
CHAPTER 21. SOLID WASTE

2.1. Purpose and Intent To better enable the City to regulate and control the services provided to the users of solid waste services and in order to protect the public health, safety and welfare, the City may provide for an exclusive licensed hauler(s) for the collection and disposal of solid waste from residential locations, commercial locations and from multifamily housing complexes. Nothing in this section or anywhere in this Chapter shall be construed as a surrender by the City of its legal authority as the sole and exclusive hauler of all solid waste generated by residential and commercial locations in the City.

2.2. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (1) *Authority* means the Mid Michigan Waste Authority.
- (2) *Commercial hand pick up* means any commercial, industrial or institutional building located within the City that has made specific arrangements for hand pick up of refuse, recyclables and/or compostable materials that does not routinely exceed one cubic yards of waste each week.
- (3) *Compostables* means leaves, brush, tree branches 2 to 6 inches in diameter and 4 feet in length, vegetative prunings, Christmas trees, and other garden or yard waste and other organic material as may be specified in solid waste regulations. Compostables suitable for home composting are specified in the applicable solid waste regulations and City-provided fact sheets.
- (4) *Dumpster* means a metal or plastic container in sizes that range from 1 cubic yard to 12 cubic yards that can be dumped by a rear-loading or front-loading refuse or recycling truck.
- (5) *Garbage* means all putrescible food wastes such as animal, fish, fowl, fruit or vegetable matter incident to the use, preparation and storage of food for human consumption. It also includes paper or containers containing these wastes except as excluded by the applicable solid waste regulations.
- (6) *Licensed hauler* means any person having a contractual agreement with the City to remove compostable materials or commercial dumpsters.
- (7) *Recyclables* means all containers, paper, cardboard, and other materials specifically designated as recyclable by the applicable solid waste regulations.
- (8) *Refuse* means all rubbish and garbage which is not deemed recyclable or compostable as defined in this Chapter or by the applicable solid waste regulations. It does not include hazardous material or other prohibited materials.
- (9) *Rubbish* means miscellaneous non-putrescible waste material resulting from housekeeping and ordinary mercantile enterprises, including paper, cardboard, metal containers, crockery, plastic, rubber, building materials, and bulk items. It does not include hazardous waste or other prohibited materials.
- (10) *Solid waste* means refuse, recyclables, and compostables discarded by residents and commercial locations and which qualifies for removal by the City. It does not include hazardous material or other prohibited materials.

(11) *Solid waste containers* means any containers approved by the solid waste regulations for deposit of solid waste, including containers for refuse, recyclables or compostables.

2.3. Collection and Disposal.

(1) The City will provide for collection and disposal of solid waste, recyclable materials and yard waste for all properties within the City. Provision of services is provided to:

- a. Single family dwellings and other hand pick up locations
- b. Non single residential uses generating more than one cubic yard in waste each week.

(2) Locations receiving said services must follow all applicable laws, applicable provisions of the contract between the City and the licensed and/or the Authority regarding collection and disposal of said solid waste, compostables and recyclables. Copies of such regulations as they pertain to weekly collection and disposal services shall be available at the City Administrative Offices and online.

(3) Leaf Pick Up. Residences may deposit leaves in the street adjacent to the curb in the fall of the year only on dates published by the City

(4) No person shall burn or permit to be burned on the premises within his/her control any solid waste.

2.4. Storage of Refuse Prior to Collection and Collection Points.

(1) No person shall place any solid waste in any location without permission. Further, no person shall place any solid waste in any public place or upon any private property without whether owned by such person or not, within the City unless it is in proper containers for collection. This excludes leaf pick up performed seasonally by the City. Nor shall any person throw or deposit any solid waste in any stream or other body of water. Any unauthorized accumulation of solid waste on any premises is hereby declared to be a nuisance and is prohibited.

(2) Solid waste or other material left at the curb, outside a dumpster enclosure or dumpster or otherwise improperly stored elsewhere outdoors may be removed by the City. Leaves placed in the road for pick up outside seasonal pick up will result in a notification to the owner. If the owner does not remove the leaves after such notification, the City shall remove them. All costs (including labor, equipment, materials disposal and overhead) of work performed by the City under this section shall be charged to the owner of the involved property.

(3) Storage and required containers:

- a. Residential and other hand pick up locations shall use tied, watertight, 35 gallon bags for curbside solid waste collection. All recyclable materials must be stored within a standard recycling collection container, which are available from the Clerk's Office. Compostables shall be separated and placed in containers as specified in the contract. Each compostable container must have a tag purchased through the City, or its authorized agent. Such tag fee shall be set by City Council by resolution.
- b. Locations Requiring a Dumpster. All uses that require the use of a dumpster or other such solid waste container shall be stored in an enclosure at the location as designated on an approved site plan. If no such enclosure or site plan exists, then it shall be at the location as determined by the City Manager or his/her designee.

(4) Collection Points. Residential and other hand pick up locations shall place all refuse, recyclables and compostable materials at the curbside for pick up. All other users shall maintain their pick up location as provided in 2.4(3)(b).

(5) No location shall leave solid waste or solid waste containers at the collection point earlier than 5:00 pm the day before the collection or after 7:00 pm on the designated day of collection, with the exception of a special collection or large item collection whereby the Authority is allowed delayed collection.

2.5. Fees.

- (1) Applicable fees for the collection of solid waste shall be set by City Council resolution.
- (2) The charge for solid waste service shall be billed on the public utilities bill or billed as a separate item and subject to the same collection procedure in effect for collecting water charges.
- (3) Delinquent Accounts. Nonpayment of solid waste service charges may result in the right of the City to proceed for the collection of such unpaid charges in a manner provided by law for the collection of a delinquent water charge.

2.6. Exceptions. Exceptions to this Chapter may be made when the location exceeds the demand of what the City's contract(s) provides, when the location requires services not provided by the City's solid waste hauler, and then only after specific approval by City Council.

2.7. Violation; Municipal Civil Infraction.

- (1) A person who violates any provision of this Chapter is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$100.00 nor more than \$500.00, plus costs and other sanctions, for each violation as allowed by law. The Code Enforcement Officer is hereby designated as the authorized City official to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the City of Frankenmuth Municipal ordinance Violations Bureau) for violations under this Chapter as provided by this Code.
- (2) The fact that a violation is abated by the City and the cost thereof charged to or paid by the owner shall not excuse the owner from responsibility for the violation of this Code punishable as provided in Chapter 1 of this Code regardless of whether violation was abated subsequent to the commission of such violation.

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