

Chapter 18

**SOLID WASTE\***

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\***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.



**ARTICLE I. IN GENERAL**

**Secs. 18-1—18-30. Reserved.**

**ARTICLE II. COLLECTION****Sec. 18-31. 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:

*Ashes* means the residue from the burning of wood, coal, coke, refuse, wastewater sludge, or other combustible materials.

*Dwelling unit* means any room, or combination of rooms, in which one or more people are residing. Any multiple dwelling intended to serve more than one family, up to three families, each unit thereof shall constitute an inhabited residential dwelling, and each unit shall be so assessed. Apartments at all times shall be considered separate units in any building with up to three apartments except in those cases where sleeping rooms are rented, it is the intent of this article to assess all structures used as multiple dwellings on a unit basis, it being provided that any such structure with more than three residential units shall be considered commercial entitled to contract separately for garbage and rubbish collection. The sanitation officer may determine the number of units in any given address, and any one considering himself aggrieved may, within 20 days following receipt of their first billing, protest his ruling to the village council, which shall have authority to make further determination, if necessary.

*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, fruit, or vegetable matter.

*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.

*Sanitary officer* means the superintendent of the sanitation division, or other duly appointed representatives of the village council.

*Solid waste* means garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludges, solid commercial and solid industrial waste, and animal waste other than organic waste generated in the production of livestock and poultry. Solid waste does not include the following:

- (1) Human body waste.
- (2) Medical waste as it is defined in part 138 of the public health code, Public Act No. 368 of 1978 (MCL 333.13801 et seq.), and regulated under that part and part 55 (MCL 333.5501 et seq.).

- (3) Organic waste generated in the production of livestock and poultry.
- (4) Liquid waste.
- (5) Ferrous or nonferrous scrap directed to a scrap metal processor or to a reuser of ferrous or nonferrous products.
- (6) Slag or slag products directed to a slag processor or to a reuser of slag or slag products.
- (7) Sludges and ashes managed as recycled, or nondetrimental materials appropriate for agricultural or silvicultural use pursuant to a plan approved by the department. Food processing residuals; wood ashes resulting solely from a source that burns only wood that is untreated and inert; lime from kraft pulping processes generated prior to bleaching; or aquatic plants may be applied on, or composted and applied on, farmland or forestland for an agricultural or silvicultural purpose, or used as animal feed, as appropriate, and such an application or use does not require a plan described in this subsection or a permit or license under this article. In addition, source separated materials approved by the department for land application for agricultural and silvicultural purposes and compost produced from those materials may be applied to the land for agricultural and silvicultural purposes and such an application does not require a plan described in this subsection or permit or license under this article. Land application authorized under this subsection for an agricultural or silvicultural purpose, or use as animal feed, as provided for in this subdivision shall occur in a manner that prevents losses from runoff and leaching, and if applied to land, the land application shall be at an agronomic rate consistent with generally accepted agricultural and management practices under the Michigan right to farm act, Public Act No. 93 of 1981 (MCL 286.471 et seq.).
- (8) Materials approved for emergency disposal by the department.
- (9) Source separated materials.
- (10) Site separated material.
- (11) Fly ash or any other ash produced from the combustion of coal, when used in the following instances:
  - a. With a maximum of six percent of unburned carbon as a component of concrete, grout, mortar, or casting molds.
  - b. With a maximum of 12 percent unburned carbon passing MDOT test method MTM 101 when used as a raw material in asphalt for road construction.
  - c. As aggregate, road, or building material which in ultimate use will be stabilized or bonded by cement, limes, or asphalt.
  - d. As a road base or construction fill that is covered with asphalt, concrete, or other material approved by the department and which is placed at least four feet above the seasonal groundwater table.
  - e. As the sole material in a depository designed to reclaim, develop, or otherwise enhance land, subject to the approval of the department. In evaluating the site,

the department shall consider the physical and chemical properties of the ash including leachability, and the engineering of the depository, including, but not limited to, the compaction, control of surface water and groundwater that may threaten to infiltrate the site, and evidence that the depository is designed to prevent water percolation through the material.

(12) Other wastes regulated by statute.  
(Code 1959, § 35.102)

**State law reference**—Similar definitions, MCL 324.11502 et seq.

**Sec. 18-32. Purpose and intent; appeals.**

(a) *Purpose and intent.* It is the intent of the village council that this article be liberally construed for the purpose of providing a sanitary and satisfactory method of collecting and disposing of solid waste. The sanitation officer is authorized to make such rules and regulations as from time to time appear to him to be necessary to carry out this intent; provided, however, that such rules do not conflict with this article or other ordinances of the village.

(b) *Appeals.* Any person aggrieved by a regulation of the sanitation officer shall have the right of appeal to the council which shall confirm, modify or revoke any such regulation.  
(Code 1959, § 35.103)

**Sec. 18-33. Collection of solid waste.**

Except as provided in subsection (1) of this section, all solid waste accumulated in the village shall be collected, conveyed and disposed of by the village or contract hauler under contract to the village. Except as herein provided, no person shall collect or convey over any of the streets or alleys of the village, or dispose of any solid waste accumulated in the village.

- (1) Persons in locations zoned commercial or industrial may enter into contracts with village approved contractors; provided, however, that the terms, fees, and charges of said contracts are subject to review by the village council in order to ensure reasonableness and fairness of charges and to ensure that the contract and terms thereof are not in violation of any part of this article or regulations promulgated pursuant to this article.
- (2) This article shall not prohibit the actual producers of refuse or the owners of premises upon which refuse has accumulated, from personally collecting, conveying and disposing of such solid waste, provided such producers or owners comply with the provisions of this article and with any other governing laws or ordinances.
- (3) This article shall not prohibit collectors of solid waste from outside of the village from hauling such refuse over village streets, provided such collectors comply with the provisions of this article and with any other governing laws or ordinances.

(Code 1959, § 35.104)

**Sec. 18-34. Village approved collectors.**

In the interest of providing the services as contemplated herein, the village council shall have the right to enter into contracts with one or more contractors to provide the services required by this article, and no person, firm or corporation shall undertake to dispose of solid waste for others, without authority of the village council and without there being in existence a contract between the village and the licensee for such purpose or without their being in existence a contract between a person in an area zoned commercial or industrial and a contractor which has been approved by the village council.

(Code 1959, § 35.105)

**Sec. 18-35. Precollection practices.**

(a) *Garbage.* All garbage before being placed in garbage cans for collection shall have drained from it all free liquids and shall be wrapped in paper.

(b) *Rubbish.* All rubbish shall be drained of liquid before being deposited for collection.

(c) *Trimmings and clippings.* Tree trimmings, hedge clippings and similar materials shall be cut to a length not to exceed four feet and securely tied in bundles of not more than two feet thick before being deposited for collection.

(Code 1959, § 35.106)

**Sec. 18-36. Containers.**

(a) The owner, occupant or lessor or any agent thereof, of every premises where solid waste accumulates, shall cause to be provided for said premises, sufficient and proper receptacles as herein prescribed. Receptacles that are broken, without handles or which otherwise fail to comply with the requirements of this article, may be classed as "rubbish" and, after due notice to the user, may be collected as rubbish.

(b) The receptacles for garbage shall be kept on the premises in the rear within an approved distance of the rear entrance to the dwelling or premises. Containers shall be placed at the curb on the pickup days and readily assessable to the collector. Where approved liners are used, it will only be necessary to place the liner and contents at the curb securely bound at the top.

(c) Garbage receptacles shall be of substantial approved construction, free of holes, with proper handles, and a tightfitting cover and shall have a capacity of not less than ten gallons nor more than 20 gallons, and no single receptacle shall weigh more than 100 pounds when full. Garbage receptacles shall be adequate in size and number to hold one week's accumulation. All garbage receptacles shall be maintained in a sanitary condition.

(d) Rubbish receptacles shall be metal, wooden or plastic, bushel baskets, with handles, in good condition, and shall weigh not to exceed 100 pounds when full. But rubbish containers other than metal, wooden, or plastic, baskets with handles in good condition, as herein specified, may be collected as rubbish without notice, except that garbage receptacles may be used as rubbish containers.

(e) Accumulations of rubbish larger than can be contained in a receptacle shall be securely tied in compact bundles not to exceed 100 pounds in weight and placed in a location designated by the sanitation officer.

(f) Empty containers shall not be left at the curb more than 24 hours.

(g) Ashes will be removed only when placed in rubbish containers as herein specified, and shall not contain live coals.

(h) No person shall disturb the contents of any garbage or rubbish receptacle or bundle, or leave the receptacle or contents in a condition other than this article provides.

(Code 1959, § 35.107)

**Sec. 18-37. Storing.**

(a) *Public places.* No person shall place any solid waste in any street, alley or other public place or upon any private property whether owned by such person or not, within the village, except it be in proper containers for collection or under express approval granted by the sanitation officer. Nor shall any person throw or deposit any refuse in any stream or other body of water.

(b) *Unauthorized accumulation.* Any unauthorized accumulation of solid waste on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of solid waste within 30 days after the effective date of the ordinance from which this article is derived shall be deemed a violation of this article.

(c) *Scattering.* No person shall cast, place, sweep or deposit anywhere within the village any solid waste in such manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, park or other public place, or into any occupied premises within the village.

(Code 1959, § 35.108)

**Sec. 18-38. Garbage and rubbish collection.**

Garbage and rubbish shall be collected by village approved contractor or village personnel at such time and pursuant to rules and regulations established by the sanitation officer. Such rules and regulations shall be published in a newspaper in general circulation in the village at least once before such rules and regulations become effective, and as often as the sanitation officer shall deem necessary. Any person aggrieved by regulation of the sanitation officer shall have the right of appeal to the council which shall confirm, modify, or revoke such regulation.

(Code 1959, § 35.109)

**Sec. 18-39. Special problems.**

(a) *Contagious disease solid waste.* The removal of wearing, bedding or other solid waste from homes or other places where highly infectious or contagious diseases have prevailed should be performed under supervision and direction of the village. Such solid waste shall not be placed in containers for regular collections.

(b) *Inflammable or explosive material.* Highly inflammable or explosive materials shall not be placed in containers for regular collection but shall be disposed of as directed by the sanitation officer at the expense of the owner or possessor thereof.

(c) *Prohibited items.* The following items will not be picked up as trash, either by the village or the contract hauler:

- (1) Any trash not placed in appropriate containers as are hereinbefore defined.
- (2) Materials resulting from the construction, remodeling, repair, or demolition of buildings, such as stones, bricks, plaster, lumber, shingles, concrete, sand, gravel, excavated earth and surplus earth from grading, excepting one bushel basket full of any such items produced by the work of the resident upon such premises which will be picked up at one collection period. Ashes which contain cinders or smoldering embers will not be collected. Junked automobile parts including engines, transmissions, seats, doors, fenders, will not be picked up and collected. Dead animals and animal waste will not be picked up.

(Code 1959, § 35.110)

**Sec. 18-40. Owners and occupants duty.**

Every owner, occupant or lessor, or any agent thereof, of any building where garbage or refuse accumulates shall arrange with the sanitation officer for garbage and refuse collection. (Code 1959, § 35.111)

**Sec. 18-41. Rates and charges.**

(a) *Rates generally.* The rate for solid waste collection shall be established by the village council by resolution and amended at such times as deemed necessary for the village council to defray the cost of collection.

(b) *Statements.* Statements shall be rendered bimonthly on the first days of January, March, May, July, September, and November.

(c) *Billings.* Solid waste collection service billings shall be made quarterly along with the water service billings, payable on or before the 30th day of the month when due. The payment of solid waste collection service billings becomes due on the 30th day of the month billed. All charges for solid waste services shall be payable 30 days following date of billing. Charges not paid within 30 days after date of billing shall be subject to a collection charge of ten percent bimonthly as long as the same remains unpaid following the date thereof. Any account not paid within 60 days after the date of the bill shall render the subject premises ineligible for continued service.

(d) *Notice to discontinue service.* Any owner or occupant expecting to be absent from the village for a period of one calendar month, or more, or any inhabited residential dwelling expected to be vacant for a period of one calendar month, or more, may give notice to the village clerk to discontinue service, which notice must be given at least five days prior to the first day of the month in which service is desired to be discontinued. Discontinuance of service may only



commence on the first day of any month. Service will be recommenced the week following date of notice and request is made for same. It being provided that any service commenced during the calendar month will be charged for a full month's service.

(e) *Charges as lien.* The charges for solid waste services are hereby made a lien upon the premises served thereby. Whenever any such charge against any premises shall be delinquent as of April 1, the village treasurer shall certify such delinquency to the appropriate governmental official, and any such charges may be entered upon the next tax roll as a charge against such premises, and shall be collected and the lien thereof enforced in the same manner as special assessments against the premises.

(Code 1959, § 35.112)