

**ORDINANCE No.: 17**

THE COUNTY OF GRAND TRAVERSE ORDAINS:

Ordinance No. 17, the Grand Traverse Solid Waste Ordinance, is hereby amended to read as follows:

AN ORDINANCE TO REGULATE THE COLLECTION, TRANSPORTATION, DELIVERY AND DISPOSAL OF SOLID WASTE, YARD WASTE, AND RECYCLABLE MATERIALS; TO REQUIRE THE LICENSING OF HAULERS; TO ESTABLISH CONDITIONS OF THE HAULER LICENSE REQUIREMENTS; TO PROVIDE FOR COUNTY-DESIGNATED FACILITIES; TO PROHIBIT ROADSIDE DUMPING OF REFUSE; TO PROHIBIT SCAVENGING OF RECYCLABLES; TO ALLOW THE PROMULGATION OF RULES AND REGULATIONS; AND TO PROVIDE PENALTIES AND REMEDIES FOR VIOLATIONS THEREOF:

- Section 1: Definitions
- Section 2: Licensing of Haulers
- Section 3: Conditions of Hauler License
- Section 4: Collection and Delivery of Solid Waste
- Section 5: Proper Disposal of Solid Waste
- Section 6: Rules and Regulations
- Section 7: Penalties and Remedies
- Section 8: Severability
- Section 9: Repeal and Effective Date
- Section 10: Amendment

SECTION 1

DEFINITIONS

- 1.1 Definitions, for purposes of this Ordinance, the words and phrases listed below in alphabetical order shall have the following meanings.
  - 1) "Act 641" means Act No. 641 of the Public Acts of Michigan, 1978, the Solid Waste Management Act, as amended.
  - 2) "Administrator" means the Manager of the Grand Traverse County Resource Recovery Department or other person as appointed by the County Board to administer Ordinance No. 17 or enforce the elements of this Ordinance.
  - 3) "Banned Material" means any material that cannot be included in the solid waste set out for collection from any premises located within the County.
  - 4) "Banned Materials List" means a list established by the BOC of banned materials.

- 5) "BOC" means the Board of Commissioners of Grand Traverse County.
- 6) "County Board" means the County Board of Commissioners of Grand Traverse County.
- 7) "County" means the County of Grand Traverse, Michigan, acting by and through its County Board.
- 8) "County-Designated Facility" or "Designated Facility" means a facility which the County has identified as an approved location for the disposal of solid waste or the collection, processing and marketing of yard waste or recyclable material. A County-Designated Facility would include any of the following: 1) a solid-waste transfer facility, 2) a sanitary landfill, 3) a solid waste processing plant or 4) any other facility utilized in the collection, transfer, processing or disposal of solid waste, yard waste or recyclable material.
- 9) "Demolition and Construction Debris" means a type of solid waste consisting of waste building materials and rubble resulting from construction, remodeling, repair and demolition operations on houses, commercial buildings and other structures. Construction and demolition debris includes trees, stumps, and brush removed from property during construction, maintenance or repair. Construction and demolition waste does not include any of the following, which is defined under this Ordinance as solid waste even if it results from construction, remodeling, repair and demolition of structures which includes: (a) garbage (b) furniture and (c) solid waste resulting from a processing technique that renders individual waste components unrecognizable, such as pulverizing or shredding. It also does not include any of the following which may require special disposal considerations: (a) asbestos waste, (b) drums and containers, (c) fuel tanks, (d) corrugated container board, and (e) appliances.
- 10) "Designated Curbside Recycling District" means areas designated in the County for which single-family residential structures and multi-family residential structures with 4 or less units per building are eligible to receive curbside collection services for yard waste and recyclable materials. Collection of recyclable materials is included in the cost of solid waste collection. Yard waste collection is available at an additional cost. Curbside recycling guidelines and map of designated curbside recycling district shall be established as an appendix to the Rules and Regulations promulgated under Section 6 of this Ordinance.
- 11) "Effective Operation Date" means April, 1992 unless otherwise specified in this Ordinance or the Rules and Regulations.
- 12) "Hauler" means any person possessing a valid hauler license from the county who is engaged in whole or in part in the business of collecting, transporting, delivering, or disposing of solid waste, yard waste or recyclable material within the County other than the refuse generated by the person so hauling.
- 13) "Hazardous Waste" means hazardous waste as defined in Act No. 64 of the Public

Acts of Michigan, 1979, as amended, and as identified in administrative rules promulgated pursuant to said Act by the Director of the Michigan Department of Natural Resources.

- 14) "Local Unit of Government" means a city, village, township or charter township located within Grand Traverse County.
- 15) "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.
- 16) "Premises" means a parcel of land, including any building or structures located thereon, within Grand Traverse County used for residential, commercial, industrial, agricultural or institutional purposes either separately or in combination to which a separate street address, postal address or box, tax roll description, or other similar identification has been assigned to or is in use by a person having control of the area.
- 17) "Recyclable Material" means material intended to be discarded by the generator as no longer useful to the generator that are to be collected, separated, or processed, and used as raw materials or products. Examples of recyclable material include newspaper, corrugated cardboard, magazines, computer print-out paper, office paper, glass containers, high density and low density polyethylene containers (HDPE and LDPE), polyethylene terephthalate (PET) containers, tin cans, ferrous metal and nonferrous metal.
- 18) "Refuse", for the purposes of this Ordinance, shall have the same meaning as Solid Waste.
- 19) "Solid Waste" means garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludges, solid commercial and solid industrial waste, and animal waste as defined in Section 7(1) of Act 641, as amended.
- 20) "Resource Recovery Council" means the standing advisory council to the Grand Traverse County Board of Commissioners that has been assigned oversight responsibility for the county-wide solid waste management system.
- 21) "Source Separated Yard Waste and/or Recyclable Materials" means yard waste or recyclable materials which are kept separate from refuse at the point of generation and have been prepared for disposal according to local guidelines for participation in county-wide recycling programs.
- 22) "Special Refuse" means furniture, household appliances, brush, large tree limbs and other bulky refuse items, with the exception of construction and demolition debris.
- 23) "Targeted Materials List" means the list established by the County BOC of all materials that are to be collected through the collection services for yard waste and recyclable materials provided by licensed haulers, through the drop-off depots and through the solid waste transfer stations.

- 24) "Tipping Fee" means a fee to be charged upon delivery of solid waste, recyclable materials or yard waste to a County-Designated Facility.
- 25) "Volume-Based Fee System" means a fee system, used by a licensed hauler to charge customers for services that meets requirements to establish an incentive for the customer to reduce waste and to recycle and compost as established by the BOC pursuant to this Ordinance.
- 26) "Yard Waste" means leaves, grass clippings, vegetable or other garden debris, shrubbery or brush or tree trimmings that can be converted to compost humus. This term does not include stumps, agricultural wastes, animal waste, roots, sewage sludge or garbage.

## SECTION 2

### LICENSING OF HAULERS

- 2.1 Hauler License. Subject to penalties prescribed in section 7.1, no person shall engage in the business of collecting, transporting, delivering, or disposing of solid waste, yard waste or recyclable materials generated by another person within Grand Traverse County without first obtaining a hauler license.
- 2.2 License Application. Every person desiring to engage in the business of collecting, transporting, delivering or disposing of solid waste, yard waste or recyclable materials generated by another person within Grand Traverse County shall make written application to the County on forms provided by or prescribed by the BOC on an annual basis to obtain a hauler license. The application shall require such information as will enable the Administrator to determine whether the applicant, if licensed, will serve the public in compliance with requirements of this Ordinance, and all other applicable laws, statutes, Ordinances, rules, and regulations.
- 2.3 License Fee. Annual license fee of \$50.00 (fifty dollars) shall be paid to the BOC upon submittal of a license application to the Administrator.  
  
The license fee shall continue in full force and effect until amended by the BOC, the BOC may, by resolution, decrease or increase any fee.
- 2.4 Approval or Denial of License. Upon receipt of an administratively complete application and upon payment of an applicant licensing fee, the Administrator shall forward the application to the BOC which shall grant or deny the hauler license within 45 days of receipt by the Administrator. If granted, the Administrator shall issue the license. The BOC may deny the issuance of the license for any of the following reasons:
  - a) Failure of the applicant to comply with this Ordinance.
  - b) Violations of this Ordinance or any other applicable federal, state, county and local laws, statutes, rules and regulations, including but not limited to those pertaining to the collecting, transporting, delivering or disposing of solid waste, yard waste and recyclable materials generated within Grand Traverse County.
  - c) Prior criminal convictions in connection with solid waste collection, processing and disposal activities in the last ten years (other than minor traffic offenses) by

the applicant, its subsidiaries or its parent company or prior license revocations by the applicant, its subsidiaries or its parent company.

- d) Misrepresentations of any material fact in the application for the license. If hauler license is denied, the BOC shall not refund the applicant licensing fee. Before denial of a license application, the BOC shall inform the applicant of its intentions and provide the applicant with an opportunity for a hearing before the BOC after which the BOC shall make its final decision. The request for a hearing must be filed by applicant with the Administrator within ten (10) working days of receipt of the denial.
- 2.5 License Expiration and Renewal. A license issued under section 2.4 shall expire on the first day of January of the following year. Licenses may be renewed annually following the same procedures set forth in this Section for license applications upon payment of the annual licensing fee, unless revoked in accordance with the terms of this Ordinance.
- 2.6 Non-transferability of Licenses. All licenses shall be non-transferable
- 2.7 Revocation of Hauler License. The BOC shall have the right to revoke the license of any hauler that fails to abide by any provision of this Ordinance and any rules and regulations so authorized. Prior to such action, the BOC shall inform the licensed hauler, via certified mail, of its intentions, provide justification used in consideration of the revoking action and provide the hauler with an opportunity for a hearing before the BOC after which the BOC shall make its final decision. Prior revocation of a license shall be sufficient grounds for refusal by the BOC to certify any future application by such licensee. The request for a hearing must be filed by hauler with the Administrator within ten (10) working days of receipt of the revocation.
- 2.8 Exemptions. Municipalities or persons hauling solid waste, yard waste or recyclable materials on a non-commercial basis from their own residence or business or performing an occasional service for neighbors, family or friends do not need a hauler license. Persons who arrange to backhaul recyclables in the same vehicles that deliver their goods do not need a hauler license but must comply with the reporting requirements described in Section 3.

### SECTION 3

#### CONDITIONS OF HAULER LICENSE

- 3.1 General License Conditions. It shall be a condition of each Hauler License that the hauler shall comply with all the following:
- a) All provisions of this Ordinance, and the Rules and Regulations promulgated under authority of this Ordinance.
  - b) All applicable federal, state, county and local laws, statutes, rules and regulations, including but not limited to those pertaining to the collecting, transporting, delivering or disposing of solid waste, yard waste and recyclable materials generated within Grand Traverse County.

- c) All applicable provisions of the Grand Traverse County Solid Waste Plan as required by Part 115, Solid Waste Management, of the NREPA, 1994 PA 451, as amended (Act 451) and any agreements regarding inter-county transport of solid waste authorized or restricted through that plan.
- d) All applicable provisions of the rules and regulations adopted and amended as required for the administration and operation of County-Designated Facilities.

3.2 Specific License Conditions. As part of the terms and conditions of Hauler License, issued pursuant to this Ordinance, the licensee agrees to:

- a) Residential Service: Upon request of a residential customer, provide or arrange to provide through subcontract, regularly scheduled curbside pickup services for yard waste and recyclable materials on the Targeted Materials List that are generated by single-family residential structures and multi-family residential structures with 4 or less units per building receiving solid waste collection services from the licensee. Service specifications will be developed by the BOC as described in the Rules and Regulations promulgated under Section 6 of this Ordinance.
- b) Commercial Service: Upon request of a commercial customer, provide or arrange to provide through subcontract, pickup services for yard waste and recyclable materials on the Targeted Materials List that are generated by commercial, institutional and industrial establishments and by residential multi-family structures with more than 4 units per building receiving solid waste collection services from the licensee. Service specifications will be developed by the BOC as described in the Rules and Regulations promulgated under Section 6 of this Ordinance.
- c) Banned Materials: Not allow materials to be included in the solid waste collected by the licensee that are on the Banned Materials List as described in the Rules and Regulations promulgated under Section 6 of this Ordinance.
- d) County-Designated Facilities: Arrange for delivery of all solid waste, yard waste and recyclable material collected under provisions of this Ordinance to County-Designated Facilities.
- e) Fees for Service: Establish any fee for service charged to customers as a Volume-Based Fee System as defined in this Ordinance and described in the Rules and Regulations promulgated under Section 6 of this Ordinance.
- f) Annual Reports: Submit annual updated hauler information as specified and required in the hauler license application.
- g) Quarterly Reports: File with the Administrator by the fifteenth day of January, April, July and October of each year, on a form provided by the Resource Recovery Department, operations information from the last full 3 month period which may include, at the discretion of the Administrator, documentation of the quantities in cubic yards and tons of solid waste, including demolition and

construction waste, and source separated yard waste and recyclable material collected by the licensee within Grand Traverse County.

#### SECTION 4

##### Collection and Delivery of Solid Waste

- 4.1 Approved Collection Methods. The owner of each residential, commercial, institutional and industrial property within Grand Traverse County shall be responsible for securing an approved method of collection for solid waste, yard waste, recyclable material, special refuse and construction and demolition debris generated on their premises. Transportation shall be by a licensed hauler, or by the owner of the premises to an approved County-Designated Facility.
- 4.2 Delivery of Solid Waste, Yard Waste and Recyclable Materials by Licensed Haulers. Licensed haulers shall deliver all solid waste, yard waste, recyclable material, special refuse and construction and demolition debris to a County-Designated Facility and pay any tipping fee for delivery thereof. No licensed hauler shall deliver such material collected or transported from a site of generation within the County to any site other than an approved County-Designated Facility.
- 4.3 Delivery of Solid Waste, Yard Waste and Recyclable Materials by Persons. A person transporting solid waste, yard waste, recyclable material, special refuse, construction debris, and demolition debris generated from his or her household or business shall deliver such material to a County-Designated Facility and pay any tipping fee for delivery thereof. No person shall deliver such material generated from his or her premise within the County to any site other than an approved County-Designated Facility.

#### SECTION 5

##### Proper Disposal of Solid Waste

- 5.1 Unlawful Dumping. No person shall deposit or cause to be deposited, sort, scatter, throw, drop or leave any solid waste, hazardous waste, special waste, banned materials, construction or demolition debris, yard waste or recyclable material, as herein defined, upon or into any street, right-of-way, alley, container or other property, public or private, within Grand Traverse County except in accordance with the provisions of this Ordinance.
- 5.2 Accumulation of Refuse. No owner or occupant of a commercial establishment shall permit the accumulation of solid waste upon any commercial premises for a period in excess of fifteen (15) days. No owner or occupant of a residential dwelling unit shall permit the accumulation of solid waste upon a residential premise for a period in excess of thirty (30) days.
- 5.3 Composting and Recycling. Yard waste may be accumulated for composting purposes in a manner which will not harbor rodents or become a public nuisance. Source separated recyclable materials may be accumulated in a manner which will not create odor, harbor rodents or become a public nuisance for the purpose of transport and delivery to a County Designated recycling facility.

- 5.4 Restrictions. No person shall place in any container or receptacle intended for receipt of solid waste, special waste, banned materials, construction or demolition debris, yard waste or recyclable material any other material that might endanger the collection personnel or that would be detrimental to the normal collection operation, for example: gaseous, solid, or liquid poisons, dead animals, ammunition, explosives, or any material that possesses heat or chemical properties sufficient to ignite any other collected materials.
- 5.5 Anti-Scavenging Provision. No person shall take, collect or transport from any street right-of-way, alley or dumpster within this County any recyclable material that has been designated for collection by a public agency or licensed hauler unless otherwise provided for. This restriction applies to materials that have been placed at a drop-off location, at the edge of a curb, road or alley, or at other designated collection sites. Scavenging of materials set out for refuse pick up is acceptable to reduce the volume of reusable material sent to the landfill.

## SECTION 6

### RULES AND REGULATIONS

- 6.1 Promulgation of Rules and Regulations. The BOC may draft and adopt rules and regulations to carry out the provisions of this Ordinance including those pertaining to the administration, implementation and continued operation of any projects related to this Ordinance; the establishment, administration and enforcement of hauler licensing requirements and service specifications; the definition of materials on the Banned and Targeted Material Lists; and the establishment, administration and enforcement of provisions for County-Designated Facilities. The rules and regulations may be amended from time to time by resolution and shall be subject to the BOC approval.

## SECTION 7

### PENALTIES AND REMEDIES

- 7.1 Penalties and Remedies.
- a) A violation of this ordinance is a municipal civil infraction, subject to a fine of not more than \$500 plus court costs. Each day that a violation occurs or continues shall be deemed a separate offense.
  - b) Any person who refuses to abate a violation of this ordinance upon the demand of an authorized local enforcement officer, interferes with an officer(s) enforcement of the ordinance, or retaliates against another who had made complaint of a violation of this ordinance is guilty of a misdemeanor punishable by maximum 90 days in jail and a fine of \$500.00 plus court costs.
  - c) The violations, penalties and remedies available under this section are in addition to and are not intended to in any way replace those violations and/or penalties and remedies that a state statutes defines as a misdemeanor or felony.



SECTION 8

SEVERABILITY

- 8.1 Severability. Sections of this Ordinance shall be deemed severable and should any section, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

SECTION 9

REPEAL AND EFFECTIVE DATE

- 9.1 Effective Date. This Ordinance amendment shall become effective 30 days after adoption.
- 9.2 Repeal Clause. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 10

AMENDMENT

- 10.1 Amendment. Promulgation of any amendments to this Ordinance will be adopted by the County in accordance with the following procedure:
- a) Proposed amendments are reviewed by the BOC's Resource Recovery Council and submitted to the County Board of Commissioners.
  - b) Proposed amendments are initially accepted by the Board of Commissioners for further consideration and final adoption.
  - c) Proposed amendments are sent to each Local Unit of Government, all licensed haulers, all designated facility operators and public notice printed in the Traverse City Record Eagle, at least 30 days prior to final consideration by the County Board of Commissioners.
  - d) A public hearing on the proposed amendments shall be held by the County Board of Commissioners no earlier than 30 days after the notification described in 10.1c.
  - e) After the 30 day comment period and the public hearing record, the County Board of Commissioners may adopt, reject, repeat the comment period, or further revise any or all of the proposed amendments at its own discretion. Any substantial revisions to a proposed amendment in response to the comments received shall require a repeat of the 30 day comment period opportunity.
  - f) This amendatory process is supplemental to any statutory requirements for County ordinance adoption and amendments under State law.