

CITY OF GROSSE POINTE WOODS
20025 Mack Plaza
Special City Council Meeting Agenda
Monday, November 13, 2017
7:30 p.m.

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. RECOGNITION OF COMMISSION MEMBERS
5. ACCEPTANCE OF AGENDA
6. OATH OF OFFICE
 - A. Mayor
 1. Robert E. Novitke
 - B. Council Members
 1. Vicki Granger
 2. Todd McConaghy
 3. George McMullen
7. COMMUNICATIONS
 - A. Adoption of the “Rules of Order and Procedure of the Common Council”
 1. Letter 10/27/17 – City Attorney
 2. Rules of Order Proposed Changes Rev. 11/09/15
 - B. Election of Mayor Pro-Tem (Council)
8. ORDINANCE
 - A. First Reading: An Ordinance Amending Chapter 34 Solid Waste Article II Collection and Disposal to Adopt New Standards for Collection and Cart Use and to Amend Certain Sections to Coincide with Refuse Collection Contracts
 1. Committee-of-the-Whole Excerpt (Pending Approval) 10/30/17
 2. Letter 11/07/17 – City Attorney
 3. Proposed Ordinance
9. NEW BUSINESS/
PUBLIC COMMENT
10. ADJOURNMENT

Lisa Kay Hathaway, CMMC/MMC
City Clerk

IN ACCORDANCE WITH PUBLIC ACT 267 (OPEN MEETINGS ACT)
POSTED AND COPIES GIVEN TO NEWSPAPERS

The City of Grosse Pointe Woods will provide necessary, reasonable auxiliary aids and services, such as signers for the hearing impaired, or audio tapes of printed materials being considered at the meeting to individuals with disabilities. All such requests must be made at least five days prior to a meeting. Individuals with disabilities requiring auxiliary aids or services should contact the City of Grosse Pointe Woods by writing or call the City Clerk’s office, 20025 Mack Plaza, Grosse Pointe Woods, MI 48236 (313) 343-2440 or Telecommunications Device for the Deaf (TDD) 313 343-9249.

7A

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OF COUNSEL
CHARLES T. BERSCHBACK

October 27, 2017

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OCT 27 2017

CITY OF GROSSE POINTE WOODS

The Honorable Mayor and City Council
City of Grosse Pointe Woods
20025 Mack Plaza
Grosse Pointe Woods, MI 48236

RE. Rules of Order and Procedure for the Common Council

Dear Honorable Mayor and Council:

Each election year directly after the November voting for the Mayor and Council members, it has been the protocol to have the "new" Council review and adopt the Rules of Order and Procedure for the Council. The most recent revisions to those rules took place on November 8, 2007 and November 9, 2009. I am recommending that the Council consider adding language to Rule No. 1 to clearly identify the procedure when both the Mayor and the Mayor Pro Tem are absent from a meeting. While this latter event has only occurred once since I have been City Attorney (2001), I believe that the Council should adopt additional clarifying language.

The existent Rule No. 1 is:

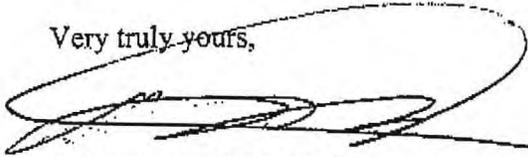
1. The Mayor, or in his/her absence or direction, the Mayor Pro Tem shall at the fixed time take the Chair for the convening of the City Council to order. Upon the appearance of a quorum, the Council shall be in session.

I would propose adding the following subparagraph to that rule:

"In the event that both the Mayor and the Mayor Pro Tem are absent from a meeting, the Council person having served the longest term of office as a Council member shall take the Chair for the purpose of convening the Council to order".

If there are any questions or comments, please do not hesitate to contact me.

Very truly yours,



DON R. BERSCHBACK

DRB:nmg

cc: Bruce Smith
Lisa K. Hathaway
Charles T. Berschbak

PROPOSED

RULES OF ORDER AND PROCEDURE
FOR THE
COMMON COUNCIL
GROSSE POINTE WOODS, MICHIGAN

Adopted by Council 11/13/17

Deleted: 11/09/15

1. The Mayor, or in his/her absence or direction, the Mayor Pro Tem shall at the fixed time take the Chair for the convening of the City Council to order. Upon the appearance of a quorum, the Council shall be in session. In the event that both the Mayor and the Mayor Pro Tem are absent from a meeting, the Council person having served the longest uninterrupted term of office as a Council Member shall take the Chair for the purpose of convening the Council to order.
2. The business of all regular meetings shall be transacted, so far as possible, in the following order:
 - Call to Order
 - Roll Call
 - Pledge of Allegiance
 - Recognition of Commission Members
 - Acceptance of the Agenda
 - Presentation
 - Appointment
 - Approval of Minutes
 - Zoning Board of Appeals
 - Public Hearings
 - Communications
 - Bids/Proposals/Contracts
 - Proclamations
 - Resolutions
 - Ordinances
 - Claims and Accounts
 - New Business/Public Comment
 - Closed Executive Session
3. The Presiding Officer shall preserve order and decorum and shall speak to points of order giving preference to other members. The Presiding Officer shall decide questions of order subject to appeal to the City Council, which appeal must be duly moved and seconded, and sustained by a majority vote of the Council present.
4. Before any member of the Council, officers, or persons in the audience may address the Council, permission to do so must be obtained from the Presiding

Officer; and provided that any person having the floor shall not be interrupted unless ruled out of order by the Presiding Officer.

5. All petitions and communications shall be properly signed and filed with the Clerk.
6. All reports to the Council shall be in writing, except such as may be made orally at the request of the Council.
7. Upon request of a majority of the members of the Council present, any question properly before the Council shall be put to vote; such request for a vote shall be acted upon immediately without further discussion of the subject, and shall thereupon bring the question to a direct vote upon a motion to table, a motion to refer, a motion to amend, or upon the main question in the order named.
8. The Clerk shall prepare an Agenda of all matters which will be considered at each meeting, which Agenda shall be distributed among the Mayor and Council members at least forty-eight (48) hours prior to the time of holding the meeting. Any matter not on the Agenda shall not be addressed without the unanimous consent of the members of the Council present at such meeting. (As amended by Council 11/09/09)
9. At the request of a Council member, any question shall be divided if such question, in the opinion of the Presiding Officer, is subject to division and shall be submitted as divided.
10. No motion or proposition different from that under consideration shall be admitted under cover of amendment; provided, that a substitute motion may be submitted to cover the same subject matter and, if carried, shall result in determining the original motion out of order.
11. No motion shall be debated or put to a vote unless the same shall have been seconded.
12. A motion to reconsider any vote upon any question shall be in order at the following meeting of the Council; provided, that a member of the prevailing side intending to move to reconsider shall file a notice in writing of his/her intention to do so with the City Clerk within twenty-four (24) hours after the action to be reconsidered was taken. The same number of votes shall be required to reconsider any action of the Council as is required to adopt the same.
13. No Council member shall vote on any question in which he/she has a financial interest, other than the common public interest, or on any question concerning his/her own conduct, but on all other questions each member who is present shall vote when his/her name is called unless excused by unanimous consent of the remaining members present. Any member refusing to vote except when not so required by this paragraph shall be guilty of misconduct in office.

14. When any question is under debate no motion shall be received except the following, and in the order named:

- Motion to adjourn
- Motion to table
- Motion for the question
- Motion to refer
- Motion to amend
- Substitute motion

15. A motion to adjourn shall always be in order except when a vote is being taken or when a member of the Council has the floor. A motion to adjourn or to table shall be decided without debate.
16. Special Meetings shall be called by the City Clerk upon the written request of the Mayor, City Administrator, or any two members of the Council on at least twenty-four (24) hours written notice to each member of the Council, served personally or left at his/her usual place of residence; provided, that a Special Meeting may be held on shorter notice if all members are present or have waived notice in writing. No business shall be transacted at any Special Meeting of the Council unless the same is stated in the notice of such meeting. Any other matter may be transacted at a Special Meeting if all members of the Council present consent thereto and all members absent file their written consent thereto.
17. These Rules of Order may be amended or altered by a majority vote of the Council. (As amended by Council 11/14/11)
18. The Council, by a majority affirmative vote of the Council, may suspend the operation of any one of the aforementioned rules for a single session.
19. Whenever reference is made in these Rules to the Council, such reference shall apply to the entire Council, including the Mayor. In all other instances reference to Council or City Council shall apply to a quorum thereof. (As amended by Council 11/14/11)
20. Making of remarks by Council members shall be preceded by asking permission of the Mayor or Mayor Pro Tem in the absence of the Mayor. (As amended by Council 11/09/09)
21. Open discussion of any question is not to be engaged in unless such open discussion is so declared by the Mayor.
22. Levity or humor is not to be injected into any public Council session.

23. Council members are to speak in normal tones of voice at all times and strict dignity is to be maintained.
24. Council members at all times are to refrain from speaking about or to other Council members, Administration, or to citizens in the audience in a disparaging manner. (As amended by Council 11/09/09)
25. All remarks or analysis by Council members are to be as brief as is consistent with clarity.
26. All matters to come before the Council shall first be presented to the City Clerk except as provided under Rule 8. Any person having any matter requiring the attention of the Mayor and Council shall present such matter in writing to the City Clerk who in turn shall provide that material to the City Administrator who shall investigate the same and file his/her recommendation with the Mayor and Council before action is taken thereon. (As amended by Council 11/09/09)
27. No Council member shall at any time set up or invite any person or persons for a public hearing on any subject. Public hearings are to be had upon a written request directed to the City Clerk, who shall determine if the petition meets the requirements of the City Code on the subject and, if so, the City Clerk shall establish the date for a public hearing by the City Council and shall issue any notices of such hearing as may be required. The City Council may establish a date for a public hearing by formal resolution and invitation of the Council and then only with a majority vote. (As amended Council action 11/1/93.)
28. Any item or subject matter placed upon the Agenda for any meeting of the Council shall be identified as to title, subject matter, or import by a concise descriptive statement which shall appear upon the Agenda in conjunction with the item or subject matter to which it pertains. (Added R 4/16/62 – 234)
29. The Council may, from time to time, appoint assistants to, or deputies for, administrative officers appointed by the Council, who may be empowered to act in the place and stead of such administrative officers during their absence or inability to act in such capacities. (Added R 1/18/65 – 11)
30. The Council during the months between January and March of each year shall meet for the purpose of reviewing and re-evaluating the qualifications and capabilities of administrative officers appointed by the Council under the provisions of the City Charter. (Added R 1/18/65, amended 11/08/07)
31. The Minutes of the Council shall state only the action taken by the Council unless a request is made to the presiding officer by a Council Member. Should a particular Council Member request that some prior prepared remarks be transcribed verbatim into the minutes of a meeting, the following procedure shall be followed:

- The Chair indicates that the statement can then be read by the particular Council Member;
- The requested remarks for verbatim transcription would then be brought before the entire Council through a motion;
- Upon that motion being made and duly seconded, a vote would be taken. A majority vote of the Council would prevail.

(Rev. 2/20/67 – 51; amended 11/15/93, 11/14/05, 02/27/06)

32. Except as above provided, Robert's Rules of Order, *10th Edition* shall govern
(Added R-1/8/78; 11/10/03, 11/14/05)

8A

COMMITTEE-OF-THE-WHOLE EXCERPT
10-30-17
PENDING APPROVAL

The next item discussed was regarding **solid waste collection/disposal**. The Treasurer/Comptroller provided an overview of administration's memo dated October 30, 2017, regarding bids for the solid waste collection/disposal contract. Green for Life (GFL) was the low bidder out of two bids received. Administration recommended awarding the five-year contract to GFL. There was a consensus of the Committee to move forward with GFL.

Mr. Winn provided an overview of the bid specifications for the five-year contract. He is looking for direction to determine which option to move forward with; whether to use two carts including one for refuse, or to include a cart for recyclables only and no cart for refuse. Cart color(s) also need to also be determined.

The Treasurer/Comptroller reviewed millage spreadsheets and stated a maximum of 2.658 can be levied in accordance with Headlee, however the roll-back was not factored out to year five. She stated the annual cost for garbage including only one cart for recycling is \$235.00, and the annual cost with a cart for both refuse and recycle is \$250.00. The Treasurer/Comptroller, City Administrator, Director of Public Services, and City Engineers all recommended the City include two carts in the contract award. The Treasurer/Comptroller stated an ordinance amendment will be needed if a cart is used for refuse because the current ordinance does not allow for use of anything other than disposable plastic rubbish bags. Further discussion included public relations information being disseminated regarding the two carts and changing to a four-day pick-up schedule. Administration was asked to include a time requirement for cart removal on pick-up day. There was a consensus of the Committee to recommend to City Council awarding a five-year contract to GFL including two carts (refuse and recycle.) The contract does include an option to extend an additional five years upon a six-month notice. The City Attorney stated he would be prepared for a first reading of the ordinance amendment before the City Council on November 13, 2017.

There was a consensus of the Committee that matte brown carts be used for refuse, and matte green be used for recycle.

Motion by Bryant, seconded by Granger, that solid waste collection/disposal be removed from the Committee-of-the-Whole.

Motion carried by the following vote:

- Yes: Bryant, Granger, Ketels, Koester, McConaghy, Novitke, Shetler
- No: None
- Absent: None

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CHARLES T. BERSCHBACK

DON R. BERSCHBACK
OF COUNSEL

November 7, 2017

The Honorable Mayor and City Council
City of Grosse Pointe Woods
20025 Mack Plaza
Grosse Pointe Woods, MI 48236

RE. Amendments to Refuse Collection Contract
Agenda Item for November 13, 2017

Dear Honorable Mayor and Council:

I have attached proposed amendments to the ordinance regarding Refuse Collection. My draft has already been reviewed by Bruce Smith, Frank Schulte, Gene Tutag, Scott Lockwood, and Lyle Winn at AEW. To summarize changes:

1. New definitions have been added for "cart", "property", and "occupant".
2. Standards for collection and cart use (Section 34-27) have been completely revised. Note that this would apply to residential property, and any commercial property utilizing the City's refuse contractor. Carts must be filled first before using plastic bags. Since standards may change from contact to contract, I have inserted that new standards may be amended by City Council resolution.

In making these revisions, it is the staff's intent with respect to commercial property that anyone previously utilizing plastic bags will now be utilizing carts. A business with a private dumpster would continue to use that dumpster.

It would be the prerogative of Council to review these changes, and schedule this matter for a second reading with appropriate notices by the Clerk's office. Thank you.

Very truly yours,



CHIP BERSCHBACK

CTB:nmg

Enclosures

cc: Bruce Smith
Frank Schulte
Scott Lockwood
Gene Tutag

**CITY OF GROSSE POINTE WOODS
ORDINANCE NUMBER _____
AN ORDINANCE AMENDING
CHAPTER 34 SOLID WASTE
ARTICLE II COLLECTION AND
DISPOSAL TO ADOPT NEW
STANDARDS FOR COLLECTION AND
CART USE AND TO AMEND
CERTAIN SECTIONS TO COINCIDE
WITH REFUSE COLLECTION
CONTRACTS**

**ARTICLE II. - COLLECTION AND
DISPOSAL**

Sec. 34-21. - Duties of occupants.

It is hereby made the duty of the occupants of every dwelling, residential building, school building, church building, store building, place of business and other structures or premises in the city to comply with the provisions of this article relating to the composting, disposal, storage and collection and the hauling, transporting or handling of garbage, food wastes, rubbish, refuse, brush, recyclables and yard waste.

(Code 1975, § 3-2-1; Code 1997, § 66-61)

Sec. 34-22. - 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:

Brush includes, among other things, but is not necessarily limited to, tree limbs, shrubs and bushes.

Cart: Cart means the 64 gallon container supplied by the City’s refuse contractor for both non-recyclable waste and recyclables.

Composting means the process of converting acceptable raw organic materials to humus. Acceptable raw organic materials include a combination of weeds, branches, bark (but not from elm trees), grass clippings, stalks, stems, brush, vines, wood chips, yard waste, wood ashes, cow manure, horse manure, coffee grounds, vegetable scraps, citrus rinds, fruit peelings, egg, peanut shells and nut shells. Prohibited materials are meats, dairy products, vegetable oils, cooked foods, bones, dog, cat and other carnivore feces, elm bark, and plastic, synthetic or other nonbiodegradable materials.

Construction wastes includes, among other things, but is not necessarily limited to, brick, broken concrete, concrete blocks, stone, rocks, dirt, cinder, sand, gravel, lumber, shavings, sawdust, construction sweepings, metal, eave troughs, downspouts and other waste building material or debris, felled trees, tree limbs, tree trunks, tree stumps and other wastes resulting from site clearing operations, construction or maintenance of any property.

Disease vectors means an animal, insect or tick that transmits the causative organisms of disease from infected to noninfected individuals.

Garbage and food wastes includes, among other things, but is not necessarily limited to, every refuse accumulation of animal, fowl, fish, fruit, vegetable or other similar or like substances that pertain to the preparation, use, cooking, dealing in, handling or storing of meat, fish, fowl, fruits, vegetables, or any products or processes involving the use of such substances, including dead animals, fish or fowl requiring disposal and any condemned food or food products or similar or like

As of 11.7.17 (2:30 p.m.) – includes Frank’s changes

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disposable substances, materials or things found or situated within the city.

through or #7 with triangular recycling symbol on the container) to be collected on the scheduled collection day.

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Hauling, transporting or handling means the collection, hauling or transportation of any materials regulated by the provisions of this article in or upon the streets, alleys, public rights-of-way or any other public places of the city.

Recyclable items include, but are not necessarily limited to, items not put out for curbside pickup, such as household batteries, car or boat batteries, and waste oil.

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Heavy and extraordinary accumulations means all materials exceeding the weight and length limitations as set forth in this article, including but not limited to, automobiles and automobile frames, parts and tires, or any other heavy and bulky items or materials which may be injurious or too large for the mechanical rubbish collection equipment of the city.

Rubbish and refuse include, among other things, but are not necessarily limited to, trash, sweepings, rags, clothing, ashes, branches and any other similar or like materials which may be so classified by the city and which are accumulated upon the premises of any property within the city for collection and disposal through the municipal rubbish collection system.

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Household goods includes, but is not limited to, discarded furniture, carpeting, appliances, mattresses, bed springs, plumbing fixtures, recreational equipment, lawnmowers, barbecue equipment and other similar objects or equipment.

Storage means the accumulation of materials regulated by the provisions of this article that are awaiting final collection, transportation and disposal.

Mulching includes, but is not limited to, the practice of finely chopping grass clippings during the mowing process and allowing them to decompose into the lawn and be converted to humus.

Yard waste includes, but is not necessarily limited to, grass clippings, branches, yard rakings, twigs, garden waste and other similar or like materials which may be so classified by the city and which are accumulated upon the premises of any property within the city for collection and disposal separately from the regular rubbish and refuse, and to be picked up on scheduled collection day.

Property: Property means both improved and unimproved land, and any building structure, or premises within the City or a portion of the City.

(Code 1975, § 3-2-2; Code 1997, § 66-62)

Occupant: Occupant means a person or entity occupying a property and includes an owner, tenant, or lessee.

Sec. 34-23. - Disposal of garbage and food wastes.

Recyclable and curbside recyclable mean newspapers, paper, phone books, magazines, clean cardboard cut to fit, tin or aluminum cans, glass, and plastic containers (#1

(a) It shall be unlawful to deposit, place, scatter, strew or bury any garbage or food wastes upon private or public property or premises within the city, except that this section shall not be construed to prohibit

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composting conducted in accordance with section 34-49.

(b) The disposal of garbage and food wastes shall primarily be accomplished by means of the installation, use and operation of a garbage disposal unit or other equipment that is properly connected to and is discharged into the municipal sewer system of the city.

(Code 1975, § 3-2-3; Code 1997, § 66-63)

State Law reference— Littering, MCL 324.8901 et seq.

Sec. 34-24. - Unlawful disposal of rubbish and refuse.

It shall be unlawful to deposit, place, scatter, strew or bury any rubbish or refuse upon the property of another or upon any public property, premises, street, alley, right-of-way or other public place within the city.

(Code 1975, § 3-2-4; Code 1997, § 66-64)

State Law reference— Littering, MCL 324.8901 et seq.

Sec. 34-25. - Collection generally.

Rubbish and refuse shall be collected and disposed of on a regular once-a-week basis as a contractor service provided by the city in accordance with schedules, rules and regulations as established by this article, the refuse contract, or by Council resolution.

(Code 1975, § 3-2-5; Code 1997, § 66-65)

Sec. 34-26. - Collections on holidays.

Whenever a holiday occurs on a weekday and is recognized by the city's private

contractor, the rubbish collection will be delayed one day for the area in which the normal collection day occurs on the holiday, and each additional area's collection thereafter during the week will be delayed one day after the regular collection day because of the holiday.

(Code 1975, § 3-2-6; Code 1997, § 66-66)

Sec. 34-27. - Standards for Collection and Cart Use.

(a) Every occupant of residential property and every occupant of commercial property utilizing the City's refuse contractor, shall comply with these standards:

- 1) Every occupant of any property utilizing the City's contractor will be provided two separate 64 gallon carts: one to be used for recyclables, and one to be used for all non-recyclable waste.
- 2) Garbage and food waste shall first be placed into plastic bags before being placed into a cart for collection.
- 3) Brown paper yard bags shall be used for yard waste.
- 4) All household waste shall be set at the curbside in carts according to this article and any regulations adopted by City Council resolution.
- 5) Occupants shall first fill applicable carts before using disposable rubbish bags. Any waste that does not fit into the refuse cart shall be placed next to the cart in disposable rubbish bags properly tied and secured.
- 6) All disposable rubbish bags shall be capable of serving as a liner for a standard 33 gallon rubbish container and be a minimum of 1 ½ mils thick.
- 7) If a 64 gallon cart is lost or stolen, the occupant is responsible for

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Deleted: (a) Every owner, occupant, tenant or lessee occupying any building, structure, property or premises within the city shall provide and utilize a disposable plastic rubbish bag, or its approved equal, of sufficient number and size to hold all of the rubbish and refuse that will normally accumulate upon their property or premises, unless otherwise provided in this article. ¶

(b) All such disposable rubbish bags shall be properly tied, fastened or otherwise secured at the top when filled to prevent the contents thereof from being spilled, blown, strewn or molested by the forces of nature, animals, insects or persons. Such disposable rubbish bags, when utilized as a liner in a rubbish container, shall be removed from the container before being set out for collection. ¶

(c) Household waste is to be set out at curbside in plastic rubbish bags and yard waste shall be put at the curb in brown paper yard waste bags. ¶

(d) All disposable rubbish bags permitted to be utilized in the collection system of the city shall be capable of serving as a liner for a standard 20-gallon rubbish container and be of a minimum of 1½ mils in thickness.

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purchasing a new one from the Public Services Department. Carts that are damaged from normal use will be replaced by the City’s contractor at no charge to the occupant.

8) Standards under this section may be amended by City Council Resolution provided notice is given to residents by posting on the City’s website.

(Code 1975, § 3-2-7; Code 1997, § 66-67; Ord. No. 808, § 1(66-67), 11-21-2005)

Sec. 34-28. - Residential refuse too large to fit in carts or bags; businesses requiring more than once-a-week collection.

(a) Various household items, which because of their odd shapes or size cannot be placed in a cart or disposable rubbish bag, shall be placed alongside a cart for the collection day.

(b) Any business or commercial establishment which requires more than once-a-week collection shall provide, subscribe or contract for the private collection and disposal of such rubbish and refuse at the establishment’s own expense and in accordance with the provisions for such collection and disposal as set forth in this article or by City Council resolution.

(Code 1975, § 3-2-8; Code 1997, § 66-68)

Sec. 34-29. - Maximum weight of materials set out for collection.

Contents of 64 gallon carts shall not exceed 150 pounds per cart. No rubbish shall be set out for collection having a weight exceeding 40 pounds per disposable bag, container or bundle.

(Code 1975, § 3-2-9; Code 1997, § 66-69)

State Law reference— Similar provisions, MCL 211.744.

Sec. 34-30. - Location for placement of materials set out for collection.

The occupant of any property shall place any 64 gallon cart or other materials for collection at a point so designated by the city as being the most accessible for collecting and removing such materials.

- Deleted: owner,
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(Code 1975, § 3-2-10; Code 1997, § 66-70)

Sec. 34-31. - Time of placement of materials set out for collection.

All rubbish, refuse and recyclables shall be prepared for collection and placed at the designated collection point for collection on or before 7:00 a.m. on the regularly scheduled collection day for the particular area being serviced. No such rubbish, refuse or recyclables shall be placed at their collection point in any area before 5:00 p.m. on the day preceding the regularly scheduled collection day. Rubbish, refuse and recyclables shall not be stored outside in any commercial district of the city except as permitted in section 34-32.

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- Deleted: All cardboard boxes which cannot be ripped up, torn or cut up and placed in a disposable rubbish bag or cart shall be completely flattened or knocked down, cut to lengths not exceeding four feet and placed with the disposal rubbish bags cart in a manner which would tend to prevent them from being blown, strewn or molested until such boxes are collected on the regularly scheduled collection day.

(Code 1975, § 3-2-11; Code 1997, § 66-71)

Sec. 34-32. - Maximum number of disposable bags per weekly collection.

In addition to the two carts weekly collection of the disposable plastic bags, as a part of the municipal service, shall be limited to ten bags or their approximate equivalent, except as otherwise provided in this article or City Council Resolution.

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(Code 1975, § 3-2-12; Code 1997, § 66-72)

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Sec. 34-33. - Commercial Storage facilities.

regulatory provisions as set forth in this article, or as may hereinafter be enacted.

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(a) All rubbish, refuse, recyclables or heavy and extraordinary accumulations may be stored on the outside of the building structure in a fire-resistant, windproof and waterproof facility, container or receptacle as may be approved by the city, which containers shall be equipped with a lid, which shall be kept closed except when in use. Such storage facilities shall be so constructed and maintained and the lid or cover for such facilities kept closed so as to prevent the contents thereof from being spilled, strewn, blown or otherwise molested by persons, animals, insects or the forces of nature. Unless otherwise approved in accordance with the provisions of this section, the use of wooden, paper or cardboard boxes or cartons as containers for commercial rubbish is hereby prohibited.

(Code 1975, § 3-2-14; Code 1997, § 66-74)

Sec. 34-35. - Hauling and handling of materials.

Any vehicle used for hauling, transporting or handling of materials regulated by the provisions of this article in and upon the streets, alleys and public places in the city shall be provided with a container or body of a substantial character which shall prevent the contents thereof when placed therein from being discharged or strewn upon the streets, alleys and public places of the city. Should such container or body be without a suitable cover or lid, then a cover of metal, canvas or other suitable material shall be provided for such vehicle which shall be so placed and securely fastened down so as to prevent the contents of the vehicle from being discharged therefrom or strewn upon the streets, alleys and public places in the city.

(Code 1975, § 3-2-15; Code 1997, § 66-75)

Sec. 34-36. - Responsibility of operator of vehicle transporting refuse.

The operator of any vehicle used for hauling, transporting or handling of materials regulated by the provisions of this article upon the streets, alleys and other public places in the city shall be responsible for any act of omission or commission which shall result in the discharge of any of the contents of such vehicle upon the streets, alleys and other public places in the city, and it shall be the driver's duty to forthwith remove from the streets, alleys and other public places in the city any garbage, rubbish, refuse or other materials so

(b) Two or more business or commercial establishments may utilize the same container as required in this section. The storage and disposal of rubbish and refuse as outlined in this section shall be the sole responsibility of the owner of the business or commercial establishments being operated upon the premises involved, and it shall be the duty of such persons to comply with all the provisions of this article.

(Code 1975, § 3-2-13; Code 1997, § 66-73)

Sec. 34-34. - Private collection and disposal permitted.

The owner, occupant, renter, tenant or lessee of any business or commercial property, within the city may provide for their own collection and disposal service; provided, however, that such collection and disposal service shall comply with the

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discharged or strewn upon the streets, alleys and other public places in the city.

(Code 1975, § 3-2-16; Code 1997, § 66-76)

Sec. 34-37. - Seizure of vehicles hauling refuse in violation of article.

It shall be the duty of the members of the department of public safety of the city to seize and impound any vehicle used in hauling, transporting or handling of materials regulated by the provisions of this article upon streets, alleys and public places in the city in violation of the provisions of this article, and to detain such vehicle until the provisions of this article shall have been complied with.

(Code 1975, § 3-2-17; Code 1997, § 66-77)

Sec. 34-38. - Tree trimmings and other brush.

All brush shall be collected and disposed of on a regular once-a-week basis as a municipal service provided by the city and in accordance with the schedules, rules and regulations established under this article, or by City Council Resolution. All such brush shall not contain individual tree, shrub and bush cuttings, trimmings or limbs exceeding three inches in diameter.

(Code 1975, § 3-2-18; Code 1997, § 66-78)

Sec. 34-39. - Heavy and extraordinary accumulations.

All heavy and extraordinary accumulations shall be collected and disposed of outside the corporate limits of the city at the expense and as a responsibility of the owner, occupant of the property from which such waste resulted.

(Code 1975, § 3-2-19; Code 1997, § 66-79)

Sec. 34-40. - Household goods.

(a) All household goods shall be collected and disposed of on a regular weekly basis as a municipal service provided by the city and in accordance with schedules, rules and regulations established under this article or by City Council resolution.

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(b) Any resident requiring this service must notify the public works division 48 hours in advance of their regularly scheduled pickup day.

(Code 1975, § 3-2-20; Code 1997, § 66-80)

Sec. 34-41. - Tree leaves.

(a) During the months of October through the first full week of December, all tree leaves may be raked into the street gutter for collection as a municipal service on days scheduled by the public works division.

(b) During the months of January through September, the collection of tree leaves, as a municipal service, shall be accomplished by the placement of any such leaves into disposable brown paper yard waste bags for collection on the regularly scheduled rubbish collection day of the particular area.

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(Code 1975, § 3-2-21; Code 1997, § 66-81; Ord. No. 808, § 1(66-81), 11-21-2005)

Sec. 34-42. - Disposal of waste created by building contractors.

Building contractors shall be responsible for the removal of all wastes, rubbish, remodeling or maintenance materials and site clearing materials from the building site and the transportation and disposal thereof

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beyond the corporate limits of the city.
(Code 1975, § 3-2-22; Code 1997, § 66-82)

the city shall be responsible for the removal and disposal beyond the corporate limits of the city of all tree limbs, brush, trunks and stumps accumulated from the performance of such service.

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Sec. 34-43. - Construction waste to be removed prior to final inspection and issuance of certificate of occupancy.

(Code 1975, § 3-2-26; Code 1997, § 66-86)

Deleted: Sec. 34-43. - Permit required for use of outdoor incinerator or burning device.¶
No incinerator, burning device or apparatus shall be placed or used outside of the building structure for the disposal of materials regulated by the provisions of this article, except by building contractors who have secured a permit. ¶
(Code 1975, § 3-2-23; Code 1997, § 66-83)

All building contractors' wastes, rubbish and site clearing materials shall be removed or cleared from the premises before final inspection shall be made or before a certificate of occupancy shall be issued.

Sec. 34-46. - Collection of refuse from business and commercial establishments.

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(Code 1975, § 3-2-24; Code 1997, § 66-84)

(a) Any business or commercial establishment the rubbish or refuse of which exceeds ten disposable bags or their approximate equivalent per week shall provide, subscribe or contract for the private collection and disposal of such rubbish and refuse at their own expense and in accordance with the provisions for the such collection and disposal as set forth in this article.

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Sec. 34-44. - Bagging of grass clippings created by grass mowing contractors.

Any grass mowing or grass trimming contractor, landscape or nursery employee or other privately employed person who performs or provides a grass mowing or grass trimming service for a fee on any property or premises within the city shall be responsible for bagging such materials for removal by the city, except that this section shall not be construed to prohibit composting conducted in accordance with section 34-49 or the practice of mulching as defined in section 34-22.

(b) Whenever, in the conduct of any business, it shall be necessary to establish special rules and regulations for the sanitary and efficient storage, collection and disposal of garbage and food wastes or rubbish and refuse, the city may establish such special rules and regulations by City Council resolution, which shall be complied with by the occupants of the premises so affected. Nothing in this article shall prevent the storage or accumulation of rubbish within the building structure, provided such disposal of rubbish can be accomplished in a sanitary and healthful manner and without creating a fire hazard, pollution of the air or other nuisances.

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(Code 1975, § 3-2-25; Code 1997, § 66-85)

Sec. 34-45. - Disposal of tree limbs, brush, trunks and stumps created by tree trimming contractors or utility employees.

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Any tree trimming contractor, nursery employee, utility company employee or other privately employed person who performs or provides a tree trimming removal service for a fee, or as a company service, on any property or premises within

(Code 1975, § 3-2-27; Code 1997, § 66-87)

Sec. 34-47. - Curbside recycling.

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(a) All curbside recyclables shall be placed into the 64 gallon cart supplied by the city's contractor for collection on the regularly

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scheduled pickup day. All curbside recyclables shall be rinsed clean. Items shall be placed separately in the recycling cart. Newspapers are to be tied or placed in paper bags not to exceed 50 pounds. All recycling containers and other trash containers (including plastic bags), when not placed curbside for pickup, shall be stored in an enclosed structure or in a backyard. All recycling and trash containers shall be removed from the street by midnight of trash pickup day.

Sec. 34-49. - Composting.

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(a) The restrictions contained in this article shall not be construed to prohibit the maintenance of compost piles on private residential property, provided the following provisions are followed:

(1) Compost piles may include acceptable raw organic materials as defined in section 34-22 and shall not contain prohibited materials as defined in section 34-22. Kitchen wastes shall be buried within the pile.

(2) Compost piles shall be constructed and maintained in such a manner as to prevent the escape of offensive odors to adjacent property and to prevent the presence of rats or other disease vectors.

(b) All cardboard boxes which cannot be ripped up, torn or cut up and placed in a disposable rubbish bag or cart shall be completely flattened or knocked down, cut to lengths not exceeding four feet, tied together and placed next to a cart in a manner which prevent them from being blown, strewn or molested until such boxes are collected on the regularly scheduled collection day.

(c) It is the duty of the city's contractor to remove all curbside recyclables from the street. No other vendors shall be permitted to collect any paper, glass, plastic or tin cans on the regularly scheduled collection days.

(3) Compost piles shall be situated to minimize visibility from the street or adjacent dwelling.

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(4) Compost piles shall not exceed four feet by eight feet or six feet in diameter and shall not exceed four feet in height.

(Code 1975, § 3-2-28; Code 1997, § 66-88; Ord. No. 869, 7-11-2016)

Sec. 34-48. - Separation of yard waste from other waste.

It shall be unlawful to mix yard waste (grass, leaves, brush, etc.) with regular household rubbish and recyclables. All yard waste shall be placed in brown paper yard waste bags and set out for pickup on the same day with the regular household waste and recyclables.

(5) The compost facility shall be constructed of wood, fencing, wooden, plastic or steel drum barrels with air holes, cement blocks or other similar materials.

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(Code 1975, § 3-2-29; Code 1997, § 66-89; Ord. No. 808, § 1(66-89), 11-21-2005)

(b) In the event of complaint of noncompliance with subsection (a)(1), (2), (3), (4) or (5) of this section, a master composter, as certified by the Cooperative Extension Service, shall, at the direction of the city, inspect the compost pile and prescribe required remedial action. If the

problems cited by the inspector are not corrected within ten working days, or within any additional time as may be granted by the city's master composter, the property owner, upon conviction of failure to maintain the compost facility in accordance with the provisions of this article, shall be deemed responsible for a municipal civil infraction and subject to a fine not to exceed \$100.00, in the discretion of the court. Upon conviction of a second or subsequent offense, the property owner, upon conviction thereof, shall be subject to the penalties set forth in [section 1-12](#).

(Code 1975, § 3-2-30; Code 1997, § 66-90)