, § 4, 4-7-80)

Sec. 9-4. Collection supervision by superintendent of public works.

All refuse accumulated in the city shall be collected, conveyed, and disposed of under the supervision of the superintendent of public works. The superintendent shall have the authority to make regulations concerning the days and time of collection, type and location of waste containers and such other matters pertaining to the collection, conveyance, and disposal as he shall find necessary, and to change and modify the same, provided that such regulations are not contrary to the provisions herein. Any person aggrieved by any action, decision, regulation or fee charged by the superintendent shall have the right to appeal as hereinafter provided for in this chapter.

(Ord. No. 292, § 5, 4-7-80)

Sec. 9-5. Pre-collection regulations.

The handling, preparation, and storage of refuse prior to collection shall comply with regulations as follows:

(1) Use of Refuse Containers or Disposable Plastic Bags Required. Refuse generated within the

city shall be placed for collection in containers or disposable plastic bags. Other methods of containerization are hereby prohibited, except as otherwise provided herein.

(2) Citizen Responsibility. All persons shall be responsible for the purchase of refuse containers or of a supply of plastic rubbish bags.

(3) Preparation, Storage, and Weight Requirements of Containers and Bags. Before placement for collection, each plastic bag shall be securely tied or fastened at the top or each container shall be securely covered so that the contents thereof are prevented from being spilled, scattered about, or molested by acts of nature, persons, and/or domestic or wild animals. Refuse containers or bags, when filled, shall not weigh in excess of fifty (50) pounds each.

In the event of bagging, refuse characterized by sharp, broken, fractured, or pointed edges or ends, or an accumulation of such refuse, shall first be placed within another container or sufficiently wrapped so as to prevent injury or harm to the collector of such refuse.

Prior to such time when the refuse containers or bags may be placed for collection as provided in section 9-6 of this code, such refuse containers and/or bags shall be stored out of sight, either within a covered metal or plastic refuse container or within a structure, so as to be inaccessible to animals.

(4) Nonbaggage Refuse; Regular Collection. Refuse which, because of its odd shape and/or size cannot be contained within a refuse container or plastic bag shall be placed along side such refuse container or bags for pickup on regular collection days. Such discarded items shall not individually exceed four (4) feet in length, eighteen (18) inches in diameter, nor fifty (50) pounds in weight.

Odd-shaped discards not picked up on a regular collection day shall be promptly removed from curbside and disposed of as outlined below under item (9).

(5) Newspapers, Cardboard, and Similar Items. Newspapers, magazines, cardboard, flattened cartons and similar material shall be securely tied in compact bundles not to exceed fifty (50) pounds in weight and placed for pickup on regular collection days.

(6) Leaves. During all months of the year, leaves are to be placed in refuse containers or plastic bags for collection on regular collection days, except during special collection time periods designated by the superintendent.

(7) Trimmings and Clippings. Tree trimmings, hedge clippings, and similar material shall be cut to lengths not exceeding four (4) feet and tied securely into bundles not to exceed eighteen (18) inches in diameter and placed for pickup on regular collection days.

(8) Ashes. Prior to being placed in refuse containers or bags for collection, ashes shall be allowed to cool for a period of not less than twenty-four (24) hours duration.

(9) Non-Containable Refuse; Special Collection. Any person wishing to discard bulky items which exceed in one or more characteristics the size and weight limitations prescribed in previous items of this section may have such items picked up after arrangements have been made with the superintendent relative to time and place of pickup and the item or items to be collected,

or the superintendent may, at his discretion, permit a person to contract with a private handler to have said items removed to a location outside of the city. This item is not meant to prohibit any person from personally conveying to a point outside of the city such items.

(10) Rocks, Dirt, Bricks, Broken Concrete, and Similar Material. No rocks, dirt, sod, bricks, broken concrete, or other building construction alteration, or repair material shall be placed for regular collections. The disposal of such material is governed by the provisions of the section immediately above.

(11) Commercial Refuse Collection. In every case where the owner, occupant, or user of any commercial premises shall accumulate more than one cubic yard of refuse in any one week period, it shall be mandatory for that person to provide a container or containers of the type designed to be handled mechanically by the city's approved refuse collection trucks. Such containers, subject to approval by the superintendent, shall be of substantial metal construction, be of a capacity mutually agreed upon between the superintendent and the refuse generator, and have caster wheels, tight fitting covers, and handles so that contents therein may be unloaded into a collection truck by mechanical means provided by the truck. Containers shall be kept clean and otherwise properly maintained and located so as to facilitate efficient refuse collection.

(12) Contagious Disease Refuse. No person shall place or cause to be placed for regular collection any wearing apparel, bedding, or other refuse from homes or other places where highly infectious or contagious disease(s) have existed. The removal of such shall be performed under the supervision of the superintendent.

(13) Hazardous Materials Refuse. No person shall place or cause to be placed for regular collection any hazardous or harmful materials such as poisons, acids, explosives, caustics, cleaning fluids, radioactive materials, crank case oil, cutting oils, or similar dangerous materials.

(14) Dead Animals. No person shall place or cause to be placed for regular collection any dead animals. Any person wishing to dispose of a dead animal shall contact the superintendent to arrange for its disposal.

(15) Illegal Placement of Refuse; Scavenging, Removal Prohibited. No person shall deposit refuse or litter of any kind in approved commercial containers unless permission has been obtained to do so by the owners of approved commercial containers and it shall be unlawful to place any refuse for collection on premises other than those of the generator of such refuse. It shall be unlawful for any person to interfere with or remove any container or any item from a container, or any item placed for regular collection, except employees of the city or employees of the city's duly authorized rubbish collection service.

(Ord. No. 292, § 6, 4-7-80)

Sec. 9-6. Collection regulations.

The following regulations shall apply to the collection of refuse:

(1) Regular collection of contained refuse, disposable plastic bags and non-baggable refuse shall

occur once a week per household according to schedules established by the superintendent. In the event of a holiday occurring on a regular collection day, refuse pickup shall be delayed one day on any given route.

(2) Refuse generated by single-family residential units shall be placed for collection at a position which is near the public street in the area between the sidewalk and curb. In cases of apartment buildings, townhouses, or multiple dwellings of any other description not situated for efficient curbside collection, special points of pickup may be approved by the superintendent.

(3) Refuse shall be placed for regular collection not later than 7:00 a.m. on the day of collection or earlier than 12:00 noon on the day preceding the day of collection, and after any refuse containers are emptied, such containers shall be removed from the curbside by 12:00 noon on the day following collection, and stored as provided in section 9-5, item (3) of this code.

(4) Refuse accumulated by commercial establishments shall be collected at least once each week. If deemed necessary, such business or service enterprises may enter into an agreement with the superintendent for an increased frequency of collection. Where necessary to protect the public health and well-being, the superintendent shall have authority to require that more frequent collections be made.

(5) Fees may be levied for regular and special collection of residential refuse generated within the city with such fees to be established from time to time by resolution of the city council after a public hearing.

(6) Should any person fail to make payment for refuse collection services within thirty (30) days of due date, such person's account shall be considered delinquent.

(7) Refuse collection charges are hereby made a lien on all parcels of property served thereby, and, whenever any such charge against any parcel of property shall be delinquent for three (3) months, the city treasurer shall prepare a report of all parcels of property upon which said charges and penalties have not been paid and the city treasurer shall mail notices of intent to lien to the owners of said parcel of property setting forth the amount of charges and penalties and the right to appeal within ten (10) days of the date of notice pursuant to terms of this chapter. Upon failure to appeal, or in the event an appeal is denied, such charges, together with the further penalty of five (5) percent shall be entered upon the next tax roll as a charge against such parcels of property and shall be collected and the lien thereof enforced in the same manner as special assessment taxes against such parcels of property are collected and the lien thereof enforced.

(Ord. No. 292, § 7, 4-7-80; Ord. No. 90-9, § 1, 12-17-90)

Secs. 9-6.1--9-6.9. Reserved.

Sec. 9-6.10. Collection by haulers not under contract with the city.

The following regulations shall apply to the collection of refuse by haulers not under contract with the City of Harper Woods:

(1) License required. It shall be unlawful for any person, firm, partnership, corporation or

business entity to engage in the collection, transportation, hauling and disposal of solid waste and refuse generated anywhere within the corporate limits of the City of Harper Woods without first obtaining a valid license issued by the city.

This section shall not apply to persons, firms, partnerships, corporations or business entities engaged in or contracting for the collection, hauling or disposal of hazardous wastes, used oil, automobile tires, contractor's construction wastes, batteries or medical wastes.

(2) Licensing requirements. Any person, firm, partnership, corporation or business entity desiring a license to collect, transport, haul or dispose of solid waste and refuse generated within the city shall file an application for such license with the city clerk on forms provided by the city. The applicant shall provide to the city clerk with the application for license the following items:

a. A certificate of insurance naming the city as a "certificate holder," with the requirement of a thirty-day written notice to the city of cancellation or reduction in coverage afforded by such insurance with limits in the amount not less than one million dollars (\$1,000,000.00) for injury or death to any one (1) person and property damage insurance with limits in an amount not less than five hundred thousand dollars (\$500,000.00) for any one (1) occurrence.

b. A certificate of insurance documenting compliance with Michigan Workers Compensation Law.

c. A performance bond in the amount of five thousand dollars (\$5,000.00) issued in favor of the city, guaranteeing that the applicant will comply with all conditions of this section and that all permitted burnable solid waste and refuse, excepting items to be recycled, collected by the applicant under the license issued by the city will be disposed of at the:

Grosse Pointe-Clinton Refuse Disposal
Authority Incinerator
33701 Lipke Road
Clinton Township, Michigan

The performance bond shall also guarantee that the applicant will pay to the city the amount of charges made to the city by the Grosse Pointe-Clinton Refuse Disposal Authority for items disposed of at the authority and billed to the city. This performance bond shall be available to satisfy any fees or charges owed to the city or the Grosse Pointe-Clinton Refuse Authority by the licensee arising out of the licensee's activities. Such performance bond may be issued by a surety or bonding company or may be in the form of a cash deposit to be held by the city. If the applicant elects to deposit a cash bond, the city shall be required to pay interest thereon at the rate of six (6) percent per annum. Any cash bond shall be retained by the city for a period of ninety (90) days after the expiration of any license issued.

d. A list of customers and for each customer the size(s) of container(s) provided, the frequency of collection, the estimated number of cubic yards to be collected on a monthly basis and the expiration date of any contract or agreement for the collection and disposal of such wastes or refuse.

e. A written, enforceable agreement to reimburse the city for all charges made to the city by the

Grosse Pointe-Clinton Refuse Disposal Authority for materials disposed of at the authority by the licensee. Licensee will be invoiced monthly with payment due within thirty (30) days. Failure to make payment within thirty (30) days will result in a penalty of ten (10) percent and grounds for revocation of the license.

(3) License fee and duration. Each license application shall be accompanied by payment of one hundred twenty dollars (\$120.00) or a greater amount as may be determined from time to time by resolution of the city council, payable to the city as an annual license fee. Each license issued under the provisions of this section shall expire on the thirty-first day of December, each year. The fee of any new license shall be reduced by one-twelfth for each full month that has elapsed from the January first immediately preceding the license application.

(4) License to be displayed. The applicant shall receive from the city clerk a license plate, sticker or other proof as determined appropriate by the city clerk evidencing that a license has been issued under the provisions of this chapter. Such plate, sticker or other proof of license shall be prominently displayed on any motor vehicle operated by the applicant for the purpose of collecting or hauling solid waste. If the applicant uses more than one (1) motor vehicle, additional plates, stickers or other proof of license will be furnished to the applicant at a charge of two dollars (\$2.00), or a greater amount as may be determined from time to time by resolution of the city council, for each additional unit.

(5) Responsibility for materials delivered to incinerator. No licensee shall be deemed whatsoever to be an agent of the city for any purpose. Any licensee issued a license to transport waste materials to the Grosse Pointe-Clinton Refuse Disposal Authority under the provision of this chapter shall be held responsible for compliance with the rules and regulations of the authority concerning the type of materials acceptable for incineration. Any violation of the authority's rules or regulations which results in damage to the incinerator or causes a shutdown of the incinerator or the imposition of penalties by state, federal or other authorities upon the Grosse Pointe-Clinton Refuse Disposal Authority shall be charged to the licensee deemed responsible for such violation and damage. The licensee shall advise the authority and the city the source of any refuse, rubbish or other solid waste not originated from within the city.

(6) Revocation of license. Any license issued hereunder may be revoked by action of the city council upon a finding that the licensee has failed, neglected or refused to comply with the city regulations or has violated the regulations of the Grosse Pointe-Clinton Refuse Authority. Prior to revoking any license, the city council shall cause the licensee to be advised of the alleged rule or regulation violation and the licensee shall be afforded the opportunity for a hearing before the city council. Any license revoked by action of the city council shall not be reissued to such former licensee for a period of one (1) year from the date of revocation. Application for license may be denied to applicants whose license have been revoked more than once.

(7) Automatic license suspension. Should any licensee fail, neglect or refuse to reimburse the city for charges made to the city by the Grosse Pointe-Clinton Refuse Disposal Authority for solid waste or refuse delivered to the authority by the licensee and such charges remain unpaid by the licensee to the city for a period of thirty (30) days from and after the date of an invoice being mailed to such licensee by the city, such license issued hereunder shall be automatically revoked and said licensee shall not be authorized nor permitted to collect solid waste and refuse within the

city until such invoice is paid in full and the license reinstate. Any license revoked for nonpayment of charges made by the city under the provisions of this section shall be subject to a reinstatement fee of two hundred dollars (\$200.00) or such greater amount as may be established from time to time by resolution of the city council.

(8) Schedule of compliance. All contractors currently from collecting, hauling or transporting refuse within the city without a license issued under the above provisions shall procure a license within ninety (90) days of the effective date of the ordinance from which this section derives and shall thereafter comply with all terms, conditions and provisions set forth herein.

(Ord. No. 90-8, § 1, 12-17-90)

Sec. 9-7. Enforcement.

The superintendent of public works, or any other employee of the city as may be authorized by the city manager, shall be charged with the responsibility of enforcing the provisions of this chapter, and, together with the police department or city attorney, shall institute any appropriate action or proceedings in law or equity, including the issuance and service of appearance tickets on violators to prevent, restrain, correct or abate any violation of the provisions of this chapter. Should the superintendent of public works, or any other employee of the city as may be authorized by the city manager, be required to enter upon any property to perform any special services to alleviate any violations of the provisions of this chapter, he or she shall keep an accurate account of all expenses incurred by the city with respect to such parcel of property and such costs, together with overhead charges and penalties, shall constitute a lien upon such property as provided in Section 9-6(7) above.

(Ord. No. 292, § 8, 4-7-80; Ord. No. 86-2, § 1, 11-3-86)

Sec. 9-8. Appeals.

Any person aggrieved by any action or decision or regulation of or fee charged by the superintendent shall, within ten (10) working days following the effective date of the action, decision, or regulation complained of, or within ten (10) working days following the date of notice of intent to lien, have the right to appeal to the city council. A notice of appeal shall be a written notice filed with the city manager at the city offices. Such notice of appeal shall set out a copy of an order or decision or regulation or fee charged or notice of intent to lien appealed from and shall include a statement of facts relied upon to avoid such action. At the time of filing any such notice of appeal, a copy thereof shall be filed by the appellant with the superintendent. The city manager shall fix a time and place for the appeal hearing before the city council and shall cause a written copy of such hearing time and place to be served upon the appellant. He shall also give notice to the superintendent and such officer shall be entitled to appear and defend the action appealed from. The city council may confirm, reverse or modify the action of the superintendent, or may, in specific cases and subject to appropriate conditions and safeguards, determine and grant exceptions to the provisions herein established in harmony with their general purpose and intent as follows:

When the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to or exceptional undue hardship upon the appellant, provided such relief may be granted without substantial detriment to the public good and substantially impairing the intent and purpose of this chapter.

The findings of the city council shall be final and conclusive and shall be personally served upon the appellant.

(Ord. No. 292, § 9, 4-7-80)

Sec. 9-9. Violations.

(a) For purposes of this chapter, the initial and primary responsibility for compliance with provisions herein shall be on the person occupying the premises with ultimate responsibility to be placed upon the legal owner, but such responsibility shall in all instances be severally as well as joint.

(b) Any person violating any of the provisions of this chapter or any rule or regulation promulgated hereunder, shall be punished as provided in section 1-7. The imposition of any sentence for a violation of this chapter shall not be construed as excusing or permitting the continuance thereof and shall not in any way deny or impair the authority of the enforcing departments in the removal of the prohibited conditions.

(Ord.