



CITY OF AUGRES
COUNTY OF ARENAC, MICHIGAN
ORDINANCE NO. 35

AN ORDINANCE TO PROVIDE FOR THE COLLECTION AND
DISPOSAL OF REFUSE WITHIN THE CITY AND
AUTHORIZATION FOR COLLECTION FEES THEREFOR.

The City of AuGres Ordains:

Section 1. Definitions.

Except as specifically indicated otherwise the following words and phrases shall whenever used in this Chapter have the meaning set forth hereafter:

Combustible refuse. "Combustible refuse" shall mean any refuse acceptable for incineration, including but not limited to the following:

- (1) Garbage: Waste resulting from the handling, preparation, cooking or spoiling of food. The term garbage shall not include such wastes from food processing plants, large quantities of condemned food products or large quantities of wind-fallen fruit subject to rapid decomposition.
- (2) Rubbish: Wastepaper, empty tin cans, and glass containers, if cleaned of contents, wood or wood products, if under three (3) inches in diameter and three (3) feet in length, and paper products, except magazines and books.
- (3) Dead animals: Carcasses of small animals, fish and fowl, but not including carcasses from large animals or from veterinary hospitals or clinics.

Commercial refuse. "Commercial refuse" shall mean the rejected, unwanted or discarded or abandoned material generated by commercial establishments and uses, such as office buildings, personal service establishments, technical and scientific research facilities, professional service offices, clinics, multiple-family dwellings such as apartments or condominiums and the office waste from industrial and institutional establishments.

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

Hazardous waste. "Hazardous waste" shall mean waste or a combination of waste and other discarded material including solid, liquid, semisolid, or contained gaseous material which because of its quantity, quality, concentration, or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or increase in serious irreversible illness or serious incapacitating, but reversible illness, or 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 which is solid or dissolved material in domestic sewage discharge, or solid or dissolved material in an irrigation return flow discharge, or industrial

discharge which is a point source subject to permits under section 402 of the Clean Water Act of 1977, 33 U.S.C. 1342, or is a source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, 42 U.S.C. 2011 to 2282.

Industrial refuse. "Industrial refuse" shall mean the rejected, unwanted, discarded or abandoned materials resulting from industrial and institutional operations other than office waste, such as is generally identified with manufacturing, assembling, processing and distributing plants, hospitals and clinics and other institutional uses which generate large quantities of refuse.

Noncombustible refuse. "Noncombustible refuse" shall mean any refuse not acceptable for incineration, including but not limited to the following:

- (1) Metal: All metal or metal products, except tin can containers.
- (2) Rubbish: Books, magazines, glass, except small food containers, crockery, stones, concrete and all other such materials not herein defined.
- (3) Ashes: Residue from fires used for household heating or cooking domestic incinerators. This term does not include ashes produced by factories or plants, hotels or apartment houses.
- (4) Yard wastes: Large tree or shrub branches, clippings, weeds, leaves, sod, dirt, manure and other wastes resulting from care of the premises.

Section 2. Receptacles.

(a) It shall be the duty of every owner, tenant or occupant of any buildings, and other owner of any property or use which generates refuse, to provide receptacles of sufficient size to hold the accumulated refuse between scheduled refuse collections.

(b) Stationary receptacles, large steel drums, paint pails, cardboard barrels, cardboard boxes, paper bags and other containers of a like nature are not approved receptacles and collection may not be made by the city when such receptacles are used.

(c) Receptacles that are broken or otherwise fail to meet the requirements of this article may be deemed to be rubbish, and may be collected as such by the city without notice to the users.

(d) Refuse placed in receptacles that exceeds the weight limitations or otherwise does not conform to the provisions of this article may not be collected by the city.

(e) The city will not be responsible for collection of waste materials frozen and adhering to the receptacle or for any damage to receptacles which results therefrom.

(f) Residential refuse. The following shall be approved receptacles for residential refuse:

(1) Portable watertight and vermin-proof containers of substantial construction with handles or bails and a tight-fitting cover. These containers are to have a capacity of at least ten (10) gallons, but not more than thirty (30) gallons, and each must not exceed sixty (60) pounds in weight when full.

(2) Plastic bags which are securely tied and of sufficient strength to contain their contents, which shall not exceed forty (40) pounds in weight when full, are approved receptacles for rubbish.

(3) Rubbish which cannot be contained in receptacles is acceptable for collection if surely tied in compact bundles, not to exceed fifty (50) pounds in weight, and four (4') feet in length and three (3') feet in girth. This may include newspapers, bundled cardboard, wood and tree branches.

(g) Commercial refuse. The following provisions shall apply to commercial refuse:

(1) In every case where the owner, occupant or user of any premises generally accumulates less than one-quarter cubic yard of refuse within a one week period, the receptacle provisions for residential use shall apply.

(2) In every case where the owner, occupant or user of any premises shall accumulate more than one-quarter cubic yard of refuse within any one week period, such owner, occupant or user shall provide a container or containers of the type designed to be handled mechanically by refuse collection trucks.

(3) Mechanical containers shall be of substantial metal construction, having tight-fitting covers and handles so that such container or containers may be unloaded into the refuse collection truck by the mechanical means provided by the truck. Containers shall be kept clean and in good condition at all times. Such containers shall be maintained only on a concrete pad on the premises of the owner, occupant or user.

(4) All refuse or rubbish placed in mechanical collection containers shall be placed in plastic bags or bundled or packaged so that the contents will not spill, become airborne, or become odorous, irrespective of the weather conditions.

(5) Quantities and regulations for mechanical type containers shall be determined by the City Council or its authorized representative.

(6) It is the intent of this ordinance that City shall not be responsible to provide refuse collection for commercial business, unless specifically contracted for by the City Council.

Section 3. Interference with receptacles, etc.

No person, other than the owner of refuse receptacles or his agents or employees or licensees of the city, shall disturb, remove or attempt to remove refuse receptacles or their covers, or disturb or remove or attempt to remove any refuse not in containers whether the same is on public or private property.

Section 4. Preparation for collection.

(a) Garbage must be thoroughly drained of liquids and be wrapped in several thicknesses of paper before being placed in receptacles for collection.

(b) Bulky noncombustible items shall be placed in approved containers or tied in bundles to facilitate handling. Bulky items such as, but not limited to, hot water tanks, stoves, refrigerators, furniture, mattresses, etc. shall not be placed in mechanical containers.

Section 5. Storage, transportation and disposal of hazardous waste.

Hazardous waste shall be the responsibility of the producer or owner thereof and shall not be disposed of within the city, or allowed to be stored or transported within the city, without the written approval of the city council or its authorized agent, and then only under the supervision of a person appointed by him who has knowledge of the safety measures necessary to protect the public health and safety during the storing, transporting or disposing of hazardous waste.

Section 6. Unlawful accumulations of wind-blown refuse.

It shall be unlawful to cause or permit to accumulate any dust, ashes or trash of such a material that it can be blown away by the wind anywhere in the city, excepting in a covered container.

Section 7. Hot ashes or hot coals.

It shall be unlawful to place for collection any hot coals or ashes which could ignite trash in a receptacle or in the refuse collection vehicle.

Section 8. Curbside collection.

(a) No refuse shall be placed at the curb or street for collection more than eighteen (18) hours prior to the morning of the time schedule for collection, or after 3:00 p.m. on Fridays, unless arrangements have been made for pick-up within eighteen (18) hours after being placed for collection.

(b) After the collection of the container contents has been made, the empty container shall be removed from the curb or street and replaced on the owner's storage area as soon as possible, but in no case later than ten (10) hours after collection of the refuse has been made.

Section 9. Deposit of refuse on public property.

(a) It shall be unlawful to deposit or permit to deposit or permit to fall from any vehicle any garbage, refuse building materials, rubbish or ashes on any public street or alley or public place in the city; provided that this subsection shall not be construed to prohibit placing garbage or ashes in a container or receptacle complying with the conditions of this article preparatory to having such material collected and disposed of in the manner provided herein.

(b) No person shall deposit or cause to be deposited, sort, scatter, or leave any rubbish refuse building materials, garbage, ashes cinders, grass, leaves, twigs or shrubs, manure or filth or other offensive materials, or build or maintain any structure or thing whatsoever containing the same, in any public street, alley or public property in the city.

Section 10. Deposit of refuse on private property.

It shall be unlawful to dump or place any garbage, refuse or ashes on any property within the city limits, without the written consent of the city council or its authorized representative.

Section 11. Disposal of refuse generally.

All refuse collected for disposal from within the corporate limits of the city shall be disposed of at such facilities as may be designated by the city council or its authorized representative.

Section 12. Right of owner or produces to dispose of his own refuse.

Nothing in this article shall be interpreted to prohibit or deny the owner or producer of refuse his right to dispose of his own refuse, if in so doing he does not violate any provisions of this article.

Section 13. Burying refuse.

No person shall bury refuse within the corporation limits of the city unless in conformance with the city code, and any applicable federal and state laws and regulations.

Section 14. Private collector's license.

(a) No person shall engage in the business of collecting, transporting or disposing of refuse in the city, without first obtaining a license therefor. The collector who has contracted with the city shall be licensed by the city within the provisions of that contract.

(b) No person shall contract with any other person to collect, transport or dispose of refuse within the corporate limits of the city, unless such other person is duly licensed by the city to collect, transport and dispose of refuse.

(c) The license shall expire on the date provided for in the contract, unless revoked or suspended prior to that date.

(d) Application for a license shall be filed with the city clerk in the form and manner as required by this section. The application shall include all information necessary to determine compliance with this article including but not limited to:

(1) The full names, dates of birth, proof of identification, business addresses, and residential addresses of all owners, proprietors, officers, and managers of the applicant; and the names and addresses of each officer if the applicant is a corporation.

(2) The firm names under which the applicant intends to do business.

(3) Whether or not the applicant or person conducting or managing the applicant's business has been convicted of any crime, felony, misdemeanor or the violation of any municipal ordinance, and if so, full particulars in connection therewith.

(e) Each and every applicant for a license shall be in writing and filed with the city clerk and shall be accompanied by the applicant fee established by resolution of the city council.

(f) No such license shall be issued except upon determination by the city council or its authorized representative that the equipment to be used conforms to the requirements of this article and that the applicant has not been convicted of larcenous felonies or violation of any law regarding waste disposal. The city council or its authorized representative may deny, suspend or revoke any license for violation of any provisions of this article or any other ordinance or law pertaining to such business or for such other cause as he deems reasonable. Prior revocation of a license shall be sufficient grounds for the refusal by the city manager or his authorized representative to approve any future applicant by such licensee.

(g) The licensee shall have the right to a hearing before the city council on any action of denial, suspension or revocation, provided a written require therefor is filed with the city clerk within five (5) days after issuance of notice of denial, suspension or revocation. The city council may confirm such denial, suspension or revocation or may authorize and reinstate such license. The action of the city council shall be final.

(h) Such licenses shall not be transferable.

Section 15. Collection fees.

(a) The fees for regularly scheduled refuse collection shall be charged to each residential user on a monthly basis payable in advance at rates to be determined by the city council after a public hearing on the rate; the initiated rate shall be \$5.75 per month.

(b) A collection of refuse other than regularly scheduled weekly residential collection of refuse exceeding the one-quarter cubic yard limit, or refuse not conforming to the requirements of this Ordinance, shall be charged to the person requesting collection or to the abutting property at the cost of collection to the city plus a ten percent (10%) administrative fee. The requesting person shall pay for the services prior to collection. This section shall not entitle an establishment to request special collection on a regular basis where the establishment is a non-resident. All persons requesting collection shall be sent an invoice with the charges for the services provided. The invoice amount shall be due thirty (30) days after the date of that invoice.

(c) All charges not paid on or before the due date shall be subject to a ten (10%) percent penalty.

(d) All charges for garbage and rubbish service are hereby made a lien on all premises and property from which the rubbish is collected. Whenever any charge for collection other than that regularly scheduled, is made against any premises and that payment is delinquent for thirty (30) days, the city treasurer shall certify such delinquency to the city assessor and such charges shall be entered upon the next tax roll together with the cost of the lien and actual attorney fees as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as special assessments against such premises.

(e) Enforcement of the lien to collect the fees shall not be the exclusive means of collection and the city may collect said fees in any manner permitted by law.

(f) In addition to other remedies herein provided, the city may discontinue garbage and rubbish collections to any premises for the nonpayment of charges when due; provided such discontinuance shall not exempt or release the owner, tenant or occupant of said premises from any other penalties provided by this article.

Section 16. Construction and enforcement of article; city council's rules; supervision of collection and removal.

(a) The city council is hereby authorized to make such rules and regulations as from time to time appear to be necessary to carry out the intent of this article, provided, that such rules are not in conflict with this article or any other ordinance of the city.

(b) 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 disposition of municipal waste.

(c) The collection and removal of waste shall be under the supervision of the city council or its authorized representative and it shall be the duty of the city manager or his authorized representative to enforce the provisions of this section.

(d) The city manager or his authorized representative shall have the authority to deny collection services for failure to comply with the provisions of this Ordinance.

Section 17. Restraining violations of article.

Any violations of this article are hereby declared to be a public nuisance per se, and shall be abated by order of a court of competent jurisdiction.

Section 18. Effective Date.

This ordinance shall become effective immediately upon publication.

This ordinance was duly adopted on the 17th day of October, 1991 at a special meeting of the City of AuGres Council.

CITY AUGRES

BY: La Vern Dittenber
La Vern Dittenber, Mayor

BY: Mary Fresorger
Mary Fresorger, City Clerk

CERTIFICATION OF CLERK

I, Mary Fresorger, City Clerk of the City of AuGres, do hereby certify this to be a true and complete copy of an ordinance duly enacted by the City Council of the City of AuGres at a special meeting thereof on the 17th day of October, 1991.

Mary Fresorger
Mary Fresorger, City Clerk

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