

Chapter 28

SOLID WASTE*

* **State Law References:** Garbage disposal act, MCL 123.361 et seq.; solid waste facilities, MCL 324.4301 et seq.; hazardous waste management act, MCL 324.11101 et seq.; hazardous materials transportation act, MCL 29.417 et seq.; solid waste management act, MCL 324.11501 et seq.; waste reduction assistance act, MCL 324.14501 et seq.; clean Michigan fund act, MCL 324.19101 et seq.; low-level radioactive waste authority act, MCL 333.26201 et seq.

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ARTICLE I.

IN GENERAL

Sec. 28-1. Created.

There is hereby created and established a garbage and trash collection system (the “system”) to serve all developed parcels of real property within the City of Grayling. Each developed parcel shall be a part of the system. The system shall be operated by the City as authorized by law. It is hereby declared to be the intent and purpose of the City Council to establish and maintain reasonable and uniform rates and charges applicable to the users of the system so as to provide funds to:

- (1) Apply on the contractual payments the City is obligated to make pursuant to the garbage and trash contracts; and
- (2) Operate and maintain any facilities of the system which the City operates and maintains.

Sec. 28-2. Fiscal year.

The system shall have an operating and fiscal year commencing on July first and ending on June thirtieth of the following year.

Sec. 28-3. Charges.

The rates and charges for the services and benefits provided by the system shall be as prescribed in this Ordinance as amended from time to time by the City Council. Such rates and charges shall be levied against all developed parcels of real property.

Sec. 28-4. City control.

In pursuance of and within the limits of applicable law, the operation and maintenance of the system shall be under the supervision and control of the City Council. The City Council shall have control of collection and disposition of revenues of the system and have ultimate responsibility for the system and for enforcement of this article and any additional rules and regulations adopted with respect to the system.

ARTICLE II.

COLLECTION AND DISPOSAL

Sec. 28-19. 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:

Construction waste means waste materials resulting from alteration, repair or construction of buildings or structures.

Developed parcels of real property means any real property within the City that is improved through the construction of any residential or commercial structure.

Garbage means all refuse from the preparation, use, cooking or storage of any edible item, including, but not limited to, cereal, meat, fish, fowl, fruits or vegetables.

Hazardous Wastes includes, but is not limited to, hot ashes, coal, oil, gasoline poisons, solvents, lacquers, paint, automobile batteries, batteries, defoliants, infectious medical wastes, explosive materials and any material defined as hazardous under Public Act 64 of 1979.

Trash means any material that will be accepted under the City's garbage and trash service agreement.

Trash receptacle means a container designed to hold trash and permitted under the City's residential waste collection service agreement.

(Ord. No. 02-1, § 1, 2-11-2002; Ord. of 2-25-2008)

Yard wastes means waste residues from growing organic matter, including but not limited to branches less than one (1) inch in diameter, twigs, shrub clippings, weeds, leaves and grass, within the yard of any residential unit.

Sec. 28-20. Trash collection.

(a) *Trash receptacles.* All trash and garbage (other than bulk items) shall be placed in watertight metal or plastic trash receptacles equipped with tight-fitting covers or in plastic bags which are securely tied; provided, however, that yard wastes, if not placed in such containers or bags may be neatly tied in bundles which do not exceed five (5) feet in length or weigh more than sixty (60) pounds. Trash receptacles shall not exceed thirty (30) gallons in capacity, unless the waste company provides larger receptacles, and shall be limited to a maximum of weight of sixty (60) pounds when full. Plastic bags containing household waste, ashes, and yard waste shall not exceed thirty (30) pounds when

full. Hazardous waste or construction waste shall not be placed in the trash receptacle or adjacent to it for disposal, and no individual or entity utilizing the system shall dispose hazardous waste or construction waste in the manner consistent with the disposal of trash or garbage, but rather shall only dispose of hazardous waste and/or construction waste only in a manner designated and specifically approved for the disposal of hazardous waste and/or construction waste.

(b) *Collection times.* Collection of garbage and trash shall take place Monday through Friday only, except when, due to holidays or unforeseen circumstances, it is necessary for collection to occur on Saturday. Unless otherwise provided by amendment to this article or by resolution of the City Council, no collection of residential trash or garbage shall be permitted on Sunday. Collection of trash or garbage shall not take place on official holidays, including New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and any other days designed from time to time by resolution of the City Council. All residential trash and garbage normally scheduled for collection on a day upon the holiday falls is to be collected on the day following the holiday and must be collected before starting the collection for the day following the holiday.

Collection of residential trash and garbage shall not commence before 7:00 a.m., local prevailing time, and shall not continue past 7:00 p.m., local prevailing time, unless otherwise approved by resolution of the City Council.

(d) *Placement and removal of trash receptacles.* All occupants of each residential property shall place their residential trash and garbage in trash receptacles as referenced in this ordinance, at the roadside for collection. It is the responsibility of each residential property occupant to place the residential trash and garbage within 12 feet of the road's edge (between the road's edge and ditch where applicable) prior to collection on collection day, but not prior to 12:00 p.m.(Noon), local prevailing time, on the day preceding such collection day. It is the responsibility of the residential property occupant to remove any empty trash receptacles on the day after the trash and garbage was collected.

(e) *Property maintenance.* The owner or occupant of a property shall clean up and remove from the roadside and premises any scattered trash or garbage resulting from the breakage or opening of any garbage bag or trash receptacle or in any way resulting from or related to trash and garbage collection, within 24 hours after collection. Any garbage or trash contents not accepted for collection, shall be removed from the roadside within 24 hours of the regularly scheduled collection day.

(f) *Responsibility of owners and occupants.* The occupants and owner of properties served by the system shall be jointly and severally responsible for compliance with all provisions all provisions of this ordinance.

(g) *Penalties.*

(i) *First offense.* Any person, firm or corporation found guilty of violating any provision of this ordinance shall be fined \$25.00 for the first offense.

(ii) *Second offense.* Any person, firm or corporation found guilty of violating any provision of this ordinance shall be fined \$25.00 for the first offense.

(iii) *Third and subsequent offenses.* Any person, firm or corporation found guilty of violating any provision of this ordinance for the third time, or any subsequent time thereafter, is responsible for a municipal civil infraction, subject to payment of a civil fine, plus costs and other sanctions, for each infraction.

Sec. 28-21. Dumpsters.

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

Dumpster means any container of more than one cubic yard capacity, whether covered or not, used for the depositing and/or temporary storage of rubbish for the collection and disposal by a motor vehicle.

Notwithstanding the other provisions of this ordinance, a dumpster may be used for the collection of trash and garbage, but only after approval and the receipt of any necessary permits, and the payment of any applicable fees.

(b) *Collection in residential areas.* No dumpster located within 500 feet of any structure intended for use as a residential dwelling shall be emptied between the hours of 9:00 p.m. and 6:00 a.m.

(c) *Penalty.* Violation of this chapter is a municipal civil infraction.
(Ord. No. 01-02, §§ 1--3, 6-11-2001; Ord. of 1-14-2002)

Sec. 28-22. Fees.

(a) The rates, including late fees, to be charges for garbage and trash collection and disposal shall be established periodically by resolution of the City Council which charges may be enacted apart from the published ordinance and such rates shall be in such an amount as the City Council shall deem necessary to generate sufficient revenues to pay all or such part of the trash and garbage collection and disposal costs as shall be deemed necessary by the City Council. A fee shall be charged against each property serviced by this system which will be included on the water/sewer bills that are sent out quarterly. Each property will be charged a monthly rate for the costs of service.

(b) If payment for trash and garbage collection and disposal is not made within thirty (30) days of the due date specified on the bill, a notice may be sent by first class mail that service may be discontinued. If payment is not received within thirty (30) days of the mailing of the notice, the City may discontinue garbage and trash collection service from the premises. Additionally, in addition to the lien created by this ordinance referenced below, if an individual or entity fails to pay the fees required by this ordinance, the City may institute a civil action for the collection of the fees against the owners of the premises, and the City shall be entitled to the recovery of all costs and actual attorney fees incurred incidental to the civil action.

(c) The City shall have, as security for payment of trash and garbage collection and disposal service charges, a lien upon the real estate to which the trash and garbage collection and disposal services was supplied.

The lien shall become effective immediately upon billing for the service to the real estate. The lien may be enforced by the general laws of the state providing for the enforcement and foreclosure of liens upon real property. In the event the legal proceedings are instituted to foreclose the lien, the City shall be entitled to recover from the property owner all actual costs and attorney fees incurred incidental to the proceedings. If any amounts required to be paid under this Ordinance remain unpaid for three (3) months or more, the City may certify to the Tax Assessing Officer of the City the unpaid amount and the facts of such delinquency, whereupon such amount shall be entered upon the next roll as a charge against the real estate to which the trash and garbage collection and disposal services was supplied, and shall be collected and the lien thereof enforced in the same manner as general City taxes against such real estate are collected and the lien thereof enforced.