

Chapter 13

SOLID WASTE MANAGEMENT*

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ARTICLE I. IN GENERAL

Sec. 13-1. Deposit of offensive substances.

All solid waste generated on all public and private property shall be disposed of in an appropriate receptacle and delivered for proper disposition, as provided in this chapter. It shall be unlawful for any person in the township, directly or indirectly, to throw, place or leave in any public highway, street or alley or in any private or public place any solid waste, decaying or waste vegetable substance, dead animal, fish, slops, unclean or nauseous liquids or gaseous fluids, garbage, putrid meat or any other substance which may cause an unwholesome or offensive odor or otherwise cause a public nuisance. It shall also be unlawful for any person to throw, place or leave in any highway, alley or other public place any ashes, cinders, leaves, paper, lawn clippings, debris or rubbish. Solid waste, including, without limitation, the items particularly identified above, shall be placed in suitable containers for the purpose of rubbish collection or curbside recycling or composting as outlined in this chapter.

(Ord. No. 21, § 1, 1-19-54; Ord. No. C-408, § 2, 9-20-93)

Sec. 13-2. Deposit of refuse; obstruction of drains.

No person shall discharge or cause to be discharged into any lake, highway, street or public place in the township any hazardous waste, sewage or foul, inflammable or nauseous liquids or any refuse, drippings, oil, gasoline, or cleaning fluids, nor place or throw in any drains or ditches any dirt, sand, gravel, ashes, straw, hay, boughs, garbage or rubbish or any other materials or substances which might tend to obstruct or clog the drains or ditches.

(Ord. No. 21, § 2, 1-19-54; Ord. No. C-408, § 2, 9-20-93)

***Cross references**—Loose trash, rubbish and debris in shopping centers, § 8-220; disposal of garbage and other obnoxious materials in community parks, § 16-19; water supply and sewage disposal systems, Ch. 24.

State law reference—Authority to provide for collection and disposal of garbage and rubbish, MCL 41.411 et seq., 123.241 et seq., 123.361 et seq., MSA 5.2411 et seq., 5.2661 et seq., 5.2726(1) et seq.

Secs. 13-3–13-15. Reserved.

ARTICLE II. DISPOSAL OF GARBAGE

Sec. 13-16. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section:

Commercial garbage: Any garbage which has been removed from the premises of any dwelling, establishment, institution or other places where it originated.

Compostables: Yard waste and household compostables.

Garbage: Rejected food wastes and 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, fruits and vegetables.

Hazardous waste: Any waste material generated that may be described as ignitable, reactive, corrosive or toxic, or other such materials as defined by the Michigan Department of Natural Resources Hazardous Waste Management Act (Act 64 of 1979, as amended).

Household compostables: Organic fruit and vegetable material which is produced incidental to the preparation of food for human consumption, not to include any animal, fish or fowl waste, fat or meat.

Material recovery facility (MRF): A facility for the separation of recyclable materials from the waste stream for marketing as a reusable product or raw material.

Private garbage: All garbage other than commercial garbage.

Recyclable: The following at and from a site of generation: high grade paper, glass, metals, plastics, aluminum, newspaper and corrugated paper. Recyclables shall not include any hazardous waste. A more detailed specification of the items deemed to be recyclables may be provided from time to time by duly published resolution of the township board.

Recyclable material: A material which would otherwise become refuse which can be collected, separated or processed and returned to the economic mainstream in the form of raw materials or products, including compostables.

Refuse: All materials which are generated for disposal which are not compostable or recyclable, organic and inorganic, commonly referred to as garbage or rubbish.

Rubbish: Miscellaneous waste material resulting from housekeeping and ordinary mercantile enterprises and includes packing boxes, cartons, excelsior, ashes, cinders, rubber and nonputrescible materials of all kinds.

Site of generation: Any property in the township in or on which solid waste and/or recyclables are generated for disposal by any person.

Solid waste: Garbage, rubbish, ashes, street cleanings, solid commercial and solid industrial waste, and animal waste; provided, however, this definition shall not include hazardous waste, municipal sludges, human body waste, liquid or other waste regulated by statute, ferrous or nonferrous scrap directed to a scrap metal processor or to a reuser of slag or slag products, sludges and ashes managed as recycled or nondetrimental materials appropriate for agricultural or silvicultural use pursuant to a plan approved by the director of the Michigan Department of Natural Resources, materials approved for emergency disposal by the director of the Michigan Department of Natural Resources and fly ash or other ash produced from the combustion of coal when used as set forth in section 7(1) of Act 641 of the Public Acts of 1978, as amended.

Yard waste: All grass, weeds, leaves, small twigs and shrub clippings less than four (4) feet in length and two (2) inches in diameter, flowers, and basic waste materials resulting from landscaping and yard and lawn maintenance activities.

(Ord. No. 19, § 1, 8-1-52; Ord. No. C-408, § 3, 9-20-93)

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 13-17. Certain acts declared a nuisance.

The handling or moving, or feeding to domestic animals or fowl, spreading, depositing or disposing of commercial garbage in or upon public or private premises or lands in the township is hereby declared to be, and is, a nuisance under the provisions of MCL 333.2455, MSA 14.15(2455).

(Ord. No. 19, § 2, 8-1-52)

Sec. 13-18. Maintaining premises handling garbage—Permits required.

It shall be unlawful for any person to maintain any premises within the limits of the township where commercial garbage is handled or moved or spread or fed to domestic animals or fowl, or deposited or disposed of without first obtaining a permit from the township board. The permit shall designate the proprietor and person in responsible charge, the location of the property and the owner thereof, the date of issuance and the signature of the township clerk. This permit shall be issued in duplicate, one (1) copy of which shall be filed in the office of the township clerk. No permit shall be issued until approved by the township board and written assent of the owner of premises to the use of the premises under this article is filed (if the applicant for permit is not the owner) and a true copy of this article served on the owner in person or by registered United States mail.

(Ord. No. 19, § 3, 8-1-52; Ord. No. C-408, § 3, 9-20-93)

Sec. 13-19. Same—Authority to inspect.

The township board hereby authorizes the township at the direction of the township supervisor, or the supervisor's designee, to make inspections of all premises where garbage is disposed, handled or fed.

(Ord. No. 19, § 11, 8-1-52; Ord. No. C-408, § 3, 9-20-93)

Sec. 13-20. Same—Revocation of permit.

If upon investigation by the township supervisor or the supervisor's designee it is found that the premises designated on the permit has become a nuisance by reason of offensive odors, or has become otherwise harmful to the neighborhood or to travelers, he shall make a recommendation to the township board that the permit be revoked. This recommendation shall be in writing. Upon receipt of the findings of the supervisor or his designee, the township board will take such action as they see fit and may revoke the permit and order the discontinuance of disposal of garbage on the premises so designated on the permit.

(Ord. No. 19, § 12, 8-1-52; Ord. No. C-408, § 3, 9-20-93)

Sec. 13-21. Transportation of garbage.

All garbage, recyclable materials and compostable materials transported within the limits of the township shall be confined within covered, watertight containers while in transit. It shall be transported in such manner that no part thereof will be deposited upon any public highway, street or alley.

(Ord. No. 19, § 4, 8-1-52; Ord. No. C-408, § 3, 9-20-93)

Cross reference—Traffic and motor vehicles generally, Ch. 22.

Sec. 13-22. Feeding to domestic animals—Commercial garbage.

When commercial garbage is disposed of by feeding to domestic animals, a feeding platform shall be provided. The feeding platform shall be of such design and construction as to provide sufficient space and ease of cleaning and retention of garbage and liquids. Garbage shall not be allowed to accumulate and remain on the feeding platform longer than forty-eight (48) hours and such platforms shall be thoroughly cleaned twice each week. Feeding platforms shall not be located within one thousand (1,000) feet of any public highway, street or alley nor within one-fourth mile of any residence, except the residence of the holder of the permit, nor within one-half mile of any public gathering place, school or institution. The feeding of commercial garbage to domestic animals in any other manner shall be unlawful and in violation of the provisions of this article.

(Ord. No. 19, § 15, 8-1-52)

Cross reference—Animals generally, Ch. 7.

Sec. 13-23. Same—Private garbage.

When private garbage is disposed of by feeding to domestic animals it shall be done in such a manner as not to create a nuisance.

(Ord. No. 19, § 6, 8-1-52)

Sec. 13-24. Burning.

Burning of garbage shall not be permitted under any circumstances within the township.

(Ord. No. 19, § 7, 8-1-52; Ord. No. C-408, § 3, 9-20-93)

Cross reference—Fire prevention and protection, Ch. 11.

Sec. 13-25. Prohibited disposal.

No commercial or private garbage shall be deposited, dumped or scattered on the surface of any premises except as expressly authorized in this chapter.

(Ord. No. 19, § 8, 8-1-52; Ord. No. C-408, § 3, 9-20-93)

Sec. 13-26. Burial.

No commercial or private garbage shall be deposited, dumped or scattered on the surface of any premises within the township for burial beneath the surface of the earth, and/or otherwise buried, without first making application for and receiving approval of all applicable permits and approvals required by law and/or ordinance.

(Ord. No. 19, § 9, 8-1-52; Ord. No. C-408, § 3, 9-20-93)

Sec. 13-27. Disposal of materials removed from garbage.

Tin cans, paper and other foreign material removed from garbage shall not be allowed to accumulate on the premises of the holder of a permit without proper storage or disposal.

(Ord. No. 19, § 10, 8-1-52)

Sec. 13-28. Private nuisance rights.

This article shall not be construed to deprive or be in lieu of any rights any person injured may have, either in his comfort or the enjoyment of his estate, as a result of any nuisance, offensive smells or exhalations created by a permit licensee under this article.

(Ord. No. 19, § 13, 8-1-52)

Sec. 13-29. Enforcement.

When any activity regulated under this article shall become a public nuisance by reason of being offensive, hurtful or dangerous to the public and/or property in the township, enforcement action may be taken in pursuit of causing such nuisances to be abated or prevented.

(Ord. No. 19, § 14, 8-1-52; Ord. No. C-408, § 3, 9-20-93)

Secs. 13-30—13-46. Reserved.**ARTICLE III. BUSINESS OF COLLECTION****DIVISION 1. GENERALLY****Sec. 13-47. Statement of necessity.**

The township board finds that the business of solid waste, garbage, rubbish and recyclables collections affects the public health and general welfare of the township and that in order to protect the public health and general welfare and to prevent nuisances, sources of filth and

causes of sickness within the township it is necessary that the business of solid waste, garbage, rubbish and recyclables collection by private individuals be regulated by ordinance of the township.

(Ord. No. 62, § 2, 9-4-68; Ord. No. C-334, § 1, 8-5-91; Ord. No. C-382, § 1, 1-18-93; Ord. No. C-408, § 4, 9-20-93)

Sec. 13-48. Regulation of vehicles.

(a) *Equipment.* Any vehicle used in the business of solid waste, garbage, rubbish and recyclables collection shall be watertight and equipped with airtight covers for such portions as are used for the transportation of solid waste, garbage, rubbish or recyclables.

(b) *Operation on Sundays, holidays.* It shall be unlawful for any vehicle to be driven over or through any street in the township on a Sunday, or after 10:00 a.m. on Christmas Day, New Year's Day, Thanksgiving Day, Memorial Day, the Fourth of July and Labor Day.

(c) *Display of identification / assigned township identification license.* Each vehicle licensed under this article shall display the licensee's full name or name of business, address and telephone number (to include area code) on each side of the vehicle. This information shall be at a height of no less than four (4) inches per letter or number and be printed using the commonly recognized English alphabet and must be of a color contrasting the background color to which it is affixed. The assigned township identification license shall be displayed on the front of the vehicle. It shall be permanently mounted utilizing either threaded bolts and nuts or screws. The location for mounting must be on the front bumper of the vehicle at any location from the center point of same, or right of center (driver's side) of the vehicle and can not be obstructed or disfigured in any manner as to cause same to be unreadable.

(d) *Drivers.* Vehicles used in a licensed business shall not be operated by a driver:

- (1) Who does not have in their possession a current, valid and unrestricted Michigan driver license with all required endorsements.
- (2) Who has been convicted of operating a motor vehicle: (i) under the influence of liquor or controlled substances; (ii) with an unlawful blood alcohol content; or (iii) while visibly impaired, or convicted for any other criminal driving offense involving alcohol or controlled substances.

(e) *Vehicle specifications.* Vehicles and equipment used to make collections of solid waste, yard waste and recyclables shall be modern, sanitary, mechanically safe and sound and shall not exceed applicable Oakland County weight requirements.

(f) *Operations.* Vehicles and equipment used to make collections of solid waste, yard waste and recyclables shall transport same without spillage to the disposal location and/or MRF. Any spilled, loose or dislodged waste, materials or containers deposited upon any street, sidewalk or other public way in the course of collection or transportation within the township shall be promptly cleaned up and removed.

(Ord. No. 62, § 7, 9-4-68; Ord. No. 62-A, 7-22-69; Ord. No. C-408, § 4, 9-20-93; Ord. No. C-408-A, § 1, 5-17-99; Ord. No. C-408-C, § 1, 6-3-02; Ord. No. C-408-D, § 1, 6-15-09)

Cross reference—Traffic and motor vehicles generally, Ch. 22.

Sec. 13-49. Discriminatory service, agreements between licensees prohibited.

Service shall be offered by any licensee under this article to all residential and business premises within the township without discrimination as to price or service. The licensee shall operate throughout the entire township unless a smaller territory is approved by the township board. No licensee shall make any agreement with any other licensee whereby the licensees would voluntarily restrict their territories so as to avoid competing with one another or in such a manner as to lessen competition in connection with this business within the township.

(Ord. No. 62, § 8, 9-4-68)

Sec. 13-50. Fees and charges.

Each licensee under this article shall file with the township a complete schedule of fees and charges to be made to customers for service. No licensee shall depart from its filed fees and charges in the operation of its business. No change shall be made in the schedule of fees and charges without thirty (30) days' prior notice to the township and to each customer of the licensee.

(Ord. No. 62, § 9, 9-4-68)

Sec. 13-51. Pickup schedules.

(a) Each licensee under this article shall file with the township a complete schedule of days and areas that pickup to customers is to be made. No licensee shall depart from its filed schedule of days and areas in the operation of its business. No change shall be made in the schedule of days and areas without thirty (30) days' prior notice to the township and to each customer of the licensee.

(b) Exceptions to the requirements in subsection (a) will be allowed only in the case of an emergency situation. An emergency situation shall be defined as a situation that constitutes a potential health hazard because of happenings not directly within the control of the licensee, such as weather conditions, vehicle breakdown and the like. Such exceptions shall be granted by the township police department in conformance with the rules as established by the township for the granting of such exceptions.

(c) Each customer of a licensed solid waste, garbage, rubbish and recyclables collector in the township shall retain all substances to be collected between collections in a suitable covered, watertight receptacle kept in an inconspicuous place on the premises so as not to constitute a nuisance until such time as the refuse will be picked up the collector. Not earlier than 6:00 p.m. the night before the scheduled pickup, the receptacles containing the refuse to be collected may be placed at the edge of the roadway for collection. After collection, all empty receptacles shall be removed from the street promptly, and in no event later than 8:00 p.m. of the day of the pickup.

(d) *Handicapped customers.* If there are no members of a customer's household that are physically able to place solid waste and recyclables at the edge of the road for collection due to a documented handicap or disability that is on file with the township clerk's office and the

licensee, without any additional charges or fees, the licensee shall be required to collect solid waste and recyclables from, and return empty receptacles to, a location that is outside of and between the customer's home and roadway.

(e) *Collection days and hours.* Collection of solid waste, recyclables and yard waste shall only be performed in the township between the hours of 7:00 a.m. and 5:00 p.m., Monday through Thursday, provided collection services may be provided on Friday when a holiday occurs in that week, or due to strikes, work stoppages and/or inclement weather. Collection shall not be scheduled on the following holidays: New Years Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day.

(f) *Customer lists.* Each licensee shall maintain a current list of the names, addresses and collection day of its customers and a current customer count, which shall be filed electronically monthly with the township for inspection, but not copying and in connection with an application for a license or license renewal.

(Ord. No. 62, § 10.3, 9-4-68; Ord. No. 62-A, 7-23-69; Ord. No. 62-C, 3-5-73; Ord. No. C-408, § 4, 9-20-93; Ord. No. C-408-D, § 1, 6-15-09)

Sec. 13-52. Collection contracts.

(a) *Intent.* It is the intent of the township to select an exclusive person or entity to undertake the collection and hauling of solid waste and recyclable materials in the township.

(b) *Obligation to deliver to exclusive hauler.* Unless otherwise provided by future amendment of this section, at such time in the future as the township contracts with an exclusive hauler, all properties in the township in or on which solid waste or recyclable materials are generated may be required to deliver all of the solid waste and recyclables as specified in the township-hauler contract to an exclusive waste hauler selected by the township. No assumption may be made that any type of solid waste shall be included or excluded from such obligation. The exception to this obligation shall be those properties in connection with which a written contract has been entered into with a fixed term (not including future options to extend) which is effective for a period after the date of the township-hauler contract, and where such written contract was entered into prior to August 16, 1991, the effective date of Ordinance No. C-334. The township shall provide at least ninety (90) days' public notice of the effective date of the township-hauler contract for exclusive services.

(c) *Ineffectiveness of subsequent contracts.* Any contract entered into for solid waste and/or recycling collection and/or hauling to be provided after the date of the township-hauler contract entered into after August 16, 1991, shall not be effective to prohibit the binding obligation to deliver solid waste and recyclables to the exclusive township hauler upon and after the effective date of the township-hauler contract.

(d) *Exclusive hauler for classes of property.* The township's authority to contract with an exclusive hauler under this section and require properties to deliver all solid waste and recyclables to that hauler may be limited to one (1) or more designated classes of properties, including residential properties with curbside collection. Any such contract and the resulting

obligations of properties and effects on contracts entered into prior to the effective date of Ordinance No. C-366-B that added this subsection, for a fixed term that extend beyond the effective date of a township exclusive hauler contract, shall be as provided in subsection (b) above. Except for such contracts, companies other than the township selected exclusive hauler are prohibited from collecting and hauling solid waste and recyclables from properties described in that exclusive hauler contract after its effective date.

(Ord. No. C-334, § 2, 8-5-91; Ord. No. C-366, § 1, 7-20-92; Ord. No. C-366A, § 1, 9-21-92; Ord. No. C-366-B, § 1, 12-7-09)

Sec. 13-53. Obligation to offer recyclable collection and appropriately dispose of recyclables.

(a) Commencing July 1, 1993, all persons engaged in the business of collecting garbage, rubbish and/or solid waste from residential property in the township shall offer in good faith to each and every residential customer the service of collection of recyclables. For purposes of this section, "residential customer" shall include single-family attached and detached residences and shall also include individual residents of multiple dwellings.

(b) Commencing August 1, 1993, all persons engaged in the business of collecting garbage, rubbish and/or solid waste from sites of generation not included within the requirements of subsection (a) of this section shall offer in good faith to each and every customer occupying such a site of generation the service of collection of recyclables.

(c) With respect to all customers who have contracted for the collection of recyclables separate from other solid waste, no person engaged in the business of collecting garbage, rubbish and/or solid waste from any site of generation in the township shall dispose of recyclables collected from such customers at a landfill or other disposal site other than a MRF or other market location duly recognized and licensed by all applicable federal and state laws as a center which processes and markets recyclable materials.

(Ord. No. C-382, § 2, 1-18-93; Ord. No. C-383, § 1, 2-1-93; Ord. No. C-408, § 4, 9-20-93)

Secs. 13-54—13-65. Reserved.

DIVISION 2. LICENSE

Sec. 13-66. Required.

No person shall engage in or carry on the business of the collection of solid waste, garbage, rubbish and/or recyclables from premises, private or commercial, within the township without first having obtained a license therefor from the township as provided in this division.

(Ord. No. 62, § 3.1, 9-4-68; Ord. No. C-408, § 4, 9-20-93)

Sec. 13-67. Application—Submittal; required notification.

Applications for licenses to engage in the business of collecting solid waste, garbage, rubbish and/or recyclables within the township shall be made to the township clerk and shall contain

the applicant's full name, address, phone (and fax) numbers, a description of the type of intended customers (business, residential, etc.) and form of business organization. Each individual doing business under the applicant's name, or general partner, or managing member, or individual that is a majority or controlling shareholder or owner of the applicant, and the person that will be primarily responsible for business operations in the township, shall provide their date of birth and driver license number. The application shall also include a description of the trucks and other equipment to be used in the business, certificates confirming the applicant's motor vehicle and liability insurance, an acknowledgement and agreement to comply with the provisions of article III, chapter 13 of the West Bloomfield Charter Township Code, and such other information as may be required by the police chief for purposes of the investigation and recommendation under section 13-68, or the township clerk in order to reasonably apprise the township board of the character of the applicant and of the nature of the business desired to be carried on.

(Ord. No. 62, § 3.2, 9-4-68; Ord. No. C-408, § 4, 9-20-93; Ord. No. C-408-C, § 1, 6-3-02)

Sec. 13-68. Same—Investigation, consideration procedure.

Applications for licenses to engage in the business of collecting solid waste, garbage, rubbish and/or recyclables shall be referred to the police chief for investigation and recommendation, which investigation and recommendation shall be completed within one (1) week thereafter. The application shall then be submitted to the township board at its next regular meeting. The applicant shall have the right to appear before the board to furnish such additional information as may be required to enable the board to determine whether or not the application should be granted. The board may continue the consideration of the application from time to time for the purpose of securing additional information or to afford any citizen of the township an opportunity to be heard in connection therewith.

(Ord. No. 62, § 3.3, 9-4-68; Ord. No. C-408, § 4, 9-20-93)

Sec. 13-69. Refusals for just cause.

The township board shall have the authority to refuse to grant any application for a license to engage in the business of collecting solid waste, garbage, rubbish and/or recyclables for any just cause, or when in its judgment the public health, interest or general welfare of the inhabitants of the township so require.

(Ord. No. 62, § 3.4, 9-4-68; Ord. No. C-408, § 4, 9-20-93)

Sec. 13-70. Form; expiration; display.

Licenses issued under this division shall be in such form as shall be prescribed by the township board and shall expire on December 31st, following the issuance thereof. The township shall furnish the licensee with an appropriate plate or sticker which shall be displayed as required in subsection 13-48(c) upon each and every vehicle operated by the licensee within the township in connection with the solid waste, garbage, rubbish and/or recyclables collection business.

(Ord. No. 62, § 3.5, 9-4-68; Ord. No. C-408, § 4, 9-20-93; Ord. No. C-408-A, § 2, 5-17-99)

Sec. 13-71. Transfer.

Licenses issued under this division may be temporarily transferred to another vehicle in emergency situations provided as follows:

- (1) The original licensed vehicle cannot practically be used for either solid waste, garbage, rubbish and/or recyclables collection because of a mechanical failure or because of some other malfunction.
- (2) The licensee shall apply to the township clerk for a temporary transfer of the license stating the reason(s) for the transfer and the length of time required for the transfer of the license.
- (3) The vehicle to which the license is to be temporarily transferred shall meet all the requirements of this article including, but not limited to, insurance provisions and inspection provisions by the police department.
- (4) The township clerk may temporarily transfer the license upon the applicant meeting the above requirements. The temporary transfer may be in a letter form indicating the name, address and telephone number of the licensee, the Michigan license plate number of the vehicle to which the temporary transfer is applicable and the termination date of the temporary transfer. The temporary license transfer letter is to be carried in the vehicle at all times and shall be presented when requested by any authorized person. No temporary transfers shall be longer than three (3) weeks.

(Ord. No. 62, § 3.6, 9-4-68; Ord. No. 62-B, 11-1-71; Ord. No. C-408, § 4, 9-20-93)

Sec. 13-72. Proof of insurance.

Licenses under this division will be issued or renewed upon the applicant or licensee filing certificates confirming the applicant's or licensee's general liability and motor vehicle liability insurance, in the minimum amounts required by resolution of the township board.

(Ord. No. 62, § 4, 9-4-68; Ord. No. 62-D, 9-15-80; Ord. No. C-408-C, § 1, 6-3-02)

Sec. 13-73. Fees.

A fee in an amount as prescribed by resolution of the township board for each vehicle to be used by the licensee within the township in connection with the solid waste, garbage, rubbish and/or recyclables collection business shall be paid to the township clerk at the time application is made for any license or renewal thereof. Such fee shall be refunded should the license or renewal be refused.

(Ord. No. 62, § 5, 9-4-68; Ord. No. 62-E, § 1, 12-16-85; Ord. No. C-408, § 4, 9-20-93)

Sec. 13-74. Renewal.

(a) Licenses issued under this division shall be renewed by the township clerk on an annual basis subject to the following requirements:

- (1) The licensee shall pay to the township clerk the required fees on or before January 15 in each year the licensee seeks a license renewal.

- (2) The licensee shall file with the township clerk a certificate of insurance, as required in section 13-72, on or before January 15 in each year the licensee seeks a license renewal.
- (3) The licensee shall have each vehicle inspected by an officer of the township code enforcement department. The code enforcement officer(s) shall conduct the inspection of each vehicle presented to them for inspection on or before the fifteenth day of January. The code enforcement department shall inspect the vehicle(s) at the maintenance garage of each company requesting a license, and shall make a determination as to the requirements in section 13-48 and also as to those items relating to safe and proper driving equipment; these shall include, but not be limited to, lights, brakes, tires, exhaust, etc.

A fee of twenty dollars (\$20.00) for the inspection or reinspection shall be paid to the township for each vehicle the licensee presents for inspection. These inspection fees must be paid in full prior to the issuance of a license for the vehicle inspected.

(b) Nothing in this section to the contrary notwithstanding, if the township notifies the licensee on or before December 1 in any year of its intention not to renew the license for the following year, then the licensee shall be entitled to a hearing before the township board on the question of the renewal of his license upon written request therefor delivered to the township clerk. If any licensee fails to pay the fee for a renewal license on or before January 15 in any year, any request for the license thereafter shall be considered to be a new license requiring a new application and hearing before the township board.

(Ord. No. 62, § 6, 9-4-68; Ord. No. C-408-B, 10-2-00)

Sec. 13-75. Revocation.

Any license issued under this division may be revoked by the township board for any false statement made in the application, failure to comply with the provisions of this article, failure to comply with the terms of the license, failure to comply with the laws of the state or for other just cause. Before any license shall be revoked, written notice shall be given by the township board to the licensee to appear before it, at a time and place for hearing, and an opportunity shall be given the licensee to be heard and to produce witnesses in his behalf. In the event of revocation of any licenses, the township board shall make its order with respect thereto and cause a copy thereof to be served upon the licensee, whereupon the licensee shall have no further right to engage in the solid waste, garbage, rubbish and/or recyclables collection business within the township.

(Ord. No. 62, § 11, 9-4-68; Ord. No. C-408, § 4, 9-20-93)

Sec. 13-76. Hazardous waste fees.

In addition to any other fees required in this article, prior to issuance or renewal of a license, the licensee shall pay a hazardous waste fee in an amount established by resolution of the township board, which is to be used by the township to provide household hazardous waste

collection days, with the amount to be paid by each licensee to be in proportion to the number of residential customers they are serving when compared to the total number of residential customers being served in the township by all licensees.

(Ord. No. C-408-D, § 2, 6-15-09)

Sec. 13-77. Bond.

Each licensee shall provide and maintain a performance bond with the township in an amount and form to be established by resolution of the township board, which shall be to ensure compliance with the provisions of this chapter and the license, and the performance of paid for services to customers with the amount of the bond to be in proportion to the number of residential customers they are serving when compared to the total number of residential customers being served in the township by all licensees, which shall be payable to the Charter Township of West Bloomfield, for its benefit and in trust for those customers.

(Ord. No. C-408-D, § 2, 6-15-09)

Sec. 13-78. Penalties for violations.

Violations of this article III shall be punishable as municipal civil infractions, with each provision violated and each day on which a violation occurs constituting a separate offense. The penalty for each violation of this article shall be a civil fine of five hundred dollars (\$500.00) with the violator also subject to costs, damages, expenses, collection and prosecution as provided in subsection 1-10(b) of this Code.

(Ord. No. C-408-D, § 2, 6-15-09)

Secs. 13-79—13-90. Reserved.

ARTICLE IV. RECYCLING AND COMPOSTING

DIVISION 1. GENERALLY

Sec. 13-91. Statement of purpose and necessity.

(a) The township board finds that the promotion of recycling and composting is necessary to reduce the generation of solid waste. The separation, collection and proper utilization of recyclables and compostables in the township will:

- (1) Minimize the adverse environmental impacts of landfilling by reducing the need for landfills and conserving existing landfill space.
- (2) Will facilitate the implementation and operation of other forms of resource recovery.
- (3) Will conserve natural resources and will reduce solid waste costs in general.

(b) The promotion and use of recyclable materials, goods produced from recyclable materials and goods which facilitate recycling will further serve the same purposes by encouraging and facilitating recycling and composting.

(Ord. No. C-409, § 1, 9-20-93)

Sec. 13-92. Curbside program established.

There is hereby established within the township a program for the separate collection of compostables, commingled recyclable materials and refuse from all residential properties by all refuse haulers which are operating within the township boundaries. Such collection shall occur in a manner and on the schedule provided to the township by each hauler.

(Ord. No. C-409, § 1, 9-20-93)

Sec. 13-93. Definitions.

The following definitions shall apply to this article:

Aerobic conditions: Conditions in which oxygen is found in supply adequate to support organisms which require oxygen to survive.

Anaerobic conditions: Conditions in which oxygen is either absent or in such short supply that organisms which require oxygen to survive are no longer able to survive.

Commingled: Source-separated recyclable materials that have been mixed at the site of generation and placed in the same approved container for curbside pickup.

Compost: The humus-like by-product of the composting process which may be used as a soil conditioner.

Compostables: Yard waste and household compostables which are allowed to be placed in a compost pile.

Composting: The biological treatment process by which microorganisms decompose the organic fraction of yard waste and other compostables.

Compost bin: A freestanding structure into which compostables are placed.

Compost pile: An area in which composting takes place.

Curbside: The designated physical location for placement of solid waste for collection which is as near as possible to the traveled street to minimize walking or reaching requirements of haulers.

Household compostables: Organic fruit and vegetable material which is produced incidental to the preparation of food for human consumption, not to include any animal, fish or fowl waste, fat or meat.

Leaves: Deciduous and coniferous, nonwoody seasonal depositions from trees, vines and shrubs.

Newspaper: All newsprint and materials which are part of a newspaper only, not including inserts.

Plastic: Any number of synthetically produced compounds used as containers for various goods and various other uses.

Recycle: The act of removing recyclable materials from refuse.

Site of generation: Any premises within the township in or on which solid waste, garbage, refuse, recyclable materials or compostable materials is generated by any person or business.

Yard waste collection season: The period each year as specified by duly published resolution of the township board.

(Ord. No. C-409, § 1, 9-20-93)

Sec. 13-94. Preparation of recyclables and compostables for curbside collection.

(a) All compostables and recyclables placed at the curbside for collection shall be prepared for collection in accordance with the requirements of this article together with the special requirements as may be set by published resolution of the township board.

(b) The recyclables metal, glass and plastics shall be rinsed and cleaned as required to allow for placement in approved containers at the curbside for collection. All newspapers and other acceptable paper products will be placed in paper bags or tied in bundles weighing not more than fifty (50) pounds.

(c) All compostables shall also be properly prepared for collection. Twigs and shrub clippings shall be tied in bundles of no more than four (4) feet in length, nor more than fifty (50) pounds in weight. All other yard waste shall be placed in clear or otherwise transparent or semitransparent bags, or other container clearly marked or stickered with the words "YARD WASTE", which allows for obvious identification of the contents as compostable materials.

(Ord. No. C-409, § 1, 9-20-93)

Sec. 13-95. Failure to separate or properly prepare recyclables or compostables.

The authorized refuse hauler of the township may refuse to collect recyclables or compostables from any premises which has failed to source-separate refuse from recyclables or compostables and/or has failed to place them in approved containers for recycling or composting and/or has failed to prepare recyclables or compostables as specified in this chapter.

(Ord. No. C-409, § 1, 9-20-93)

Sec. 13-96. Unlawful activities; scavenging.

Designated recyclable materials placed at the curbside in accordance with this article shall become the exclusive property of the licensed hauler contracted to collect recyclable materials. There shall be a presumption that the occupier or owner of the premises intended to recycle or

compost the material under this article if the material is placed at the curbside. It shall be unlawful for any person, not duly authorized by the township, to collect, remove, pick up, or cause to be collected, removed or picked up, any such material.

(Ord. No. C-409, § 1, 9-20-93)

Secs. 13-97—13-105. Reserved.

DIVISION 2. COMPOSTING ON RESIDENTIAL PROPERTIES

Sec. 13-106. Standards and conditions.

All composting done on residential properties within the township shall be done in accordance with the following standards and conditions:

- (1) Each compost bin shall be no larger in volume than one hundred sixty (160) cubic feet and shall be no taller than five (5) feet in height unless a larger bin is approved by the director of planning and environment based upon demonstration that the size and location will not be objectionable to area residents.
- (2) No more than two (2) compost bins may be located on any lot.
- (3) No compost bins may be located on any vacant lot or lot not containing a principal structure unless the property is owned in common with an immediately adjacent lot which is improved with a principal structure.
- (4) All compost piles/bins shall be maintained so as to prevent the attraction or harborage of rodents.
- (5) All compost piles/bins shall be maintained so as to prevent anaerobic conditions which lead to unpleasant odors.
- (6) Compost/piles shall have only yard waste and household compostables placed within, and it shall be violation of this article to deposit garbage or refuse in compost piles/bins.
- (7) All composting shall be done in accordance with any process that has been determined in writing to be an acceptable composting process by either the Oakland County Cooperative Extension Service or the Michigan Department of Natural Resources.
- (8) Compost piles/bins shall be set back from any public street or thoroughfare (but excluding alleys) a distance not less than the setback of the existing principal structure from such street or thoroughfare subject to applicable zoning regulations.
- (9) Compost piles/bins may be located in any rear yard (front yard for lakefront properties); provided, that it shall be located not less than three (3) feet from any lot line and provided, further, that it shall be located not less than ten (10) feet from a rear lot line where such line abuts the side yard of an adjacent lot, subject to applicable zoning regulations.

- (10) Compost piles/bins may be located in any interior side yard; provided, however, that it shall be located not less than ten (10) feet from any abutting side yard of any adjacent property, subject to applicable zoning regulations.
 - (11) Notwithstanding any other provision of this article, no compost pile/bin shall be located within any natural water feature, including, but not limited to, wetlands, floodplains, watercourses or waterbodies, nor within twenty-five (25) feet of such natural water feature unless it is the determination of the supervisor or his/her designee that no alternative location exists and that the proposed location would not be detrimental to the quality or function of such natural water feature.
 - (12) Notwithstanding any other provision of this article, no compost pile/bin shall be located on any recorded drainage easement or swale, nor shall any compost pile/bin be placed or located in such a manner as to interfere with or impede the natural flow of drainage off of or across any existing lot or property.
- (Ord. No. C-409, § 1, 9-20-93)

Sec. 13-107. Nonconforming compost bins.

Any compost pile/bin existing on the date this article is adopted that does not comply with either the size limitations, the minimum setback requirements set herein, or with the prohibition against placement of a compost pile/bin in a recorded drainage easement, swale or natural water feature or any combination thereof shall be a nonconforming pile/bin. Such nonconforming pile/bin shall be permitted to exist until December 1, 1993; provided, however, that the pile/bin is not altered or changed in any way to increase any nonconformity. On or before December 1, 1993, all such nonconforming piles/bins shall be relocated and/or modified as necessary so that such pile/bin is in total compliance with this article. As to such nonconforming pile/bin, all other provisions of this article shall be complied with as of the effective date of this article.

(Ord. No. C-409, § 1, 9-20-93)

Sec. 13-108. Dumping on the land of another.

It shall be unlawful to dump or place any landscape waste on any premises or property in the township without the written consent of the owner of such premises or property and then only in accordance with the provisions of this article. It shall be unlawful to dump or place any yard waste on any parkway, street, alley or property owned by the township except for the purpose of being picked up by a licensed hauler and then only in accordance with established ordinances of the township.

(Ord. No. C-409, § 1, 9-20-93)

Sec. 13-109. Responsibility of compliance.

It shall be the duty of both the owner(s) and occupant(s) of any property on which composting is taking place or on which a compost pile/bin is located to ensure that such composting is being done and the compost pile/bin is being maintained in full compliance with all provisions of this article.

(Ord. No. C-409, § 1, 9-20-93)

Sec. 13-110. Nuisance declared.

It is hereby declared a nuisance to engage in composting or to maintain a compost pile/bin other than in full compliance with the provisions of this article.

(Ord. No. C-409, § 1, 9-20-93)