

## Chapter 12

### GARBAGE AND REFUSE<sup>1</sup>

#### Sec. 12-1. Definitions.

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them:

*Ashes.* The word “ashes” shall mean the solid residue of combustion of fuel used in heating and cooking operations and residue from incinerators, as occurring in households, apartments, offices or business places, but not to include residue from industrial plants or operations.

*Garbage.* The word “garbage” shall mean waste foodstuffs or table wastes of vegetable or animal origin, together with other incidental admixtures. Dead animals weighing ten (10) pounds or less shall be classed as garbage.

*Garden Rubbish.* The term “garden rubbish” shall mean garden, lawn or tree trimmings, leaves and dead garden plants from the normal household. It shall not include rubbish from the work of a landscape gardener or private companies.

*Refuse.* The word “refuse” shall mean garbage, ashes, rubbish and garden rubbish, separately and collectively.

*Rubbish.* The word “rubbish” shall mean the waste materials from normal household or living conditions and business operations. It shall not include factory wastes or refuse from industrial plants of any character or waste material from building construction or repair. In general, rubbish is paper, rags, bottles, tin cans, cardboard, worn out clothing or furniture, excelsior and the like.

(Code 1957, § 2.1; Ord. No. 41, § 1, 12-1-69)

**Cross reference**-Definitions and rules of construction generally, §§1-.2.

#### Sec. 12-2. City Policy in Collection of Refuse.

(a) The City Manager shall establish schedules and methods for the collection of all classes of refuse. Information concerning such schedules and methods and the charges therefore shall be prepared by the City Manager and made available to residents and business and commercial establishments.

(b) Collections of refuse shall be made by the city without charge except that a special charge based on cost shall be made for:

- (1) Collections in excessive volume (see Section 12-8); and

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<sup>1</sup> **Cross references**-Restaurants, § 13.30 et seq.; nuisances, Ch.15; waste containers in parks §17-4; utilities, Ch. 23.

**State law reference**- -Authority to regulate disposal of garbage and rubbish, MCL §123.241 et seq., 123.361 et seq., MSA §5.2661 et seq., 5.2726(1) et seq.

(2) Garbage (see Section 12-14).

(c) The city shall not be obliged to collect matter excluded from the definition of refuse (factory wastes, industrial refuse, construction wastes, landscape gardeners wastes, etc., (see Section 12-1) but in the discretion of the City Manager, and the facilities of the City allowing, such matter may be collected by the City subject to payment therefore of cost plus ten (10) percent.

(d) It shall be the policy of the City to minimize the need for the collection of garbage and to encourage the disposal of garbage by means of garbage grinders emptying into the sewer system or incinerators<sup>2</sup> separately fueled and capable of converting garbage to rubbish and ashes. This policy shall be carried out by requiring garbage grinders or incinerators - to be installed in connection with all construction or major repairs (see, Section 12-13) and by imposing a special charge for garbage. See, Section 12-14.  
(Code 1957, § 2.2; Ord. No. 23, § 2, 8-24-59)

**Sec. 12-3. Rules and Regulations; Refuse Container Specifications; Containers to be Provided.**

The Department of Public Service shall adopt specifications for refuse containers and may adopt rules and regulations for the collection and disposal of refuse, not inconsistent with this chapter, subject to the approval of the City Manager. It shall be the duty of the occupant of premises in the City to provide containers conforming to such specifications, through purchase of such containers from the City or otherwise. Refuse containers made available for purchase or lease from the City shall be upon such terms as set by the City Council by resolution. Failure to comply with any rule or regulation duly adopted as herein provided shall be deemed a violation of this chapter.  
(Code 1957, § 2.7; Ord. No. 98, § 1, 3-15-83)

**Sec. 12-4. Refuse Storage.**

A sufficient number of containers for refuse accumulating between collection days shall be provided by every householder or other person or persons served. Containers for refuse shall be of a type approved by the City, as established by the Department of Public Service and approved by the City Manager, pursuant to Section 12-3 of this chapter.  
(Code 1957, § 2.3; Ord. No. 41, § 1, 12-1-69; Ord. No. 98, § 1, 3-15-83)

**Sec. 12-5. Refuse Containers.**

All refuse placed at the curb or by the alley for pick up shall be in containers approved by the City. The permissible types of containers shall be established by the Department of Public Service and approved by the City Manager, pursuant to Section 12-3 of this chapter. Discarded furniture, appliances or similar bulky items not subject to decomposition, shall be either broken and reduced in volume so as to permit safe and speedy handling or, if such procedure is not

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<sup>2</sup> **Editors note**-Section 12-13, as amended by Ord. No. 101, §9, effective June 1, 1983, no longer provides for the disposal of garbage by the use of incinerators.

practicable, the owner shall call the Department of Public Service to arrange for special handling. The greatest dimension of such bulky articles shall not be more than three (3) feet. Branches shall be cut to not over four (4) feet.

(Code 1957, § 2.4; Ord. No. 41, § 1, 12-1-69; Ord. No. 98, § 1, 3-15-83)

**Sec. 12-6. Collection Place.**

Refuse for collection shall be placed at the curb or the property abutting the alley, contiguous with the resident's or owner's Main Building as if there was a line from the side walls of the Main Building that extended through the public right of way to the edge of the street, only on the day on which collection will be made or after 6:00 p.m. on the date preceding such collection days. No garbage cans or permanent refuse containers or carrier shall be left out at the curb or on the property abutting the alley.

(Code 1957, §2.5; Ord. No. 41, § 1, 12-1-69; Ord. No. 57, § 1, 1-1-73; Ord. No. 98, § 1, 3-15-83)

**Sec. 12-7. Disposal of Household Articles.**

(a) "Household article," for the purpose of this Section, means any appliance, furniture or other personal property used in or on residential premises, excluding furnaces and components thereof, motor vehicles of any kind, boats, trailers and the like. "Major household article" means any household article which weighs more than twenty-five (25) pounds.

(b) Household articles other than major household articles shall be disposed of by residents in the same manner as they dispose of other trash.

(c) Major household articles shall be disposed of according to the following procedures:

- (1) The resident shall call the Department of Public Service to request pickup of the major household article.
- (2) The Department of Public Service shall schedule a date for pickup, treating requests on a first come, first served basis.
- (3) The resident shall place such major household article at the curb in front of his residence or on his property abutting the alley either on the date scheduled for pickup by the Department of Public Service or after 6:00 p.m. of the day preceding such pickup date.
- (4) No major household article should be set out for city pickup except in accordance with the foregoing procedure.

(Ord. No. 56, § 1, 10-16-72)

**Sec. 12-8. Excessive Volumes.**

In any case where on account of extensive garden work, housecleaning, or other such cause not occurring within a municipally sponsored “clean-up week” there is an unusually large accumulation of brush or trash, a charge shall be made for the cost of collection.  
(Code 1957, § 2.6; Ord. No. 23, § 2, 8-24-59)

**Sec. 12-9. Scavengers.**

It shall be unlawful for anyone, other than the tenants or occupants of the premises or the regularly authorized employees or licensees of the City to disturb any refuse containers or to remove their covers or any of the contents thereof. It shall be unlawful for anyone to cause such refuse containers or their contents to be strewn or scattered on lawns, sidewalks, alleys or streets.  
(Code 1957, § 2.8; Ord. No. 41, § 1, 12-1-69)

**Sec. 12-10. Private Collectors.**

Any person who desires to collect refuse of any character from any residence, store or other place of business, shall first obtain a license authorizing him to engage in such occupation in accordance with the provisions of Chapter 13.  
(Code 1957, § 2.9)

Cross reference-Licenses generally, Ch. 13.

**Sec. 12-11. Deposit of Refuse.**

It shall be unlawful for any person to deposit, throw or place any refuse in any alley, street or private premises otherwise than in accordance with the provisions of this chapter.  
(Code 1957, § 2.11)

**Sec. 12-12. Littering.**

No person shall, without the lawful consent of the public authority having supervision of public property or the owner of private property, dump, deposit, piece through, or leave or cause or permit the dumping, depositing, placing, throwing, or leaving of, litter on any public or private property or waters other than property lawfully designated and set aside for such purposes. The phrase “public or private property or waters” includes, but is not limited to, the right-of-way of any road or highway, any body of water or watercourse, or the shores or beaches thereof and including the ice above such waters; any park, playground, building, or recreation area; and any residential properties. The term “litter” as used herein means all rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, debris or other foreign substances of every kind and description.

(Ord. No. 48, § 1, 3-1-72)

State law reference-Littering, MCL §752.901, MSA §28.603(1)

## **Sec. 12-13. Garbage Grinders Required.**

Garbage grinders shall be required in connection with new construction or major repairs as follows:

- (1) All residential buildings constructed under permit issued after June 1, 1983, and all other buildings or structures used for purposes which develop food wastes and constructed under permit issued after such date shall have installed a garbage grinder conforming to the provisions of this section.
- (2) In the case of any residence or any such other building or structure constructed under permit issued prior to such date, the installation of a grinder shall be required:
  - (a) In the case of a major repair or replacement of such a nature as to make it convenient and practicable to install a garbage grinder where such residence, building or structure does not already contain a grinder conforming to this section; or
  - (b) When required by any other provision of this Code.
  - (c) The remodeling of a kitchen, involving the installation of a new sink, shall be deemed an alteration in which the installation of a garbage grinder is convenient and practicable.
  - (d) No person shall be required to install a garbage grinder in accordance with this Subsection in any case in which the Department of Public Service finds that installing a garbage grinder would be inadvisable or troublesome due to limitations in the existing plumbing or private sewer connection or other such serious practical difficulty.
- (3) No garbage grinder shall be deemed to satisfy the provisions of this section unless it be of size and design adapted to grind all garbage and food wastes (shells, large bones and the like excepted) likely to be accumulated on the premises and unless it be installed and connected in such a way as to secure good performance.
- (4) The Department of Public Service shall maintain a list of approved makes of garbage grinders, and no garbage grinder not in the list shall qualify under this section, until its acceptability has been demonstrated to the satisfaction of the department.
- (5) Where there is more than one housekeeping unit within the same building, garbage grinders shall be supplied for each such unit.
- (6) Installation, operation and maintenance of any equipment or method to be used for the disposal of food wastes shall comply with the applicable laws, ordinances and regulations concerning building, housing, plumbing, electricity, smoke abatement, air pollution, safety engineering, health, sanitation and fire prevention.

(Ord. No. 23, § 2, 8-24-59; Ord. No. 101, § 9, 6-1-83)

**Cross reference**-Technical code requirements, § 7-1 et seq.

**Editors note**-Numbering and paragraph divisions are changed to provide conformity, at the discretion of the editor.

#### **Sec. 12-14. Payment for Garbage Collections.**

(a) All garbage collected within the City shall be collected at the expense of the owner and not at public expense. Based on costs determined under Subsection (b), the City Manager shall, from time to time, fix and publicize rates for the collection of garbage. All persons desiring garbage collection service shall register with the Department of Public Service and shall agree to pay the garbage collection charges as from time to time so established. In any case where the City Manager has reason to doubt the collectibility of such charges, he may require advance deposits to secure the same.

(b) The City Comptroller shall from time to time make studies of the costs of collecting garbage and other refuse, making suitable allowance for all direct and indirect costs including wages, supervision, supplies, equipment and depreciation thereon, pension costs, overhead, and all other matters which would be a proper element of cost under accepted principles of accounting for concerns operating for a profit. The City Manager shall from time to time fix the charges required under this chapter in the light of such studies.

(Ord. No. 23, § 2, 8-24-59)

#### **Sec. 12-15. Violations.**

(a) The first violation of Section 12-15 within thirty-six months shall be a civil infraction with a maximum penalty of a \$50 fine. The second violation of Section 12-15 within thirty-six months shall be a civil infraction with a maximum penalty of a \$100 fine. The third violation of Section 12-15 within thirty-six months shall be a civil infraction with a maximum penalty of a \$150 fine. The fourth violation of Section 12-15 within thirty-six months shall be a misdemeanor with a maximum penalty of a \$500 fine and/or 90 days in jail. The fines described in this Section shall be in addition to cost assessments, expenses, and/or damages assessed under the law.

(Ord. No. 195, §3, 10-23-08).