

ORDINANCE # 807
ORDINANCE TO AMEND CHAPTER 46, SOLID WASTE AS IT APPEARS IN THE CITY
ORDINANCES OF THE CITY OF ALMA

The City of Alma Ordains:

Section 1.

Chapter 46, Solid Waste is amended as it appears in the Ordinances of the City of Alma as follows:

Chapter 46 - SOLID WASTE

ARTICLE I. - IN GENERAL

Secs. 46-1—46-18. - Reserved.

ARTICLE II. - STORAGE AND COLLECTION

Sec. 46-19. - Definitions.

For the purposes of this article, the following terms, phrases, and words shall have the meaning herein given, unless the context clearly indicates that a different meaning is intended:

Ashes shall mean the residue resulting from the burning of wood, coal, charcoal or other combustible material.

Commercial waste shall mean waste material resulting from the operation of business enterprises and/or institutions.

Construction waste shall mean waste from building construction, alteration, demolition or repair including, but not limited to, excavated earth, stones, brick, concrete, plaster, counter tops, lumber and roofing.

Garbage shall mean all animal and plant waste resulting from the handling, preparation, cooking or consumption of foods. All residential garbage, including packaging, shall be drained of surplus liquids and shall be properly and securely bagged.

Hazardous waste shall mean waste, or a combination of waste and other discarded material, including solid, liquid, semisolid, or contained gaseous material that because of its quantity, quality, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible illness or serious incapacitating but reversible illness, or may pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed of, or otherwise managed. Hazardous waste does not include material that is solid or dissolved material in domestic sewage discharge, solid or dissolved material in an irrigation return flow discharge, industrial discharge that is a point source subject to permits under section 402 of title IV of the Federal Water Pollution Control Act, chapter 758, 86 Stat. 880, 33 USC 1342, or is a source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, chapter 1073, 68 Stat. 919.

Organic waste shall mean food and food waste that are acceptable to the city as able to be composted or digested instead of being sent to a land-fill.

Recyclables shall mean solid waste that is acceptable to the city as able to be processed for re-use as marketable raw material.

Refuse shall mean all solid waste including garbage, ashes, rubbish, recyclables and organic waste.

Residential refuse shall mean normal household refuse generated from single- and two-family households. Residential refuse does not include commercial waste, construction waste, hazardous waste, yard waste nor dead animals.

Residential refuse collection shall mean the municipal service of regular pick-up and transportation of refuse to a licensed sanitary landfill site. Recyclables are normally handled as a separate collection, for transportation to a processing facility for sorting. Organic waste is normally handled as a separate collection for composting or digestion.

Residential yard waste shall mean yard waste generated from single- and two-family households including grass clippings, leaves, and trimmings from shrubs, trees or bushes. Residential yard waste does not include animal excrement, tree limbs over four inches in diameter, root balls, nor tree stumps.

Residential yard waste collection shall mean the municipal service of seasonal pick-up and transportation of yard waste to a composting site.

Rubbish shall mean solid waste including glass, metal, paper, plant growth, wood or nonputrescible solid waste.

Solid waste collection service includes, but is not limited to, residential refuse collection, residential yard waste collection, hazardous waste collection, and special collection.

Special Collection shall mean limited receipt of large household items (e.g.: refrigerator or sofa), or periodic receipt of specific household items (e.g.: household hazardous waste).

Sec. 46-20. - Storage, removal of refuse.

(a) Every person in charge of any dwelling, business concern, institution or manufacturing establishment shall provide an adequate number of approved refuse containers in which to store all refuse created on the property and shall provide for the removal of all refuse from the premises not less frequently than once each week.

(b) No person shall store refuse in the front of their premises except in accordance with the provisions of section 46-23

Sec. 46-21. - Containers.

(a) Multiuse containers used for the storage of refuse shall be made of durable, watertight, rust-resistant materials, shall taper from top to bottom, shall be equipped with handles or bails for lifting, and shall not exceed 32 gallons in capacity. Larger containers may be approved, if compatible with city contracted residential refuse collection service equipment. City contracted residential refuse collection service will not collect wastes from a competitor's container.

(b) Single-use containers will be disposed of with the refuse contained therein and shall be of sufficiently sturdy material as to prevent breaking or tearing of the container prior to its collection.

(c) Every container used for storage of garbage and/or rubbish shall be equipped with a tightfitting cover.

(d) The combined weight of a container and its contents shall not exceed 50 pounds.

(e) Commercial and manufacturing concerns may use other containers subject to the approval of the city manager.

(f) Loose residential yard waste must be stored in compostable brown paper bags and/or cardboard boxes, or multiuse containers, Multiuse containers shall be made of durable, watertight, rust-resistant materials, shall taper from top to bottom, shall be equipped with handles or bails for lifting, shall not exceed 32 gallons in capacity and must be clearly marked "Yard Waste." Multiuse containers cannot be 55-gallon drums nor 'cut down' barrels.

(g) All recyclables must be clean and dry, and placed in cardboard boxes or containers specifically labeled for recycling. Recyclables must not be bagged.

Sec. 46-22. - Refuse not placed in container.

Refuse not placed in a container shall be securely bagged, baled, tied, bundled or packaged so as not to exceed 4 feet in length and 50 pounds.

Sec. 46-23. - Collection by City.

(a) The city will collect up to two cubic yards (for example: thirty full 13-gallon trash bags) of residential refuse (not including the volume of recyclables nor organic waste), if placed in approved containers or bundles, which shall be placed at the side of the street or other approved location no earlier than 12:00 noon of the day preceding the day scheduled for collection. Empty containers shall be removed from the street the same day that collection was made.

(b) The city will not collect hot ashes, hazardous waste, garbage which has not been drained of excessive amounts of liquid, construction waste, asphalt, logs, stumps, nor any loose materials not properly bundled.

(c) The city will collect up to two cubic yards of solids (for example: nominal pile 5 feet long, 4 feet wide, and 2.5 feet tall) of residential yard waste (not including 'air' between branches), if placed in approved containers or bundles. Residential yard waste collection is seasonal, according to published schedule. Approved containers and bundles must be placed at the side of the street or other approved location, and will be collected on the day scheduled for residential refuse collection. Empty containers shall be removed from the street the same day that collection was made.

(d) The city will not collect large tree branches over 4 inches in diameter, tree trunks, stumps, root balls, nor an excessive quantity of branches from heavy tree trimming or tree removal.

(e) Special collections for the benefit of all residents may be arranged by the city (e.g.: fall leaf collection), as deemed appropriate. The city may consider a special collection for the benefit of a single resident, and additional fees may apply.

(f) Items not collected by the city due to violations of section 46-23 must be removed from the street the same day the normal solid waste collection was made.

Sec. 46-24. - Charges for services; billing; payment.

(a) The city commission shall, from time to time by resolution, establish the rates to be charged for solid waste collection service, together with late charges, penalties for late payment, or interest rates. Such rates shall be levied upon each single-family residence, and on each unit of a two-family residence.

(b) Billing for solid waste collection rates shall be under the supervision of the treasurer, and the rates shall be included as a separate item and collected at the same time and subject to the same penalties for nonpayment when due as are the water bills of the city.

(c) For collection service which is not covered by above rates, or miscellaneous services for which a special fee should be established, such fees shall be fixed by the city manager.

(d) The charges for residential refuse collection which are, under section 21 of Public Act No.94 1933 (MCL 141.121), as amended, made a lien on all premises served thereby, are hereby recognized to constitute such lien, and whenever any such charge against any piece of property shall be delinquent for six months, the treasurer shall certify, on or before January 1 of each year, to the city assessor, the fact of such delinquency, whereupon such charge shall be entered upon the next tax roll as a charge against such premises, and a lien thereof enforced in the same manner as general city taxes against such premises are collected and the lien thereof enforced.

Sec. 46-25. - City to adopt any necessary regulations.

The city manager may adopt policies to manage solid waste collection service, and the city commission may adopt regulations necessary to implement the provisions of this article and to provide for the collection of solid waste in a safe, sanitary and efficient manner.

Sec. 46-26. - Prohibited acts.

(a) No person shall deposit nor leave rubbish in a trash container provided by or for another without previously obtaining the express consent thereto from the party providing or for whose benefit the container is provided. Such prohibition shall extend to those containers provided by the city for the use of city facilities.

(b) No person, not a member of a household subject to the charge for services provided in section 46-24, shall place refuse for collection as provided in section 46-23.

(c) No person shall knowingly, without the consent of the public authority having supervision of public property or the owner of private property, dump, deposit, place or leave, or cause or permit the dumping, depositing, placing, throwing or leaving of litter, rubbish or trash on public or private property or water other than property designated and set aside for that purpose.

(d) Any person in violation of this section or sections 46-20, 46-21, 46-22, 46-23 and 46-26 shall be responsible for a civil infraction and subject to the fines and penalties enumerated in chapter 30 dealing with establishing civil infraction actions and a municipal ordinance violations bureau.

State law reference— Littering, MCL 324.8901 et seq.

State Law reference— Garbage disposal act, MCL 123.361 et seq.; solid waste facilities, MCL 324.4301 et seq.; Hazardous Waste Management Act, MCL 324.11101 et seq.; Hazardous Materials Transportation Act, MCL 29.417 et seq.; Solid Waste Management Act, MCL 324.11501 et seq.; Waste Reduction Assistance Act, MCL 324.14501 et seq.; Clean Michigan Fund Act, MCL 324.19101 et seq.; Low-Level Radioactive Waste Authority Act, MCL 333.26201 et seq.

Section 2. Separability. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

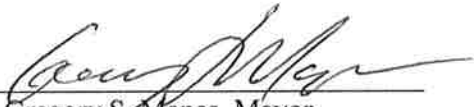
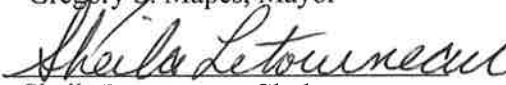
Section 3. Ordinances Repealed. All ordinances and/or parts or ordinances inconsistent with this ordinance are hereby repealed.

Section 4. Effective Date. This ordinance shall take effect and be in force 15 days from and after its enactment as provided by the City Charter.

Passed and approved by the City Commission of the City of Alma, Michigan, in regular session, held February 12, 2019.


We, the undersigned, Mayor and Clerk of the City of Alma, Michigan, do hereby certify that the above and foregoing Ordinance, known as Ordinance No. 807 of the City of Alma, Michigan, was introduced at a regular meeting of the City Commission, held on January 8, 2019 and was thereafter passed at a regular meeting on February 12, 2019, at least two weeks elapsing between the introduction and the enactment.

Dated at Alma, Michigan, this 12th day of February 2019


Gregory S. Mapes, Mayor

Sheila Letourneau, Clerk

I, the undersigned, City Clerk, DO HEREBY CERTIFY that the foregoing and above Ordinance No. 807 of the City of Alma, Michigan, is a true and compared copy of the original ordinance, now on file in my office, and of the whole thereof; that the same was published within 10 days from its adoption in the Morning Sun, a newspaper printed, published and circulated in the City of Alma, Michigan, on February 20, 2019 and that the Affidavit of Publication thereof is now on file in my office and is a part of the original records pertaining to the adoption of the aforesaid ordinance. I FURTHER CERTIFY that in accordance with the provisions of Section 5.3 and 5.5 of Chapter V of the Charter of Alma, Michigan, the foregoing ordinance shall take effect 15 days after its enactment as aforesaid.

Dated February 27, 2019 at Alma, Michigan.


Sheila Letourneau, City Clerk