

Chapter 86 - SOLID WASTE and Material Recovery [11](#)

Footnotes:

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State Law reference— Authority to regulate disposal, MCLA 123.241 et seq., MSA 5.2661 et seq.; solid waste management act, MCLA 299.401 et seq., MSA 13.29(1) et seq.; hazardous waste management act, MCLA 299.501 et seq., MSA 13.30(1) et seq.

ARTICLE I. - IN GENERAL

Sec. 86-1. - Littering public or private property.

- (a) No person shall place, throw, or otherwise deposit any trash, litter, or waste material of any kind in or upon any street, highway, alley, or other public place or upon any public property, except where placed in containers furnished for receiving such material or where placed for removal in accordance with the applicable provisions of this chapter.
- (b) No person shall place, throw, or otherwise deposit any trash, litter, or waste material of any kind on the grounds, premises, or within a refuse container or dumpster of another without the specific permission of the owner thereof.

(Code 1970, § 21-1; Ord. No. 2000-8, § 1, 8-28-00)

State Law reference— Littering, MCLA 752.901 et seq., MSA 28.603(1) et seq.

Secs. 86-2—86-25. - Reserved.

ARTICLE II. - GARBAGE

DIVISION 1. - GENERALLY

Sec. 86-26. - 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:

Garbage means rejected food wastes, and includes every refuse 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 vegetables.

(Code 1970, § 21-12)

Sec. 86-27. Contractor's trucks and equipment.

All garbage trucks and similar vehicles used by a collector shall be equipped with watertight bodies.

(Ord. No. 2000-8, § 2, 8-28-00, Ord. No. 2020-1)

Editor's note— Ord. No. 2000-8, § 2, adopted August 28, 2000, amended the Code by, in effect, repealing and reenacting § 86-27 in its entirety. Formerly, § 86-27 pertained to containers generally, and derived from the Code of 1970, § 21-13.

Sec. 86-28. - Dumpsters.

Where dumpsters are used, the contractor shall keep the dumpster in a safe and sanitary condition, free from rodents, vermin and noxious odors. All dumpsters shall be equipped with a working, full-coverage, secure cover.

(Ord. No. 2000-8, § 3, 8-28-00)

Editor's note— Ord. No. 2000-8, § 3, adopted August 28, 2000, amended the Code by, in effect, repealing and reenacting § 86-28 in its entirety. Formerly, § 86-28 pertained to containers generally, and derived from the Code of 1970, § 21-14.

Sec. 86-29. - Franchise requirement for contract haulers.

- (a) In compliance with section 14.4, "Franchises" of the City Charter, any refuse hauler, or entity engaged in the business of collecting, transporting, and disposing of garbage, refuse, construction or demolition debris, recyclable materials, and/or yard waste, and operating said business within the corporate boundaries of the city, or servicing clients within the boundaries of the city, shall do so only after having first been granted a franchise to transact such business by the city.
- (b) Such franchise shall be granted subject to the following terms and conditions:
 - (1) The franchise shall be nonexclusive allowing others who meet the same or similar criteria to be granted like franchises.
 - (2) The franchisee shall be required to provide adequate insurance coverage in keeping with city-established policies for same.
 - (3) Franchisee/haulers shall, at all times, maintain all equipment and vehicles in a safe, reliable, and sanitary condition, and shall be prohibited from depositing or disposing of any garbage, refuse, recyclable materials, construction or demolition debris, or yard waste anywhere within the corporate boundaries of the city, except as lawfully allowed under a state license for same.

Franchises shall be granted for a period of one year and shall be renewable for like periods, upon yearly reapplication and payment of a franchise fee.

- (c) Franchise fees shall be those fees on file with the city clerk which have been approved and filed by the city manager and which the city commission has been notified of for at least 30 days in compliance with section 2-1. Any and all revenues generated from such franchise fees shall be credited to the solid waste management fund of the city.

(Ord. No. 2000-8, § 4, 8-28-00; Ord. No. [2017-8](#), 5-15-17)

Sec. 86-30. Pick up time.

No person or entity shall pick up any refuse at any time other than between the hours of 6:00 a.m. and 7:00 p.m.

(Ord No. 2020-1)

Sec. 86-31. Insurance for refuse collector.

Each franchisee licensed under section 86-29 shall file with the city clerk evidence of compliance with the insurance requirements as set forth in Section 30-58.

(Ord. No. 2020-1)

Sec. 86-32. Compliance with rules and regulations.

Each franchisee licensed under section 86-29 shall comply with the rules and regulations regarding the city transfer station, if applicable.

(Ord. No. 2020-1)

Sec. 86-33. Containers.

Each franchisee licensed under section 86-29 may provide his own containers for refuse, providing such containers shall not be placed on city property without the permission of the city.

(Ord. No. 2020-1)

Sec. 86-34. Liability for damages.

Each franchisee licensed under section 86-29 shall be liable for all damage to any person or property caused in any way in the removal of refuse and shall hold the city harmless from any damages.

(Ord. No. 2020-1)

Secs. 86-35—86-40. - Reserved.

DIVISION 2. - RESERVED^[2]

Footnotes:

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Editor's note— Ord. No. 2000-8, § 5, adopted August 28, 2000, amended the Code by repealing former div. 2, § 86-41, in its entirety. Former div. 2 pertained to contract collection, and derived from the Code of 1970, § 21-26.

Secs. 86-41—86-60. - Reserved.

ARTICLE III. - REFUSE

DIVISION 1. - GENERALLY

Sec. 86-61. - 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.

Bulk items means any large items which cannot be placed in a city provided refuse container such as mattress, box springs, furniture, and other large equipment such as dishwasher and small appliances.

Excessive Overflow means any items on the exterior of the city supplied refuse container that would fit inside an additional refuse container.

Garbage means rejected food waste, and includes refuse accumulation of animal, fruit or vegetable matter, used or intended for food, or that attends the preparation, use, cooking dealing in, or storage of meat, fish, fowl, fruit or vegetables.

Recyclable materials means items specifically designated by the city as recyclable materials, currently paper, glass containers, metal, plastic, newspaper, aluminum, paperboard, paste board and corrugated cardboard. The city reserves the right to designate the quantity and quality of each recyclable material and to add or delete items based upon market demands.

Refuse means all types of material to be discarded, such as wrappings, cartons, crates, packing material, rags, broken glass, crockery, waste paper and sweepings.

Residence means one or more dwelling units in a building and the lot or parcel of land on which the building is located, a city lot or property eligible for city collection and disposal of refuse.

Residential dwelling means any residence containing a single-family dwelling unit or multi-family dwelling units.

White goods means all types of large household appliances, such as stoves, refrigerators, air conditioners, washers, clothes dryers, hot water tanks and similar items.

Yard waste means all materials which grow on the property, which materials are to be disposed of, such as weeds, plants, garden trimmings, grass, hedge and shrub clippings, dead foliage, small branches and leaves.

(Code 1970, § 21-40; Ord. No. 1996-13, § 1, 8-12-96; Ord. No. 2000-8, § 6, 8-28-00; Ord. No. 2020-1)

Sec. 86-62. - Collection and disposal generally.

The city shall collect and dispose of refuse, yard waste and recyclable materials in accordance with this chapter.

(Code 1970, § 21-41; Ord. No. 1996-13, § 2, 8-12-96)

Sec. 86-63. - Refuse container collection.

(a) It shall be the responsibility of the owner, occupant, or person in charge of a residence to place or cause to be placed all refuse and garbage accumulated on the premises in the refuse container supplied by the city for collection by the city.

(b) Materials shall be bagged and loosely placed in the container with the lid completely shut so that the container may be easily dumped.

(c) Bulk items may be picked up from any residential dwelling on the same day as the refuse container is emptied or may be scheduled for pick up at an alternative time, in the city's discretion, providing that a proper bulk item sticker has been applied to the bulk item.

(Code 1970, § 21-42; Ord. No. 2000-8, § 7, 8-28-00; Ord No. 2020-1)

Sec. 86-64. - Container specifications.

(a) The city shall supply refuse containers (wheeled curb carts). Refuse containers shall be a distinctive color with appropriate words which will readily indicate to city collectors that the refuse containers are intended for the weekly citywide refuse collection. City refuse containers are RFID tagged and must not be removed from the assigned property.

(b) The city recommends the use of compostable craft leaf bags for yard waste collection and the use of city provided recycling bins for recycling.

(Code 1970, § 21-43; Ord. No. 1996-13, § 3, 8-12-96; Ord. No. 2000-8, § 8, 8-28-00; Ord. No. 2020-1)

Sec. 86-65. Replacement of defective containers.

(a) The city shall replace city assigned refuse containers and recycling bins which have become defective by normal wear and tear or as a result of damage caused by city collection efforts. The resident shall replace any refuse container or recycling bin which becomes defective by misuse or neglect at the then existing fee. Missing containers shall be replaced at the cost of the property owner.

(b) The city is not responsible for damaged, missing or stolen private containers.

(Code 1970, § 21-44; Ord. No. 1996-13, § 4, 8-12-96; Ord. No. 2000-8, § 9, 8-28-00; Ord No. 2020-1)

Sec. 86-66. - Collection of yard waste and recyclable materials.

(a) Yard waste collection shall coincide with regular weekly refuse collection from the first Monday in April through the first Friday in December. Yard Waste must be bagged, tied in bundles or placed in 32-gallon or smaller containers. Loose yard waste will not be accepted.

(b) Yard waste bags and containers shall not weigh more than 40 pounds.

(c) Yard waste must be placed in craft yard bags or in a 32-gallon or smaller container with handles that is labeled with Yard Waste Only stickers provided by the city.

(d) Yard waste materials placed in plastic bags, cardboard boxes, grocery bags or other unapproved containers will not be collected.

(e) Collection of recyclables shall coincide with regular weekly refuse collection.

(f) Brush will be collected without a fee during the months of April and November. Brush pick up will occur on the Eastside from the 1st to the 15th of the month, and on the Westside from the 16th to the last day of the month. Brush piles shall be no larger than an area of 4' wide, 8' long and 4' high.

(g) Between May 1st and October 31st a fee shall be charged for brush collection. Brush collection shall be scheduled by appointment. Brush must be set out not more than 48 hours prior to the scheduled pick up. A brush collection fee shall be charged pursuant to Section 86-78.

(h) Maximum branch diameter for brush collection is five (5) inches.

(i) Brush must be free of root balls. Stumps will not be collected.

(j) Any brush generated from the removal of a tree or a substantial portion of a tree, either by a resident or a hired tree service, will not be chipped or removed by the city.

(k) Any brush placed for collection that is outside the scope of the above guidelines shall be deemed a nuisance and handled accordingly.

(Code 1970, § 21-45; Ord. No. 1996-13, § 5, 8-12-96; 2020-1)

Sec. 86-67. - Placement for collection; removal of empty containers.

(a) Except as otherwise provided, refuse, yard waste and recyclable materials to be collected by the city shall be placed on the property side of the curb on paved streets or in the area between the sidewalk and the edge of the roadway on unpaved streets no earlier than 4:00 p.m. on the day preceding the collection and not later than 7:00 a.m. on the day of collection. No person other than the owner, occupant or person in charge of a residence shall place refuse, yard waste or recyclable materials on the premises of the residence or adjacent thereto for collection. Emptied containers shall be removed before 8:00 a.m. following the day of collection.

(b) Containers will not be serviced if they are not spaced a minimum of 3 feet away from other containers, trees, vehicles, utility poles or other obstructions.

(Code 1970, § 21-46; Ord. No. 1996-13, § 6, 8-12-96; Ord. No. 2020-1)

Sec. 86-68. - Responsibility when placed for collection.

(a) The owner, occupant or person in charge of a residence shall clean up and remove any scattered refuse resulting from the breakage or opening of any refuse container intended for collection from the residence within 24 hours after the same has been scattered.

(b) The owner, occupant or person in charge of the residence shall, in accordance with this article, properly dispose of any scattered refuse and any container and the contents thereof intended for collection which is either broken or otherwise unacceptable.

(c) Unacceptable containers, scattered refuse and prohibited items located on public property are subject to removal by the city, and the cost thereof shall be charged back to the abutting property owner pursuant to section 86-69.

(d) Any container which is blocked by a vehicle owned or operated by the owner, occupant or person in charge of a residence is not eligible for call back service.

(e) A container that is confirmed as missed during collection or only partially emptied is eligible for a call back for service provided the city is notified by noon of the next business day.

(Code 1970, § 21-47; Ord. No. 2000-8, § 10, 8-28-00; Ord No.2020-1)

Sec. 86-69. - Nuisances.

(a) *Generally.* Any scattered refuse, any refuse bag, can or other container, and the contents thereof, which is unacceptable, any container intended for collection which contains unacceptable materials contrary to section 86-74 or any container intended for collection placed in front of or adjacent to a residence contrary to any collection procedure referred to in sections 86-67 and 86-68 or any item placed in front of a residence contrary to the collection procedures referred to in sections 86-75 and 86-76 is hereby declared to be a public nuisance and is subject to removal or abatement by the city.

(b) *Expenses.*

(1) All actual expenses incurred by the city in the removal or abatement of the nuisance, or a minimum labor, equipment, and disposal fee (whichever shall be the greater); plus an additional administrative fee, shall be the responsibility of the owner or party in interest of the property on which, in front of or adjacent to which the condition existed and shall be paid by the owner or the party in interest in whose name the property appears on the current city tax assessment records. The minimum labor, equipment and disposal fee and the administrative fee shall be those fees on file with the city clerk which have been approved and filed by the city manager and of which the city commission has been notified of for at least 30 days in compliance with section 2-1 of this Code.

(2) The expense incurred shall be a lien against the real property and shall be reported to the city assessor who shall assess the same against the property on which, in front of or adjacent to which the nuisance was located.

(3) The owner or party in interest in whose name the property appears upon the current assessment records shall be notified of the amount of such costs by first-class mail at the address shown on the records. If the owner or party in interest fails to pay the same within 30 days after mailing by the city assessor of notice of the amount thereof, the city assessor shall add the same to the next roll of the city; and the amount shall be collected in the same manner in all respects as provided by law for the collection of taxes by the city.

(Code 1970, § 21-47.1; Ord. No. 2000-8, § 11, 8-28-00; Ord. No. 2002-14, 9-23-02)

Sec. 86-70. - Scavenging.

It shall be unlawful for any person other than the owner or occupant of any residence or an employee or designee of the city to collect, remove or pick up, or cause to be collected, removed or picked up, any refuse, yard waste or recyclable material after it is placed at curbside for collection.

(Code 1970, § 21-48; Ord. No. 1996-13, § 7, 8-12-96)

Sec. 86-71. - Services and fees.

(a) Every dwelling or property receiving refuse collection services shall be required to use a container supplied by the city. It is the responsibility of both the city and the property owner or tenant to ensure that collection services are properly billed. Billing adjustments will be limited to the six (6) months previous to the discovery of any billing error.

(b) Refuse collection services shall be provided to the following locations:

(1) A single-family dwelling.

(2) A multiple-family dwelling having ten (10) dwelling units or less.

(3) A commercial property which utilizes designated refuse containers (wheeled curb carts).

(4) All other residential, commercial and industrial properties which specifically contract for city refuse collection services.

(c) A collection fee shall be assessed to each residential dwelling unit and each commercial or industrial property regardless of collection status. For purposes of this subsection, a condominium unit shall be considered a residential dwelling unit. For purposes of this section, a multiple-family dwelling having eleven (11) or more units shall be considered a single property or dwelling unit.

(d) The fees for refuse collection services shall be those fees on file with the city clerk which have been approved and filed by the city manager and which the city commission has been notified of for at least 30 days in compliance with section 2-1.

(e) The fee to be charged for the removal and handling of refuse as provided in this article shall be billed not less frequently than monthly to each dwelling unit, commercial or industrial property.

(f) Unpaid fees for the removal and handling of refuse which have been charged pursuant to this section shall be a lien against the property for which the service has been provided and amounts delinquent for three months or more may be certified annually to be entered on the next tax roll to be a lien against the premises. The fiscal services director shall, annually, on April 1, certify to the city assessor all unpaid charges for such services furnished to any premises which, on March 30 preceding, have remained unpaid for a period in excess of three months, and place the same on the next tax roll of the city. Such charges so assessed shall be collected and any such liens shall be enforced in the same manner in all respects as provided by law for collection of taxes by the city.

(g) Refuse collection services furnished by the city to any other department of the city shall be charged to the department receiving such service at the same rate(s) and in the same manner as established in this section herein; as specifically applied to a commercial or industrial property contracting for collection services.

(h) City residents may obtain 2 (two) bulk item stickers per year without a charge. Additional stickers may be purchased through the City as provide in Section 86-78.

(i) Excessive overflow items outside of the city bin will be charged an overflow fee as provide

in Section 86-78.

(j) Commercial and industrial properties shall be charged for services as provided in Section 86-78.

(Code 1970, § 21-49; Ord. No. 2000-8, § 12, 8-28-00; Ord. No. 2008-12, 6-2-08; Ord. No. 2020-1)

Sec. 86-72, Repealed

(Code 1970, § 21-50; Ord. No. 2000-8, § 13, 8-28-00, Ord. No. 2020-1)

Sec. 86-73. - Rules and regulations.

- (a) The city manager is hereby empowered and authorized to make reasonable and necessary rules and regulations, consistent with the provisions of this article, pertaining to the scheduling of public collection, collection, disposal and recycling of residential refuse and other materials as are necessary to administer this article or to protect public property or safety, health, public welfare, peace and/or quiet and good order of the neighborhood for collection of refuse from commercial buildings; and no person shall fail to comply with such rule or regulation.
- (b) The rules and regulations as set forth by the city manager pursuant to subsection (a) of this section shall be effective 30 days after the city commission receives written notice of the city manager's recommended rules and regulations unless such rules and regulations are adopted, altered, amended or rejected by the city commission; the rules and regulations, upon adoption, alteration or amendment, shall become effective immediately or at such other time as specifically designated by the city commission.
- (c) Printed copies of such rules and regulations issued under the authority granted by this section shall be kept in the office of the city clerk and made available for public use and inspection.

(Code 1970, § 21-51)

Sec. 86-74. - Material not to be collected curbside by city—Generally.

The following items will not be picked up by the city's curbside collection service:

(1) Materials resulting from the construction, remodeling, repair or demolition of buildings, such as stones, bricks, plaster, lumber, shingles, gypsum board, concrete, sand, gravel, excavated earth and surplus earth from grading operations.

(2) Yard waste, as defined in section 86-61, except in compliance with Section 86-77.

(3) Dead animals.

(4) Liquids.

(5) Dangerous or hazardous materials including, but not limited to, those which are radioactive, acidic, caustic or explosive, such as propane tanks, small batteries and CFL bulbs.

(6) Automotive bodies, parts, batteries, tires or service waste.

(7) White goods.

(8) It shall be unlawful for any person to place, permit, cause or assist in the placement of any refuse, trash, yard waste, rubbish or junk generated or accumulated outside of the city on city or private property for collection by the city. In addition to any penalty imposed upon the person for placing, permitting, causing or assisting in the placement of such items in

violation of this subsection, the city may remove such items and the cost thereof may be charged back to the abutting property owner pursuant to Section 86-69.

(Code 1970, § 21-52; Ord. No. 1996-13, § 8, 8-12-96; Ord. No. 2000-8, § 14, 8-28-00; Ord. No. 2020-1)

Sec. 86-75. - Same—Contractor's debris.

Placing contractor's debris or landscape contractors trimming for curbside collection is prohibited. All such items will not be collected.

(Code 1970, § 21-53; Ord No. 2020-1)

Sec. 86-76. - Same—Refuse from industrial establishments.

The city's curbside collection service shall not collect refuse material from industrial establishments.

(Code 1970, § 21-54; Ord No. 2020-1)

Sec. 86-77. - Disposal of yard waste.

- (a) *Mixing prohibited.* No person shall mix or otherwise include yard waste into the container placed at curbside for general refuse pickup and hauling.
- (b) *Disposal.* No person shall deposit any yard waste directly onto any curbside, street, right-of-way, alley or sidewalk; nor shall any person place such yard waste into any dumpster or container belonging to another.
- (c) *Collection of yard waste.* All yard waste to be collected by the city shall be placed in an approved container for yard waste on the property side of the curb of the paved street or in the area between the sidewalk and the edge of the roadway on unpaved streets on the designated collection day.
- (d) *Containers for yard waste.* All yard waste to be collected by the city shall be placed in biodegradable kraft bags designed and manufactured specifically for yard waste materials or in containers clearly labeled "yard waste only" and used solely for that purpose.

(Code 1970, § 21-52.1; Ord. No. 1996-13, § 9, 8-12-96; Ord. No. 2000-8, § 15, 8-28-00)

Secs. 86-78 Fees.

Fee charged under this division shall be those fees on file with the City Clerk which have been approved and filed by the City Manager and which the City Commission has been notified for at least 30 days in compliance with Section 2-1. All such fees shall be credited to the solid waste management fund of the City.

Sec. 86-79. Creation of solid waste nuisance appeal board.

The Solid Waste Nuisance Appeal Board is created and shall be under the supervision and control of the city manager. The city manager shall establish a convenient location for the Solid Waste Nuisance Appeal Board, appoint qualified city employees to administer the Solid Waste Nuisance Appeal Board or to perform any of the duties associated with the Solid Waste

Nuisance Appeal Board and adopt rules and regulations for the operation thereof.

(Ord. No. 2020-1)

Sec. 86-80. Invoice and notice of solid waste nuisance.

The issuance of an invoice and notice of a nuisance by a sanitation staff member of the city or other person authorized to issue such invoice and notice shall include the property address and the amount of the fee scheduled for the violation for which the invoice and notice of nuisance was issued.

(Ord No. 2020-1)

Sec. 86-81. Informal appeal.

(a) An invoice and notice of a solid waste nuisance may be informally appealed to the city manager or the city manager's designee by the alleged violator. Informal appeals may be filed in writing or via email. The alleged violator shall be notified in writing or via email of the decision regarding the appeal. An informal appeal must be submitted within 21 days of the date of issuance of the invoice and notice of nuisance.

(b) Upon investigation, the city manager or the city manager's designee shall either approve, disapprove or modify the invoice and notice of solid waste nuisance.

(Ord. No. 2020-1)

Sec. 86-82. Formal hearing.

An alleged violator may request a formal appeal hearing before the Solid Waste Nuisance Appeal Board provided the request is submitted within 21 days from the issuance of the invoice and notice of solid waste nuisance or within 10 days of the denial of an informal appeal. A nuisance which is not contained in this article shall not be disposed of by the Solid Waste Nuisance Appeal Board. No violation may be settled at the appeals board except at the specific request of the alleged violator. The Solid Waste Nuisance Appeal Board shall either approve, disapprove or modify the invoice and notice of a solid waste nuisance. An alleged violator aggrieved by the final decision at a formal hearing may appeal the decision to the Circuit Court by filing a petition for an order of superintending control within 20 days from the date of the decision.

(Ord. No. 2020-1)

Sec. 86-83. Collection of invoice.

Invoices which remain unpaid for a period of 30 days or which remain unpaid 30 days after a final decision on appeal shall be assessed to the owner pursuant to Section 90-7.

(Ord. No. 2020-1)

DIVISION 2. - LICENSE

Sec. 86-86 through 86-92, Repealed

(Ord. No. 2020-1)

Each refuse collection licensee shall be liable for all damage to any person or property caused in any way in the removal of refuse and shall hold the city harmless for any damage resulting therefrom.

(Code 1970, § 21-61)

Secs. 86-93—86-105. - Reserved.

DIVISION 3. - TRANSFER STATION

Sec. 86-106. - Definitions.

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

Solid waste means garbage, rubbish, ashes, incinerator residue, street cleanings, municipal and industrial sludges, solid commercial and solid industrial waste and animal waste but does not include human body waste, liquid or other waste regulated by the state statutes, ferrous or nonferrous scrap directed to a scrap metal processor or to a reuser of ferrous or nonferrous products, and slag or slag products directed to a slag processor or to a reuser of slag or slag products.

Type-A transfer facility means a facility designed and operated to receive solid waste primarily from mechanically unloaded vehicles.

(Code 1970, § 21-62(b), (c))

Sec. 86-107. - Violation; penalties.

Any person who shall violate any of the provisions of this division shall be subject to the following cumulative penalties:

- (1) Criminal penalties as set forth in section 1-15 of the Code of Ordinances.
- (2) Revocation of license, if issued, provided, however, the city shall give the licensee ten-days' written notice of the violation of this division thereby giving the licensee the opportunity to correct the violation or the opportunity to show to the city why the ordinances have not been violated.
- (3) Injunctive relief, if sought by the city, including civil penalties of \$150.00 per day for each day of violation.

(Code 1970, § 21-64)

Sec. 86-108. - License required; fee.

- (a) No person other than the city shall engage in the business of operating a type-A transfer facility within the city without having first obtained a license. No existing license shall be transferred, assigned or hypothecated in any manner without prior approval from the city commission.
- (b) The annual fee for a type-A transfer facility shall be that fee on file with the city clerk which has been approved and filed by the city manager and which the city commission has been notified of for at least 30 days in compliance with section 2-1.
- (c) Each licensee shall file with the city clerk evidence of compliance with the insurance requirements as are set forth in section 30-58.

(Code 1970, § 21-62(a), (d), (e))

Sec. 86-109. - Procedure and requirements for license.

- (a) A person other than the city proposing to construct or to place in use a transfer facility shall submit plans and specifications through the department of public works director for approval. The plans and specifications shall include:
 - (1) Specific location of the facility as shown on a vicinity map.
 - (2) Location of public roadways, habitable structures and places of public use on the site and other properties influenced by the project within 1,000 feet.
 - (3) Legal description and site boundaries.
 - (4) Means of limiting access, including fencing, gates, natural barriers or other methods.
 - (5) Details of the method of treating or disposing of liquid wastes resulting from the operation of the facility.
 - (6) Detailed drawings and specifications of all structures, equipment and site plan.
 - (7) General layout of equipment and on-site traffic-flow pattern.
 - (8) Detailed description and statement, in paragraph form, of appurtenances and procedures intended to handle heavy or bulky items; store solid waste beyond the end of the working day; and control dust, odors and fire.
 - (9) Location of existing and proposed utilities available to the site.
 - (10) Method of volume reduction, if used, such as compacting, grinding, compression or tamping equipment.
 - (11) Daily cleanup procedures.
 - (12) Other details necessary for the director to approve the proposal.
- (b) No license shall be issued, nor shall any license be renewed, unless the following criteria are complied with by the applicant or licensee to the satisfaction of the department of public works director or his designee:
 - (1) All applicable state and local laws, codes or rules and regulations are complied with, including applicable zoning ordinances.
 - (2) The facility consists of a building roofed and walled on four sides or otherwise enclosed to satisfactorily control dust, papers and debris.
 - (3) The facility shall be obscured by a fence not less than eight feet high with a 75 percent screening fence to be placed on the property lines at the facility. This rule may be modified or an exemption therefrom granted in writing by the department of public works director where the department of public works director is satisfied with the criteria submitted that the public health will not be adversely affected.

- (4) The facility shall have haul routes to and from the facility over major streets or roads, and the primary routes shall not be through any residential area of the city. The haul routes shall be subject to the approval of the director of the city's department of public works.

(Code 1970, § 21-63)

Sec. 86-110. - Operations.

No person other than the city shall operate a transfer station, unless the following regulations are complied with to the satisfaction of the department of public works director or his designee:

- (1) Solid waste shall be confined to the unloading, loading and handling area.
- (2) The facility and the adjacent area shall be kept clean and free of litter.
- (3) A large, heavy or bulky item which cannot be handled in the routine operation shall be excluded from the facility, unless special provision is made for handling.
- (4) Salvaging may be permitted in a manner acceptable to the department of public works director if salvaged material is removed from the site within 24 hours unless confined to approved storage.
- (5) Equipment adequate in size and quantity and in an operative condition shall be available at all times. If for any reason the facility is rendered inoperable for more than 24 hours, a predetermined alternate method shall be used. This alternate method shall be submitted to the director of public works and approved before a license is granted to handle solid waste.
- (6) A sufficient number of containers shall be available to preclude storage in the building of excessive solid waste awaiting transfer. No waste shall be left on the building floor or dumping area or in the fully loaded trailers awaiting transfer for more than four hours. Overflow of solid waste from containers shall not be permitted.
- (7) Adequate provision shall be made for routine operational maintenance of the facility and all appurtenances.
- (8) Necessary operations of the transfer facility shall be carried out promptly in a systematic manner so that conditions are unfavorable for harborage and production of insects and rodents. Supplemental effective vector control measures shall be initiated by the operator when necessary.
- (9) The facility shall be operated under close supervision of a responsible individual who is thoroughly familiar with the requirements and operational procedures of the facility.
- (10) The operator shall maintain a daily log of the quantities of solid waste processed. A copy of the daily log covering the previous three years shall be on file and available to the department of public works director upon request.
- (11) A notice stating the hours designated to receive solid waste shall be conspicuously posted at the entrance to the property where the facility is located, and in no event shall the facility be open before 6:00 a.m. and after 5:00 p.m., and at no time on Sunday.
- (12) Solid waste shall not be stored overnight in the building. Solid waste shall not be stored in transporting units overnight without prior approval of the department of public works director or his designee on each occasion. Buildings and appurtenances thereto in conjunction with the solid waste transfer facility shall be cleaned at least once every day the facility is used. Dumping or storage of solid waste shall be only in approved, designated areas.
- (13) Dust, litter and odor resulting from the unloading of solid waste and the operation of the facility shall be reasonably controlled at all times outside of the transfer facility building.
- (14) Roadways on the property shall be hard-surfaced or bituminous roads and maintained in a condition to prevent a dust nuisance.

- (15) Operation of the facility shall be carried on in such a manner as to prevent noise and vibration nuisance to adjoining property.
- (16) Solid waste shall not be burned at the transfer facility unless licensed by the state and approved of by the city commission.
- (17) Solid waste which is burning or is at a temperature likely to cause fire shall not be accepted in the transfer facility building without extinguishing the burning or reducing the temperature which would likely cause fire prior to acceptance in the transfer facility building. Flammable solids, liquids or gases and class A, B and C explosives, as defined in the hazardous materials tables promulgated by the United States Department of Transportation and contained in section 172 of title 40 of the Code of Federal Regulations, shall not be accepted by the facility.
- (18) No toxic or hazardous waste as defined by the federal and/or state statute shall be accepted by the facility.
- (19) The immediate operation of the facility shall not create traffic backup or congestion to the extent that it would affect normal traffic flow.
- (20) A license has been issued pursuant to this division.
- (21) The department of public works director or his designee shall have access to the facility for inspection purposes at all times when the facility is in operation.
- (22) All other such rules and regulations of the city as may be, from time to time, adopted pursuant to this division.

(Code 1970, § 21-63.1)

Secs. 86-111—86-130. - Reserved.

ARTICLE IV. - RECYCLABLE MATERIALS

Sec. 86-131. Recyclable materials.

(a) All persons who are occupants of any residential dwelling not served by a commercial refuse collector may place recyclable materials for collection by the city in an approved container on the property side of the curb on paved streets or in the area between the sidewalk and the edge of the roadway on unpaved streets on their designated collection day.

(b) All recyclable materials to be collected by the city under this section shall be placed in containers designated for recycling by the city or in containers clearly marked “recyclables only”; and used solely for that purpose.

(Ord. No. 1996-13, § 10, 8-12-96; Ord No. 2020-1)

Sec. 86-132. - Recyclable paper, Repealed

(Ord. No. 1996-13, § 11, 8-12-96; Ord No. 2020-1)

Sec. 86-133. - Reserved.

Editor's note— Ord. No. 2000-8, § 16, adopted August 28, 2000, amended the Code by repealing former § 86-133 in its entirety. Former § 86-133 pertained to fees, and derived from Ord. No. 1996-13, adopted August 12, 1996.

Secs. 86-134—86-140. - Reserved.

ARTICLE V. - HANDBILLS AND CIRCULARS

Sec. 86-141. - Purpose.

The purpose of this article is to regulate the standards and manner in which handbills and commercial circulars are distributed within the city to ensure the protection of the public health, safety, and welfare. Furthermore, this article is designed to improve the appearance of the city, reduce litter, preserve aesthetics and property values, protect equipment used for snow removal, and protect residential property.

(Ord. No. [2017-6](#), 5-15-17)

Sec. 86-142. - Definitions.

The following words, terms, and phrases when used in this article shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.

Commercial circular means an advertisement, notice, or statement printed or written for general distribution in connection with a business or commercial activity.

Handbill means an advertisement, notice, or statement printed or written for general distribution in connection with a noncommercial activity or event.

Person means a natural person, association, corporation, partnership, or other legal entity.

(Ord. No. [2017-6](#), 5-15-17)

Sec. 86-143. - Public property.

No person shall deposit, place, scatter, or throw any handbill, commercial circular, or package containing a handbill or commercial circular in or upon any public property within the city, including public grounds, parks, sidewalks, streets, the area between the area and the curb, or the driveway approach between the sidewalk and the curb.

(Ord. No. [2017-6](#), 5-15-17)

Sec. 86-144. - Private property.

- (a) No person shall deposit, place, scatter, or throw any handbill, commercial circular, or a package containing a handbill or commercial circular in or upon any private property within the city, including buildings, homes, porches, steps, sidewalks, and yards.
- (b) Subsection (a) does not prohibit the distributing, handling, or transmitting of any handbill or commercial circular to the owner or occupant of any private property that is willing to accept it. The owner or occupant of any private property may place a sign or sticker in a conspicuous place near the entrance indicating that no handbills or commercial circulars are desired. In that event, no person shall go upon the premises so posted to distribute, hand, or transmit any handbill or commercial circular.
- (c) Subsection (a) does not apply to the following activities: the customary delivery of newspapers, any delivery by the United States Postal Service, any delivery by a parcel service, messenger service, or the delivery of telegrams.

(Ord. No. [2017-6](#), 5-15-17)

Sec. 86-145. - Violation penalties.

Any person who shall violate a provision of this article shall be deemed responsible for a municipal civil infraction, punishable by a Class F fine.

(Ord. No. [2017-6](#), 5-15-17)