

ORDINANCE NO. 4-400

AN ORDINANCE PROVIDING FOR THE DISPOSAL OF SOLID WASTE
AND FOR ABATEMENT OF ACCUMULATIONS

THE CITY OF ISHPEMING ORDAINS:

Section 4-401. As used in this Ordinance, the following terms shall be defined as follows:

- (a) "Solid Waste" shall mean garbage; trash; offal; dead animals; manure; animal feces; human feces; paper; cans; cardboard; metal, plastic and glass cans, bottles and food containers; straw; swill; partial or unwholesome meat or food; decayed vegetables; and all other rubbish or refuse. Solid waste shall not include furniture, construction debris, building materials, roofing materials or used shingles, machinery, or any item identified in Section 4-406 below.
- (b) "Garbage" shall mean all accumulation of animal, fruit, or vegetable matter that attends the preparation, use, cooking, disposal of or working of meat, fish, fowl, or vegetables, and any other food materials.
- (c) "Designated Container" shall mean:
 - i) A metal container with a tight fitting cover, not exceeding ten (10) cubic yards in volume, designed to hold trash or refuse, commonly referred to as a "dumpster", and capable of being emptied or dumped by mechanical or hydraulic means; or
 - ii) A metal or high impact plastic can with a tight fitting cover, not exceeding 60 gallons in volume, with at least two (2) handles capable of being emptied or dumped by hand.
- (d) "Plastic Bag" shall mean a plastic container capable of being folded (when empty) flat, with a thickness of at least .85 mils, which when filled shall not exceed a capacity of 50 gallons, or six bushels.
- (e) "Person" shall mean each and every natural person, firm, company, corporation, L.L.C., association or partnership.
- (f) "Contractor" shall mean whoever is the current contractor.
- (g) "Contract" shall mean the Residential Garbage and Refuse Collection Agreement between the City of Ishpeming and Contractor, dated January 1, 2011, and all amendments or modifications thereto.
- (h) "Residential Solid Waste" shall mean solid waste generated by every single family home, residential duplex, residential condominium, and apartment house with not more than two (2) apartments.
- (i) "Commercial Solid Waste" shall mean solid waste and every other kind of waste material generated by every premises, building, or property that does not fall within the definition of residential solid waste. Commercial solid waste shall also include solid waste generated by all apartments in a building that also generates or could generate commercial solid waste. If a landlord owns two or

more shared boundary lots with a total number of three (3) or more apartments, then the owner may, at their option, be defined as either:

- (1) "Residential Solid Waste" customers who use the City's solid waste collection services; or,
- (2) "Commercial Solid Waste" customers who procure their own solid waste collection service (ie. dumpster).

- (j) "Recyclable Solid Waste" shall mean residential solid waste as defined and published by the Marquette County Solid Waste Management Authority.
- (k) "Landfill" or "Authority Landfill" shall mean the landfill operated by the Marquette County Solid Waste Management Authority.

Section 4-402. It shall be unlawful for any person to deposit, throw, or place any solid waste in any street, alley, sidewalk, public building, Public Park, or any other public place in the City of Ishpeming.

Section 4-403. It shall be unlawful for any person to place any solid waste outside of any home, building, or structure in the City of Ishpeming, or on public or private property, for purposes of storage, unless such solid waste is placed and kept in a designated container.

Section 4-404. It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the City or in any area under the jurisdiction of the City, any human or animal feces, garbage, or other objectionable waste.

Section 4-405.

- (a) Notwithstanding the above provisions in this Ordinance, on the day of garbage pickup only, it shall be lawful for a person generating residential solid waste to place solid waste in a metal, high impact plastic, or rubber can, not exceeding 60 gallons in volume, with two handles and a tight fitting cover, or in a plastic bag for pickup. If a plastic bag is used on the day of pickup, it must:
- i) be placed at curbside or in the usual pickup area not earlier than 6:00 a.m. on the day of the regularly scheduled pickup; and
 - ii) not exceed a weight of 60 pounds, and be tied or secured so that the contents will not spill out; and
 - iii) be capable of being picked up by the Contractor's sanitation crew without splitting or tearing.
- (b) Notwithstanding the above provisions in this Ordinance, on the day of garbage pickup only, it shall be lawful for a person generating residential solid waste to place recyclable solid waste at curbside for collection pursuant to the Marquette County Solid Waste Management Authority guidelines.

Section 4-406.

- (a) The Contractor hired by the City to collect solid waste on a weekly basis shall be required to collect all residential solid waste.

- (b) The Contractor hired by the City to collect solid waste on a weekly basis shall not be required to collect any commercial solid waste.
- (c) The owner of every premises, building, business, or property that generates commercial solid waste shall be required to dispose of all such solid waste under separate contract or agreement with a State licensed solid waste carrier or hauler.
- (d) The City shall not be responsible, either directly or indirectly, under its Contract with the Contractor, to pick up, collect, or transport any commercial solid waste.
- (e) Commercial solid waste shall not be placed or deposited in any designated container owned, leased by, or used by the City under the City Contract with Contractor. This means that all dumpsters supplied by Contractor to the City shall not be available for the disposal of commercial solid waste.
- (f) Commercial solid waste may only be deposited into a designated container owned or leased by the person, firm, or entity generating such solid waste, and such designated container may not be placed at curbside for collection by Contractor during Contractor's normal residential pickup in the area.
- (g) No person generating residential solid waste may transfer or dispose of any such residential solid waste directly at the Marquette County Solid Waste Management Authority Landfill.
- (h) A person generating roofing debris or used shingles may directly dispose of same at the Landfill on receipt of a Landfill Permit issued by the City and payment of a fee or deposit if required, see Annual Fee Schedule as adopted by the Ishpeming City Council for rate.

Section 4-407.

It shall be unlawful for any person within the City of Ishpeming to place for solid waste collection any grass clippings, leaves, tree parts or branches, tires, television sets, computers, petroleum products, shingles, roofing materials, concrete, sand, gravel, construction or demolition debris, building materials, automobile parts, batteries, bodies, frames or motors; truck parts, batteries, bodies, frames or motors; hazardous waste [as defined under State law at M.C.L.A. Section 324.11103; hazardous substance (as defined under State Law at M.C.L.A. Section 286.452); toxic substance; human body waste; sewage, sanitary sewage; industrial sludge or chemicals; furniture, appliances, carpeting, mattresses, box springs, or similar discarded chemicals, household materials; including but not limited to stoves, refrigerators, water heaters, clothes washers or clothes dryers; or any substance which is or may be hazardous to the health of the sanitation crews, or to deposit or place any of said items in or on any street, sidewalk, alley, or other public or private property.

Section 4-408.

- (a) Regular Collection Schedule: Residential solid waste will be picked up by Contractor from each residence in the City one (1) time per week, in accordance

with a collection schedule adopted and promulgated by Contractor pursuant to the Contract.

- (b) Special Collection Schedule: Pursuant to the Contract, any person who generates residential solid waste or any other kind of waste material may contract directly with the Contractor for the pickup and disposal of such items. The Contractor shall make available drop-off containers (dumpsters) for residential customers. These containers may be placed for ten (10) days maximum. At the end of the period, Contractor shall transport and dispose of the contents at the Authority Landfill. The resident who requested the drop-off container shall pay for all drop-off/pickup/rental fees of the drop-off container, as well as all Landfill Authority disposal costs.

Section 4-409.

- (a) There is hereby established a rate for each single family home in the City of Ishpeming, for the availability of residential solid waste and garbage disposal services, see Annual Fee Schedule as adopted by the Ishpeming City Council for rate.
- (b) There is hereby established a rate, for each separate living unit in multiple family structures, such as duplexes, condominiums, and apartment houses with not more than two (2) units, for the availability of residential solid waste and garbage disposal services, see Annual Fee Schedule as adopted by the Ishpeming City Council for rate.
- (c) In addition to the above charges, every person that may lawfully haul solid waste directly to the Marquette County Solid Waste Management Authority Landfill and for which the City is billed directly by the Authority, shall be billed the same amount by the City, plus a permit application fee, see the Annual Fee Schedule as adopted by the Ishpeming City Council for rate so that the City is fully reimbursed by each such user.
- (d) The fees and charges referred to in subsections (a) and (b) above and located in the Annual Fee Schedule shall be billed to and paid by the person responsible for the water or sewer bills to the premises. Such fees and charges may be billed on a monthly basis, and such billing may be combined with any other utility bill sent by the City. If the premises is not served by City water or sewer service, the owner of the premises shall be responsible for the fees and charges established herein.
- (e) The users of solid waste and garbage disposal services or those responsible to pay for the services under this ordinance shall pay their bills to the City Treasurer within twenty-five (25) days after the billing date shown on their bills. Any bill not paid within twenty-five (25) days after the billing date shall be considered a delinquent bill, and a penalty as stated in the Annual Fee Schedule shall be applied and collected on each delinquent bill per month.
- (f) If a residential premises has been destroyed or is rendered unsuitable for use as a result of fire, windstorm, or other catastrophe, such premises shall not be charged a fee for the availability of solid waste and garbage disposal services.

- (g) If a customer has the option to choose residential solid waste or commercial solid waste, because they own two (2) or more shared boundary lots with a total number of three (3) or more apartments, then that customer must complete a form to declare their choice for the record.

Section 4-410. In addition to the civil penalties provided herein for a violation of this ordinance, the City of Ishpeming shall have a lien upon each premises, lot, parcel, structure, house or building which receives solid waste or garbage disposal services from Contractor or with respect to which such service is available. And each premises, lot, parcel, structure, house or building from which waste is generated and lawfully hauled by the owner or sub-contractor or representative of these parties, to the Marquette County Landfill. The lien created herein may be enforced by the City in the manner prescribed by the general laws of the State of Michigan for the enforcement of tax liens, and all such delinquent fees or charges shall be added to the delinquent tax rolls with respect to the real property (or personal property if the structure is on leased land). Upon entry of such delinquent fees and charges upon the delinquent tax rolls, the collection thereof shall in all respects be governed by the provisions of the general laws of the State of Michigan for the collection of delinquent taxes.

Section 4-411. Violation of any term or provision of this Ordinance shall be a civil infraction, punishable by a fine as set forth in the Annual Fee Schedule.

Section 4-412. Contractor's sanitation crews shall not be required to pick up any residential solid waste stored, maintained, deposited, or disposed of contrary to the provisions of this Ordinance.

Section 4-413. This Ordinance shall take effect upon publication.

Adopted: October 9, 1985
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