

CHARTER TOWNSHIP OF WEST BLOOMFIELD

ORDINANCE NO. C-790

CHAPTER 13. SOLID WASTE MANAGEMENT

AN ORDINANCE TO AMEND CHAPTER 13 OF THE CODE OF ORDINANCES ENTITLED SOLID WASTE MANAGEMENT, ARTICLE II, DISPOSAL OF GARBAGE, SECTIONS 13-16 TO 13-46; AND ARTICLE III, SECTION 13-52.

THE CHARTER TOWNSHIP OF WEST BLOOMFIELD ORDAINS:

Section 1 of Ordinance

Chapter 13, Article II, Divisions 1 to 5, Sections 13-16 to 13-46 of the Code of Ordinances is hereby amended to read as follows:

ARTICLE II. RESIDENTIAL SOLID WASTE

DIVISION 1. PURPOSE AND DEFINITIONS

Sec. 13-16. Purpose.

- (a) *Removal required.* The Natural Resources and Environmental Protection Act, Part 115 of Public Act No. 451 of 1994, MCL 324.11501 et seq., provides that a municipality shall ensure that all solid waste is removed from sites of generation frequently enough to protect the public health, and that it shall be disposed of at a licensed solid waste disposal area.
- (b) *Collection and disposal by a single solid waste hauler.* Because solid waste collection directly affects public health, safety and welfare, the Township has determined that the curbside collection and disposal of solid waste from residential properties shall be undertaken by the Township through a contract with a single licensed designated solid waste hauler.
- (c) *Recycling and composting.* The reuse of materials is a principal objective of the State's solid waste management plan; therefore, the Township has determined that its solid waste program shall include recycling and composting consistent with the county solid waste plan.
- (d) *Household hazardous waste collection.* Residents may not place household hazardous waste at curbside for collection, transport, and disposal, therefore the Township shall arrange for household hazardous waste recycling, recovery, and disposal for residents to minimize the placement of untreated hazardous waste in disposal facilities.

Sec. 13-17. Definitions.

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

Bulk item means large pieces of furniture, bed springs, mattresses, large appliances, washers, dryers, air conditioners, microwave ovens, humidifiers, de-humidifiers, stoves, refrigerators, hot water heaters, water closets, toilets, bathtubs, sinks, carpet and pad, storm doors, storm windows, lawn furniture, railroad ties, fence parts or sections no larger than three (3) feet by eight (8) feet, fence posts no larger than four (4) inches by four (4) inches by eight (8) feet and other similar large household items.

Curbside means a location as near as possible to the main-traveled portion of the roadway for the placement of residential solid waste, recyclable materials, or yard clippings for collection.

Designated solid waste hauler means the licensed solid waste hauler awarded a contract by the Township to collect, transport, and dispose of the residential solid waste, recyclable materials, and yard clippings generated from residential premises within the Township.

Hazardous waste as defined by the Natural Resources and Environmental Protection Act, Part 111 of Public Act No. 451 of 1994, MCL 324.11101 et seq., as amended.

Person means any individual, firm, public or private corporation, partnership, trust, public or private agency, or any other entity, or any group of such persons.

Residential premise refers to a parcel or lot that contains a single-family residential dwelling or multiple-family residential dwelling unit.

Recyclable materials means materials that are separated from solid waste prior to the collection from the site of generation including high grade paper, glass, metal, plastic, aluminum, newspaper, corrugated paper, yard clippings, and other materials that may be recycled or composted. Recyclable materials shall not include hazardous waste.

Site of generation means any premise in the municipality in or on which solid waste, recyclable materials, or yard clippings are generated.

Solid waste means garbage, rubbish, ashes, and animal waste as defined by the Natural Resources and Environmental Protection Act, Part 115 of Public Act No. 451 of 1994, MCL 324.11501 et seq., as amended, also commonly referred to as trash or refuse.

Solid waste management plan means the Oakland County Solid Waste Management Plan and any amendments thereto.

Waste hauler means any person engaged in the business of collecting solid waste, recyclable materials, and yard clippings for transportation and disposal at a licensed disposal area.

Yard clippings means leaves, grass clippings, lake weeds, vegetable or other garden debris, shrubbery, or brush, tree, plant and/or vegetation trimmings, less than four (4) feet in length and two (2) inches in diameter, that can be converted to compost humus, also commonly referred to as compostable(s) and yard waste. Yard clippings shall not include stumps, agricultural wastes, animal waste, roots, sewage sludge, or garbage.

DIVISION 2. RESIDENTIAL STORAGE OF SOLID WASTE

Sec. 13-18. Prohibited storage and disposal.

It shall be unlawful for any person to store or dispose of waste, including recyclable material and yard clippings, except as expressly authorized by this chapter.

Sec. 13-19. Prohibited placement of waste upon premises of another.

It shall be unlawful for any person to place or cause to be placed waste for disposal upon the premises of another.

Sec. 13-20. Regulations for storage of waste.

- (a) *Solid waste.* All solid waste shall be stored on the site of generation in the following manner:
 - 1. Stored in a closed container or containers sufficient in number and size to store such waste.
 - 2. Shielded from public view.
 - 3. Shall not be commingled with yard clippings.
- (b) *Recyclable materials.* All recyclable materials not commingled with solid waste shall be stored in the following manner:
 - 1. Metal, glass, or plastic materials shall be rinsed and cleaned before storage.
 - 2. Recyclables shall be site-separated from other waste, and stored in a recycling collection container.
 - 3. Newspapers or other recyclable paper products shall be stored and placed in recycling collection containers, paper bags, or tied into bundles weighing not more than 50 pounds.
- (c) *Yard Clippings.* Residential yard clippings shall not be comingled with solid waste and shall be stored in accordance with the Natural Resources and Environmental Protection Act, Part 115 of Public Act No. 451 of 1994, MCL 324.11521, as amended.

Sec. 13-21. Open burning of solid waste prohibited.

Open burning of any kind of solid waste, trash, refuse or other materials including but not limited to paper products, cardboard, painted or treated wood, plastic, styrofoam, leaves or yard clippings is prohibited.

Sec. 13-22 to 13-27. Reserved.

DIVISION 3. RESIDENTIAL CURBSIDE COLLECTION

Sec. 13-28. Curbside collection of waste, recyclable materials, and yard clippings.

- (a) *Weekly curbside collection.* Because solid waste collection directly affects public health, safety, and welfare, all residential solid waste, recyclable materials, and yard clippings shall be collected curbside from single-family residential dwellings and multiple-family residential dwellings with curbside collection on a weekly basis for transport and disposal at a licensed disposal site by a single designated waste hauler awarded a contract with the Township.
- (b) *Single designated waste hauler required.* Except as provided in subsection (c) of this section, no person shall dispose of any solid waste, recyclable materials, or yard clippings from a residential site of generation, unless excluded from the application of this Article, other than by means of the designated waste hauler awarded a contract by the Township for the curbside collection and disposal of residential solid waste, recyclable materials, and yard clippings.
- (c) *Suspension of weekly curbside service.* A resident may temporarily suspend the residential curbside collection program no more than two (2) times each calendar year by providing written notice directly to the designated solid waste hauler. The temporary suspension period shall not exceed a period of three (3) months. At the end of the temporary suspension period, the service shall be automatically reactivated by the designated solid waste hauler. Residents who request reactivation prior to the end of the three (3) month suspension period shall notify the designated solid waste hauler directly to reactivate their service. In the event solid waste, recyclable materials or yard clippings are placed for collection at curbside prior to the end of the suspension period, the service shall be reactivated and the designated waste hauler may resume billing for the service.
- (d) *Exclusions.* The following are excluded from the application of this Article:
 - 1. *Landscaping services.* A person in the business of providing landscaping services may remove the yard clippings from its residential customers' premises for disposal by the landscaper in accordance with all regulations of the Natural Resources and Environmental Protection Act, Part 115 of Public Act No. 451 of 1994, MCL 324.11501, as amended.
 - 2. *Dumpster collection.* Multiple-family residential units that have dumpster, roll-out, or other type of non-curbside solid waste collection.
 - 3. *Apartments.* Multiple-family commercial uses such as apartments and hotels.
 - 4. *Undeveloped residential property.* Residential property that is undeveloped.

5. *Registered vacant property.* Vacant property registered pursuant to Chapter 8, Article XVI of the Code of Ordinances.

Sec. 13-29. Curbside collection regulations.

- (a) *Time.* No solid waste, recyclable material or yard clippings shall be placed at curbside for collection prior to 6:00 p.m. on the day immediately preceding a scheduled collection day. All storage containers and any waste not removed by the designated waste hauler shall be removed from curbside by 7:00 p.m. on the scheduled collection day.
- (b) *Presumption.* It shall be presumed that the owner, lessee, or occupant in physical possession of a site of generation abutting a curbside where solid waste, recyclable materials or yard clippings are placed is the person who placed such materials curbside for collection.
- (c) *Preparation of yard clippings.* Twigs, brush and branches not exceeding two inches in diameter shall be tied in bundles not more than four (4) feet in length and eighteen (18) inches in diameter. All other yard clippings shall be placed in either containers or paper bags clearly marked as yard clippings.
- (d) *Hazardous waste.* No person shall knowingly place hazardous waste at the curbside or other designated location for collection and the designated waste hauler shall not knowingly collect or deliver hazardous waste to a processing or disposal site.
- (e) *Adoption of rules and regulations.* The Township Board shall adopt by resolution rules and regulations governing the procedures for collection of solid waste, recyclable materials, and yard clippings. The rules and procedures shall include the pickup schedule, the list of recyclable materials, the list of approved containers, and the manner and location of container storage. The rules and regulations shall be consistent with this Article, consistent with the contract entered into with the designated waste hauler, and shall comply with applicable provisions of the Natural Resources and Environmental Protection Act, Part 115 of Public Act No. 451 of 1994, MCL 324.11501, et seq.

Sec. 13-30. Prohibited removal of solid waste from curb.

All solid waste, recyclable materials, and yard waste shall become the property of the designated waste hauler at the time the material is placed at curbside for collection by the designated waste hauler. It shall be unlawful for any person other than the designated waste hauler or generator of solid waste to collect or cause to be collected any waste after it has been placed at the curb for collection.

Sec. 13-31. Prohibited collection, transport, or disposal.

No person, except the designated waste hauler, shall engage in the collection, transport, or disposal of solid waste, recyclable materials, or yard clippings from a residential site of generation, unless excluded from the application of this Article.

Sec. 13-32 to 13-33. Reserved.

**DIVISION 4. DESIGNATED SOLID WASTE HAULER
FOR RESIDENTIAL CURBSIDE COLLECTION**

Sec. 13-34. Selection by competitive bid.

The Township shall use a sealed competitive bid procedure for the award of a contract for the single designated solid waste hauler for residential curbside collection. The bid procedure shall require the demonstration of the solid waste hauler's capability to provide a high level of service to residential sites of generation and ability to comply with this Article. The Township Board shall approve the award of contract for the single designated solid waste hauler for residential curbside collection.

Sec. 13-35. Bid specifications for curbside collection, transport, and disposal of residential solid waste, recyclable materials, and yard clippings.

The bid specifications may include requirements, conditions, and specifications reasonably related to the following:

1. The collection and disposal of solid waste, recyclable material, bulk items, and yard clippings from all single-family and multiple-family sites with curbside collection in compliance with this Article and the Natural Resources and Environmental Protection Act, Part 115 of Public Act No. 451 of 1994, MCL 324.11501, et seq.
2. Proof that all licenses and permits required by federal and state law, local ordinance, and related rules and regulations related to the collection, transport, and disposal of solid waste, recyclable materials, and yard clippings have been secured and shall be maintained in good standing.
3. Provide all requested information related to disposal, recycling, and composting sites including copies of licenses and contracts.
4. Provide operational specifications for collection trucks and equipment, number of employees, maintenance facilities, container handling, schedules and routes.
5. Demonstrate ability to provide quality service to residential sites of generation within the Township.
6. Provide a letter of credit as a performance guarantee in an amount specified in the bid specifications.
7. Provide procedures to address citizen complaints.

8. Describe resources to promote the general understanding of and need for resource recovery, recycling and composting.
9. Implementation of a household hazardous waste collection and disposal program.
10. To provide a multimedia informational program with respect to resource recovery, recycling, and composting.
11. The submission of reports describing the volume of solid waste, recyclable materials, and yard clippings generated, and such other reports as requested by the Township to determine the efficiency and effectiveness of the designated single waste hauler collection and disposal program.
12. The right of the Township to inspect records and operations of the designated waste hauler.
13. Rates and charges for the services of the designated waste hauler.
14. Procedures for the collection of rates and charges for services rendered or to be rendered to each site of generation by the designated waste hauler.
15. Other miscellaneous requirements and provisions may be specified including, but not limited, to dumpster service at municipal buildings and facilities, a recyclable materials drop-off center, and seasonal cleanup assistance program.
16. Provisions for the termination by the Township in the event of the failure of performance of the designated waste hauler.
17. The rights of the Township in the event of a breach of contract by the designated waste hauler.
18. Business practices that promote and protect the public health, safety and welfare.

Sec. 13-36. Transportation and disposal; disposal fees.

The designated solid waste hauler shall transport and deliver the solid waste to a licensed disposal facility, and the designated solid waste hauler shall pay all disposal fees charged by the facility. The obligation of the waste hauler to pay the disposal fee pursuant to this Article shall be absolute and unconditional. The designated solid waste hauler shall comply with all applicable federal, state, and county laws, statutes, local ordinances, and rules and regulations in the collection, transportation, and delivery of solid waste, recyclable materials, and yard clippings.

Sec. 13-37 to 13-38. Reserved.

DIVISION 5. RATES, BILLING, AND PAYMENT

Sec. 13-39. Rates to be established by Township.

The Township Board shall adopt a resolution that specifies the rates that may be charged for the collection, recycling, and disposal services for residential premises pursuant to this Article. The rates to be charged shall be proportionate to the necessary costs of the service and therefore, shall be determined based upon the competitive bids received. Upon adoption, the approved rate resolution shall be published in order to provide notice to the public of the rates approved. The designated solid waste hauler shall not charge a rate in excess of the rates approved by resolution of the Township Board.

Sec. 13-40. Environmental service fee remitted to Township.

The Township Board shall adopt an environmental service fee by resolution for the costs to the Township for providing for household hazardous waste collection, environmental education products and services, customer services, and administration of the residential solid waste program. The environmental service fee shall be included on each invoice issued by the designated solid waste hauler as a separate charge to be remitted to the Township. The designated solid waste hauler shall collect the environmental service fee and upon receipt shall remit the fee to the Township.

Sec. 13-41. Invoice for services.

- (a) *Invoice period.* The designated solid waste hauler shall send an invoice in advance directly to each residential premises for which services are provided. The resident shall elect to be billed either annually or quarterly. The invoice shall be prepared in accordance with the resident's billing election and shall be for pre-payment of services to be rendered.
- (b) *Residential Associations.* A residential association for a condominium or subdivision may assume the responsibility to pay for the collection, recycling, and disposal services provided to the residential premises within its association by contacting the designated solid waste hauler and making arrangements for the solid waste hauler to invoice the association for all the residential premises within the association. In the event a residential association assumes the responsibility to pay for the services, the designated solid waste hauler shall not bill the individual residential premises comprising the association, and the provisions for collection of delinquent invoices as set forth in Sections 13-42 and 13-43 shall not apply to the residential premises within that association.
- (c) *Regular mail.* The invoice shall be transmitted by regular mail at least thirty (30) days prior to the beginning of the billing period for which the charges are imposed.
- (d) *Due date.* The due date for payment shall be the last business day prior to the beginning of the billing period for which the charges are imposed. If the last business day falls on a Saturday, Sunday, or holiday, the due date shall be the next business day.
- (e) *Delinquent.* If the invoice is not paid within seven (7) days after the due date, it shall be considered delinquent and the designated solid waste hauler shall send a notice of

delinquency. The designated solid waste hauler shall maintain its invoice and delinquency notice records for the duration of the contract period. The notice of delinquency shall include the following statement:

“Delinquent charges shall be included on the following tax bill pursuant to the procedures set forth in Chapter 2, Article VI, Division 3, Sections 2-241 to 2-243 of the Code of Ordinance for the Charter Township of West Bloomfield. If you dispute this notice please contact the designated solid waste hauler at the phone number listed on this notice.”

Sec. 13-42. Delinquent charges inclusion on tax bill.

- (a) *List of delinquencies.* The designated solid waste hauler shall maintain a list of delinquent invoices. Delinquent charges shall be included on the following tax bill pursuant to the procedures set forth in Chapter 2, Article VI, Division 3, Sections 2-241 to 2-243.
- (b) *Procedure.* Before any delinquent charge will be included on the tax bill pursuant to Chapter 2, Article VI, Division 3, Sections 2-241 to 2-243, the designated solid waste hauler shall submit an affidavit, signed by its authorized representative, that the charges on the delinquent list are accurate, shall include the due date for payment of the delinquent invoice, shall state that the amount is delinquent, and that the resident was given written notice of the collection, recycling, and disposal charges, and of the delinquency as required by this Article. The designated solid waste hauler shall also provide a text file in a format prescribed by the Township Assessor that includes the parcel identification number and address of the premises serviced, the amount of delinquency, and the date payment was due. For inclusion on the summer bill, the information required must be submitted to the Township Assessor by May 1, and for inclusion on the winter bill, the information must be submitted by October 1.
- (c) *Excluded.* In the event a residential association assumes the responsibility to pay for the solid waste collection, transport, and disposal services, the provisions for collection of delinquent invoices as set forth herein shall not apply to the residential premises within that association.

Sec. 13-43. Lien.

The collection, recycling, and disposal charges for solid waste, recyclable materials, and yard clippings as authorized by this Article, shall constitute a lien on the property. Charges remaining delinquent after inclusion on the tax bill as set forth in Section 13-42, shall be certified annually to the Township Assessor to be entered upon the next tax roll and the charges, penalties, and interest shall be collected in the same manner as provided for delinquent real property taxes in the Township.

Sec. 13-44. Remittance.

The collection, recycling, and disposal charges collected by the Township pursuant to procedures set forth in section 13-42, or section 13-43, shall be remitted to the designated solid waste hauler as provided by contract, except any penalty and interest charged shall be retained by the Township as provided by law.

Sec. 13-45 to 13-46. Reserved.

Section 2 of Ordinance

Chapter 13, Article III, Division 1, Section 13-52 is hereby **repealed** in its entirety.

Section 3 of Ordinance

Should any section, subdivision, sentence, clause, or phrase of this Ordinance be declared by the Courts to be invalid, it shall not affect the validity of the remainder of the Ordinance or any part other than the part invalidated. It is further declared that such provisions would have been adopted independently of the provision found to be invalid. Should any procedural aspect of this Article be invalidated, such invalidation shall not affect the enforceability of the substantive aspects of this Article.

Section 4 of Ordinance

This Ordinance shall take effect immediately upon publication.

CERTIFICATION

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

I, Catherine Shaughnessy, the duly qualified Clerk for the Charter Township of West Bloomfield, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of the Ordinance adopted by the Township Board for the Charter Township of West Bloomfield at a meeting held on the 24th day of March, 2014. The original is on file in the Office of the Township Clerk.

By:

Catherine Shaughnessy
Township Clerk

INTRODUCED: March 10, 2014

ADOPTED: March 24, 2014

EFFECTIVE: April 2, 2014

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