

# **Charter Township of Orion**

## **Ordinance No. 73**

### **Solid Waste & Recyclable Materials Collection Regulation**

Adopted January 3, 1984

#### **AMENDED**

April 1, 1991

October 21, 1991

January 5, 1998 (73-A)

February 1, 1999 (73-1)

March 1, 2004

# **Ordinance 73     Solid Waste & Recyclable Materials Collections Regulation**

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**AN ORDINANCE TO REGULATE THE BUSINESS OF SOLID WASTE COLLECTION WITHIN THE TOWNSHIP OF ORION; TO ENACT RULES AND REGULATIONS FOR THE CONDUCT OF SUCH BUSINESSES; TO PROVIDE FOR LICENSES AND FEES; AND TO ESTABLISH PENALTIES FOR THE VIOLATION OF THE PROVISIONS.**

## **Section 1 - Title**

This Ordinance shall be known and cited as the Orion Township "**Solid Waste and Recyclable Materials Collection Regulation Ordinance**", and it shall be sufficient in any action for enforcement of the provisions hereof to define the same by such short title and by reference to the number hereof. *(amended 10.21.91)*

## **Section 2 - Purpose**

The purpose of this Ordinance shall be:

- A. To further secure and protect the general welfare and safety of the citizens and others within the Township of Orion;
- B. To promote recycling and composting as desirable alternatives to the disposal of solid wastes in landfills or by incineration; *(amended 10.21.91)*
- C. To regulate the business of solid waste collection within the Township of Orion;
- D. To enact rules and regulations for the conduct of such business;
- E. To provide for licenses and fees; and
- F. To establish penalties for the violation of the provisions.

## **Section 3 - Definitions**

**Collection Vehicle** - any vehicle specifically designed for and used for the collection of solid waste.

**Commercial** - any business establishment or office, regardless of zoning district, which provides for the sale of goods and/or services to customers.

**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, fowl, fruit, or vegetable.

**Industrial** - any business establishment, regardless of zoning district, which provides for the production or manufacture of goods or raw material or component parts.

**Multiple-Family** - any residential development which provides for more than one family on a single parcel of land. *(amended 10.21.91)*

**Recyclables** - selected items that are authorized to be picked up to be recycled. These shall include, but need not be limited to, clear glass containers, metal food cans and lids, aluminum, newspaper, flat and corrugated cardboard (up to 3' x 3', bundled), plastic containers with recycling codes 1 (polyethylene terephthalate; clear plastic) or 2 (high density polyethylene translucent or opaque containers, such as milk jugs, etc.). *(amended 10.21.91, 03.01.04)*

**Rubbish** - non-putrescible solid waste, excluding ashes, consisting of both combustible and non-combustible wastes including paper, cardboard, metal containers, or litter of any kind that may be a detriment to the public health and safety.

**Single-Family** - any residential development which provides for a single-family dwelling on a single parcel of land.

**Solid Waste** - garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludges, and solid commercial and solid industrial waste, animal waste; but does not include human body waste, liquid or other waste regulated by Michigan statute, ferrous or nonferrous scrap directed to a scrap metal processor or to a reuser of ferrous or non-ferrous products.

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## **Section 4 - License Required and Applicable Fees**

- A. A person, firm, or corporation shall not engage in or carry on the business of solid waste collection within Orion Township without first having obtained the necessary licenses from the Township Board as hereinafter provided.
- B. A license fee in the amount of One Hundred Dollars (\$100) for each collection vehicle to be used by the licensee in connection with said business within the Township of Orion shall be paid to the Township Treasurer at the time application is made for an original license. The fee for renewal of a license previously issued shall be Fifty Dollars (\$50) if paid before March 15. The fee to renew a license after March 15 but before expiration of the present license shall be Seventy-Five Dollars (\$75). After March 31, license fees for such vehicle shall be the same as if the vehicle was previously unlicensed. *(amended 10.21.91, 01.05.98)*
- C. Fifty percent (50%) of such fee shall be refunded should the original license or the renewal license not be granted, unless the reason for not granting a license is due to the vehicle failing inspection. *(amended 01.05.98, 02.01.99)*
- D. Such fee shall not be refunded should the original license or renewal license be revoked.

## **Section 5 - Application Process**

- A. Applications for licenses to engage in the business of solid waste collection within Orion Township shall be made to the Township Clerk, and shall contain:
  - 1. The full name, address, and telephone number of the applicant;
  - 2. An indication of whether the applicant is a person, partnership, or corporation;  
*(amended 01.05.98 by deleting A(3) and renumbering)*
  - 3. A complete description of every collection vehicle and other equipment to be used in the conduct of the solid waste collection business. The description shall include at a minimum:
    - a. The vehicle identification number provided by the vehicle manufacturer.
    - b. The current Michigan license plate number. (This information shall be kept current by the applicant.)
    - c. Proof of insurance as required by Michigan Law.
    - d. A certificate of liability insurance in the minimum amount as shall be established from time to time by the Township Board.
  - 4. Such other information as may be required by the Township Clerk to reasonably apprise the Township Board of the character of the applicant and of the nature of the business to be carried on.
- B. Applications for initial licenses shall be referred to Oakland County Sheriff's Department for investigation and recommendation. This investigation and recommendation shall be completed within one (1) month of receipt of the information. The vehicle(s) shall meet the requirements of Section 9 (A). *(amended 01.05.98, 02.01.99)*
- C. The application shall then be presented to the Township Board at its next regularly scheduled meeting. The applicant shall have the right to appear before the Board and to furnish such additional information as may be required to enable the Board to determine whether or not the license should be granted.
- D. The Board may continue consideration of the application from meeting to meeting for the purpose of securing additional information or to afford any citizen of the Township an opportunity to be heard in connection with the issuance of a license. Such continuation shall not be used to unreasonably deny the applicant the right to do business in Orion Township.

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- E. The Board shall have the authority to refuse to grant any application for any just cause, or when, in its judgment, the public health, safety, and welfare of the inhabitants of the Township so require. In any action to refuse to grant a license, the Board shall set forth the specific reason or reasons.
- F. Licenses that are issued shall be in such form as shall be prescribed by the Board. Each and every license shall expire on the thirty-first (31st) day of March following the issuance of the original license or the renewal license. *(amended 04.01.91, 01.05.98, 02.01.99)*
- G. The Township, through the Clerk's Office, shall notify the licensee in writing by April 1 on an annual basis of the disposition of the license to do business and shall furnish stickers for each approved vehicle. *(amended 02.01.99)*
- H. The permit stickers shall be displayed in the lower right corner (passenger side) of the windshield upon the licensed collection vehicle or other equipment. *(amended 01.05.98, 02.01.99)*

### **Section 6 - Renewal of License** *(amended 02.01.99)*

A license shall be renewed by the Township Clerk on an annual basis, subject to the following requirements:

- A. The licensee shall pay to the Township Treasurer the required fees on or before the fifteenth (15th) day of March each year it seeks a license renewal. *(amended 04.01.91, 01.05.98, 02.01.99)*
- B. The licensee shall file with the Township Clerk the required list of vehicles, vehicle identification numbers, license plate numbers, proof of liability insurance, and the vehicle certificates of insurance on or before the fifteenth (15th) day of March each year it seeks a license renewal. *(amended 04.01.91, 01.05.98, 02.01.99)*
- C. All vehicles shall meet the requirements of Section 9 (A). During the year, trash-hauling vehicles shall be subject at any time to random inspection by the Oakland County Sheriff's Department during the course of doing business in Orion Township. *(amended 04.01.91, 01.05.98, 02.01.99)*
- D. A quarterly report of random inspections and violations shall be provided by the OCSD to the Township Board. *(amended 02.01.99)*
- E. A vehicle which fails an inspection because of safety violations shall not be used for trash collection in Orion Township until noted deficiencies are corrected and repairs are made and certified as completed by a licensed mechanic. *(added 02.01.99)*
- F. If the licensee fails to pay the required fees, and provide the necessary information, by the thirty-first (31st) day of March each year that it seeks a license renewal, any request for a license thereafter shall be considered a new license, requiring a new application and hearing before the Township Board. *(amended 04.01.91, 01.05.98, 02.01.99)*

### **Section 7 - Temporary Transfer of License**

- A. Licenses issued by Orion Township may be temporarily transferred to another collection vehicle in an emergency situation, provided:
  - 1. The originally licensed collection vehicle cannot practically be used for solid waste collection because of a mechanical failure or some other malfunction of the equipment.
  - 2. The licensee shall apply to the Township Clerk for a temporary transfer of said license stating the reason(s) for the transfer and the length of time required for the transfer.
  - 3. The vehicle to which the license is to be transferred shall be inspected by the Oakland County Sheriff's Department and shall meet all the requirements of Section 9 (A).
- B. The Township Clerk may temporarily transfer the license, upon the licensee meeting the stated requirements.
- C. The temporary transfer shall be in the form of a certified letter indicating the name, address, and telephone number of the licensee; the Michigan license plate number of the vehicle to which the temporary transfer is applicable; and the termination date of the temporary transfer.

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- D. This temporary license transfer letter is to be carried in the vehicle at all times and shall be presented when requested by any authorized person.
- E. A temporary transfer shall last no longer than three (3) weeks.

### **Section 8 - Revocation of License**

- A. Any license issued hereunder may be revoked by the Township Board for any of the following reasons:
  - 1. Any false statement made in the application.
  - 2. Failure to comply with the provisions of this Ordinance.
  - 3. Failure to comply with the terms and conditions of the license.
  - 4. Failure to comply with the laws of the State of Michigan.
  - 5. Other just and substantiated cause.
- B. Before any license shall be revoked, written notice shall be given to the licensee by certified mail by the Township Clerk. The notice shall state the time, date, and place the licensee is to appear for a hearing before the Township Board.
- C. The licensee may make whatever presentation he wishes and may produce witnesses in his behalf.
- D. Following the hearing, the Township Board shall make a finding of fact and shall render its decision.
- E. If the decision is to revoke the license, the Township Board shall cause a copy of its order to be served upon the licensee either in person or by certified mail.
- F. Upon service of the Board's order, the licensee shall have no further right to engage in the solid waste collection business in the Township of Orion.
- G. If the Township Board, for whatever reason, decides not to renew the license of any solid waste collection licensee, then the Board, on or before December 1 in any year, shall so notify the licensee by certified mail. The licensee shall be entitled to a hearing before the Board as outlined in this Section, if he requests it in writing to the Township Clerk.

### **Section 9 - Collection Licensee Requirements**

- A. Vehicles.
  - 1. Any collection vehicle used for the transportation of solid waste within the Township shall be water-tight, and equipped with covers over that portion of the vehicle that is used for the transportation of solid waste. *(amended 01.05.98)*
  - 2. Any such vehicle shall also be in good working order so as not to constitute a nuisance or a hazard to other traffic on the roads within the Township. The items to be in good working order include, but are not limited to, the tires, lights, horn, brakes, exhaust system, and steering system.
  - 3. Any licensed vehicle, in addition to displaying the Township sticker or plate, shall also display in a conspicuous place the licensee's name, address, and telephone number, so that the vehicle can be readily identified.
- B. Fee Schedule.
  - 1. Each licensee shall file with the Township a complete schedule of fees and charges to be made to customers for service.
  - 2. A licensee shall not depart from its filed fees and charges in the operation of its business within the Township.

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3. Any change in the fees or charges shall be filed with the Township Clerk and mailed or hand delivered to each customer at least thirty (30) days before the changed fees are to become effective.

### C. Pick-Up Schedules and Areas.

1. Each licensee shall file with the Township Clerk a complete schedule of the days and the areas that pickup from customers are to be made.
2. A licensee shall not depart from its filed schedule of days and areas for conducting a solid waste collection business within the Township unless thirty (30) days written notice has been filed with the Township Clerk and mailed or hand delivered to each customer.
3. Exceptions to the above requirements will be allowed only in case of an emergency situation. Such a situation shall be that which constitutes a potential health hazard because conditions not directly within the control of the licensee, such as, but not limited to, weather conditions, acts of God, and vehicle breakdowns which could not have been prevented. Such exceptions shall be decided by the Township Clerk.

### D. Pick-Up Prohibitions.

A licensee shall not drive or cause to be driven any of his vehicles over or through any street in Orion Township at any time on any Sunday or on New Year's Day, Memorial Day, the Fourth of July, Labor Day, Thanksgiving Day, or Christmas Day.

### E. Non-Discrimination.

Service shall be offered by the licensee to any and all customers, without discrimination, who request such service and are willing to pay the established fees and charges.

## **Section 10 - Curbside / Roadside Recycling** *(amended 10.21.91)*

- A. Every person, firm or corporation engaged in the business of solid waste collection within Orion Township shall provide curbside/roadside recycling to each single-family and multiple-family residence from which they also collect solid waste, at no additional cost. *(amended 01.05.98)*
  1. Recyclables shall be picked up at least every other week, and on the same day of the week as the solid waste collection of that week. *(amended 01.05.98)*
  2. The solid waste hauler shall provide appropriate containers for recyclables to its own customers.
    - a. Single-family residences, including mobile homes, shall each be provided with suitable containers for small recyclables. Large or bulky recyclables will be placed near the recycling container for pick-up.
    - b. Large multiple-family residences shall be provided with separate receptacles for solid waste and recyclable materials.
  3. Recyclables separated by residents shall not be disposed of into trash hauling vehicles by trash hauling personnel. A separate vehicle shall be used to collect recyclables. *(amended 01.05.98)*
- B. The progress of the Township's recycling effort shall be monitored by the Orion Township Solid Waste/Recycling Committee. The Committee may require periodic reports of the trash haulers to assist in their efforts to promote recycling in the Township. *(amended 01.05.98)*

## **Section 11 - Customer Requirements**

### A. Single-Family Customers.

1. Each customer of a licensed solid waste collector within Orion Township shall retain all substances to be collected between scheduled pick-ups in an inconspicuous place on their premises and in suitable water-tight containers.

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2. Not earlier than 6:00 p.m. the night before the scheduled pick-up, receptacles containing the solid waste to be collected may be placed at the edge of the roadway for pick-up.
3. After pick-up, all empty receptacles shall be removed from the street promptly, but not later than 8:00 p.m., on the day of collection.

### **B. Multiple-Family, Commercial, Industrial.**

1. Covered trash receptacles, surrounded on three (3) sides by masonry brick-type walls one (1) foot higher than the receptacle shall be provided in the rear yard of the building or principal use structure.
2. The fourth side of the trash receptacle enclosure shall be equipped with an opaque lockable gate that is the same height as the brick-type wall.
3. Customers in these categories shall have three (3) years from the effective date of this Ordinance to comply with Section 11 (B).

### **Section 12 - Severability**

In the event that any section, paragraph, sentence, phrase, word, or part of this Ordinance shall be held invalid, such holding shall not affect the balance of the provisions herein.

### **Section 13 - Penalties**

Any person who violates the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of at least Twenty-Five Dollars (\$25) and not more than Five Hundred Dollars (\$500) and the costs of prosecution.

A separate offense shall be deemed committed for each violation and for each day a violation continues.

### **Section 14 - Effective Date**

This Ordinance shall be published in a newspaper of general circulation within the Township of Orion, and shall become effective upon such publication. *(amended 01.05.98, 02.01.99)*

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