CHARTER TOWNSHIP OF WATERFORD

ORDINANCE NO. 2019-007

WASTE HAULER LICENSING ORDINANCE AMENDMENT

An Ordinance to amend Article III in Chapter 10 of the Waterford Charter Township Code to add a new Division 11 to require and provide the terms and conditions for business licensing of waste haulers and vehicles and equipment used by waste haulers in the collection, transportation and disposal of solid waste, recyclable materials, and yard waste, and to provide penalties for violations of the added Division.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

Section 1 of Ordinance

The Waterford Charter Township Code is amended by adding Sections 10-271 through 10-284 in a new Division 11, Waste Hauler Licensing, in Article III, Business Licensing, of Chapter 10, Business Regulations, Licensing and Registration to read as follows:

Division 11. Waste Hauler Licensing

Sec. 10-271. Short title.

This Division shall be known and cited as the "Waste Hauler Licensing Ordinance."

Sec. 10-272. Purpose and necessity.

The township board finds that the business of solid waste, recyclable materials, and yard waste collection, transportation, and disposal affects the public health and general welfare of the township and requires regulation by this ordinance establishing the requirements, terms, and conditions of a business license that must be applied for, obtained, and complied with by persons that collect or remove and transport solid waste, recyclable materials, or yard waste from a site of generation for transportation to and disposal at a different location.

Sec. 10-273. Definitions.

In addition to those rules of construction and definitions contained in Sections 1-002 and 10-053, the following words, terms, and phrases shall have the meanings indicated when used in this Division.

Act. Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, Public Act No. 451 of 1994, MCL 324.11501 et seq., as amended.

County waste management plan. The Oakland County Solid Waste Management Plan and any amendments thereto.

Designated waste hauler. A licensed waste hauler awarded a contract by the township to collect, transport, and dispose of the residential solid waste, recyclable materials, and yard waste generated from residential premises in the township as provided in Division 1A of Article III in Chapter 9 of this Code.

Existing waste hauler. A waste hauler servicing a site of generation in the township on the effective date of the Ordinance that added this Division

Recyclable Materials. Materials that are separated from solid waste prior to the collection from the site of generation, including high grade paper, glass, all metals, plastic, newspaper, corrugated paper, and other materials that may be recycled or composted. Recyclable materials shall not include hazardous waste.

Residential premises. A parcel or lot that contains a single-family residential dwelling or multiple-family residential dwelling unit.

Site of generation. Any property in or on which solid waste, recyclable material, or yard waste is generated.

Solid waste. All categories of waste materials as defined in Section 9-053 of this Code but excluding liquid waste, medical waste, wastewater, hazardous waste, and other materials excluded from the definition of solid waste in the Act.

Waste Hauler. Any person that as a principal business, collects or removes and transports solid waste, recyclable materials, or yard waste from a site of generation in the township for transportation to and disposal at a different location. A landscaping service that removes and disposes of yard waste as part of the landscape services provided to a customer is not a waste hauler.

Yard Waste. Leaves, grass clippings, lake weeds, vegetable or other garden debris, shrubbery, or brush, tree, plant and/or vegetation trimmings, less than four (4) feet in length and three (3) inches in diameter, that can be converted to compost humus, also commonly referred to as compostable(s) and yard waste. Yard waste shall not include stumps, agricultural wastes, animal waste, roots, sewage sludge or garbage.

Sec. 10-274. Waste hauler licensing required.

After March 30, 2020, no person shall act or be engaged in business as a waste hauler in the township without applying for, obtaining, and thereafter complying with a waste hauler license from the Township within the time and in the manner required in this Division.

Sec. 10-275. Existing waste haulers.

(a) Existing waste haulers shall have until February 14, 2020, to submit a complete application for a waste hauler license to the Township Clerk.

(b) Waste hauler license applications received by the Township Clerk after February 14, 2020, shall be presumed and treated by the Township for all purposes, including the designated residential waste hauler provisions in Division 1A of Chapter 9 of this Code, as not being by an existing waste hauler.

(c) Existing waste haulers that submit a complete and timely license application may continue to service sites of generation in the township until the license is issued or denied.

Sec. 10-276. License application requirements.

In addition to the information and fees required by Sections 10-071 and 10-072, an application for a waste hauler license shall include the following:

(a) A description of the waste hauler services provided by reference to the types of properties (single or multi-family residential, commercial, industrial, or other use), the method of collection (curbside pickup, dumpsters, or other), and the frequency of service for each type of property and method of collection.

(b) A list of the vehicles and other equipment to be used in providing the waste hauler services, that for each vehicle and piece of equipment includes the following information:
   (1) Description of the size, weight, and purpose or use.
   (2) Year, make, model, and for vehicles required to be licensed, the license plate number and month of expiration, and proof of insurance.
   (3) A copy of the most recent governmental inspection certificate or report.

(c) A list of the sites of generation for which waste hauler services are being provided, that for each site includes the following information:
   (1) The address and customer name.
   (2) The type of property (single or multi-family residential, commercial, industrial, or other use.)
   (3) The method of collection (curbside, dumpster, or other.)
   (4) The frequency and scheduled day of collection or service.
   (5) If the services being provided have been paid for in advance, the date through which services have been paid for and the date of the last payment.

(d) A schedule of fees and charges made to customers for waste hauler services.

(e) Proof of commercial general liability insurance.

(f) An acknowledgement and agreement to comply with the Designated Residential Waste Hauler provisions in Division 1A of Chapter 9 of this Code.

Sec. 10-277. License application review, decision, issuance, and conditions.

(a) The review and decision on a waste hauler license application shall be as provided in Division 2 of Article III of this Chapter, with a license applicant's failure or refusal to provide everything required in Section 10-276 an additional ground for the Township Clerk to deny the application.

(b) A license approved by the Township Clerk shall not be issued until:
   (1) Current U.S. or Michigan Department of Transportation (DOT) inspection certificates or reports that each vehicle or piece of equipment to be used in the township meets all DOT safety and equipment standards are provided.
   (2) Any bond as required in Section 10-279 has been provided.
   (3) The hazardous waste fees required by Section 10-280, if any, have been paid.

(c) Compliance with the Waste Materials Control provisions in Article III of Chapter 9 of this Code, specifically including the General regulations in Division 1, the Designated Residential Waste Hauler provisions in Division 1A, and the Waste Materials Regulations in Division 2, shall be a condition of every issued waste hauler license.

Sec. 10-278. Township inspection of vehicles and equipment.

The Township's right to inspect vehicles and equipment used in the Township for compliance with all Motor Vehicle Code and DOT safety and equipment standards shall be a condition of every issued waste hauler license.

Sec. 10-279. Bond.

In connection with renewal of a waste hauler license, the township may require that a performance bond be posted with the township if in the prior license year, the licensed waste hauler has violated one or more terms and conditions of its license. If required, the bond shall be in an amount and form established in accordance with a resolution of the township board and shall be subject to full or partial forfeiture to the township for violation of the provisions of this Division, Article III in Chapter 9, or the license. The township may use a forfeited bond to respond to such violations and/or retain it as a penalty.

Sec. 10-280. Hazardous waste fees.

In addition to any other fees required in this Division, prior to issuance or renewal of a license, the licensee shall pay a hazardous waste fee in an amount established by resolution of the township board, which is to be used by the township to provide household hazardous waste collection days, with the amount to be paid by each licensee to be in proportion to the number of residential customers they are serving when compared to the total number of residential customers being served in the township by all licensees.

Sec. 10-281. License term and renewals.

(a) Except as provided in subsection (b), waste hauler licenses shall be issued for a term that expires on December 31st of the year of issuance, with all terms thereafter to be one (1) year periods that commence on January 1st and end on December 31st.

(b) Except for a designated waste hauler and a waste hauler allowed to continue collections under Section 9-062(c)(5) of this Code, for residential premises sites of generation, waste hauler licenses shall expire on the effective date in Section 9-062 of this Code.

(c) Waste hauler licenses shall not be renewed without a renewal application and fees being submitted to the Township Clerk by December 15th, with the submission, review, and decision on the application to be as provided in Section 10-076 and the submission to include updated proofs of insurance and any changes in application information under Section 10-276.

(d) Vehicle and equipment inspection as provided in Section 10-278 shall be required for each waste hauler license renewal.

(e) There is no right to renewal of a waste hauler license. On or before November 30th of each license year, the township board may approve notifying a waste hauler of the township's intention to not renew the license for specified reasons. Such reasons and notice shall be provided in writing to the waste hauler at least seven (7) days before a hearing before the township board on a date and time specified in the notice at which the waste hauler shall have the opportunity to be heard before any final township board decision on whether the license may be renewed.

Sec. 10-282. License terms and conditions.

In addition to compliance with the Waste Materials Control provisions in Article III of Chapter 9 of this Code, specifically including the General regulations in Division 1, the Designated Residential Waste Hauler provisions in Division 1A, and the Waste Materials Regulations in Division 2, the following shall be terms, conditions, and requirements of every waste hauler license:

(a) Vehicles used by the waste hauler in the Township shall not be operated by a driver:
   (1) Who does not have in their possession a current, valid and unrestricted Michigan driver license with all required endorsements.
   (2) Who (i) is under the influence of liquor or controlled substances; (ii) has an unlawful blood alcohol content; or (iii) is visibly impaired due to consumption of liquor or controlled substances.

(b) Waste hauler service shall be offered without discrimination as to price, service, or territory or properties served, and no licensee shall make any agreement with another licensee that is intended to or may avoid compliance with or circumvent the Designated Residential Waste Hauler provisions in Division 1A of Article III in Chapter 9 of this Code.

(c) Collections, transportation, and disposal of solid waste, yard waste and recyclable materials shall be without spillage. Any spilled materials or containers deposited upon any street, sidewalk, public right-of-way, or private property in the course of collection or transportation within the township shall be promptly cleaned up and removed.

(d) Collections by a designated waste hauler as defined in Section 9-053 of this Code shall only be scheduled Monday through Friday and shall not be scheduled on January 1st, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and December 25th.

(e) Waste collection vehicles shall not be operated on township streets on Sundays, January 1st, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and December 25th, or before 7:00 a.m. and after 7:00 p.m. on other days.

(f) All collections, transportation, and disposal of solid waste, recyclable materials, and yard waste shall be in compliance with the Act and county waste management plan.

(g) Vehicles shall be operated and maintained in compliance with the Michigan Vehicle Code, the Traffic and Motor Vehicle regulations in Chapter 16 of this Code, and all other governmental laws.

(h) During the time they are performing collection, transportation, or disposal services waste hauler personnel shall comply with the Offenses regulations in Chapter 11 of this Code, and all other State or Federal laws.

Sec. 10-283. License revocation.

Any license issued under this Division may be revoked by the township board under the procedure in Division 3 of this Article.

Sec. 10-284. - Violations and sanctions.

Violations of this Division or the terms and conditions of a license are municipal civil infractions punishable as provided in Section 1-010(b).

Section 2 of Ordinance

Should any Section, subdivision, sentence, clause or phrase of this ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part as invalidated.

Section 3 of Ordinance

This Ordinance shall take effect immediately upon publication.

CERTIFICATION

I certify that this Ordinance was adopted by the Board of Trustees of the Charter Township of Waterford at a regular meeting held on September 9, 2019.

CHARTER TOWNSHIP OF WATERFORD

9/9/19
Date

By: Kimberly F. Markee
Kimberly F. Markee, Township Clerk

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