

**From:** kignace@co.grand-traverse.mi.us [mailto:kignace@co.grand-traverse.mi.us]  
**Sent:** Wednesday, September 27, 2006 3:36 PM  
**To:** scorpe@acmetownship.org  
**Subject:** Curbside district request

Sharon,

I just spoke with Bill K. in my office and he suggested I send you some info.

**Some consideration points:**

- In consistency with the solid waste resolution that the Acme board passed back in the Spring, I am suggesting that you proceed with requesting that Acme Township be included in the curbside recycling district entirely.
- Acme Twp. is partially within the currently defined curbside district.
- Inclusion in the curbside district would decrease dependence on the recycling drop off sites which cost the county about \$380,000 per year and are paid for out of the landfill surcharge.
- Inclusion in the curbside district would cause curbside recycling service to be included with subscription trash cart service for households in the township.
- People would no longer have to drive to the drop-offs and could recycle curbside
- There would be a consistency of service for households.
- Outreach & education would be easier with all included in the curbside recycling district.
- Long Lake and Peninsula Twps. have already forwarded requests to the BPW for inclusion in the curbside district. Like requests and forthcoming from Blair and Green Lake Twps.
- There is a possibility that rates could rise. If so, it is more likely to happen in the more rural areas of the township. There is no guarantee of an increase or decrease. It is at the discretion of the hauler.
- Aside from making recycling more convenient, increasing the boundaries of the curbside district will allow more recyclables to be collected. This will increase Grand Traverse County's waste diversion rate.
- More recyclables collected will work to ensure stronger local processing facilities, keeping jobs and revenues local.

All that is required is a letter to the BPW with a "cc" to my office requesting: That all of Acme Township be included in the Curbside Recycling District.

---

Sorry...more silly questions:

What does it mean to be included in the district? If we are within it, does it become mandatory for haulers to offer curbside service? Can I get a copy of whatever document the BPW has adopted that creates the mandatory condition and sets forth any rules/rights/responsibilities for all parties involved?

On a side note, I am interested in the article in the paper that Garfield and the City are thinking about working together on solid waste/contracting as municipalities for services. Are you involved in that initiative? I haven't talked with Bill or my board yet, but personally I think it's way cool and wonder if Garfield and the City would be willing to entertain additional players such as us?

Sharon E. Corpe, Township Manager  
Acme Township  
6042 Acme Road  
Williamsburg MI 49690  
(231) 938-1350  
(231) 938-1510 Fax  
[scorpe@acmetownship.org](mailto:scorpe@acmetownship.org)  
[www.acmetownship.org](http://www.acmetownship.org)

**From:** kignace@co.grand-traverse.mi.us  
**Sent:** Wednesday, September 27, 2006 4:59 PM  
**To:** Sharon E. Corpe  
**Cc:** frey@recycle.com  
**Subject:** RE: Curbside district request

**Attachments:** ordinance17.pdf; restated rules 2d amendment.pdf; ordinance17 first amendment.pdf

Sharon,

[What does it mean to be included in the district? If we are within it, does it become mandatory for haulers to offer curbside service?](#)

Inclusion in the curbside district would cause curbside recycling service to be included with subscription trash cart service for households in the township. Meaning that haulers would have to provide it to those households with trash cart service.

I am including an attachment for Ordinance #17 where all of the requirements are contained.

Also, I'm glad to hear you're interested in the Garfield/City possibility. I will pass on your interest to Lee and Richard.

Thanks and let me know if you need anything else.

**AS REQUIRED BY ORD. NO. 17 AND RULES & REGULATIONS**

<b>Curbside District Service</b>						
<b>Service Type</b>		<b>Requirement</b>	<b>Section Reference</b>		<b>Hauler</b>	
			<b>Ord. 17</b>	<b>R&amp;R</b>	<b>Complying</b>	<b>Resp. Party</b>
		Provision of approved containers as defined		4.2d	N	Hauler
		Adhering to curbside district as defined		4.2.b	N	RRC/staff
		Offering fees for service as defined	3.2,e	4.2, 5.1	N	Hauler
		Hauling to designated trash facilities	3.2.d, 4.2		Y	
		Hauling to designated recycling facilities	3.2.d, 4.3		N	RRC/staff
		Disposal of yard waste by approved method(s)	3.2.d, 4.4	Sec. 9		
residential	single family	Provision of Trash Services	3.2,a			
		Provision of Recycling Services	3.2,a			
		Provision of Yard waste services	3.2,a			
		collection of Targeted Materials	3.2,a	3.1, 3.2		
		Collection of banned materials	3.2,c	3.5		
	multi-family less than 4 units	Provision of Trash Services:	3.2,a			
		Provision of Recycling Services	3.2,a			
		Provision of Yard waste services	3.2,a			
		Collection of Targeted Materials	3.2,a	3.1, 3.2		
		Collection of banned materials	3.2,c	3.5		

## ORDINANCE No.: 17

AN ORDINANCE TO REGULATE THE COLLECTION, TRANSPORTATION, DELIVERY AND DISPOSAL OF SOLID WASTE, YARD WASTE, AND RECYCLABLE MATERIALS; TO REQUIRE THE LICENSING OF HAULERS; TO ESTABLISH CONDITIONS OF THE HAULER LICENSE REQUIREMENTS; TO PROVIDE FOR COUNTY-DESIGNATED FACILITIES; TO PROHIBIT ROADSIDE DUMPING OF REFUSE; TO PROHIBIT SCAVENGING OF RECYCLABLES; TO ALLOW THE PROMULGATION OF RULES AND REGULATIONS; AND TO PROVIDE PENALTIES AND REMEDIES FOR VIOLATIONS THEREOF.

- Section 1: Definitions
- Section 2: Licensing of Haulers
- Section 3: Conditions of Hauler License
- Section 4: Unlawful Dumping of Refuse and Prohibition on Scavenging
- Section 5: Rules and Regulations
- Section 6: Miscellaneous

THE COUNTY OF GRAND TRAVERSE ORDAINS:

### SECTION 1

#### DEFINITIONS

- 1.1\_ Definitions. For purposes of this Ordinance, the words and phrases listed below in alphabetical order shall have the following meanings.
- 1) “Act 641” means Act No. 641 of the Public Acts of Michigan, 1978, the Solid Waste Management Act, as amended.
  - 2) “Administrator” means the Director of the Grand Traverse County Department of Public Works or other person as appointed by the County Board to administer or enforce the elements of this Ordinance.

- 3) “Banned Material” means any material that cannot be included in the solid waste set out for collection from any premises located within the County.
- 4) “Banned Materials List” means a list established by the BPW of banned materials.
- 5) “BPW” means the Board of Public Works of Grand Traverse County.
- 6) “County Board” means the County Board of Commissioners of Grand Traverse County.
- 7) “County” means the County of Grand Traverse, Michigan, acting by and through its County Board.
- 8) “County-Designated Facility” or “Designated Facility” means a facility which the County has identified as an approved location for the disposal of solid waste or the collection, processing and marketing of yard waste or recyclable material. A County-Designated Facility would include any of the following: 1) a solid-waste transfer facility, 2) a sanitary landfill, 3) a solid waste processing plant or 4) any other facility utilized in the collection, transfer, processing or disposal of solid waste, yard waste or recyclable material.
- 9) “Demolition and Construction Debris” means a type of solid waste consisting of waste building materials and rubble resulting from construction, remodeling, repair and demolition operations on houses, commercial buildings and other structures. Construction and demolition debris includes trees, stumps, and brush removed from property during construction, maintenance or repair. Construction and demolition waste does not include any of the following, which is defined under this Ordinance as solid waste even if it results from construction, remodeling, repair and demolition of structures which includes: (a) garbage (b) furniture and (c) solid waste resulting from a processing technique that renders individual waste components unrecognizable, such as pulverizing or shredding. It also does not include any of the following which may require special disposal considerations: (a) asbestos waste, (b) drums and containers, (c) fuel tanks, (d) corrugated container board, and (e) appliances.
- 10) “Designated Curbside Recycling District” means all areas in the County identified by the BPW as requiring curbside collection services for yard waste and recyclable materials for single-family residential structures and multi-family residential structures with less than 5 units per building.
- 11) “Effective Operation Date” means April, 1992 unless otherwise specified in this Ordinance or the Rules and Regulations.

- 12) “Hauler” means any person possessing a valid hauler license from the county who is engaged in whole or in part in the business of collecting, transporting, delivering, or disposing of solid waste, yard waste or recyclable material within the County other than the refuse generated by the person so hauling.
- 13) “Hazardous Waste” means hazardous waste as defined in Act No. 64 of the Public Acts of Michigan, 1979, as amended, and as identified in administrative rules promulgated pursuant to said Act by the Director of the Michigan Department of Natural Resources.
- 14) “Local Unit of Government” means a city, village, township or charter township located within Grand Traverse County.
- 15) “Member Units” means a city, village, township or charter township located within Grand Traverse County which has contracted with the BPW for the purpose of participating in the facilities, programs and services that are the subject of this Ordinance.
- 16) “Person” means any individual, firm, public or private corporation, partnership, trust, public or private agency or any other entity or any group of such persons.
- 17) “Premises” means a parcel of land, including any building or structures located thereon, within Grand Traverse County used for residential, commercial, industrial, agricultural or institutional purposes either separately or in combination to which a separate street address, postal address or box, tax roll description, or other similar identification has been assigned to or is in use by a person having control of the area.
- 18) “Recyclable Material” means material intended to be discarded by the generator as no longer useful to the generator that are to be collected, separated, or processed, and used as raw materials or products. Examples of recyclable material include newspaper, corrugated cardboard, magazines, computer print-out paper, office paper, glass containers, high density and low density polyethylene containers (HDPE and LDPE), polyethylene terephthalate (PET) containers, tin cans, ferrous metal and non-ferrous metal.
- 19) “Refuse”, for the purposes of this Ordinance, shall have the same meaning as Solid Waste.
- 20) “Solid Waste” means garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludges, solid commercial and solid industrial waste, and animal waste as defined in Section 7(1) of Act 641, as amended.

- 21) “Solid Waste Council” means the standing advisory committee to the Grand Traverse County Board of Public Works that has been assigned oversight responsibility for the county-wide solid waste management system.
- 22) “Source Separated Yard Waste and/or Recyclable Materials” means yard waste or recyclable materials which are kept separate from refuse at the point of generation and have been prepared for disposal according to local guidelines for participation in county-wide recycling programs.
- 23) “Special Refuse” means furniture, household appliances, brush, large tree limbs and other bulky refuse items, with the exception of construction and demolition debris.
- 24) “Targeted Materials List” means the list established by the County BPW of all materials that are to be collected through the collection services for yard waste and recyclable materials provided by licensed haulers, through the drop-off depots and through the solid waste transfer stations.
- 25) “Tipping Fee” means a fee to be charged upon delivery of solid waste, recyclable materials or yard waste to a County-Designated Facility.
- 26) “Volume-Based Fee System” means a fee system, used by a licensed hauler to charge customers for services, that meets requirements to establish an incentive for the customer to reduce waste and to recycle and compost as established by the BPW pursuant to this Ordinance.
- 27) “Yard Waste” means leaves, grass clippings, vegetable or other garden debris, shrubbery or brush or tree trimmings that can be converted to compost humus. This term does not include stumps, agricultural wastes, animal waste, roots, sewage sludge or garbage.

## SECTION 2

### LICENSING OF HAULERS

- 2.1 Hauler License. No person shall engage in the business of collecting, transporting, delivering, or disposing of solid waste, yard waste or recyclable materials generated by another person within Grand Traverse County without first obtaining a hauler license.
- 2.2 License Application. Every person desiring to engage in the collecting, transporting, delivering or disposing of solid waste, yard waste or recyclable materials generated by another person within Grand Traverse County shall make written application to the County on forms provided by or prescribed by the BPW. The application shall require such information as will enable the Administrator to determine whether the applicant, if licensed, will serve the public in compliance with requirements of this Ordinance, and all other

applicable laws, statutes, Ordinances, rules, and regulations.

2.3 License Fee. Annual hauler application or renewal licensing fees must be paid by the applicant upon submittal of a license application to the Administrator.

- a) Initial Hauler License Application Fee. At the time of initial application for a hauler license, an application fee of \$50.00 (fifty dollars) shall be paid to the BPW.
- b) License Renewal Fee. At the time of renewal application for a hauler license, an application fee of \$25.00 (twenty five dollars) shall be paid to the BPW.

2.4 Approval or Denial of License. Upon receipt of an administratively complete application and upon payment of an applicant licensing fee, the Administrator shall forward the application to the BPW which shall grant or deny the hauler license within 90 days of receipt by the Administrator. If granted, the Administrator shall issue the license. The BPW may deny the issuance of the license for any of the following reasons:

- a) Failure of the applicant to comply with this Ordinance.
- b) Violations of this Ordinance or any other applicable federal, state, county and local laws, statutes, rules and regulations, including but not limited to those pertaining to the collecting, transporting, delivering or disposing of solid waste, yard waste and recyclable materials generated within Grand Traverse County.
- c) Prior criminal convictions in connection with solid waste collection, processing and disposal activities in the last ten years (other than minor traffic offenses) by the applicant, its subsidiaries or its parent company or prior license revocation(s) by the applicant, its subsidiaries or its parent company.
- d) Misrepresentations of any material fact in the application for the license. If hauler license is denied, the BPW shall refund the applicant licensing fee. Before denial of a license application, the BPW shall inform the applicant of its intentions and provide the applicant with an opportunity for a hearing before the BPW after which the BPW shall make its final decision.

2.5 License Expiration and Renewal. A license issued under section 2.4 shall expire on the first day of January of the following year. Licenses may be renewed annually following the same procedures set forth in this Section for license applications upon payment of an annual renewal licensing fee, unless revoked in accordance with the terms of this Ordinance.

2.6 Non-transferability of Licenses. All licenses shall be non-transferable.

## SECTION 3

### CONDITIONS OF HAULER LICENSE

- 3.1 General License Conditions. It shall be a condition of each Hauler License that the hauler shall comply with all the following:
- a) All provisions of this Ordinance, and the Rules and Regulations promulgated under authority of this Ordinance.
  - b) All applicable federal, state, county and local laws, statutes, rules and regulations, including but not limited to those pertaining to the collecting, transporting, delivering or disposing of solid waste, yard waste and recyclable materials generated within Grand Traverse County.
  - a) All applicable provisions of the Grand Traverse County Solid Waste Plan as required under Act 641 and any agreements regarding inter-county transport of solid waste authorized or restricted through that plan.
  - b) All applicable provisions of the rules and regulations adopted and amended as required for the administration and operation of County-Designated Facilities.
- 3.2 Specific License Conditions. As part of the terms and conditions of Hauler License issued pursuant to this Ordinance the licensee agrees to:
- a) Residential Service: Provide, or arrange to provide through subcontract, regularly scheduled curbside pickup services for yard waste and recyclable materials on the Targeted Materials List that are generated by single-family residential structures and multi-family residential structures with less than 4 units per building receiving solid waste collection services from the licensee in all Designated Curbside Recycling Districts. Service specifications will be developed by the BPW as described in the Rules and Regulations promulgated under Section 5 of this Ordinance. Service specifications will identify the Designated Curbside Recycling Districts, the types of residential structures that services must be provided to in those areas, the materials to be collected, specifications for their preparation, and other appropriate requirements of the licensee.
  - b) Commercial Service: Provide, or arrange to provide through subcontract, pickup services for yard waste and recyclable materials on the Targeted Materials List that are generated by commercial, institutional and industrial establishments and by residential multi-family structures with 4 or more units per building receiving solid waste collection services from the licensee. The pickup services shall be at a degree of customer convenience and a frequency that meets or exceeds the degree of



customer convenience and frequency of the solid waste collection services provided to the establishment by the licensee. Materials to be collected, specifications for their preparation, and other appropriate service specifications will be developed by the BPW in the Rules and Regulations promulgated under Section 5 of this Ordinance.

- c) **Banned Materials:** Not allow materials to be included in the solid waste collected by the licensee that are on the Banned Materials List as described in the Rules and Regulations promulgated under Section 5 of this Ordinance.
- d) **County-Designated Facilities:** Arrange for delivery of all solid waste, yard waste and recyclable material collected under provisions of this Ordinance to County-Designated Facilities.
- e) **Fees for Service:** Establish any fee for service charged to customers as a Volume-Based Fee System as defined in this Ordinance and described in the Rules and Regulations promulgated under Section 5 of this Ordinance.
- f) **Annual Reports:** File with the Administrator by the fifteenth day of January on a form provided by the BPW annual updates on each of the following:
  - 1) A description of the number and types of equipment the applicant will use the types of collections services to be provided, and the geographic service areas for handling solid waste, yard waste and/or recyclable material within the County.
  - 2) Other information as required to show the hauler's intentions to meet all collection and disposal requirements outlined in this Ordinance.
  - 3) Proof of liability insurance and worker's compensation insurance.
  - 4) Samples of all educational and promotional materials distributed to customers during the previous license period.
- g) **Quarterly Reports:** File with the Administrator, or and independent third party selected by the Administrator, by the fifteenth day of January, April, July and October of each year, on a form provided by the BPW, operations information from the last full 3 month period which may include, at the discretion of the Administrator, documentation of the quantities, in cubic yards and tons, of solid waste, including demolition and construction waste, and source separated yard waste and recyclable material collected by the licensee within Grand Traverse County.

#### SECTION 4

## UNLAWFUL DUMPING OF REFUSE

### AND PROHIBITION ON SCAVENGING

- 4.1 Approved Collection Methods. The owner of each residential, commercial, institutional and industrial property withing Grand Traverse County shall be responsible for securing an approved method of collection for solid waste, yard waste and recyclable material generated on their premises. Approved methods shall be limited to 1) arrangements for transport by a licensed hauler, or 2) transport of a person's own solid waste, yard waste or recyclable material to a County-Designated Facility. All special refuse, construction debris, and demolition debris must be removed using an approved method and delivered to a facility licensed for the receipt of such wastes by the Michigan Department of Natural Resources. Approved methods shall be limited to: 1) arrangements for transport by a licensed hauler, and 2) transport of a person's own material to a County-Designated Facility.
- 4.2 Delivery of Solid Waste, Yard Waste and Recyclable Materials by Licensed Haulers: Effective Operation Date. As of the Effective Operation Date and all times thereafter, licensed haulers shall a) deliver all solid waste, yard waste and recyclable material to a County-Designated Facility; and b) pay the tipping fee for delivery thereof. As of the Effective Operation date and all times thereafter, no licensed hauler shall deliver solid waste, yard waste or recyclable material collected or transported from a site of generation within the County to any site other than a County-Designated Facility.
- 4.3 Delivery of Solid Waste, Yard Waste and Recyclable Materials by Persons: Effective Operation Date. As of the Effective Operation Date and all times thereafter, a person transporting solid waste, yard waste or recyclable material generated from his or her household or business shall a) deliver such material to a County-Designated Facility and b) pay the tipping fee for delivery thereof. As of the Effective Operation Date and all times thereafter, a person transporting solid waste, yard waste or recyclable material generated from his or her premise within the County shall not deliver such material to any site other than a County-Designated Facility.
- 4.4 Unlawful Dumping. No person shall deposit or cause to be deposited, sort, scatter, throw, drop or leave any solid waste, hazardous waste, special waste, banned materials, construction or demolition debris, yard waste or recyclable material, as herein defined, upon or into any street, right-of-way, alley, container or other property, public or private, within Grand Traverse County except in accordance with the provisions of this Ordinance.
- 4.5 Accumulation of Refuse. No owner or occupant of a commercial establishment shall permit the accumulation of solid waste upon any commercial premises for a period in excess of fifteen (15) days. No owner or occupant of a residential dwelling unit shall permit the accumulation of solid waste upon a residential premises for a period in excess of thirty (30) days.

- 4.6 Composting and Recycling. Yard waste may be accumulated indefinitely for composting purposes in a manner which will not harbor rodents or become a public nuisance. Source separated recyclable materials may be accumulated indefinitely in a manner which will not become a public nuisance for the purpose of transport and delivery to a recycling facility.
- 4.7 Restrictions. No person shall place in any container or receptacle intended for receipt of solid waste, special waste, banned materials, construction or demolition debris, yard waste or recyclable material any other material that might endanger the collection personnel or that would be detrimental to the normal collection operation, for example: gaseous, solid, or liquid poisons, dead animals, ammunition, explosives, or any material that possesses heat or chemical properties sufficient to ignite any other collected materials.
- 4.8 Anti-Scavenging Provision. No person shall take, collect or transport from any street right-of-way, alley or dumpster within this County any solid waste, yard waste, or recyclable material that has been designated for collection by a public agency or licensed hauler unless otherwise provided for. This restriction applies to materials that have been placed at a drop-off location, at the edge of a curb, road or alley, or at other designated collection sites.

## SECTION 5

### RULES AND REGULATIONS

- 5.1 Promulgation of Rules and Regulations. The BPW will draft and adopt rules and regulations to carry out the provisions of this Ordinance including those pertaining to the administration, implementation and continued operation of any projects related to this Ordinance; the establishment, administration and enforcement of hauler licensing requirements and service specifications; the definition of materials on the Banned and Targeted Material Lists; and the establishment, administration and enforcement of provisions for County-Designated Facilities.
- 5.2 Procedures for Promulgation and Amendment. Promulgation of any amendments to the rules and regulations will be adopted by the BPW in accordance with the following procedure:
- a) Proposed amendments to the rules and regulations are reviewed by the BPW and the BPW's Solid Waste Council.
  - b) Proposed amendments are initially accepted by the BPW and the BPW's Solid Waste Council.
  - c) Proposed amendments are sent to each Member Unit of the BPW, all licensed haulers, all designated facility operators and with public notice published in the

Traverse City Record Eagle, at least 45 days prior to final consideration by the BPW.

- d) Member units have 45 days to respond to the BPW on any or all of the proposed amendments. A public hearing on the proposed amendments shall be held by the BPW no earlier than 30 days after the notification described in 5.2.c.. One additional 45 day extension to the comment period will automatically be granted upon submittal to the BPW, before the initial 45 day comment period ends, of a resolution adopted by the governing body of any Member Unit requesting the extension.
- e) After the final 45 day comment period and consideration of Member Unit response and the public hearing record and upon the advise of the BPW's Solid Waste Council, the BPW acts to accept, reject, repeat the comment period, or further revise any or all of the proposed amendments to the rules and regulations, except that a proposed amendment is vetoed if the BPW has, before the end of the final 45 day comment period, received from Member Units representing either (1) 67 percent of the population of the Member Units, or (2) 67 percent of the number of Member Units, a resolution adopted by the governing body of each Member Unit rejecting that proposed amendment. Any substantial changes to a proposed amendments in response to the comments received require a repeat of the 45 day comment period opportunity.

## SECTION 6

### MISCELLANEOUS

- 6.1 Revocation of Hauler License. The BPW shall have the right to revoke the license of any hauler that fails to abide by any provision of this Ordinance and any rules and regulations so authorized. Prior to such action, the BPW shall inform the licensed hauler, via certified mail, of its intentions, provide justification used in consideration of the revoking action and provide the applicant with an opportunity for a hearing before the BPW after which the BPW shall make its final decision. Prior revocation of a license shall be sufficient grounds for refusal by the BPW to certify any future application by such licensee.
- 6.2 Penalties and Remedies. Upon a violation of any provision of this Ordinance and any rules and regulations so authorized, the County may seek criminal prosecution and may seek legal and/or equitable relief in a court of competent jurisdiction. Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500) or imprisonment not to exceed 90 days, or both such fine and imprisonment. Each day that a violation occurs or continues shall be deemed a separate offense.
- 6.3 Severability. Sections of this Ordinance shall be deemed severable and should any section, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be

invalid.

- 6.4 Effective Date. This Ordinance shall become effective as of April, 1992.
- 6.5 Repeal Clause. All ordinances or parts of ordinances in conflict with this Ordinances are hereby repealed.
- 6.6 Exemptions. All local units of government who are not considered to be Member Units as defined by this Ordinance shall be exempted from the provisions of this Ordinance.
- 6.7 Amendment. Promulgation of any amendments to this Ordinance will be adopted by the County in accordance with the following procedure:
- a) Proposed amendments to this Ordinance are reviewed by the BPW and the BPW's Solid Waste Council and submitted to the County Board of Commissioners.
  - b) Proposed amendments are initially accepted by the Board of Commissioners for further consideration and final adoption.
  - c) Proposed amendments are sent to each Member Unit of the BPW, all licensed haulers, all designated facility operators and public notice printed in the Traverse City Record Eagle, at least 45 days prior to final consideration by the County Board of Commissioners.
  - d) Member units have 45 days to respond to the County on any or all of the proposed amendments to the Ordinance. A public hearing on the proposed amendments shall be held by the County Board of Commissioners no earlier than 30 days after the notification described in 6.7.c. One additional 45 day extension to the comment period will automatically be granted upon submittal to the BPW, before the initial 45 day comment period ends, of a resolution adopted by the governing body of any Member Unit requesting the extension.
  - e) After the final 45 day comment period and consideration of Member Unit response and the public hearing record, the County Board of Commissioners may adopt, reject, repeat the comment period, or further revise any or all of the proposed amendments at its own discretion except that a proposed amendment is vetoed if the County has, before the end of the final 45 day comment period, received from Member Units representing either (1) 67 percent of the population of the Member Units, or (2) 67 percent of the number of Member Units, a resolution adopted by the governing body of each Member Unit rejecting that proposed amendment. Any substantial revisions to a proposed amendments in response to the comments received shall require a repeat of the 45 day comment period opportunity.
  - f) This amendatory process is supplemental to any statutory requirements for County

ordinance adoption and amendments under State law.

- 6.8 Other Requirements. The provisions of this Ordinance and the Rules and Regulations promulgated thereunder shall preempt any conflicting requirements and ordinances of member Units; except that the provisions of Section 4, Unlawful Dumping of Refuse and Prohibition on Scavenging, and Section 6 paragraph 6.2, Penalties and Remedies, of this Ordinance and the Rules and Regulations promulgated thereunder shall be supplementary and in addition to all other requirements and ordinances of the applicable Member Unit. In the event of a conflict between the provisions of Section 4 and Section 6 paragraph 6.2 and those of another requirement or ordinance of the applicable Member Unit, the stricter shall apply and take precedence.

**FIRST AMENDMENT  
ORDINANCE NUMBER 17  
GRAND TRAVERSE COUNTY**

An Ordinance to Regulate the Collection, Transportation, Delivery and Disposal of Solid Waste, Yard Waste, and Recyclable Materials; To Require the Licensing of Haulers; To Establish Conditions of the Hauler License Requirements; To Provide for County-Designated Facilities; To Prohibit Roadside Dumping of Refuse; To Prohibit Scavenging of Recyclables; To Allow the Promulgation of Rules and Regulations; And to Provide Penalties and Readies for Violations Thereof.

THE COUNTY OF GRAND TRAVERSE ORDAINS:

(1) The provisions of Grand Traverse County Ordinance Number 17, "An Ordinance to Regulate the Collection, Transportation, Delivery and Disposal of Solid Waste, Yard Waste, and Recyclable Materials; To Require the Licensing of Haulers; To Establish Conditions of the Hauler License Requirements; To Provide for County-Designated Facilities; To Prohibit Roadside Dumping of Refuse; To Prohibit Scavenging of Recyclables; To Allow the Promulgation of Rules and Regulations; And to Provide Penalties and Readies for Violations Thereof" are hereby amended as set forth herein. Except as expressly stated in this Amendment, the Ordinance remains in full force and effect.

(2) Section 3.2 "Specific License Conditions" subsection d) is hereby amended to read in its entirety as follows:

d) Arrange for delivery of all solid waste, yard waste and recyclable material collected under provisions of this Ordinance to County-Designated Facilities. Arrange for disposal of all yard waste by an approved method as defined by regulation.

[Note this section now requires licensed haulers to haul yard waste to a designated facility. The amendment would permit the licensed hauler to use any approved method of disposal of yard waste.]

(3) SECTION 4 UNLAWFUL DUMPING OF REFUSE AND PROHIBITION ON SCAVENGING Sections 4.1 and 4.2 are hereby amended to read, in their entirety, as follows:

4.1 Approved Collection Methods. The owner of each residential, commercial, institutional and industrial property within Grand Traverse County shall be responsible for securing an approved method of collection for solid waste, yard waste and recyclable material generated on their premises. Approved methods shall be limited to 1) arrangements for transport by a licensed hauler, or 2) transport of a person's own solid waste, yard waste or recyclable material to a County-Designated Facility. Yard waste shall be disposed of by an approved method All special refuse, construction debris and demolition debris must be removed using an approved method and delivered to a facility licensed for the receipt of such wastes by the Michigan Department of Natural Resources. Approved

methods shall be limited to 1) arrangements for transport by a licensed hauler, and 2) transport of a person's own material to a County-Designated Facility.

4.2 Delivery of Solid Waste, Yard Waste and Recyclable Materials by Licensed Haulers; Effective Operation Date. As of the Effective Operation Date and all times thereafter, licensed haulers shall a) deliver all solid waste, yard waste and recyclable material to a County-Designated Facility; and b) pay the tipping fee for delivery thereof and c) dispose of all yard waste by an approved method. As of the Effective Operation Date and all times thereafter no licensed hauler shall deliver solid waste, yard waste or recyclable material collected or transported from a site or generated within the County to any site other than a County-Designated site.

(4) This Amendment shall be effective following adoption upon publication in the Traverse City Record Eagle pursuant to C.L 46.11,

[The existing sections require landowners and haulers to haul yard waste to a County-Designated Facility. This amendment permits the use of any approved method of disposal.]

#### CERTIFICATE

The undersigned hereby certifies that the foregoing First Amendment to Ordinance Number 17 was duly adopted by the Grand Traverse County Board of Commissioners on the date set forth below by the vote set forth below. The undersigned further certifies that the meeting at which said First Amendment was adopted was held in compliance with the Open Meetings Act and that minutes of the meeting will be prepared, retained, and made available as required by law.

Date of Adoption: \_\_\_\_\_

In Favor: \_\_\_\_\_

Opposed: \_\_\_\_\_

Abstain: \_\_\_\_\_

\_\_\_\_\_  
Clerk  
Grand Traverse County  
Date:

Redlined material is deleted.  
Underlined material is new.  
[ Material in brackets is a note]



Drafted by:  
Michael J. Houlihan (P15157)  
539 S. Garfield  
P.O. Box 28  
Traverse City, Michigan 49685-0028  
Voice: 616-941-4646 Fax: 616-941-4649  
email: mjh@mhoulihan.com

F:\CLIENTS\0780DPW\Solidwst\SWRULES\ORD17AMD.WPD

The following amendment to the Rules and Regulations for Grand Traverse County Ordinance No. 17 was adopted by the Grand Traverse County Board of Public Works on August 25, 2003 and is effective 30 days thereafter.

SECOND AMENDMENT TO RESTATED  
RULES AND REGULATIONS FOR ORDINANCE NUMBER 17

RULES AND REGULATIONS FOR AN ORDINANCE TO REGULATE THE COLLECTION, TRANSPORTATION, DELIVERY AND DISPOSAL OF SOLID WASTE, YARD WASTE, AND RECYCLABLE MATERIALS; TO REQUIRE THE LICENSING OF WASTE HAULERS; TO ESTABLISH CONDITIONS OF THE HAULER LICENSE REQUIREMENTS; TO PROVIDE FOR COUNTY-DESIGNATED FACILITIES; TO PROHIBIT ROADSIDE DUMPING OF REFUSE; TO PROHIBIT SCAVENGING OF RECYCLABLES; TO ALLOW THAT PROMULGATION OF RULES AND REGULATIONS; AND TO PROVIDE PENALTIES AND REMEDIES FOR VIOLATIONS THEREOF.

- Section 1: Definitions
- Section 2: Project and System Goals
- Section 3: Targeted and Banned Materials
- Section 4: Collection Service Requirements
- Section 5: Fees, Rates and Charges for Collection Services
- Section 6: County-Designated Facilities
- Section 7: Program Management and Administration
- Section 8: Enforcement
- Section 9: Approved Methods of Yard Waste Disposal

THE BOARD OF PUBLIC WORKS OF GRAND TRAVERSE COUNTY HEREBY PROMULGATES THE FOLLOWING RULES AND REGULATIONS FOR ORDINANCE NO. 17:

SECTION 1

DEFINITIONS

1.1 Definitions. For purposes of these Rules and Regulations, the definitions provide for key words and phrases will be those contained in Section 1 of Ordinance No. 17. The following definitions, presented in alphabetical order, are hereby added to that list:

- 1) A Solid Waste Management Planning Process@ means an authorized solid waste planning process managed by an Michigan Department of Environmental Quality (MDEQ) approved Grand Traverse County designated planning agent as described in P.A. 1994 No. 451 C.L.324..115381 et seq. Natural Resources and Environmental Protection Act, as amended.
- 2) A Solid Waste Plan@ means the final plan resulting from the Solid Waste Management Planning Process that has been officially approved by the MDEQ..
- 3) A Compostable Material@ means that material which is identified as the organic fraction of the waste stream and is separated from general solid waste.
- 4) A MDEQ@ means the Michigan Department of Environmental Quality
- 5) @Organic Fraction@ means that component of the waste stream which is classified as food waste, wood waste and yard waste.
- 6) A BPW@ or A Board@ means the Grand Traverse County Board of Public Works.

## SECTION 2

### PROJECT AND SYSTEM GOALS

2.1 System Goals and Target Dates: The BPW, upon the recommendation of the Resource Recovery Council, shall adopt annual system goals for each year during the next five year period for the solid waste stream generated in Grand Traverse County. These system goals shall be broken down by types of material in the waste stream, including at a minimum the materials on the targeted and banned materials list as established in Ordinance No. 17. The system goals shall be expressed in terms of percentages, per capita cubic yards and tons and total cubic yards and tons of material to be handled by the end of the target year through various types of source reduction, recycling, composting, landfilling, or other applicable waste handling methods. These adopted system goals and target dates shall be considered an amendment to these Rules and Regulations, following amendment procedures as established in Ordinance No. 17, and shall be included as Exhibit A of the Rules and Regulations.

Until amended as stated above the system goals defined by the currently adopted Solid Waste Management Plan shall prevail. The system recycling goal is at least 25 percent of the total waste collected over a one year period by 1994 and the system composting goal is 75 percent of the organic fraction of the waste stream over a one year period by 1994.

- 2.2 Setting Goals and Target Dates. The BPW shall work within the Grand Traverse County Solid Waste Management Planning Process to gain the required 67 percent approval by local units of government of five year system goals and target dates for the solid waste stream generated in Grand Traverse County as part of the regular updates of the Solid Waste Management Plan required by MDEQ. These plan approved system goals and target dates shall be included in the next proposed amendment to Exhibit A of these Rules and Regulations. In the absence of an active MDEQ authorized update process for the Plan, the BPW shall continue to establish five year system goals and target dates as defined in this Section and as is consistent with any previous plan approved system goals and target dates.
- 2.3 Annual Deadline for Submittal. The Resource Recovery Council shall submit to the BPW their proposed annual system goals and target dates for the upcoming five year period as proposed amendments to these Rules and Regulations by July 1 of each year, with July 1, 1992 being the first date this requirement shall be effective.
- 2.4 Annual Deadline for Approval. If no action is taken by the BPW within 90 days of submittal of these proposed system goals and target dates they shall automatically take effect and be considered as adopted amendments to these Rules and Regulations.
- 2.5 Failure to Submit Updated System Goals and Target Dates. Should the Resource Recovery Council not submit proposed amendments for annual system goals and target dates by the July 1 deadline the existing system goals shall remain in effect with the percentage and per capita system goals for the fifth year being automatically extended for one additional year.
- 2.6 Tracking Progress Towards System Goals and Target Dates. The Resource Recovery Council, to the degree practicable, shall collect, verify and analyze data necessary to document annual progress towards the system goals and target dates. Such data collection, verification and analysis activity shall include the following at a minimum:
- a) Requirements of all licensed haulers for quarterly submittal on a form prepared by the Resource Recovery Council of a licensed hauler=s estimated activity in the previous three month period in collecting all materials on the banned and targeted materials list and all solid waste, refuse and demolition and construction debris. Such estimates shall be in cubic yards and shall be broken down by type of collection activity and by point of final delivery. Due dates for filing this information are the fifteenth day of January, April, July and October of each year, with July 15, 1993 being the first year this requirement shall be effective.
  - b) Requirements of all County-Designated Facilities for quarterly submittal on a form prepared by the Resource Recovery Council of a designated facility=s estimated activity in the previous three month period in receiving and processing all materials on the banned and targeted materials list and all solid waste, refuse and demolition and construction debris. Such estimates shall be in cubic yards and shall be broken down by type of processing activity and by point of final

destination of material after marketing. Due dates for filing this information are the fifteenth day of January, April, July and October of each year, with July 15, 1993 being the first year this requirement shall be effective.

- c) Other data collection and verification activity through techniques that may include, as deemed appropriate, 1) field, phone and mail surveys, 2) site visits, 3) statistically verifiable field sampling of types of activity, participation rates, material quantities, contamination levels, or characterization of streams of yard waste, recyclable materials, solid waste and demolition and construction debris.
- d) Data analysis as needed to document the performance of the system in the most recent full calendar year including at a minimum the performance in terms of percentages, per capita cubic yards and tons, and total cubic yards and tons of material handled that year through various types of source reduction, recycling, composting, landfilling, or other applicable waste handling methods. The documented performance for the most recently completed calendar year shall be released as a report to the BPW, all Member Units, licensed haulers and County-Designated Facilities by May 15th of each year and shall be included in tabular form in the proposed amendment to these Rules and Regulations defining annual system goals and target dates for the next five year period.

2.7 Tracking Progress Towards Source Reduction Goals and Target Dates. The Resource Recovery Council, in evaluating progress towards source reduction goals and target dates, shall incorporate documented increases or decreases in activity during the calendar year being evaluated in any of the following areas:

- a) Composting of organic material onsite, referred to as backyard composting for residential generators.
- b) Mulching of organic material back into the soil during lawn and yard maintenance activities.
- c) Use of reusable containers, utensils, products or tools by households, businesses and industry.
- d) Purchase of longer life products and equipment.
- e) Increased efficiency through higher yields in utilization of feedstock materials during production, distribution and consumption activities within the County.
- f) Other activities as deemed appropriate.

Reductions in the per capital rate of generation for materials recycled, composted and disposed shall serve as supporting documentation of increased source reduction only when those results can be correlated to specific source reduction activities.

2.8 Tracking Progress Towards Recycling Goals and Target Dates: The Resource Recovery Council, in evaluating progress towards recycling goals and target dates, shall incorporate documented increases or decreases in recyclable material handled during the calendar year being evaluated in any of the following areas:

- a) Collection activity by licensed haulers.
- b) Processing activity at County-designated recycling drop-offs and material recovery facilities.
- c) Disposal site separation activity at County-designated transfer facilities, type II landfills and type III landfills.
- d) Self-baling and backhauling of recyclables generated onsite by commercial and industrial enterprises. Some examples include supermarkets and manufacturing facilities.
- e) State of Michigan deposit container glass recycling by beverage distributors.
- f) Other retail outlet sponsored recycling activity in which product or packaging types sold by a particular location are received by that location for recycling. Some examples include retail outlet collection and recycling for tires, white goods, auto batteries, and plastic bag packaging.

2.9 Tracking Progress Towards Composting Goals and Target Dates. The Resource Recovery Council, in evaluating progress towards composting goals and target dates, shall incorporate documented increases or decreases in compostable material handled during the calendar year being evaluated in any of the following areas:

- a) Collection activity by licensed haulers.
- b) Processing activity at County-designated yard waste drop-off and composting facilities.
- c) Disposal sites separation activity at County-designated transfer facilities, type II landfills and type III landfills.
- d) Brush chipping and reuse activity by tree trimmers, lawn care companies, land clearing firms and landscapers.
- e) Land application activity of yard waste and food processing waste.

### SECTION 3

#### TARGETED AND BANNED MATERIALS

3.1 Targeted Materials Listing - Collection Requirements for Residential Services. As of November, 1993 the following materials, in the form specified, shall be included in any residential curbside, multi-family or drop-off recycling and composting collection services provided as part of the hauler licensing conditions in Ordinance No. 17.

- a) Old newspapers and printed materials made from newsprint - material must be non-yellowed from age, free of moisture, and bagged or bundled with string or twine. Magazines, catalogs, junk mail or office paper are contaminants and must not be included. The old newspaper must contain less than 5 percent of other paper grades such as white ledger papers, glossy fillers, or mailers.
- b) Old corrugated containers having liners of kraft, jute, or test liner - must be broken down and stacked flat in bundles no wider than three feet and tied with string or twine. Office paper, wood, plastic, large metal pieces, and food are contaminants as are wax coated cardboard and cardboard not made from kraft, jute or test liner. None of this material can be included. Old corrugated containers are acceptable if wet and staples and tape with water soluble glues are acceptable.
- c) Boxboard as used for cereal boxes and similar packaging purposes - must be bagged or broken down and stacked flat in bundles and tied with string or twine. Other paper, plastic, and food are contaminants and should not be included in the boxboard.
- d) Mixed office paper free of moisture and bagged or stacked in bundles and tied with string or twine. The bag or bundle can include all of the following:
  - i. Computer printout, known as CPO, consisting of white sulfite or sulfate papers most often found in Acontinuous feed@ white or Agreen bar@ computer paper typically from impact computer printers (not laser printers).
  - ii. White ledger consisting of white writing paper, bond, sulfite or sulfate ledger, and impact-printed and laser-printed CPO typically including copy paper, computer paper, letterhead.
  - iii. Filestock consisting of all white and colored uncoated (not glossy) office papers which may also include manila folders, adding machine tapes, accounting ledgers, tabulating and time cards, letters, pamphlets, brochures, booklets, posters, legal pads, looseleaf pages, receipts, scratch and message pads, copy and typing paper, and interoffice memos.
- e) Commingled container materials consisting of green, clear and brown glass bottles and jars, tinsplate steel food cans, high density polyethylene bottles (coded as #2 HDPE and small-mouthed such as milk jugs and laundry detergent bottles), clear Poly-Ethylene Terephthalate (PET or PETE containers coded as #1),

aluminum cans, aluminum food trays and aluminum foil. All tops must be removed from containers and only metal tops included in the commingled mix of container materials. All containers must be rinsed free of food contaminants. Metal containers must be flattened and have the paper labels removed. Ceramics, aerosol cans, plastic lids and caps, plastic tubs, plastic motor oil bottles, plastic bags, plastic toys, polystyrene, and aseptic food containers are all contaminants and must not be included in the commingled container material.

Note that the drop-off stations will require that the user separate glass by color from the other commingled container material.

- f) Yard waste including leaves, grass clippings, vegetable or other garden debris, shrubbery or brush or tree trimmings less than 6 inches in diameter. Brush and tree trimmings must be cut to lengths 3 feet or shorter and placed in bundles with a diameter less than 18 inches and tied with string or twine. All other yard waste must be set out in bulk carts or containers or bagged in kraft paper bags. Bulk collection of leaves, such as is practiced in Traverse City shall be considered consistent with these Rules and Regulations.
- g) Magazines, catalogs, and coated glossy papers including stapled catalogs, glossy fillers or mailers are included in this category. Material must be either loose, bagged, or stacked in bundles. Books, hard cover bound materials, plastic, wood, or metal are not included in this category.

3.2 Targeted Materials Listing - Delivery Requirements for Residential Services. As of November, 1993 residential recycling and composting collection services provided as part of the hauler licensing conditions in Ordinance No. 17 must deliver the targeted materials to County-Designated Facilities in the following form:

- a) At the County-designated recycling facility or facilities the licensed hauler shall tip loads of commingled fiber materials consisting of bagged or bundled old newspapers, bagged or bundled old corrugated cardboard, and bagged or bundled mixed office paper.
- b) At the County-designated recycling facility or facilities the licensed hauler shall tip loads of commingled container materials collected from curbside recycling services. The licensed hauler shall tip loads of source separated green glass, clear glass, brown glass and balance of commingled containers from drop-off stations.
- c) At the County-designated composting facility or facilities the licensed hauler shall tip loads of yard waste consisting of bulk material, kraft bagged material and/or bundled brush.

3.3 Targeted Materials Listing - Commercial, Institutional and Industrial Services. As of November, 1993 the following materials, in the form specified, shall be included in any commercial, institutional or industrial recycling and composting collection services



provided as part of the hauler licensing conditions in Ordinance No. 17.

- a) Old newspapers and printed materials made from newsprint as defined in Section 3.1.a. of these Rules and Regulations.
- b) Old corrugated containers having liners of kraft, jute, or test liner. The material is acceptable if wet and staples and tape with water soluble glues are acceptable. Any attached wood, plastic, large metal pieces, and food are contaminants and must be removed by the user. Wax coated cardboard and cardboard not made from kraft, jute or test liner must not be included.
- c) Mixed office paper free of moisture and bagged or stacked in bundles and tied with string or twine. The bag or bundle can include all materials as defined in Section 3.1.d. of these Rules and Regulations.
- d) Commingled container materials as defined in Section 3.1 e) of these Rules and Regulations.
- e) Yard waste including leaves, grass clippings, vegetable or other garden debris, shrubbery or brush or tree trimmings less than 6 inches in diameter. Brush and tree trimmings must be cut to lengths 3 feet or shorter and placed in bundles with a diameter less than 18 inches and tied with string or twine. All other yard waste must be set out in bulk carts or containers or bagged in kraft paper bags.

3.4 Targeted Materials Listing - Delivery Requirements for Commercial, Institutional and Industrial Services. As of November, 1993 commercial, institutional and industrial recycling and composting collection services provided as part of the hauler licensing conditions in Ordinance No. 17 must deliver the targeted materials to County-Designated Facilities in the following form:

- a) At the County-designated recycling facility or facilities the licensed hauler shall tip loads of source separated or commingled fiber materials consisting of loose old corrugated cardboard, bagged or bundled old newspapers, bagged or bundled old corrugated cardboard, and bagged or bundled mixed office paper.
- b) At the County-designated recycling facility or facilities the licensed hauler shall tip loads of commingled container materials.
- c) At the County-designated composting facility or facilities the licensed hauler shall tip loads of yard waste consisting of bulk material, kraft bagged material and/or bundled brush.

3.5 Banned Materials Listing. The following materials shall be banned as of November, 1993 from any solid waste or demolition and construction debris collected within the County and/or disposed of in County-Designated Facilities.

- a) Household hazardous waste including oil based paint, latex paint, paint thinners, solvents, drain cleaners, pesticides, herbicides, aerosol products, antifreeze, household cleaners, photographic chemicals, pool chemicals, ammunition, fireworks, medicines, and any other household product considered to be explosive, toxic or hazardous.
- b) All types of batteries and electric fuel cells whether for household appliances, combustion engine driven equipment, or vehicles of any size.
- c) Lubricating oils of all types including used motor oil, cutting oils and machine oils.
- d) Tires of all types including auto, truck, motorcycle, off-road vehicle, garden tractor, and farm equipment tires.
- e) Large appliances of all types including residential, commercial and industrial refrigerators, kitchen stoves, clothes dryers, clothes washers, central air conditioners, window air conditioners, furnaces, humidifiers, dehumidifiers, hot water heaters, trash compactors, dishwashers, commercial food processors, metal sinks, metal countertops, and other related large appliances.
- f) Metal auto parts of all kinds, including mufflers, exhaust pipes, body parts, bumpers, wheels, brakes, frames, axles, and engine components.
- g) Yard waste including leaves, grass clippings, vegetable or other garden debris, shrubbery or brush or tree trimmings less than 6 inches in diameter.

### 3.6 Additions, Deletions, and Exemptions to the Targeted and Banned Materials Listings.

The BPW, upon the recommendation of the Resource Recovery Council, shall work with current and potential County-Designated Facilities to insure adequate capacity to process and market the materials on the targeted materials lists.

- a) By October 1 of each year the Resource Recovery Council shall have completed and made available to the BPW, all Member Units, licensed haulers and County-Designated Facilities an evaluation of the lists of targeted and banned materials and propose any additions or deletions to those lists or clarification of collection or delivery specifications. Proposals for additions and deletions shall be handled as amendments to these Rules and Regulations.
- b) Member Units, licensed haulers and County-Designated Facilities may petition the BPW in writing at any time to have additions, deletions or changes in collection or delivery specifications made to the targeted and banned materials lists. The BPW, under the advice of the Resource Recovery Council, shall respond in writing within 60 calendar days and that response and the original petition shall be included in the published minutes of the BPW.

- c) Member Units, licensed haulers and County-Designated Facilities may petition the BPW in writing at any time for emergency relief from the collection or delivery specifications for materials on the targeted and banned materials lists. The BPW, under the advice of the Resource Recovery Council, shall respond in writing within 30 calendar days and that response and the original petition shall be included in the published minutes of the BPW. Any emergency relief granted by the BPW shall be for a period of no more than 180 days, and shall include restrictions as deemed necessary by the BPW to guarantee consistency with the intent of these Rules and Regulations and Ordinance No. 17. If emergency relief is requested and granted more than once for the same reason, a process must be initiated by the BPW to consider necessary changes that should be made to these Rules and Regulations.

## SECTION 4

### COLLECTION SERVICE REQUIREMENTS

- 4.1 Requirements for Hauler License. A hauler license will be required for all those engaged in the business of collecting, transporting, delivering or disposing of solid waste, yard waste or recyclable materials generated within Grand Traverse County. This shall include but not be limited to:
  - a) Solid waste haulers.
  - b) Recycling companies.
  - c) Lawn care companies, landscapers and land clearing firms.
  - d) Solid waste transfer station operators.
  - e) Specialized haulers providing services that include pickup of solid waste, yard waste or recyclable materials along with other materials.

Persons hauling solid waste, yard waste or recyclable materials from their own residence or site of principle business activity to County-Designated Facilities or otherwise disposing of yard waste by an approved method are exempt from the requirement to have a hauler license. Beverage distributors and persons who arrange to backhaul recyclables in the same vehicles that deliver their goods are exempt from the requirement to have a hauler license but must comply with the reporting requirements of the hauler license as described in Section 3 of Ordinance No. 17.

- 4.2 Curbside Recycling and Yard Waste Collection Services. As of November, 1993 the following service specifications apply for curbside recycling and yard waste collection services:

- a) Curbside recycling and yard waste collection services must be provided for the materials identified and described in the targeted materials list by any licensed hauler who provides refuse collection services in designated curbside recycling districts.
- b) Designated curbside recycling districts include but are not limited to all single-family residential structures and multi-family residential structures with less than 4 units per building located in residential areas within boundaries determined by the Resource Recovery Council as generally having either sewer service or underground natural gas service and that are within the jurisdiction of participating Member Units. A map will be approved by the Board of Public Works and reviewed annually by the Resource Recovery Council and incorporated into these Rules and Regulations as Exhibit B.
- c) A Member Unit at its own discretion can list other areas under its jurisdiction as being part of the designated curbside recycling district. Notice of this action must be provided to the BPW in a timely manner. The notice shall include a description of the designated area, and an effective date.
- d) The licensed hauler must provide to each of its customer households, or arrange to provide through subcontract, at least one household recycling collection bin of 12 to 18 gallon capacity made of HDPE plastic with at least a 25% post consumer recycled plastic content. The bin must have the name of the licensed hauler identified in writing on its side. Bags may be substituted for bins as long as they are made of LDPE and have 25% post consumer recycled plastic content.
- e) Within the designated curbside recycling districts on the same day as refuse pickup day the licensed hauler must provide, or arrange to provide through subcontract, for pickup of the recyclable material from any household recycling collection bin or bag set out by its customers and any yard waste set out in bulk containers or kraft bags by its customers. Yard waste may, at the hauler's discretion, be picked up on a regularly scheduled day other than the day of refuse pickup.
- f) At the time of original distribution of the bins or bags and at least annually thereafter, the licensed hauler must distribute to these customers a printed publication that shall clearly define the preparation and set-out requirements for materials on the targeted materials list, the available recycling opportunities for materials on the banned materials list, the procedure the hauler will use for continued maintenance and enforcement of these user requirements, methods for backyard composting of yard waste and tips for household waste minimization. The phone number of the hauler shall be included in the publication along with the following: AFor further information on Grand Traverse County recycling efforts call \_\_\_\_\_@ with the phone number included to be specified by the County at the time of hauler license approval.

#### 4.3 Recycling Drop-Off Stations

- a) For the period beginning October 1, 2003 (or as soon thereafter as practical) and ending December 31, 2005, the Board of Public Works shall establish and maintain a system of recycling drop-off stations primarily to serve the needs of residents in areas of Grand Traverse County in which curbside recycling collection services are not provided.
- b) All such drop-off stations shall be located in areas reasonably convenient to the area to be served and shall maintain regular hours of operation suited to the needs of the public. Each site shall be equipped with suitable containers clearly identified for convenient public use.
- c) A Member Unit may request the BPW to develop a drop-off station within the area served by the member unit. The BPW shall give due consideration to such request in light of the availability of sites and the funds available for the purpose.
- d) At least annually, each licensed hauler must distribute to each of its trash collection customers within Grand Traverse County a printed publication provided by the BPW that shall identify all drop-off locations and operating hours, clearly define the preparation and drop-off requirements for materials on the targeted materials list, the available recycling opportunities for materials on the banned materials list, and methods for backyard composting of yard waste and tips for household waste minimization. The publication may include contact information for BPW recycling programs.
- e) Each such station shall accept all recyclables on the targeted materials list. If the BPW so elects, additional materials may be collected at the recycling station. The BPW shall provide for delivery of all recyclables for processing to a county-designated recycling facility and any non-recyclable residue shall be properly landfilled.
- f) Each drop-off station shall be maintained in an orderly and sanitary condition so as not to become a nuisance to surrounding properties. Provided that, the local unit within which the drop-off station is located may establish more restrictive days or hours of operation, or both, if it so desires, upon thirty (30) days notice in writing to the BPW and the BPW shall adjust the operation of that station accordingly.
- g) Annually, at the time of license renewal, each licensed hauler shall report to the BPW on the number of residential customers serviced by a hauler outside the designated curbside collection district, (sometimes referred to as the Acustomer base@ in these regulations). In determining the number of customers, the following applies. Each household served with regular residential waste

collection service is one customer. (Residential customers located in multi-family dwellings with four (4) or more units are excluded.) For service provided on a budget bag system whereby the customer purchases a supply of bags, which the hauler will collect, for use at his or her discretion, customers will be determined by determining the number of budget bags sold by the hauler within Grand Traverse County, taking ninety percent (90%) of that number, and dividing the result by 50. The result shall be deemed to equal the number of customers. Haulers who are subsidiaries of a common parent or are otherwise affiliated shall be deemed a single hauler for determining the customer base. So defined, the hauler's customer base is the aggregate of Grand Traverse County customers who are not served with curbside collection of recyclables and are located outside the curbside collection district.

4.4 Commercial, Institutional and Industrial Recycling and Yard Waste Collection Services. As of November, 1993 the following service specifications apply for commercial, institutional and industrial recycling and yard waste collection services:

- a) Recycling and yard waste collection services must be provided for the materials as identified and described in the targeted materials list by any licensed hauler who provides refuse collection services to commercial, institutional, and industrial customers including residential multi-family structures with 4 or more units per building within the jurisdiction of participating Member Units.
- b) The licensed hauler must provide to each of its customers, or arrange to provide through subcontract, suitable outdoor containers for the recyclable materials and yard waste in a location providing a level of customer convenience that meets or exceeds that of the solid waste containers provided to the same customer. The containers must have the name of the licensed hauler identified in writing on its side along with the preparation requirements for all materials allowed in each container and typical contaminants not allowed in each container.
- c) The licensed hauler must provide, or arrange to provide through subcontract, for pickup of the recyclable material and yard waste from each of its customers at the degree of frequency required to remove the accumulated materials without spillage or overflow of material from the provided containers.
- d) At the time of original distribution of the bins and at least annually thereafter, the licensed hauler must distribute to these customers a printed publication that shall clearly define the preparation and set-out requirements for materials on the targeted materials list, the available recycling opportunities for materials on the banned materials list, and the procedure the hauler will use for continued maintenance and enforcement of these user requirements. The phone number of the hauler shall be included in the publication along with the following: For further information on Grand Traverse County recycling efforts call \_\_\_\_\_@ with the phone number included to be specified by the County at the time of hauler license approval.

4.5 Drop-Off Site Specifications. Drop-off sites shall be approved, established, operated, and maintained in accordance with the terms of these regulations. All drop-off stations shall be located, equipped, operated, and maintained so as to provide safe, convenient, recycling opportunities. All such sites shall be approved by the Grand Traverse County Board of Public Works.

## SECTION 5

### FEES, RATES AND CHARGES FOR COLLECTION SERVICES

5.1 Fees for Service Charged by Licensed Haulers. All fees for service charged by licensed haulers for solid waste collection services must be volume based. All costs for providing curbside recycling and yard waste collection, drop-off recycling and composting services, commercial, institutional, and industrial recycling and yard waste collection services and all tip fees charged by recycling and composting facilities must be bundled into the fee for service charge by licensed haulers for solid waste collection services. The Board of Public Works shall review the proposed structure of a licensed haulers fee system at the time of license application to insure that it meets these requirements. Haulers can use two collection rate structure options for charging fees to their customers:

- a) Designated Curbside Recycling Districts: An acceptable volume based fee for service system may include either of the following:
  - i. Per bag - Customers pay for waste collection services on a per bag basis. Recycling and composting services would be available on an additional charge basis.
  - ii. Full service - Customers pay a fixed monthly fee with a volume limited to the carts provided by haulers or a limit of a specified number of bags if a cart is not used. Recycling services are included in the full service fee. Composting services are charged on a volume basis. Additional volume of solid waste would require additional charges.
  
- b) Other Areas: An acceptable volume based fee for service system may include either of the following:
  - i. Per bag - Customers pay for waste collection services on a per bag basis. Recycling and composting services would be available on an additional charge basis.
  - ii. Full service - Customers pay a fixed monthly fee with a volume limited to the carts provided by haulers or a limit of a specified number of bags if a cart is not used. Recycling and composting services would be available on an additional charge basis. Additional volume of solid waste would

require additional charges.

## SECTION 6

### COUNTY-DESIGNATED FACILITIES

- 6.1 Facility Inventory - Report. The Resource Recovery Council, to the degree practicable, shall collect, verify and analyze data necessary to inventory existing solid waste, recyclable material and yard waste processing and landfill capacity available to generators and licensed haulers in the County and submit this inventory to the BPW and to all other interested parties by July 1 of each year.
- 6.2 Capacity Analysis and Determination of Need. The BPW, under the advice of the Resource Recovery Council, shall work with current and potential operators of County-Designated Facilities to insure adequate solid waste, recyclable material and yard waste processing and landfill capacity as needed to meet the goals and target dates as described in Section 2 and to handle all targeted and banned materials as described in Section 3.

By October 1 of each year the Resource Recovery Council shall have completed and made available to the BPW, all Member Units, licensed haulers, County-Designated Facilities and the general public a Capacity Analysis and Determination of Need Report as required to meet the next five year goals and target dates. That analysis shall identify for the next five years, any capacity shortfalls or excess capacity broken down by material type that are expected to occur and recommend a strategy for corrective action through adjustments to designated facility status for current operators or potential developers of that capacity.

- 6.3 Capacity Procurement for Designated Facilities. The BPW shall then be responsible for final approval and implementation of the procurement strategy defined in the Resource Recovery Council=s Capacity Analysis and Determination of Need Report. Before adopting the report the BPW shall hold a public hearing no earlier than 30 days after release of the report by the Resource Recovery Council. Any substantial changes to the Capacity Analysis and Determination of Need Report in response to the comments received require a repeat of the 30 day comment period opportunity. Final approval of the Capacity Analysis and Determination of Need Report shall take place at the last meeting held in December of each year.
- a) Capacity Procurement for Designated Facilities: The BPW shall utilize a public notice procedure in soliciting applications for designated facility capacity. The contract with operators shall take the form of a facility registration agreement signed by both the operator and the BPW outlining all terms and conditions of the designated facility arrangements as deemed necessary by the BPW for each type of designated facility. Any service provider meeting the minimum operating requirements provided below shall receive status as a designated facility.
- b) Minimum Operating Requirements for Designated Facilities: Designated



Facilities must agree to:

- i. Inform the BPW, or a designated third party agent selected by the BPW, on a quarterly basis in a format specified by the BPW as to the volume of Grand Traverse materials received in each of three generator categories: residential, small business/retail, and industrial/other, volume processed and marketed volumes by material type; residual solid waste volumes from recycling and compost processing; and verification of end markets and market prices.
- ii. Collect a volume based surcharge applied to all materials generated in Grand Traverse County that are delivered to the county-designated landfills or transfer stations excluding materials for which the surcharge has been collected at another Designated Landfill or Transfer station and transfer those funds to the County to cover costs for administration, enforcement and coordination of the system and costs for direct provision of services as needed as part of the system. The amount of the volume based surcharge shall be established from time to time by resolution of the Grand Traverse County Board of Commissioners in an amount sufficient to provide for the administration and operation of the plan of regulation established in the County's Solid Waste Management Plan. Each such resolution shall establish an effective date which shall be at least thirty (30) days following adoption.
- iii. Sign the Facility Registration Agreement provided by the BPW and adhere to all its terms and conditions.

## SECTION 7

### PROGRAM MANAGEMENT AND ADMINISTRATION

- 7.1 Budget Development Process. The BPW shall adopt an annual budget for its obligations in administration, enforcement and coordination of the system and costs for direct provision of services associated with the system. Its proposed budget for the system shall be released by November 1 to all Member Units, licensed haulers, County-Designated Facilities and the general public. Before adopting the annual budget the BPW shall hold a public hearing no earlier than 30 days after release of the budget. Final approval of the budget shall take place at the last meeting held in December of each year.
- 7.2 System Accounting Procedures. The BPW shall arrange for and complete a certified audit of the costs incurred to meet its obligations in managing and administering programs associated with the system. Copies of the Certified Audit shall be made available to all Member Units and the general public by July 1 of each year.
- 7.3 System Procedures and Policies. The BPW and the Resource Recovery Council may from time to time adopt policies and procedures as required to meet its obligations in administration, enforcement and coordination of the system and costs for direct provision

of services associated with the system. All policies and procedures shall be organized in a manner easily accessible to the Member Units and the general public and be available for review through scheduled appointments.

- 7.4 Rules and Regulations - Amendment Process. These Rules and Regulations shall be amended only in accordance with procedures outlined in Section 5 of Ordinance No. 17.

## SECTION 8

### ENFORCEMENT

- 8.1 Annual System Compliance Report. The Resource Recovery Council, working with BPW staff, shall be responsible for ongoing monitoring of system compliance. A system of record keeping shall be put in place to track incidents of hauler licensing and designated facility agreement violations, illegal dumping, failure of generators to comply with banned material list requirements, and other violations of this ordinance as necessary. The activity from this system of record keeping shall then be compiled by staff with approval of the Resource Recovery Council, as an Annual System Compliance Report that shall be released no later than May 1 of each year.

- 8.2 Duties of Licensed Haulers. Licensed haulers shall monitor and assist in enforcement of compliance by generators with provisions of the ordinance and these Rules and Regulations requiring that banned materials not be placed in solid waste set out for disposal and that targeted materials be prepared in a manner required by specifications provided in these Rules and Regulations. Enforcement actions shall first start with a quality control enforcement sheet being left with the bin, cart or container used by the violator. In such an instance the hauler is not obligated to pick up the material that has not been properly prepared. After two to five such actions (at the discretion of the licensed hauler) the hauler shall then contact the violator in writing, and provide a copy to the BPW. If said violations continue the hauler shall inform the BPW, and the BPW shall issue a notice of violation and proceed with appropriate enforcement action which may include appropriate fines as authorized in Ordinance No. 17 and a stop service order to all licensed haulers in the County which would prevent licensed haulers from providing solid waste collection services to the violator.

Licensed haulers shall also provide information as available to the BPW on any violations by other licensed or unlicensed haulers in providing services that fall under the hauler licensing requirements and on any violations or questionable practices by County-Designated Facilities or non-county designated facilities in providing services that fall under the designated facility requirements.

- 8.3 Duties of BPW and County Agencies. The BPW shall be responsible for developing a system of enforcement response, working with licensed haulers, designated facilities and government agencies as required. This system shall have the capabilities and funding to adequately follow through on administrative and legal enforcement steps as required. These steps shall include the ability to: 1) support licensed haulers and designated facility

operators in their enforcement activities as described in 8.2 and 8.3 of these Rules and Regulations; 2) initiate independent investigations to discover violations and respond with enforcement action; 3) initiate proceedings to revoke hauler licenses; 4) monitor and enforce provisions of designated facility agreements; 5) proceed with illegal dumping cleanup, cost recovery and enforcement; 6) enforce stop service order to unlicensed haulers and non-designated facilities; and 7) provide for other enforcement actions as required.

## SECTION 9

### APPROVED METHODS OF YARD WASTE DISPOSAL

- 9.1 Yard waste must be disposed of by an approved method. Approved methods are:
- 1) Disposal at a facility designated for that purpose by the County in accordance with the rules of that facility, or;
  - 2) Land application of grass clippings, thatch, leaves, and wood chips with the consent of the landowner or tenant for use in mulching, enhancing soil, erosion control or compost or a combination of these;
- 9.2 Use of yard waste as fuel or as feedstock for manufacturing processes is an approved method where consistent with local land use and other applicable regulation.
- 9.3 Yard waste shall be land applied in such a manner as not to create a nuisance to adjoining landowners, be the source of foul or obnoxious odors, or attract rodents or other pest

The foregoing regulations will be effective thirty (30) days following adoption by the Grand Traverse County Board of Public Works.

Michael J. Houlihan (P15157)  
Attorney for the Grand Traverse County  
Board of Public Works  
539 S. Garfield Ave.  
Traverse City, Michigan 49686  
213-941-4646

1T

F:\CLIENTS\0780DPW\SOLIDWST\SWRULES\CURRENTREGS\2003 2dAmend to restated.wpd