

TITLE SIX – Other Public Services
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CHAPTER 1060
 Solid Waste Collection and Disposal

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CROSS REFERENCES

Garbage and refuse generally - see M.C.L.A. Secs. 46.171 et seq.; 123.241 et seq.,
123.361 et seq.

Municipal authority - see M.C.L.A. Secs. 123.301 et seq.

Storage or accumulation of waste - see GEN. OFF. 656.04

Littering - see GEN. OFF. 664.02; B.R. & T. 868.04

Disposal of house trailer waste and garbage - see B. & H. 1460.03

1060.01 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) "Garbage" means rejected food wastes, including waste accumulation of animal, fruit or vegetable material used or intended for food or that attend the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruits or vegetables, and all discarded material that has come in direct contact with the foregoing resulting from the handling, processing, storage, preparation, serving and consumption of food.

- (b) "Leaves and brush" encompasses any and all accumulations of fallen leaves and yard materials such as tree limbs, trimmings, trunks, and roots, plant stalks, cut grasses, weeds, flowers, sticks and other yard debris suitable for use as compost.
- (c) "Scrap lumber" means discarded or abandoned wood, boards and/or timbers not suitable for construction or assembly into useful items or products.
- (d) "Solid waste" encompasses any and all of these materials as defined in Part 6 of this code: garbage, junk, scrap, litter, refuse, rubbish and debris, salvageable auto parts, major component parts, and distressed vehicles.
- (e) "Multi-unit residence" means a residential unit, whether a private home, apartment house, motel or other type of residence, in which there is more than one individual living unit. (Ord. 73-2. Passed 8-13-73; Ord. 2006-04. Passed 5-9-06; Ord. 2011-07. Passed 7-12-11.)

1060.02 LICENSE REQUIRED; FEE; TRANSFERABILITY.

(a) No person shall engage in the business of collecting, transporting, and/or disposing of solid waste in the City of Litchfield without first obtaining a license therefor as hereinafter provided.

(b) Whenever any contingency shall, in the judgment of the City, make such action necessary or advisable, the Council may, either by advertising for bids, or otherwise, enter into a contract or contracts with the mutual consent of the licensee, or extend the term thereof with, and grant a license or licenses to, such person as the Litchfield City Council may deem best able to collect solid waste in the City of Litchfield, in accordance with the best interests of the City and its citizens. Such contract shall be for such term as the Council of the City shall fix, and it shall contain an agreement by the grantee to collect garbage from any resident of the City requesting such service, in accordance with the provisions of this chapter. Any such contract authorized by the Litchfield City Council may be, but need not be, exclusive, and the Litchfield City Council may authorize the making on the part of the City of one or more contracts and, if the Litchfield City Council shall desire, may limit such contract to a certain part of the City, or to certain classes of customers, such as hotels, restaurants, residential dwellings and the like.

(c) The Litchfield City Council shall grant a license to collect solid waste in the City for the period of said contract upon the payment of the license fee therefor, which shall be per year during the term of said contract.

(d) No license or contract granted or entered into under the provisions of this chapter shall be transferable or assignable without the permission of the Litchfield City Council expressed in the form of a resolution.

(Ord. 73-2. Passed 8-13-73; Ord. 2006-04. Passed 5-9-06.)

1060.03 USE OF CONTAINER REQUIRED; SOLID WASTE MAINTENANCE.

(a) Any resident of the City of Litchfield requesting solid waste collection service from the licensee shall provide himself or herself with a suitable garbage can or cans, free from leaks, and with suitable covers. Such resident, after complying with the provisions of this chapter, shall be and is hereby designated as a customer, and shall be entitled to receive solid waste collection service under and by virtue of the provisions of this chapter.

(b) Each customer shall keep all solid waste cans and bags on his or her premises in a sanitary and serviceable condition. It shall be unlawful for any person to permit any solid waste can or bag on his or her premises to become unsanitary or to maintain the same in such condition that it becomes a nuisance, or to load any can above the top rim or fill any bag beyond the rated capacity of the same.

(Ord. 73-2. Passed 8-13-73; Ord. 2006-04. Passed 5-9-06.)

1060.04 DUTIES OF LICENSEE.

The licensee shall furnish all customers with solid waste collection service as provided for herein as well as under the terms of any contract made between the City and the licensee.

(Ord. 73-2. Passed 8-13-73; Ord. 2006-04. Passed 5-9-06.)

1060.05 COLLECTION VEHICLES; INSPECTIONS; SANITATION.

All trucks used chiefly for solid waste collection shall have metal covered bodies, and all trucks used chiefly for collection from commercial establishments shall have metal covered bodies equipped with mechanical loading devices. All vehicles used by the licensee in the collection and disposal of garbage shall have, on both sides thereof, a sign containing the name of the licensee, the telephone number and the number assigned to said vehicle, all of which shall be marked with plain unobscured letters not less than four inches in height.

(Ord. 73-2. Passed 8-13-73; Ord. 2006-04. Passed 5-9-06.)

1060.06 DAYS AND TIMES OF COLLECTION; METHOD OF COLLECTION.

All garbage shall be collected by the licensee at least once each week from residential customers in the City, at least two days intervening between each collection, except upon those occasions when conditions beyond the control of the licensee make it impossible, and collections from public markets, hotels, hospitals, fish markets, groceries, stores, restaurants and similar commercial establishments shall be made according to the request of the customer. All collections of solid waste in the residential sections of the City shall be made between the hours of 6:00 a.m. and 6:30 p.m. The licensee shall collect solid waste by depositing the garbage bags and emptying the contents of waste cans into a watertight container and then loading the contents thereof into the licensee's vehicle and returning the can to the place on the customer's premises from which it was removed and replacing the cover, provided, however, that when it is more convenient to do so, the bags and the contents of the cans may be emptied directly into the licensee's vehicle and the cans returned to the customer's premises, with covers replaced in the manner herein described. All cans and bags shall be handled and emptied so that no solid waste is spilled on the premises of the customer or in any street area.

(Ord. 73-2. Passed 8-13-73; Ord. 2006-04. Passed 5-9-06.)

1060.07 CHARGES FOR SERVICE.

(a) Monthly Fee. Bills for solid waste collection shall be assessed, billed, and be payable in accordance with the rates provided for in a Resolution adopted by City Council, as the same may be amended from time to time. Every solid waste customer whose property is within the City Limits shall pay a monthly solid waste collection fee. Such solid waste collection fee shall be billed and be

payable without regard to whether any solid waste was actually collected by the City or other designated agent during the applicable billing period. In any case where a household becomes vacated for any period of time, the monthly solid waste collection charge shall continue to be billed, and shall remain the responsibility of the property owner.

(b) All households are required to dispose of solid waste within the City by means of the City collection service. In any case where a household becomes vacated for any period of time, the monthly solid waste collection charge shall continue to be billed, and shall remain the responsibility of the property owner.

(c) Excepted from the provisions of ordinance is any multi-unit residence owner that requests to contract dumpster service for the said unit. The owner shall provide written documentation to the business office of the Municipality that verifies a contract between said owner and licensee where solid waste is collected at least once each week. The licensee shall collect solid waste in a manner that complies with Chapter 1060 of the City of Litchfield Codified Ordinances.

(d) The City Council may provide in the contract with the licensee conditions under which service to customers may be terminated, reinstated after termination, suspensions of service for periods under two months, and other provisions deemed desirable by the Council to carry out the intent of this chapter.

(Ord. 73-2. Passed 8-13-73; Ord. 2006-04. Passed 5-9-06; Res. 2008-13. Passed 5-13-08; Res. 2011-06. Passed 5-10-11; Ord. 2011-07. Passed 7-12-11.)

1060.08 SEPARATE WASTE COLLECTION CONTAINERS REQUIRED FOR EACH FAMILY.

The solid waste can of any customer under this chapter shall not be used by more than one family.

(Ord. 73-2. Passed 8-13-73; Ord. 2006-04. Passed 5-9-06.)

1060.09 TRANSPORTATION OF SOLID WASTE.

(a) All solid waste collected by the licensee shall be so loaded that as soon as any compartment of the licensee's vehicle is filled, the same shall be immediately covered with a metal cover.

(b) No person shall transport or carry through or on the streets of the City any solid waste in any wagon or vehicle, unless said solid waste is thoroughly covered and secured in the vehicle; or to carry the same in containers, or vehicles which allow leaks or release of solid waste on any street or public place; or to dump or dispose of any solid waste on any vacant lot or premises, within the limits of the City.

(Ord. 73-2. Passed 8-13-73; Ord. 2006-04. Passed 5-9-06.)

1060.10 LIABILITY OF LICENSEE.

Any licensee hereunder shall pay any and all claims or judgments made, allowed or obtained against the City of Litchfield, either alone or jointly with said licensee, and shall otherwise hold the said City harmless from liability on account of any injury or damage to persons or property by reason of any acts or omissions of the licensee hereunder. The said licensee shall intervene against and defend any such claim, suit or action upon written notice thereof given by the City to such licensee. (Ord. 73-2. Passed 8-13-73; Ord. 2006-04. Passed 5-9-06.)

1060.11 INSURANCE.

(a) All licensees hereunder shall carry automobile property damage and liability insurance for the benefit of the City in such amounts and with such insurers as shall be approved by the Litchfield City Council.

(b) All licensees under this chapter during the time that they are so licensed shall become subject to the Workers' Compensation laws of the State of Michigan and shall carry Workers' Compensation Insurance as required by law. (Ord. 73-2. Passed 8-13-73; Ord. 2006-04. Passed 5-9-06.)

1060.12 NUISANCES PROHIBITED.

Any licensee hereunder must dispose of all solid waste in such a manner as not to create a public or private nuisance.

(Ord. 73-2. Passed 8-13-73; Ord. 2006-04. Passed 5-9-06.)

1060.13 AUTHORITY OF CITY MANAGER.

Authority to inspect, investigate and report on the service rendered by a licensee in the collection, delivery and disposal of garbage is hereby given to the City Manager or his or her authorized agent.

(Ord. 73-2. Passed 8-13-73; Ord. 2006-04. Passed 5-9-06.)

1060.14 TRANSPORTATION OF GARBAGE. (REPEALED)

(Editor's note: This section was repealed by Ordinance 2006-04, passed 5-9-06, during the 2007 update of the code.)

1060.15 COMPLAINTS.

The Litchfield City Council shall, by the terms of the contract of the City with any licensee, provide for the proper and orderly handling of any complaints of failure in service or that the licensee is not complying with the provisions of the contract and this chapter.

- (a) All complaints by any customer may be referred to the Health Officer of the City of Litchfield or to any appropriate department or official of the City designated by the City Council, by resolution, for investigation for the purpose of determining whether there has been any violation of any of the provisions of this chapter.
- (b) Any proceedings for the enforcement of this chapter may be instituted by the City Manager, but nothing contained herein shall be construed as foreclosing any person from seeking private redress or filing his or her own complaint in any court for a violation of this chapter.
- (c) Any licensee hereunder shall provide a telephone number and someone to regularly answer all complaints made and to properly dispose of the same.

(Ord. 73-2. Passed 8-13-73; Ord. 2006-04. Passed 5-9-06.)

1060.16 PRIVATE CONTRACTORS OPERATING IN THE CITY.

(a) No person shall engage in the business of collecting, transporting, or disposing of any solid waste except a person licensed therefor in accordance with Section 1060.02. Licenses shall be issued upon application to the City Clerk on forms provided by him or her and upon payment of such fee as shall be established by the Litchfield City Council.

(b) No such license shall be issued except upon certification by the City Manager that the equipment and the ability of the licensee is such that the licensee is able to conduct a solid waste collection business in accordance with the terms of this chapter and rules and regulations as may be adopted by the City Council.

(c) The City Council shall make such rules and regulations, in addition to these already enumerated herein, governing the operation of the business of solid waste collection as it may deem

necessary. The City Council shall revoke the license of any solid waste collector who fails to abide by any such rule or regulation adopted by the City Council, or any provision of this chapter. Prior revocation of a license shall be sufficient grounds for the City's refusal to certify any future application by such licensee.

(Ord. 73-2. Passed 8-13-73; Ord. 2006-04. Passed 5-9-06.)

1060.17 DEPOSIT OF RUBBISH IN PUBLIC AND PRIVATE WAYS AND PLACES.

No person shall deposit solid waste within the right-of-way lines of any street, road, alley or public park within the City, or in any other public or private place within the City, other than as prescribed therefor by the Council for the purpose of proper collection by the City, its contractors, or licensed private operations.

(1957 Code, Ch. 2001, § 4) (Ord. 2006-04. Passed 5-9-06.)

1060.18 PAYMENT OF BILLS; TERMINATION REQUIREMENTS.

Bills for the rates and charges as herein established by the City of Litchfield shall be sent monthly. All bills shall be due and payable upon receipt, but in no case later than the twentieth day of the month received, and shall be paid at the office of the Treasurer of the City of Litchfield. If the bill or any portion thereof shall remain unpaid after 60 days following the due date, the water and solid waste services for the lot, parcel of land, or premises affected shall be cut off and shall not be turned on again except upon payment in full of all charges owed to the City for water, sewer, and solid waste collection services in addition to a reinstatement fee in the amount established from time to time by resolution of the City Council.

(Ord. 2004-07. Passed 10-12-04; Ord. 2006-04. Passed 5-9-06.)

1060.19 COLLECTION AND DISPOSAL OF SOLID WASTE.

All solid waste not collected by licensed solid waste collection contractors shall be disposed of in one or more of the following ways.

- (a) Leaves and brush may be accumulated and localized at the sides of streets for collection by the City's Public Works Department at the times and dates specified by the Department of Public Works' Superintendent.
- (b) Leaves, grass, and pulverized wood chips not collected by the City's Public Works Department shall be deposited in the City's designated compost pile, available (when suitable) for the horticultural use of Litchfield's residents.
- (c) Tires from automobiles, trucks, tractors, and the like shall be discarded at the City's compost facility after payment of the appropriate tire collection fee established by the City Council.
- (d) Tree limbs and brush (not collected by the City's Public Works Department), tree trunks, bushes, and "clean fill" (e.g., rocks, dirt, cement chunks, asphalt, and masonry pieces) shall be discarded at the City's "brush dump" facility.
- (e) Anti-freeze, motor oil, and recyclable cardboard boxes may be deposited for recycling at the City's public works garage in appropriate, designated containers and locations.
- (f) Litchfield citizens may deposit accepted recyclables in authorized containers for curbside collection by a licensed solid waste contractor.
- (g) Combustible solids may be burned, when not prohibited by state law.

- (h) Hazardous materials including batteries shall be discarded according to state law and regulation and are prohibited from being discarded in the city's waste stream.
- (i) All other materials including scrap lumber, dry paint, scrap metal, discarded appliances, etc., shall be discarded in designated "dumpster" type containers at the places and times specified by the City's Public Works Superintendent.
(Ord. 2006-04. Passed 5-9-06.)

1060.99 PENALTY.

Penalties for noncompliance shall be applied according to Section 202.99 of this Code.
(Ord. 2006-04. Passed 5-9-06.)

