

DRAFT
(May 9, 2018)

Village of Lake Isabella
1010 Clubhouse Drive
Lake Isabella, MI, 48893
989-644-8654

ORDINANCE 2018-04
LAKE ISABELLA REFUSE HAULER LICENSING ORDINANCE

The Village of Lake Isabella hereby ordains:

SECTION 1 PURPOSE

The purpose of this Ordinance is to provide for the licensing of collectors or haulers of refuse, to provide licensing and operating requirements for such collectors or haulers, and to provide penalties for the violation of these requirements. This Ordinance has been adopted to preserve the public's well-being by minimalizing refuse collection traffic on Village streets, and to ensure that the public's health is preserved by the establishment of minimum standards required for refuse collection. This Ordinance shall not be applicable to the curbside collection of household recyclables administered by Isabella County.

SECTION 2 CHAPTER 822 CREATED

Chapter 822 of the Codified Ordinances is hereby created, incorporated herein and reads as attached.

SECTION 3 SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or portion of this Ordinance is found for any reason to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4 ORDINANCES REPEALED

All ordinances and/or parts of ordinances in conflict with or inconsistent with this Ordinance are hereby repealed to the extent of any such conflict or inconsistency.

SECTION 5 EFFECTIVE DATE

This Ordinance shall take effect and be in force upon the expiration of 7 days after the date when the notice of adoption for this Ordinance is published in a newspaper of general circulation in the Village of Lake Isabella. This Ordinance and attached document shall be codified, edited for typos and grammatical errors, and enumerated in accordance with the codification procedure of the Village of Lake Isabella.

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We, the undersigned President and Clerk of the Village of Lake Isabella, Isabella County, State of Michigan, do hereby certify that the above and foregoing Ordinance, known as Ordinance #2018-04 “**LAKE ISABELLA REFUSE HAULER LICENSING ORDINANCE**” of the Village of Lake Isabella, was adopted in the following manner with at least seven days elapsing between the publication of the public hearing for the Ordinance and the enactment by the Village Council at a regular or special meeting of the Lake Isabella Council, offered by councilmember Keil, and seconded by councilmember Griffin. Originally introduced by councilmember Grey.

Village Council Introduction	April 24, 2018
Village Council Public Hearing	May 15, 2018
Village Council Enactment	May 15, 2018

The vote to adopt this Ordinance was taken by roll-call with the “yeas” and “nays” recorded as such.

YEAS: Eberhart, Cueny, Grey, Griffin, Keil, Shoemaker, & Torgerson

NAYS: None

ABSTAIN: None

ABSENT: None

Dated at Lake Isabella, Michigan, this 15th day of May, 2018.

David K. Torgerson

Village Council President
Dave Torgerson

Jeffrey P. Grey

Village Clerk
Jeffrey P. Grey

Village of Lake Isabella Codified Ordinances

Article VIII – Taxation & Business Regulation

Chapter 822 – Refuse Hauler Licensing

Created by Ordinance 2018-04 on _____, 2018

Chapter 822.01	Title and Purpose
Chapter 822.03	Definitions
Chapter 822.05	Refuse Collection Procedures
Chapter 822.07	Refuse Hauler Licensing Requirements
Chapter 822.09	License Procedure and Revocation
Chapter 822.11	Violations

Chapter 822.01 Title and Purpose

This Chapter shall be known and referred to as the “Lake Isabella Refuse Hauler Licensing Ordinance.” The purpose of this Chapter is to provide for the licensing of collectors or haulers of refuse as defined herein, to provide licensing and operating requirements for such collectors or haulers, and to provide penalties for the violation of these requirements. This Chapter has been enacted to preserve the public’s well-being by minimizing refuse collection traffic on Village streets, and to ensure that the public’s health is preserved by the establishment of minimum standards required for refuse collection. This Chapter shall not be applicable to the curbside collection of household recyclables administered by Isabella County.

Chapter 822.03 Definitions

In the enforcement and interpretation of this Ordinance, the following words, terms, or phrases are defined as stated herein, unless specifically stated otherwise.

1. **Application.** The documents and representations provided by any licensee to the Village and any application for a license under Chapter 822, including information supplied by an applicant conveyed during any discussions between the applicant and the Village or the Village’s attorney subsequent to the submission of an application for a license but prior to the approval of and acceptance of the license.
2. **Bag/Tag.** A method of disposal where refuse is collected based on individual bags which have been marked by a tag or sticker provided by a Licensed Material Collector.
3. **Bags.** Plastic sacks or bags designed to store refuse having sufficient wall strength to maintain physical integrity if lifted from the top when full, and securely tied or closed.
4. **Bulky Items.** Discarded or unusable stoves, refrigerators, water tanks, washing machines, furniture, and other waste appliances; except construction debris,

dead animals, hazardous waste, or animal waste in amounts that cannot be stored in containers.

5. **Material Collection License.** A franchise agreement between the Village of Lake Isabella and a Licensed Material Collector issued under this Chapter, which may be exclusive to a single hauler, to provide refuse collection and disposal services to residential units in the Village of Lake Isabella.
6. **Refuse.** This term shall refer collectively to all residential and nonresidential rubbish, garbage, trash, bulky items, and construction debris generated at a residential or non-residential structure or property, unless the context otherwise requires a broader or narrower definition.
7. **Licensed Material Collector.** A person, corporation, partnership, or other legal entity granted a Material Collection License by the Village pursuant to this Chapter.
8. **Hauler.** A person, firm or entity who picks up or collects refuse from customers or others and transports such refuse elsewhere for lawful disposal.

Chapter 822.05 Refuse Collection Procedures

1. The occupants of all residential structures in the Village, and the owner, operator, or occupant of all non-residential structures in the Village, shall dispose of all refuse generated by the occupancy or use of the structure and property where the structure is located either by delivering such refuse to a lawful sanitary landfill or recycling center, or by having a person, firm, or corporation licensed pursuant to this Chapter pick-up, remove and deliver such refuse and recyclables to a lawful sanitary landfill or recycling center on their behalf.
2. A receptacle, container, dumpster or cart with a capacity of two cubic yards or more may be temporarily stored outside when it is being used in conjunction with a construction, remodeling, or renovation project. A receptacle, container, dumpster or cart with a capacity of two cubic yards or more may only be used on a permanent basis on any parcel if allowed by the zoning code and approved by the appropriate zoning permit or approved Site Plan.

Chapter 822.07 Refuse Hauler Licensing Requirements

1. No person, firm, business, corporation, or other entity shall engage in the business of hauling, collecting or disposing of refuse, garbage, leaves, yard waste, or recyclable material within the Village of Lake Isabella without first obtaining a Material Collection License in the manner specified in this Chapter. No hauling of refuse shall occur unless at all times the hauler has a current Material Collection License in effect from the Village. The Village expressly reserves the right to restrict the collection of residential refuse within the Village of Lake Isabella to only Licensed Material Collectors, and further reserved the right to grant an exclusive franchise to a single Village-designated Licensed Material Collector. No license shall be issued to any person, firm, corporation, or other entity for the purposes of collecting, hauling, and removing refuse or recyclables of another person, firm, corporation, or other entity from any residential or non-residential structure or property in the Village unless the applicant demonstrates

the ability to comply with the following and all requirements of this Chapter.

2. No Material Collection License shall be issued except upon application to the Village Clerk. At a minimum, the application must include all of the following information:
 - A. A description of the methods and equipment which the applicant proposes to use for collecting refuse and garbage material in the Village.
 - B. A description of the type of collection to be provided and the part of the Village which it will affect. At a minimum, all licenses shall provide for all of the following collection options for all customers:
 - A wheeled cart of at least 65 gallons provided by the license holder.
 - A maximum set number of bags allowed per week in a container meeting the requirements of this chapter provided by the resident or property owner.
 - A per bag/tag option.
 - Bulky item pick-up, which may be at an additional cost to the customer, with pick-up of at least once per month.
 - C. Proof of liability insurance. The minimum liability coverage for a Licensed Material Collector shall be in the amount of at least one million dollars (\$1,000,000.00) per occurrence, and at least three million dollars (\$3,000,000.00) in the aggregate.
 - D. A summary plan for meeting all collection and disposal requirements outlined in other relevant Village, county, state and federal regulations as applicable. Such plan should include information on the day of the week planned for collection, estimated time needed for collection, and a price schedule for services offered to residents of the Village.
 - E. The name and address of the Village-designated site or sites to be used to dispose of all material collected.
3. The Village Council may establish by resolution a license fee or fees to be paid by the applicant for the Material Collection License.
4. The Village may restrict the number of Material Collection Licenses issued and the scope of service of such licenses, based on the geographic area to be serviced; the population sector to be served, such as residential, commercial, or rooming house; the type of material to be collected; and the points of collection such as the curb, alley, or other location; and/or the schedule of such collections. A license may only be used for the scope of services expressly stated in the Material Collection License.
5. No Licensed Material Collector shall dispose of refuse, leaves, yard waste and/or recyclable material at sites other than those specified in the terms of the collector's Material Collection License.

6. In residential zones and on commercially zoned property that directly abuts residential zones that have dwelling units, no collection of refuse or recycling materials shall occur before 7:00 a.m. or after 8:00 p.m.
 - A. The Village Council may approve an exemption that allows for exceptions to the 7:00 a.m. start time under extenuating circumstances.
 - B. The Village Council may establish by resolution an application fee to be paid by the applicant requesting an exception to the 7:00 a.m. start time.
7. A Licensed Material Collector shall provide the service of collecting, hauling, or removing refuse or recyclables of another at least once each week to every person, firm, corporation, or other entity within the Village who desires such service, and to provide at least one extra vehicle to ensure prompt service in the event of equipment failure.
8. A Licensed Material Collector shall provide a current toll-free telephone number, or accept collect phone calls, so that customers can contact the waste hauler without an additional charge for long distance calls.
9. A Licensed Material Collector shall collect, haul, and remove the refuse of all of the waste hauler's residential customers in the Village of Lake Isabella from the Village of Lake Isabella on the same day.

Chapter 822.09 License Procedure and Revocation

1. The Village Council may, either by advertising for bids or otherwise, enter into a franchise agreement, or extend the term of such franchise agreement, with a Licensed Material Collector, with such person or entity as the Village Council may deem best able to collect and dispose of residential refuse and/or garbage in accordance with the best interests of the Village and its residents. If the Village enters into an exclusive franchise agreement, that Licensed Material Collector shall be the only person or entity allowed to provide the contracted services to residential premises having one and two-family residences, or multiple-family dwellings of fewer than six units, within the Village for the time period specified in the franchise agreement. The franchise document shall contain a provision that the Licensed Material Collector shall provide the required minimum services listed in this Chapter to all applicable residential premises in the Village. Such refuse collection shall be in full compliance with this Chapter and all applicable local, state, and federal laws, rules, and regulations. The length of any exclusive franchise granted by the Village shall not exceed three years. After a three-year period, an exclusive franchise agreement may be renewed by the Village for additional periods not to exceed two years per renewal.
2. Upon entering into an exclusive franchise, the approved rates and fees in such agreement shall be published in the newspaper in order to provide notice to the public of the rates and fees approved. Rates and fees approved in an exclusive franchise shall not be changed without providing the Village of Lake Isabella with prior written notice of at least sixty (60) days.
3. The Village may attach reasonable conditions to any license issued by the Village pursuant to this Chapter.

4. The application for the issuance, renewal, suspension, revocation, display, and transfer of a license required by this Chapter shall be governed by the Codified Ordinances of the Village of Lake Isabella as amended from time to time. The provisions of this Chapter shall be construed to be supplemental to and consistent with the licensing requirements of the Code of Ordinances of the Village except that any higher standard or additional requirement provided by this Chapter shall be in addition to the requirements of such Code of Ordinances.

Chapter 822.11 Violations

Any violation of this Ordinance is hereby declared to be a public nuisance *per se*. Any person, firm, corporation, trust, partnership, or other entity which violates or refuses to comply with any provision of this Chapter shall be responsible for a municipal civil infraction and shall be subject to fines, costs, and other relief as provided for in Chapter 222 of the codified ordinances of the Village of Lake Isabella.