

**CITY OF LOWELL  
KENT COUNTY, MICHIGAN**

**ORDINANCE NO. 10- 02**

**AN ORDINANCE TO AMEND ARTICLE II, "COLLECTION AND DISPOSAL," OF CHAPTER 11, "GARBAGE, TRASH AND REFUSE," OF THE CODE OF ORDINANCES OF THE CITY OF LOWELL**

Councilmember Ellison, supported by Councilmember Altoft, moved the adoption of the following ordinance:

**THE CITY OF LOWELL ORDAINS:**

**Section 1. Amendment of Article II to Chapter 11.** Article II, "Collection and Disposal," of Chapter 11, "Garbage, Trash and Refuse," of the Code of Ordinances of the City of Lowell is amended in its entirety to read as follows:

**ARTICLE II. COLLECTION AND DISPOSAL**

**Sec. 11-26. Finding of necessity.**

It is hereby determined necessary for the protection of the health, safety and welfare of persons and property within the City to provide for (i) the collection of Solid Waste within the City and its disposal and (ii) the issuance of licenses to Waste Haulers in connection therewith.

**Sec. 11-27. Definitions.**

For purposes of this article, the following words and phrases, even if otherwise defined in this Code, shall have the meanings respectively ascribed to them by this section:

*City Manager* shall mean the City Manager of the City or his or her designee.

*Disposal Site* shall mean any of the following:

- (1) a Solid Waste transfer facility;
- (2) an incinerator;
- (3) a sanitary landfill;
- (4) a Solid Waste processing plant; or
- (5) any other Solid Waste handling or disposal facility utilized in the disposal of Solid Waste.

*Garbage* shall mean decomposable solid waste which consists of rejected food waste being the waste accumulation of animal, fruit or vegetable matter intended for or used as food or utilized for preparation, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables and of animal and fowl excrement.

*Rubbish* shall mean non-putrescible solid waste consisting of both combustible and non-combustible wastes such as paper, cardboard, metal containers, yard clippings, leaves, wood, glass, bedding, crockery, demolished building materials or litter of any kind.

*Solid Waste* shall mean Garbage, Rubbish, ashes, incinerator ashes, incinerator residues, street cleanings, municipal and industrial sludges, solid commercial and solid industrial wastes and animal wastes.

*Waste Hauler* shall mean any person engaged in the business of collecting, transporting, delivering or disposing of Solid Waste within the City.

**Sec. 11.28. License Required.**

(1) No person shall engage in the business of collecting, transporting, delivering or disposing of Solid Waste within the City, and no truck or vehicle shall be used for such purposes unless properly licensed by the City.

(2) Such license shall be issued by the City for such period as the City may specify.

(3) It shall be an express condition of each license that the Waste Hauler shall comply with all provisions of this article.

(4) An application for a license shall be filed by a Waste Hauler with the City Clerk in the form prescribed by the City Manager.

(5) A separate license shall be required for each truck or vehicle to be used in the collection, delivery and disposal of Solid Waste.

(6) As a part of its application, a Waste Hauler shall furnish to the City Clerk evidence of ownership or a leasehold interest in each truck or vehicle it seeks to license.

(7) As a part of its application, a Waste Hauler shall furnish the City Clerk evidence of workmen's compensation, contractor's public liability and contractor's motor vehicle bodily injury and property damage insurance in such coverage amounts as shall be established from time to time by the City Manager. All insurance coverage shall provide that the City Clerk shall receive thirty (30) days' advanced notice of cancellation or non-renewal.

(8) A Waste Hauler shall display conspicuously on each truck or vehicle required to be licensed such tag or sticker as is furnished by the City for such purpose.

**Sec. 11.29. License Term and Fee.**

The period of a license and the license fee shall be as established from time to time by resolution of the City Council.

**Sec. 11.30. No Transfer of License.**

No licensed Waste Hauler shall transfer or attempt to transfer its license without approval of the City Manager.

**Sec. 11.31. Revocation of License.**

The City, after notice and the opportunity for a hearing before the City Manager, may revoke the license of a Waste Hauler who fails to comply with the requirements of this article or applicable State or federal laws, rules and regulations. The license of such Waste Hauler shall not thereafter be granted or renewed until such time as the Waste Hauler has remedied all violations and has demonstrated compliance with the requirements of this article and applicable State and federal laws, rules and regulations.

**Sec. 11.32. License Not Required.**

No license shall be required for any person hauling garbage or rubbish on a non-commercial basis either for that person or on a gratuity basis for some other person.

**Sec. 11.33. Transportation of Solid Waste.**

All Solid Waste shall be collected, hauled and transported in the City by a licensed Waste Hauler in a licensed truck or vehicle. Except as provided in Section 11.34, all transportation of Solid Waste shall be in a truck or vehicle that shall have all openings closed and all doors or covers secured by an adequate latch or restraining mechanism to keep them closed or covered while transporting Solid Waste. It shall be the responsibility of the driver or licensed Waste Hauler of assuring that the available doors and covers are in the proper position. Special covering shall be used where conditions require for the control of odor, vermin, liquids, dust or smoke.

**Sec. 11.34. Open Transportation.**

Transportation of certain items of Solid Waste shall be allowed in open licensed trucks or vehicles only under the following terms and conditions:

(1) The items are of such size or nature that they cannot be transported in a closed truck or vehicle, provided, that such items shall not consist of loose garbage or rubbish.

(2) All transported items shall be transported and secured in such a manner as to prevent leakage, blowing or spillage of the items transported or their contents on any public street or other public and private property.

(3) The transportation of solid waste disposal containers on trucks or vehicles designed for such transportation, provided, such containers are fully secured and covered so as to prevent any blowing, spillage or leakage.

**Sec. 11.35. Inspection.**

The City shall have the right to inspect all trucks and vehicles and related equipment for which a license must be obtained both prior to the issuance of the license or at any time during the period the license is in effect to determine compliance with this article and applicable State and federal laws, rules and regulations.

**Sec. 11.36. Time for Collection and Transport.**

Waste Haulers shall only collect and transport Solid Waste within the City on such day or days and during such time during the day as shall be established from time to time by resolution of the City Council.

**Sec. 11.37. Disposal.**

It shall be unlawful for any licensed Waste Hauler to dispose of any Solid Waste collected in the City at other than a Disposal Site.

**Sec. 11.38. Compliance with Laws, Rules and Regulations.**

Waste Haulers shall comply with the requirements of this article and rules and regulations promulgated pursuant hereto as well as all applicable State and federal laws, rules and regulations, including, but not limited to, Part 115 of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of Michigan of 1994, as amended, MCL 324.11501, et seq.

**Sec. 11.39. Enforcement of Article; Adoption of Rules and Regulations.**

The enforcement of this article shall be duty of the City Manager, who is hereby authorized to adopt reasonable rules and regulations subject to the approval of the City Council to carry out the intent of this article.

**Section 2. Publication.** After its adoption, the City Clerk shall publish this ordinance, or a summary thereof, as permitted by law, along with the date of its adoption in the *Lowell Ledger*, a newspaper of general circulation in the City, at least ten (10) days before its effective date.

**Section 3. Effective Date.** This ordinance shall take effect ten (10) days after it or a summary thereof, as permitted by law, along with the date of its adoption, is published as provided in Section 2 above.

YEAS: Councilmembers Altoft, LaPonsie, Schrauben, Mayor Pro Tem Ellison and Mayor Hodges.

NAYS: Councilmembers none.

ABSTAIN: Councilmembers none.

ABSENT: Councilmembers none.

**ORDINANCE DECLARED ADOPTED.**

Dated: August 16, 2010

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Betty R. Morlock  
City Clerk

**CERTIFICATION**

I, the undersigned City Clerk of the City of Lowell, Michigan, certify that the above ordinance is a true and complete copy of an ordinance adopted at a regular meeting of the Lowell City Council held August 16, 2010, pursuant to notice given in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended, and notice of its adoption, including a summary of its contents, was published in the *Lowell Ledger* on August 18, 2010. I further certify that the above ordinance was entered into the Ordinance Book of the City on August 16, 2010, and was effective August 28, 2010, ten (10) days after publication.

Dated: August 16, 2010

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Betty R. Morlock  
City Clerk