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**TITLE II - UTILITIES AND SERVICES****CHAPTER 21. GARBAGE AND RUBBISH**

2.1. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (1) "Ashes" is the residue from the burning of wood, coal, coke or other combustible materials.
- (2) "City Manager" is the City Manager of the City of Frankenmuth.
- (3) "Dwelling Unit" is a building, or a portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.
- (4) "Family" is one (1) or two (2) persons or parents with their direct lineal descendants and adopted children (and including the domestic employees thereof); together with not more than two (2) persons not so related, living together in the whole or part of a dwelling unit comprising a single housekeeping unit.
- (5) "Garbage" is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
- (6) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.
- (7) "Refuse" is all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, and solid market and industrial wastes.
- (8) "Rubbish" is nonputrescible solid wastes (excluding ashes), consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.

2.2 Collection by City. All refuse accumulated in the City shall be collected, conveyed and disposed of by the City or Contract Hauler under contract to the City. The City may award exclusive contracts for the collection of any specific type of refuse except yard waste. No person shall collect, convey over any of the streets or alleys of the City, or dispose of, any refuse accumulated in the City, without having a contract with the City, with the following exceptions:

- (a) Yard waste haulers;
- (b) Contractors who provide service to customers who require a greater frequency of pick up than the City's contract hauler provides. Said customers may be exempted by City Council resolution upon request of the customer.
- (c) Contractors who provide service to customers who use special compacting equipment for waste management. Said customers may be exempted by City Council resolution upon request of the customer.

(Ordinance No. 1996-1, 01-09-1996)

2.3. Exception for Actual Producers other than Residences. This Chapter shall not prohibit the actual producers of refuse or the owners of premises upon which refuse has accumulated, from personally collecting, conveying and disposing of such refuse, provided such producers or owners comply with the provisions of this Chapter and with any other governing law or ordinances.

2.4. Exception for Outside Collectors. This Chapter shall not prohibit collectors of refuse from outside of the City from hauling such refuse over City streets, provided such collectors comply with the provisions of this Chapter and with any other governing law or ordinances.

2.5. Collection Supervised by the City Manager. All refuse accumulated in the City shall be collected, conveyed, and disposed of by the City under the supervision of the City Manager. The City Manager shall have the authority to make regulations concerning the days of collection, type and location of waste containers and such other matters pertaining to the collection, conveyance and disposal as he shall find necessary, and to change and modify the same after notice as required by law, provided that such regulations are not contrary to the provisions hereof.

2.6. Appeals. Any person aggrieved by a regulation of, or fee charged by the City Manager shall have the right of appeal to the Council which shall confirm, modify or revoke any such regulation or fee.

2.7. Precollection Practices.

(1) Preparation of refuse.

(a) Garbage. All garbage before being placed in garbage cans for collection shall have drained from it all free liquids and shall be wrapped in paper.

(b) Rubbish. All rubbish shall be drained of liquid before being deposited for collection.

(c) Trimmings and Clippings. Tree trimmings, hedge clippings and similar material shall be cut to length not to exceed four (4) feet and securely tied in bundles not more than two (2) feet thick before being deposited for collection.

(2) Refuse Containers.

(a) Duty to Provide and Maintain in Sanitary Condition. Refuse containers shall be provided by the owner, tenant, lessee, or occupant of the premises. Refuse containers shall be maintained in good condition.

(b) Capacity. Containers shall have a capacity of not more than twenty (20) gallons and shall be of a kind suitable for collection purposes, and shall be of such weight that they can be handled by one (1) man.

(c) Sanitation. Containers shall be of a type approved by the City and shall be kept in a clean, neat and sanitary condition at all times.

(3) Storing of Refuse.

(a) Public Places. No person shall place any refuse in any street, alley or other public place, or upon any private property whether owned by such person or not, within the City except it be in proper containers for collection or under express approval granted by the City Manager. Nor shall any person throw or deposit any refuse in any stream or other body of water.

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(b) **Unauthorized Accumulation.** Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse shall be deemed a violation of this Code.

(c) **Scattering of Refuse.** No person shall cast, place, sweep or deposit anywhere within the City any refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place, or into any occupied premises within the City.

(4) **Points of Collection.** Refuse containers on residential areas shall be placed for collection at the curbside in front of the property and for commercial, at such location as is mutually agreed upon by the collector and/or the City Manager and the owner.

## 2.8. Collection Practices.

(1) **Frequency of Collection.**

(a) **Residential.** Refuse accumulated by residences shall be collected at least once each week.

(b) **Commercial.** Hotels, restaurants and such other business and institutions as deem it necessary may enter into an agreement for a greater frequency of collection. Where necessary to protect the public health, the City Manager shall have the authority to require that more frequent collections be made.

(2) **Limitation on Quantity.**

(a) **Residential.** A reasonable accumulation of refuse of each family shall be collected during a collection period for the standard charge.

(b) **Commercial.** A reasonable accumulation of refuse from hotels, restaurants and other businesses and institutions shall be collected during the collection period at a fair charge based upon the average weight or volume. The City Manager shall have the authority to refuse to collect unreasonable amounts or to make an additional charge for such amounts.

(3) **Special Refuse Problems.**

(a) **Contagious Disease Refuse.** The removal of wearing, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed should be performed under the supervision and direction of the City. Such refuse shall not be placed in containers for regular collections.

(b) **Inflammable or Explosive Refuse.** Highly inflammable or explosive materials shall not be placed in containers for regular collection but shall be disposed of as directed by the City Manager at the expense of the owner or possessor thereof.

(c) **Leaf Pick Up.** Residents may deposit leaves in the street adjacent to the curb in the fall of the year only.

(4) **Collection by Actual Producers other than Residential and Contract Collectors.**

(a) **Requirements for Vehicles.** The actual producers of refuse or the owners of premises upon which refuse is accumulated who desire personally to collect and dispose of such refuse, persons who desire to dispose of waste

material not included in the definition of refuse and collectors of refuse from outside the City who desire to haul over the streets of the City, shall use a water-tight vehicle provided with a tight cover and so operated as to prevent offensive odors escaping therefrom and refuse from being blown, dropped or spilled.

(b) Disposal. Disposal of refuse by persons so permitted under subsection (a) above shall be made outside the City limits, unless otherwise specifically authorized by the City Manager.

(c) Rules and Regulations. The City Manager shall have the authority to make such other reasonable regulations concerning individual collection and disposal and relating to the hauling of refuse over City streets by either local or outside collectors as he shall find necessary, subject to the right of appeal as set forth in section 2.6.

(5) Refuse Property of City. Ownership of refuse material set out for collection shall be vested in the City. Scavenging and junk picking of refuse materials placed for collection at the curbside is hereby expressly prohibited and any person found guilty of such act shall be subject to the penalties as set forth in Chapter 1 of this Code.

## 2.9. Fees.

(1) Residential. The fees for collection and disposal of refuse placed for collection at curbside shall be as follows:

(a) One-, Two-, or Multi-Family House. For each dwelling unit the charge shall be as set by the City Council.

(2) Commercial. For hotels, restaurants, stores, shops, and other businesses and institutions, the fees shall be based upon the average amount of refuse material and the frequency of collection, and shall be fixed by the City Manager subject to the right of appeal to the Council.

(3) Billing Procedure. The charge for refuse service shall be billed on the water bill as a separate item and subject to the same collection procedure in effect for collecting water charges.

(4) Delinquent Accounts. The stoppage of service for non-payment of refuse service charges shall be in addition to the right of the City to proceed for the collection of such unpaid charges in a manner provided by law for the collection of a municipal claim.

2.10. On-Site Burning. No person shall burn or permit to be burned on the premises within his control any paper or rubbish unless the same shall be burned in a completely enclosed incinerator properly designed to prevent the emission of smoke, flying paper and ash therefrom. All burning in open barrels, wire mesh containers, etc., is specifically prohibited.

## 2.11. Permissible Outside Burning.

A. Bonfires. No person or organization shall burn a bonfire without first obtaining a permit to do so from the Fire Chief of the Frankenmuth Fire Department. Permits for bonfires shall be granted only for a celebration of a particular holiday or civic event. Fuel to be burned shall be designated in any permit issued.

B. Campfires. Campfires whose flames are not greater than twelve (12) inches and which are part of a fire safety training program shall be permitted subject to the following conditions:

1. Burning of such fires shall be under the supervision of certified instructors in fire safety.
2. The Frankenmuth Fire Department shall be notified at least two (2) days in advance as to the date, time and place of such training exercise.
3. No campfire shall be built within twenty-five (25) feet of any structure.
4. The Fire Chief of the Frankenmuth Fire Department or his designated representative is authorized to require that campfires be immediately discontinued if such fires are determined to constitute a hazardous condition.

C. Campfires In Licensed Campgrounds. Such campfires will be permitted when built in fire pits/rings specifically constructed for that purpose and designed to prevent the escape of fire from the fire pit/ring area. Supervision by fire safety instructors and notification to the Frankenmuth Fire Department is not required. Items 3 and 4 in Paragraph B above do apply to these campfires.

2.12. Violation; Municipal Civil Infraction. A person who violates any provision of this Chapter is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$100.00 nor more than \$500.00, plus costs and other sanctions, for each violation. Repeat offenses shall be subject to increased fines as provided by Section 1.12(3)(b) of this Code. The Building Inspector is hereby designated as the authorized City official to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the City of Frankenmuth Municipal Ordinance Violations Bureau) for violations under this Chapter as provided by this Code.

(Ordinance No. 1989-4, Sec. 2, 09-05-1989; Ordinance No. 1998-02, 05-05-1998; Ordinance No. 2002-05, 08-07-2002)