

VILLAGE OF SPRING LAKE

ORDINANCE NO. 384

SOLID WASTE ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF ORGINANCES ADOPTED BY THE VILLAGE OF SPRING LAKE, COUNTY OF OTTAWA, STATE OF MICHIGAN, BY RESTATING IN ITS ENTIRETY CHAPTER 300, SOLID WASTE, AND ESTABLISHING AN EFFECTIVE DATE.

VILLAGE OF SPRING LAKE, COUNTY OF OTTAWA, STATE OF MICHIGAN, ORDAINS:

Section 1. Solid Waste. Chapter 300 of the Village of Spring Lake Code of Ordinances, regarding solid waste, is restated in its entirety as follows:

Chapter 300

Article I. Garbage and Trash Collection

§ 300-1. Definitions.

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

GARBAGE

Rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetable.

RECYCLABLE MATERIALS

All materials collected for recycling, including but not limited to the following: newspapers, clear glass, tin and steel cans, aluminum, polyethylene terephthalate (PET #1), high density polyethylene (HDPE #2), and plastic jugs.

YARD WASTE

All waste, tree trimmings, grass cuttings, dead plants, weeds, leaves, dead trees or their branches.

TRASH

Nonputrescible solid waste, consisting of both combustible and noncombustible waste, including paper, cardboard, metal containers, ashes, wood, glass, bedding, crockery, demolished building materials, or litter of any kind that may be a detriment to the public health or safety.

§ 300-2. Violations and penalties.

Any person who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of this article shall be responsible for a municipal civil infraction, subject to § 1-2. Increased civil fines may be imposed for "repeated violations," which means a second or subsequent municipal civil infraction violation committed by a person within any twelve-month period and for which a person admits responsibility or is determined to be responsible. The increased civil fine for repeat violations is set forth in § 1-2.

§ 300-3. Garbage and trash collection.

The occupant of a residential, commercial, or industrial building or structure having garbage, trash, recycling or yard waste pickup service furnished by a person or entity licensed to render such service pursuant to Article II of this chapter shall place all the garbage or yard waste in a closed, watertight bag or container; shall place all of the trash in a dumpster, vessel, or box suitable for storing and carrying trash; shall bundle all brush, twigs, and tree limbs. The foregoing sentence shall apply only to garbage, not to trash, brush, or yard waste on days designated by the Village as cleanup days during which Village employees pick up trash, brush, or yard waste. All of the bags, containers, vessels, boxes, and bundles shall be placed in a location where they are readily accessible for collection. The occupant of any residential structure shall not knowingly place any of the bags, containers, vessels, boxes, bundles, or any garbage or trash, on a street, parkway, or sidewalk prior to 6:00 p.m. on the day before the day of collection established by the garbage and trash collector; nor shall the occupant knowingly permit the bags, containers, vessels, boxes, bundles, or any garbage, yard waste, or trash to remain on a street, parkway, or sidewalk after 7:00 p.m. on the date of collection.

§ 300-4. Duties of owner.

When a residential building or structure contains more than two dwelling units, the owner or landlord shall have the duty to provide suitable trash cans, containers or dumpsters for the use of the occupants or tenants. Failure to do so constitutes a violation of this article.

Article II. Haulers

§ 300-5. Exemptions from article.

This article shall not be applicable to any person or entity carting trash, garbage or yard waste when such is done on a gratuity basis and no charge is made.

§ 300-6. License required.

It shall be unlawful for any person or entity to engage in the business of collecting or hauling trash, garbage or yard waste within the Village unless such person or entity shall first have obtained a license, except as provided in § 300-5.

§ 300-7. Application for license.

Any person or entity desiring to engage in the business of collecting or hauling garbage, trash or yard waste within the limits of the Village shall make application to the Village Council or its designated representative. Such application shall include the type of service to be rendered and a description of all equipment to be used, and shall have attached copies of certificates of insurance coverage limits. In addition, the application shall contain at a minimum the following information:

- A. The name and business address of the applicant. If the applicant is a corporation, the names and addresses of all the directors, officers and shareholders owning a ten-percent interest or more in the corporation shall be given. If the applicant is a partnership, the names and addresses of each partner shall be given.
- B. The place where it is proposed to maintain the applicant's business and the proposed hours of operation of the business.
- C. A list of all assumed, trade or firm names under which the applicant intends to do business.
- D. Whether or not the applicant or person conducting or managing the applicant's business has been convicted of, pled guilty to, or pled no contest to a crime or municipal civil infraction. In the event of an affirmative response, the applicant shall state the activity involved, along with the date, place and jurisdiction of each offense.

§ 300-8. Requirements for issuance of license.

[Amended 7-5-1988 by Ord. No. 181]

No license shall be issued to any person for the purpose of collecting or hauling garbage and trash unless the applicant is able to demonstrate the ability to comply with the following requirements:

- A. To provide pickup service at least once each week to every person in the Village desiring such service and to provide at least one backup vehicle to ensure prompt pickup in case of equipment failure.
- B. To insure each truck or piece of equipment against injury to person or property for damage to property, for injury or death to any person, and for injury or death to any person in any single accident in amounts as required by the Village Council. Certificates of such insurance shall *be* filed with the Village Clerk/Treasurer before any license shall be issued.

§ 300-9. Collection standards and requirements; recycling.

All licensees to collect or haul garbage, trash or yard waste pursuant to this article shall comply with the following standards and requirements during the term of the license:

- A. Maintain service standards and insurance coverage required for issuance of the license as provided in § **300-8** and include the Village and its officers and employees as additional insureds on such insurance policies and indemnify and hold the Village harmless from any liability claims that may arise as a result of the licensee's operations for collection or hauling of garbage, trash or yard waste within the limits of the Village.

- B. Provide all dumpsters, receptacles, and vehicles used for collection or hauling garbage, trash or yard waste with bins so as to prevent spillage and reduce noxious odors. No open equipment shall be permitted unless it is used under emergency conditions, and each such emergency use shall be approved by the Village Manager prior to its use.
- C. Comply with all applicable federal and state statutes and regulations concerning the utilization of garbage and waste hauling equipment in compliance with such statutes and regulations, including appropriate licensing and registrations.
- D. Provide a sufficient number of trucks, equipment, and personnel to perform all services in a prompt and efficient manner so as to not delay the collection of household trash or garbage within the limits of the Village.
- E. Display at all times identify on the equipment and vehicles utilized to collect garbage, trash, or yard waste in the Village in an open, prominent, and visible manner the name and address of the licensee and a telephone number where customers of the licensee can contact the licensee or the representative of the licensee in the local calling area without additional charge for long distance rates.
- F. For residential customers, the licensee shall collect from each of the licensee's customers in the Village all garbage, trash and yard waste placed in containers or dumpsters approved by the Village, or in conventional-type trash cans with a capacity not exceeding 96 gallons or 60 pounds for each container in weight. Except as set forth in this article, there are no limits as to the number of containers in use at each customer pickup location. The service will be provided not less than once each week for garbage, trash and yard waste. If recycling services are offered as set forth herein service shall be provided not less than two times per month. Yard waste and other bulky refuse must be placed on the curb for pickup on the designated day of service. The following standards shall be complied with in connection with such service:
 - (1) The following items need not be picked up by the licensee unless special arrangements are made with it by the customer and should not be included in the definition of "household garbage or trash": tree trunks and stumps, brush, motor vehicles, motor vehicle parts, large machines, furniture, appliances, bulkier building materials, or any other items which due to bulk will be unusually difficult for the personnel of the licensee to load or haul away.
 - (2) The licensee will serve any customer that desires a special pickup service at a quoted cost based upon the level of service to be provided by the licensee to the customer.
 - (3) The collection day for the residential pickup in the Village limits shall be designated by the Village at the time the license is granted. The licensee shall not operate its vehicles for purposes of collection of such trash or refuse from its customers before the hour of 6:00 a.m., local time, or after the hour of 7:00 p.m. local time. If the designated collection day falls on a holiday, the pickup is scheduled for the next following day.
 - (4) The licensee will provide front-door or garage pickup service to any customer that is physically unable to bring the trash containers to the front corner of the house, without additional charge, the determination of physical incapacity to be made by the licensee; except if the customer disagrees with the licensee's determination, the Village Manager, after consultation with the customer and with the licensee, will make such determination based on information submitted by the licensee and the customer.
 - (5) The licensee will provide a spring and fall clean up service to their customers without additional charge to the Village.

- (6) The licensee will provide a la carte pricing for yard waste services.
- (7) The licensee will ensure that all garbage, trash or yard waste is appropriately collected and that no items are left behind which would constitute littering.
- (8) The licensee shall permit all customers to place their account on hold for four months each winter (December, January, February, and March) without penalty.
- (9) The licensee shall not cause, suffer to be caused or in any way contribute to the discharge, release or accumulation of any hazardous/toxic material upon any public way or any other area open to the public within the Village. Any such discharge, release or accumulation shall be deemed to be a public nuisance. Hazardous/toxic materials means any material or substance which, because of its quantity, concentration or physical, chemical or infectious characteristics, presents a direct and immediate threat to the public health or safety or to the environment, and requires immediate action to mitigate the threat.

G. The licensee may offer recycling services. If so, the following standards shall apply:

- (1) The recycling program shall be carried out on the same day as the licensee provides its curbside collection of household garbage, trash and yard waste from residential customers.
- (2) Curbside recycling will be provided by the licensee through the use of cart type containers with a capacity not exceeding 96 gallons provided by the licensee.

§ 300-10. License fees.

The fee for a license issued pursuant to this article shall be set by the Village Council as part of its annual budget.

§ 300-11. License procedures; renewal, denial, display and transfer.

The application for renewal, suspension, revocation, display and transfer of a license required shall be as follows:

- A. Renewal. An application for renewal of a license shall be considered in the same manner as an original application.
- B. Denial, revocation or suspension.
 - (I) A license application may be denied, and a license previously issued may be revoked or suspended by the Village Manager at any time for any of the following reasons:
 - (a) An intentional or negligent misrepresentation or false statement made on the license application.
 - (b) Failure to comply with any of the requirements of this article.

- (c) Failure to comply with any of the requirements of the Village ordinance.
 - (d) Conducting a business in an unlawful manner in such manner as to constitute a public nuisance.
- (2) Unless otherwise specifically provided in other Village ordinances, the Village Manager has exclusive power to make decisions regarding the granting, denial, suspension or revocation of licenses. However, the Village Manager may decline to decide such a matter and refer the decision to Village Council. A written notice of the denial of the license application, or suspension or revocation of a previously granted license, stating the grounds for such actions, shall be delivered to the licensee personally or mailed to the address as shown in the application for license.
- (3) Within ten days of delivery or mailing of a written notice of denial, suspension or revocation of a license by the Village Manager, a licensee or applicant may appeal such action to the Village Council by filing with the Clerk/Treasurer a written objection to the action and requesting a hearing before the Council. The time of the hearing and conduct of the hearing shall be established in accordance with the procedures adopted by the Council.
- C. Display requirements.
- (1) No licensee shall fail to conspicuously display on each vehicle, or machine required to be licensed by the article, such tags, stamps or insignia as may be required by Village ordinance.
 - (2) No person shall display any expired, suspended or revoked license, or license for which a duplicate has been issued.
- D. Transferability. The license issued under this article shall not be transferable without the approval of the Village Council. The person or entity requesting such transfer shall file an application for transfer of license with the Village Clerk/Treasurer containing the same information required for a license application. The approval of such transfer shall be evidenced by the written endorsement of the Village Clerk/Treasurer upon the face of the license showing to whom the license has been transferred and the date of such transfer.

§ 300-12. Number of licensees.

Notwithstanding any other ordinance or regulations or the provisions of this article, there shall be no more than 3 licenses issued pursuant to the provisions of this article.

§ 300-13. Determination of violation; revocation of license.

In addition to the provisions of this article, if an alleged violation has occurred with respect to the provisions of this article wherein a licensee is alleged to have violated the article or any rules and regulations provided in this article, the following procedures may be implemented by the Village Council, or, if deemed appropriate by it, the Village Manager, to investigate such alleged violation to determine the appropriate action to be taken to protect the health, safety and welfare of the inhabitants of the Village:

- A. A preliminary determination shall be made by the Village Manager that a violation has or has not occurred.
 - (1) If it is determined that the alleged violation has occurred in the reasonable judgment of the Village Manager or Village Council, but has not or will not cause an immediate or direct threat to the health, safety and welfare of the inhabitants of the Village, a letter of reprimand stating the violation shall be

forwarded to the licensee. Such letter of reprimand shall then be part of the consideration as to whether a license will be renewed. If more than three letters of reprimand have been forwarded to a licensee during the term of any license, the license shall be deemed revoked 30 days after mailing of such third letter unless the licensee shall request a hearing in writing before the Village Council. If a hearing is requested by a licensee, the Village Council shall permit the licensee to show cause why its license should not be revoked, the hearing to be held at the next public meeting, regular or special, after receipt of the licensee's request for a hearing.

(a) After the hearing, the Village Council may determine whether to uphold such revocation, or to reinstate the license of the licensee. Such determination shall be made at the same meeting as the public hearing is held.

(2) If it is determined that the alleged violation will or could cause an immediate or direct threat to the health, safety or welfare of the inhabitants of the Village, then in addition to the other penalties provided for in this article, the Village Manager or the Village Council shall forward a letter to the licensee revoking the license forthwith. The licensee shall have 15 days after revocation of its license within which to request in writing a hearing as provided in Subsection A(I) of this section, and the Village Council after such hearing shall make the determination provided for in Subsection A(I)(a).

B. If such preliminary determination provided for in Subsection A results in a finding that no apparent violation has occurred, a written summary of such determination shall be placed in the licensee's file maintained by the Village Clerk/Treasurer.

Section 2. Administrative Liability. No officer, agent, or employee of the Village shall be personally liable for any damages the Village may accrue to any person as a result of any act required or permitted in the discharge of duties under and in the enforcement of this Ordinance.

Section 3. Severability and Captions. This Ordinance and its various sections, subsections, sentences, phrases, and clauses are declared to be severable. If any section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid, the remainder of this Ordinance shall not be affected. Pronouns shall be read as masculine, feminine, or neuter as may be appropriate. Captions appearing at the beginning of any section shall not be deemed as part of this Ordinance and shall have no independent significance.

Section 4. Repeal of Conflicting Ordinances. All ordinances or parts of ordinances which are in conflict in whole or in part with any of the provisions of this Ordinance as of its effective date are repealed to the extent of such conflict.

Section 5. Effective Date. This Ordinance shall take effect upon publication.

VILLAGE OF SPRING LAKE

Dated: July 17th 2023

By: _____
Mark Powers
Its: President

By: _____
Marvin Hinga
Its: Clerk

CERTIFICATE

I, Marvin Hinga, the Clerk/Treasurer for the Village of Spring Lake, Ottawa County, Michigan, certify that the foregoing Solid Waste Ordinance was adopted at a regular meeting of the Village Council held on 2023. The following members of the Village Council were present at that meeting: Duer, Petrus, Powers, TePaste & Van Leeuwen-Vega
The following members of the Village Council were absent: Abbott & Roggenbau. The Ordinance was adopted by the Village Council with members of the Council: 5 voting in favor, and 0 members of the Council voting in opposition. Notice of Adoption of the Ordinance was published in *The Grand Haven Tribune* on July 22nd, 2023.

Marvin Hinga, Clerk/Treasurer
Village of Spring Lake