

35.400

**WASTE DISPOSAL; LICENSING; RECYCLING;
PORTABLE STORAGE CONTAINER; UNLICENSED/
INOPERABLE/ABANDONED VEHICLES
CITY OF GAYLORD, MICHIGAN**

(ord. amend. eff. Mar. 23, 1992)
(ord. amend. eff. July 12, 1998)
(ord. amend. eff. August 10, 1998)
(ord. amend. eff. May 23, 2022)

35.401

Sec. 6601. **DEFINITIONS.**

When used in this ordinance the following words and phrases shall have the meanings respectively ascribed to them:

1. **"Bulky Wastes"** means discarded furniture, appliances, tools and other goods, including tables, sofas, stoves, refrigerators, lawn mowers, and such other items as are commonly known as junk. Bulky Wastes also includes motor vehicle bodies, frames, engines and all types of industrial, commercial or consumer machinery and equipment which because of obsolescence, lack of repair or disuse does not possess a present value in excess of scrap salvage value. Failure to utilize any item above described for a period of thirty (30) consecutive days shall constitute prima facie evidence of its being Bulky Waste as herein defined.
(ord. amend. eff. May 23, 1994)
2. **"Compostables"** means yard waste including grass clippings, leaves and brush trimmings which are less than one-quarter (1/4) inch in diameter or less than a standard pencil in diameter.
3. **"Garbage"** means rejected food wastes and all refuse 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 vegetables. and all refuse 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 vegetables.
4. **"Hazardous Waste"** means waste or a combination of waste and other discarded material including solid, liquid, semi-solid, or contained gaseous material which because of its quality, concentration, or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or increase in serious irreversible illness or serious incapacitating, but reversible illness, or pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed of, or otherwise managed.

5. **"Recyclables"** means selected items that are authorized to be picked up to be recycled. It may include, but need not be limited to, such items as newspaper, tin, aluminum, glass, and Type I and Type II plastic, as well as any other items from time to time designated by the City Council as Recyclables.

6. **"Rubbish"** means paper, rags, rubber, window glass, ordinary wastes from residences and business establishments and all other items not specifically defined in this section.

7. **"Person"** means any individual, firm, owner, occupant, tenant, corporation, partnership or person.
(ord. amend. eff. Mar. 23, 1992)

8. **"Portable Storage Container"** means any container designed and/or used for the temporary storage of personal property, including semi-trailers, cargo containers, inoperable vehicles, train/vehicle trailers, and portable storage on demand containers (PODS).

7. **"Solid Waste"** means compostables, garbage, bulky waste, rubbish, recyclables, ashes, incinerator ash, incinerator residue, hazardous waste, and solid commercial or solid industrial waste, but does not include human body waste, liquid or other waste regulated by statute, ferrous or nonferrous scrap directed to a scrap metal processor or to a reuser of ferrous or nonferrous products.

(ord. amend. eff. May 23, 2022)

35.402

Sec. 6602. LICENSING.

1. No person shall engage in the business of collecting, transporting, delivering, or disposing of solid waste and/or recyclable materials within the City of Gaylord without first obtaining a license issued by the City Council.

2. Initial permits issued under this ordinance shall be effective commencing April 1, 1992, and expire on June 30, 1993. Thereafter, any license issued hereunder shall be for a period from January 1 to the following December 30. City Council may, in its discretion, issue permits for any lesser period of time, with such conditions as the Council deems appropriate.
(ord. amend. eff. August 10, 1998)

3. Every person required to obtain a waste hauler license shall make application to the City Council on forms provided by the City Clerk's office. The application shall require such information as will enable the City Council to determine whether the applicant, if licensed, will serve the public in compliance with the requirements of this Ordinance and all other

applicable laws, statutes, ordinances, rules and regulations. At a minimum, the license application will provide the following information:

- a. The manner in which the licensee will collect, handle and dispose of compostables and other solid waste.
 - b. The method that will be used by the licensee to educate their customers concerning the recycling program.
(ord. amend. eff. August 10, 1998)
 - c. The manner in which the licensee will handle the requirements of the recycling program for their customers.
(ord. amend. eff. August 10, 1998)
4. A license issued under this ordinance is not transferable or assignable to any other person.
5. The license fee shall be as established by the City Council from time to time. License fees shall be based on a full one year period. Licenses issued for less than a full one year period will be pro-rated on a daily basis.
6. Each licensee shall comply with such rules and regulations as may be adopted by the City Council from time to time. The City Council is hereby granted the authority to adopt such rules and regulations as, in the discretion of the City Council, are reasonable and necessary to carry out the provisions of this ordinance and to protect the health, safety and general welfare of the citizens of the City of Gaylord.
(ord. amend. eff. Mar. 23, 1992)

35.403

Sec. 6603. DENIAL, REVOCATION OR SUSPENSION OF LICENSE.

1. The City Council will consider each original or renewal waste hauler license application at a regular meeting of the City Council.
2. The City Council may deny issuance of a license for any of the following reasons:
 - a. Failure of the applicant to comply with any of the terms, conditions, requirements or regulations of this Ordinance or of any rules, requirements or regulations adopted by the City Council pursuant to this Ordinance.
 - b. Violation of this Ordinance or any applicable State or Federal law, statute, ordinance, rule or regulation.
 - c. Prior criminal conviction(s), other than minor traffic offenses, which bear on the ability of the applicant to serve the public as a waste

hauler in a fair, honest, safe and lawful manner.

- d. Prior license suspension(s) or revocation(s).
 - e. Misrepresentation of any material fact in the application for the license.
3. Any waste hauler license granted pursuant to this Ordinance may be suspended or revoked by the City for any of the reasons for denial of such license set forth above and by the following procedure:
- a. The City Manager may recommend suspension or revocation to the City Council in writing, which writing shall set forth with specificity the facts upon which the recommendation is based.
 - b. The licensee shall be provided with a copy of such recommendation along with notice of the date, place and time at which the City Council will consider the same. Such notice shall be provided at least ten (10) days prior to the time when the City Council will consider the recommendation.
 - c. The licensee shall have the right and opportunity to appear before the City Council, at a public meeting, and present its position in regard to the recommendation of the City Manager.
 - d. After considering the recommendation and any information provided by the licensee, the City Council shall take action on such recommendation and shall have the power to deny, modify, or affirm the recommendation or take such other action as the Council determines to be fair and reasonable. The decision of the City Council shall be final, subject to appeal to a court of competent jurisdiction.
(ord. amend. eff. Mar. 23, 1992)

35.404

Sec. 6604. REQUIREMENTS AND REGULATION OF LICENSEES.

The following requirements and regulations shall be applicable to all licensees.

- 1. Each and every licensee shall comply with such rules and regulations as are, from time to time, adopted by the City Council. The City Council is hereby granted the authority and discretion to adopt such rules and regulations as shall be, in the determination of the City Council, reasonable and necessary to carry out the terms of this ordinance and/or to protect the health, safety and general welfare of the citizens of the City of Gaylord.
- 2. All waste will be properly disposed of at a State or Federally licensed facility. All recycled material must be handled and processed according to any applicable State or Federal law and requirement.

(ord. amend. eff. July 12, 1998)

3. All waste hauling equipment must abide by any and all weight restrictions placed on municipal streets. The licensee will use enclosed, leak-proof, packer-type or container truck bodies or containered trailers to transport waste. Trucks will be kept in good and efficient working order to ensure proper and efficient service to City customers. Vehicles will also utilize a flashing, rotating, or oscillating beacon warning light per State regulations. (ord. amend. eff. Mar. 23, 1992) (ord. amend. eff. August 10, 1998)

35.405

Sec. 6605. RECYCLING PROGRAM; ESTABLISHMENT, REQUIREMENTS AND REGULATIONS.

1. In order to reduce the amount of solid waste materials disposed of in landfills, to protect our environment, to conserve our natural resources, to save energy and to contain the financial burden of solid waste disposal, the City Council may establish a city-wide recycling program. (ord. amend. eff. August 10, 1998)
2. Each residential licensed waste hauler within the City of Gaylord shall provide a recycling program to its customers, which program shall contain the minimum requirements set forth in this ordinance and in any rules and regulations adopted by the City Council. (ord. amend. eff. August 10, 1998)
3. The City Council shall adopt ordinances or regulations specifying the type of residential recyclable materials to be separated; the preparation of recyclable materials for collection; the method of collection of recyclable materials; and a list of specific items which may be designated as recyclable materials. Such items shall be items that are generally accepted by the recycling industry for remanufacturing and reuse, which can be cleaned, prepared and stored in a manner to protect the public welfare, safety and environment, and which can be collected and recycled without threatening the economic viability of the recycling program. Copies of any such regulations adopted by the City Council shall be on file with the City Clerk. The City Council, upon the recommendation of the City Manager may amend the regulations as circumstances warrant in accordance with the procedure for the adopting of the regulations. (ord. amend. eff. August 10, 1998)
4. All recyclable materials intended and set out at designated collection points for the recycling program shall be cleaned, prepared and stored in accordance with the regulations adopted by the City Council.
5. Ownership of recyclable materials remains with the person or household from which the materials originated until collected by a licensed waste hauler. Upon collection from a designated collection point, ownership of properly prepared and stored recyclable materials shall be vested in the

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licensed waste hauler. Materials not prepared, cleaned or stored according to this Ordinance or regulations of the City Council shall remain the responsibility and property of the individuals or household from which the materials originated. Nothing in this Ordinance shall abridge the right of any individual or household to give or sell their recyclable materials to any recyclable materials program.

6. No person other than one licensed under this Ordinance shall take or collect recyclable material set out for authorized collection within the City of Gaylord.
(ord. amend. eff. Mar. 23, 1992; May 23, 2022)

35.406

Sec. 6606. WASTE RECEPTACLES.

1. No person shall dispose of any solid waste within the City of Gaylord except to a waste hauler licensed under this Ordinance.
2. Suitable waste containers shall be provided by the owner, tenant, lessee or occupant of each premises within the City of Gaylord. Such containers shall be of the type described below:
 - a. Water tight metal or plastic containers equipped with tight fitting covers sufficient to keep out water and prevent disturbance by animals. All such receptacles shall be equipped with suitable handles by which they may be lifted.
 - b. Plastic trash bags with a maximum capacity of 33 gallons, which may be used either as liners for metal containers or independently for garbage and rubbish storage.
(ord. amend. eff. August 10, 1998)
3. All bulk rubbish accumulating on any premises, such as cardboard containers, wooden crates and similar rubbish, shall be flattened and tied in bundles or packed in suitable containers and in no case shall any such bundle be larger than two feet by four feet.
4. Brush shall be cut into three foot lengths or less and tied into bundles weighing not more than sixty pounds.
5. All garbage from residential structures shall be securely wrapped and placed in approved garbage receptacles as hereinbefore described. Noncombustible rubbish shall be in separate containers and shall be in no case intermingled with garbage or placed in garbage receptacles.
(ord. amend. eff. Mar. 23, 1992)

35.407

Sec. 6607. COLLECTION PROCEDURES.

1. It shall be the duty of the owner, occupant or person in charge of any

dwelling, house, store or other business establishment to place or cause to be placed on the days scheduled for the collection of solid waste from the said premises, the receptacles containing such solid waste at the curb line in the front of the building. Such solid waste containers shall not be set out for collection prior to 6:00 o'clock in the afternoon preceding the day of the collection or later than 7:00 o'clock in the morning on the day of collection. After such receptacles are emptied they shall be removed from the street on the same day collections are made.

2. It shall be the duty of the owner, occupants or other persons in charge of any dwelling, house, store, or business establishment to see that no rubbish, other combustible or noncombustible, is placed or permitted to remain in any street, alley or other public place, or any private place except a building or other suitable storage place. It shall also be unlawful for any such person to store any hazardous waste, flammable rubbish or other waste material where it would cause a fire hazard. When any such owner, occupant or other person in charge of any premises permits any rubbish or combustible material to accumulate in any public alley, street or other public place, or any private place, outside of a storage or other approved building, after the last regular scheduled time for collection in any week, the City Manager shall have the authority to cause to be collected such rubbish or other material at any time between the last scheduled collection at the end of said week and the first scheduled regular collection in the following week. The cost of said special collection shall be charged to the owners or occupants of property permitting such rubbish or other material to accumulate.
3. It shall be the duty of the owner, occupant or person in charge of any dwelling, house, store or business establishment to dispose of any tree limbs or tree trunks in excess of four inches in diameter, tree stumps, roots or diseased trees.
4. The accumulation of bulky waste in open spaces upon public or private property is prohibited. It shall be the duty of the owner, occupants or other persons in charge or possession of any dwelling, house, store, or other business establishment to see that no bulky waste is placed or permitted to remain in or upon any street, alley, or other public place, or any private place except a fully enclosed building. When any owner, occupant or other person in charge of any premises permits any bulky waste to be present in violation of this Ordinance, the Chief of Police or the City Manager shall have the authority to cause the same to be collected and disposed of. The cost of said collection shall be charged to the owner of the real property from which the bulky waste is removed and said cost, if not paid promptly, shall be added to the tax bill for such property.
(ord. amend. eff. Mar. 23, 1992; ord. amend. eff. May 23, 1994))

35.407a

Sec. 6607a. PORTABLE STORAGE CONTAINERS, UNLICENSED/
INOPERABLE/ABANDONED VEHICLES.

1. It shall be unlawful for an owner, occupant or other person in charge of or in possession of any property to permit or allow any portable storage container, unlicensed motor vehicle, inoperable motor vehicle, or abandoned motor vehicle to remain in or upon any street, alley or other public place, or any private place except within a fully enclosed building for a period in excess of thirty (30) days. For the purposes of this Section, a motor vehicle is "inoperable" where it may not be legally operated on a public highway under the Michigan Motor Vehicle Code or the Uniform Traffic Code for Cities, townships, and Villages.

(ord. amend. eff. May 23, 1994; ord. amend. eff. May 23, 2022)

2. If any portable storage container or motor vehicle is in or upon any public or private place in violation of subsection 1. or 2., above, the City Manager, Chief of Police or their designee may issue a notice to the owner or to the owner of the property where such container or vehicle is located, to remove the same within seven (7) days. If the container or motor vehicle is not removed within seven (7) days after the notice, the Chief of Police, City Manager or their designee shall have the authority to cause the container or motor vehicle to be removed and disposed of and the cost thereof, if not paid promptly, shall be added to the tax bill for such property.

(ord. amend. eff. May 23, 1994; May 23, 2022)

3. In addition to the foregoing, the owner of such container or motor vehicle and/or the owner of the property where such container or motor vehicle is located, if the same is not removed within seven (7) days after the notice specified in subsection 3., above, may, in the discretion of the Chief of Police or City Manager, be charged with a civil infraction punishable by a fine of \$100.00. Each day that a container or motor vehicle remains on private property in violation of this Ordinance shall constitute a separate civil infraction.

(ord. amend. eff. May 23, 1994; May 23, 2022)

35.408

Sec. 6608. UNLAWFUL BURNING.

No person shall cause or permit any open burning of fuel, garbage, rubbish, or other combustible refuse or waste material, including by way of description but not by way of limitation, leaves, brush, tree trimmings and grass. This provision shall not be construed to prohibit fires of charcoal or a non-ash producing fuel when used on private property for the exclusive preparation of food for human consumption.

(ord. amend. eff. Mar. 23, 1992)

35.409

Sec. 6609. ENFORCEMENT.

2. All nonconforming trash receptacles must be rejected and tagged by the licensed waste hauler who shall tag the containers and shall state the reason collection was not made.

2. Officers of the police department, City Manager, City Clerk, City Fire Marshall or other designee of same are hereby authorized to charge a person with violating this ordinance if the person fails to remove, abate, or cure the violation within 7 days' notice by mail, posting, or personal service. (ord. amend. eff. Mar. 23, 1992; May 23, 2022)

35.410 Sec. 6610. **PENALTY.**

Any person, firm or corporation violating any of the provisions of this ordinance or any of the provisions of any rule or regulation lawfully adopted pursuant hereto, shall upon conviction, be subject to a fine not to exceed One Hundred (\$100.00) Dollars or by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment in the discretion of the court. (ord. amend. eff. Mar. 23, 1992)

- 35.402** (ord. amend. August 10, 1998)
- 35.404** (ord. amend. July 12, 1998, and August 10, 1998)
- 35.405** (ord. amend. July 12, 1998, and August 10, 1998)
- 35.406** (ord. amend. August 10, 1998)
- 35.411** (ord. deleted Mar. 23, 1992)
- 35.412** (ord. deleted Mar. 23, 1992)
- 35.413** (ord. deleted Mar. 23, 1992)
- 35.414** (ord. deleted Mar. 23, 1992)
- 35.415** (ord. deleted Mar. 23, 1992)
- 35.416** (ord. deleted Mar. 23, 1992)
- 35.417** (ord. deleted Mar. 23, 1992)
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