



City of East Grand Rapids, Michigan

Dear Rubbish Contractor,

It is time once again to renew your rubbish contractor license for the season. This is necessary if you plan to do business in East Grand Rapids. An application is enclosed. Please complete and returned to the City.

The City is now requesting that you tell us if you recycle, and if you offer residential, and (or) commercial service. The information we hope will better serve our residents when choosing a Rubbish Contractor.

The fee for a Rubbish contractor license is \$100.00 for the first vehicle and \$50.00 for each additional vehicle, payable to the City of East Grand Rapids. This increase is due to the adoption of an ordinance amendment to section 7.32 of our city code. (Enclosed)

Please include with payment a certificate of insurance, which lists the city as additional insured, as well as the number of vehicles, which will be operating in East Grand Rapids. Please review the regulations regarding the City's insurance requirements before submitting your application. Mail the completed application, insurance certificate, and check to:

City of East Grand Rapids
Attn: Rubbish Hauler License
750 Lakeside Drive SE
East Grand Rapids, MI 49506

If you have any questions, please call 949-2110.

Sincerely,

City of East Grand Rapids

MUNICIPAL OFFICES

750 Lakeside Drive, SE • East Grand Rapids, Michigan 49506
Telephone (616) 949-2110 Fax (616) 940-4884 www.eastgr.org

Partners with





City of East Grand Rapids License Application

TYPE OF LICENSE: (Circle One)	SNOW PLOW	\$100+\$25	EA ADD'L VEHICLE
	RUBBISH HAULER	\$100+\$50	EA ADD'L VEHICLE
	LAWN CARE	\$100+\$25	EA ADD'L VEHICLE

HAVE YOU INCLUDED: (Circle One)	LICENSE FEE	YES OR NO
	INSURANCE CERTIFICATE	YES OR NO

WHICH DO YOU SERVICE? Pertains only to Rubbish Removal Contractors
(Circle Which Apply) **RECYCLE RESIDENTIAL/COMMERCIAL RES & COMM**

(Please Circle One):
CORPORATION INDIVIDUAL OWNER PARTNERSHIP

NAME OF BUSINESS: _____
BUSINESS ADDRESS: _____
CITY _____ **STATE** _____ **ZIP** _____
BUSINESS PHONE: (_____) _____
E-MAIL: _____
BUSINESS WEBSITE (IF APPLICABLE): _____

IF CORPORATION:
NAME OF REGISTERED AGENT: _____
ADDRESS OF REGISTERED AGENT: _____
CITY _____ **STATE** _____ **ZIP** _____
NAME OF CEO: _____

IF INDIVIDUAL OWNER:
NAME OF OWNER: _____
OWNER'S HOME ADDRESS: _____
OWNER'S DATE OF BIRTH: _____

If PARTNERSHIP:
NAME & ADDRESS OF PARTNERS:

NUMBER OF VEHICLES TO BE LICENSED: _____

<u>YEAR/MAKE OF VEHICLES</u>	<u>LICENSE NUMBER (S) OR VIN (S)</u>	<u>FOR CITY USE ONLY LICENSE NO.</u>

APPLICANT'S CERTIFICATION

I hereby certify that the information provided on this application is true, that I have received a copy of the City Code governing licensing of commercial operations. I have received a copy of the rules and regulations pertaining to the operation of lawn maintenance, snow plowing, or rubbish hauling vehicles, and that I agree to abide by these provisions.

DATED: _____

X SIGNATURE OF APPLICANT

X PRINT NAME OF APPLICANT

**Thank You,
City Of East Grand Rapids**

**Please mail to:
City of East Grand Rapids
750 Lakeside Dr. SE
East Grand Rapids, MI 49506**

Office hours: M-F 8am-5pm

CHAPTER 71: LICENSES AND PERMITS

Section

- 7.1 License required
- 7.2 Multiple licenses required
- 7.3 State licensed businesses
- 7.4 License application
- 7.5 License period
- 7.6 Compliance with provisions
- 7.7 Agreement by applicant
- 7.8 Certification required
- 7.9 Bond or insurance
- 7.10 Payment of fees
- 7.11 License renewals
- 7.12 Late renewals
- 7.13 Exemptions from fees
- 7.14 Suspension or revocation of license or permit
- 7.15 Cause defined
- 7.16 Issuance of license or permit
- 7.17 Denial of a license or permit
- 7.18 Exhibition of license
- 7.19 Display of license on vehicle and machine
- 7.20 Displaying invalid license; surrender required
- 7.21 Transfer, alteration or misuse of license

No person, as owner, agent, manager, employee or otherwise, shall operate, conduct, maintain or otherwise be engaged in the carrying on of any trade, business, profession, occupation, amusement, activity or privilege for which any license is required by any provision of this code without first obtaining a license from the city in the manner provided for herein. Any person duly licensed on the effective date of this code shall be deemed licensed hereunder for the balance of the current license year.

(Prior Code, ' 7.1) (Ord. effective 1-16-1989)

' 7.2 MULTIPLE LICENSES REQUIRED.

The granting of a license or permit to any person operating, conducting, maintaining or otherwise carrying on any trade, profession, business, occupation, amusement, activity or privilege which contains within itself, or is composed of, trades, professions, businesses or privileges which are required by this code to be licensed, shall not relieve the person to whom such license or permit is granted from the necessity of securing individual licenses or permits for each such trade, profession, business, amusement or privilege.

(Prior Code, ' 7.2) (Ord. effective 1-16-1989)

' 7.1 LICENSE REQUIRED.

' 7.3 STATE LICENSED BUSINESSES.

The fact that a license or permit has been granted to any person by the state to engage in the operation, conduct or carrying on of any trade, profession, business, occupation, amusement, activity or privilege shall not exempt such person from the necessity of securing a license or permit from the city if such license or permit is required by this code. No license required by this code shall be issued to any person who

East Grand Rapids - Businesses and Trades

is required to have a license or permit from the state until such person shall submit evidence of having obtained the required state license or permit and having paid all fees appertaining thereto.

' 7.4 LICENSE APPLICATION.

Unless otherwise provided for by law or in this code, every person required to obtain a license as provided for in this code shall make application for such license on forms provided or prescribed by the City Clerk. The application shall require such information to be provided as will enable the Clerk to determine whether the applicant, if licensed, will serve the public in a fair, honest, safe and competent manner and in compliance with the requirements of this code and all other applicable federal, state and local laws, ordinances, rules and regulations. The person making application for any license shall state under oath or affirmation that the information provided on such application is true and shall provide such other information relative to the granting of the license or to the applicant's qualifications as the Clerk may require. No person shall make a false statement or false representation on any license application or in connection with the application for any license.

(Prior Code, ' 7.4) (Ord. effective 1-16-1989)

' 7.5 LICENSE PERIOD.

Except as otherwise herein provided as to certain licenses, the license period shall begin May 1 of each year and shall terminate at midnight on April 30 of the following year. Licenses shall be issued for any part of a license period at the full license fee. License applications for license renewal shall be accepted and licenses issued during the period of 15 days prior to the annual expiration date. In all cases where the provisions of this code permit the issuance of licenses for periods of less than one year, the effective date of such licenses shall be for the period provided on the face of the license by the Clerk.

(Prior Code, ' 7.5) (Ord. effective 1-16-1989)

' 7.6 COMPLIANCE WITH PROVISIONS.

No license shall be issued to any applicant until such applicant has complied with all the provisions of

(Prior Code, ' 7.3) (Ord. effective 1-16-1989)

this code.

(Prior Code, ' 7.6) (Ord. effective 1-16-1989)

' 7.7 AGREEMENT BY APPLICANT.

(A) All licenses are issued subject to the following conditions, which shall be noted on the application form.

(1) The applicant agrees to permit inspection of the licensed premises and/or activity at reasonable times by any properly identified official or employee of the city.

(2) The applicant agrees to the temporary suspension of the license without prior notice or hearing when, in the judgment of the appropriate officials, such a suspension is necessary to preserve the public health, safety or welfare.

(3) The applicant agrees that he or she will keep aware of and comply with all applicable federal, state and local law, ordinances, rules and regulations during the term of the license.

(4) The applicant agrees that he or she will not engage in the licensed trade, business, profession, occupation, amusement, activity or privilege at any time after the license has expired without having been reissued, or at any time when the license is suspended or revoked.

(5) No license shall be issued unless and until the applicant has paid all personal property taxes assessed him or her and unless the applicant has paid all other debts due and owing to the city.

(B) Each applicant shall sign a statement indicating that he or she has read the foregoing and agrees with its provisions prior to the issuance of any license.

(Prior Code, ' 7.7) (Ord. effective 1-16-1989)

Licenses and Permits

' 7.8 CERTIFICATION REQUIRED.

In each case where the certification by any of the following officials or employees shall be required prior to the issuance of the license by the City Clerk, such certification shall be based upon such inspection or investigation as may be deemed appropriate by the official or employee named and shall indicate a determination that the applicable requirements have been complied with. No license shall be granted until the required certification is made.

(A) *Public Safety Director.* The provisions of the Fire Code and all other applicable regulations and requirements of the city and the state relative to fire safety have been complied with and that the criminal history of the applicant, if any, has been checked and that there is no indication that the applicant cannot serve the public in the licensed area in a fair, honest and open manner.

(B) *Building Inspector.* The building requirements of this code and of the state have been complied with and that the zoning and other land use provisions of this code will permit the licensed activity at its proposed location.

(Prior Code, ' 7.8) (Ord. effective 1-16-1989)

Cross-reference:

Fire Code, see ' 9.102,

Zoning and subdivisions, see Chapters 50 and 54

Statutory reference:

Related provisions, see M.C.L.A. ' 29.1 et seq.

' 7.9 BOND OR INSURANCE.

Where a provision of this code requires that the applicant for any license or permit furnish a bond, such bond shall be furnished in an amount deemed adequate by the proper city official or, where the amount thereof is specified in this code, in the amount so required; the form of such bond shall be acceptable to the City Attorney. In lieu of a bond, an applicant for a license or permit may furnish one or more policies of insurance in the same amounts and providing the same protection as called for in any such bond; any such policies of insurance shall be approved as to substance by the city official issuing said license or permit and as to form by the City Attorney.

(Prior Code, ' 7.9) (Ord. effective 1-16-1989)

' 7.10 PAYMENT OF FEES.

The fee required by this code for any license or permit shall be paid at the office of the Director of Finance/Treasurer upon or before the granting of said license or permit.

(Prior Code, ' 7.10) (Ord. effective 1-16-1989)

' 7.11 LICENSE RENEWALS.

It shall be the responsibility of all persons engaging in any trade, business, profession, occupation, amusement, activity or privilege required to be licensed to obtain all licenses required by this code prior to engaging in or continuing in the licensed trade, business, profession, occupation, amusement, activity or privilege. To assist in the renewal of licenses to license holders, the City Clerk may send a license renewal application and invoice for the license fee to license holders prior to the end of a license year. Upon receipt of the completed application and the appropriate fee, and after such investigation as he or she deems necessary, the Clerk may issue a license for the following year. If a licensee fails to file an application for renewal and/or fails to pay the license renewal fee prior to the expiration of a license year, that application shall be considered to be an application for a new license and compliance with the provisions of ' 7.12 shall be required prior to the granting of a license.

(Prior Code, ' 7.11) (Ord. effective 1-16-1989)

' 7.12 LATE RENEWALS.

All fees for the renewal of any license which are not paid at the time said fee shall be due, shall be paid as late fees with an additional 25% of the license fee required for such licenses under the provisions of Chapter 72 for the first 15 days that such license fee remains unpaid and thereafter the license fee shall be that stipulated for such licenses under Chapter 72, plus 50% of such fee. No new or renewal license shall be issued until such fee shall have been paid.

(Prior Code, ' 7.12) (Ord. effective 1-16-1989)

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' 7.13 EXEMPTIONS FROM FEES.

No license fee shall be required from any person exempt from such fee by state or federal law. Such person shall comply with all other provisions of this chapter. The City Clerk shall in all such cases issue to such persons licenses which are clearly marked as to said exemption and the reasons therefor.

(Prior Code, ' 7.13) (Ord. effective 1-16-1989)

' 7.14 SUSPENSION OR REVOCATION OF LICENSE OR PERMIT.

(A) Any license issued by the city may be suspended or revoked by the City Manager for cause as herein defined. Any permit issued by the city may be suspended or revoked by the issuing official for cause as herein defined. In either case, a hearing shall be scheduled to be held by the City Manager or the City Manager=s designee or the issuing official, provided that a written request for a hearing is filed with the City Clerk within five days after receipt of such suspension or revocation. Depending upon the necessity for prompt action, the hearing shall be held in accordance with one of the following provisions.

(1) If there is no immediate threat to the public health, safety or welfare, the hearing shall be held to determine whether the license or permit should be suspended or revoked. The holder of the license or permit shall be notified of the time, date and place of the hearing and shall be notified of the reason or reasons for the proposed suspension or revocation. The license or permit holder shall be entitled to be represented by counsel, to submit evidence, to cross-examine testifying witnesses, and to make arguments concerning the factual and legal issues. The hearing officer or body shall render a written decision stating the reasons for the decision within five days.

(2) If there is an immediate threat to the public health, safety or welfare, the license or permit may be suspended prior to the hearing. If a license or permit is suspended prior to the hearing, the hearing shall be commenced as soon as is practical, but in no case more than ten days after the suspension. The hearing shall be held to determine whether to terminate or extend the suspension or whether the suspension should be converted into a revocation of the license or permit. The holder of the license or permit shall be notified of the time, date and place of the hearing and shall be notified of the reason or reasons for the already imposed suspension and for any contemplated future action. The license or permit holder shall be entitled to be represented by counsel, to submit evidence, to cross-examine testifying witnesses, and to make arguments on factual and legal issues. The hearing officer or body shall render a written decision stating the reasons for the decision within five days.

(B) In any hearing held pursuant to the provisions of this chapter, the rules of evidence shall be followed as far as practicable. The hearing officer or body may admit evidence of a type commonly relied upon by reasonably prudent people in the conduct of their affairs. Irrelevant, immaterial or unduly repetitious evidence may be excluded. Notice may be taken of facts within the general knowledge of the community.

(C) Any person dissatisfied with the decision of the City Manager or other appropriate hearing officer or body may appeal to the City Commission, provided that a written request for such an appeal shall be filed within seven days of the date of the decision to be appealed.

(D) The City Commission shall schedule a hearing on the appeal within 15 days of the receipt of the request for appeal by the City Clerk. The hearing shall be scheduled and held before the entire City Commission or a committee thereof, as the City Commission shall determine. The factual record made in the hearing below shall constitute the basic record for the appeal. Argument as to relevant factual and legal issues shall be permitted. The decision of the City Commission shall be by majority vote. The Commission may affirm, reverse or modify any action

Licenses and Permits

taken relative to a license. The decision of the City Commission shall be final.

(Prior Code, ' 7.14) (Ord. effective 1-16-1989)

' 7.15 CAUSE DEFINED.

The term **CAUSE**, as used in this chapter, shall include the doing or omitting of any act, the permitting of any condition to exist in any trade, business, profession, occupation, amusement, activity or privilege for which a license is provided under the provisions of this code, or upon the premises or facilities used in connection therewith, which act, omission or condition is:

(A) Contrary to the health, morals, safety or welfare of the public;

(B) A violation of any applicable federal, state or local law, ordinance, rule or regulation;

(C) Unlawful, fraudulent or deceptive in nature;

(D) Unauthorized or beyond the scope of the license or permit granted;

(E) An abandonment of the licensed trade, business, profession, occupation, amusement, activity or privilege; and/or

(F) A failure to communicate with customers regarding complaints.

(Prior Code, ' 7.15) (Ord. effective 1-16-1989)

' 7.16 ISSUANCE OF LICENSE OR PERMIT.

Where proper application is made for a license or permit and the conditions, requirements and prerequisites for the issuance of the license or permit have been met, the license or permit applied for shall be issued by the City Clerk, provided that no cause, as that term is defined herein, exists for denial of the license.

(Prior Code, ' 7.16) (Ord. effective 1-16-1989)

' 7.17 DENIAL OF A LICENSE OR PERMIT.

Where proper application is made for a license or

permit and such a license or permit is denied by the City Clerk or other issuing person or body, the applicant shall have the right to appeal such a denial. For purposes of this section, denial of a license shall include refusal to issue an original license or refusal to renew or reissue an existing license. Within ten days of notification of denial of a license from the City Clerk, an applicant shall file with the City Clerk a written notice of appeal. The Clerk shall refer a copy of this notice to the City Manager. Upon receipt of a notice of appeal, the City Clerk shall confer with the City Manager or the City Manager's designee to set a hearing time as soon as is practical but not later than ten days after the filing of the notice of appeal with the City Clerk. The hearing provided for may be conducted by the City Manager or the City Manager's designee and it shall be conducted as provided for in ' 7.14, except that the issue to be determined is whether the denial of the license was proper. The person conducting the hearing shall render a written decision stating the reasons for the decision within five days.

(Prior Code, ' 7.17) (Ord. effective 1-16-1989)

' 7.18 EXHIBITION OF LICENSE.

(A) Where certain premises are licensed or where a licensed trade, business, profession, occupation, amusement, activity or privilege is carried on at a fixed place or establishment, all licenses shall be conspicuously displayed upon the premises, or at the fixed place or establishment in an area that is open to the public.

(B) Where there is no premises, fixed place or establishment, the licensee shall display the license or licenses issued on his or her person at all times when conducting, carrying on or otherwise engaging in the licensed trade, business, profession, occupation, amusement, activity or privilege.

(Prior Code, ' 7.18) (Ord. effective 1-16-1989)

' 7.19 DISPLAY OF LICENSE ON VEHICLE AND MACHINE.

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Each license granted for a vehicle or machine as required under this code shall include the issuance of a tag, insignia or sticker which shall be prominently

displayed on the vehicle or machine.
(Prior Code, ' 7.19) (Ord. effective 1-16-1989)

**' 7.20 DISPLAYING INVALID LICENSE;
SURRENDER REQUIRED.**

No person shall display any expired license, any license for which a duplicate has been issued, or any license which has been suspended or revoked, nor shall any person display any license which has not been duly and regularly issued to or on behalf of the person displaying it for the trade, business, profession, occupation, amusement, activity or privilege in, at or for which the license is displayed. It shall be the duty of every licensee or any employee, agent or representative of a licensee to surrender to any properly identified representative of the city, upon demand, any license which is expired, suspended, revoked, altered, amended, modified, changed or damaged or any license for which a duplicate has been issued.

(Prior Code, ' 7.20) (Ord. effective 1-16-1989)

**' 7.21 TRANSFER, ALTERATION OR MISUSE
OF LICENSE.**

No license issued under the provisions of this code shall be transferable or assignable unless specifically authorized by this code. No person shall transfer or assign or attempt to transfer or assign any license and no person shall receive or attempt to receive a transferred or assigned license. No person shall, except as authorized by the City Clerk, write upon, alter, amend, modify, change or damage any license.

(Prior Code, ' 7.21) (Ord. effective 1-16-1989)

CHAPTER 72: FEES

Section

7.31 Schedule established

7.32 Fees for licenses

' 7.31 SCHEDULE ESTABLISHED.

The fees required to be paid to obtain any license to engage in the operation, conduct or carrying on of any trade, profession, business or privilege for which a license is required by the provisions of this code shall be as provided in this chapter. No license shall be issued to any applicant unless the applicant first pays to the City Clerk the fees required for the type of license desired.

(Prior Code, ' 7.31)

' 7.32 FEES FOR LICENSES.

A number of sections of the city code refer to ' 7.32 as containing a fees for various licenses which are issued by the city. In order to expedite the implementation of such fees and to facilitate the updating of fees, the fees to be set by this section will now be set by resolution of the City Commission with such resolutions being updated from time to time without a formal amendment of the city code.

(Ord. effective 1-1-2010)



City of East Grand Rapids

Fee Schedule

Effective July 1, 2020

Service	Fee	Additional Costs/ Comments	City Code Section
City Manager			
Liquor License Application - New	300.00		
Liquor License Application - Transfer	150.00		
FOIA Request	\$33.78/hr	See FOIA form	
Marina License	100.00		3.101
Finance Department			
Data Base/Voting List	See FOIA form		
Snowplow License	100.00 + \$25 per truck		7.90
Lawn Care License	100.00 + \$25 per truck		7.86
Waste Hauler License	100.00 + \$50 per truck		2.5
NSF Checks	30.00		
Notary - Resident	No charge		
Notary - Non-resident	10.00		
Public Safety Department			
Accident Reports	See FOIA form		
Incident Report Copy - 1st page	See FOIA form		
Incident Report Copy - each add'l pg	See FOIA form		
Video Tape Copy	See FOIA form		
Digital Audio Recordings	See FOIA form		
Door-to-door/Transient Merchant	25/day, 100/wk, 200/yr + \$50 badge deposit		7.36
Local Background Checks	20.00		
PBT - resident	10.00		
PBT - non-resident	15.00		
OWI Cost Recovery	225.00		
False Alarm - 1st call per calendar yr	No Charge		
False Alarm - 2nd call	50.00		
False Alarm - 3rd Call	100.00		
False Alarm - 4+ Call	200.00		
Parking Violations	Separate schedule	Overdue: 10 days = fine doubles 45 days = fine quadruples	10.66
Parks & Recreation Department			
Community Center Rental	Separate schedule		
Athletic/Park Facilities	Separate schedule		
Media Production (Film/Photo)	250.00	\$500 if less than 10 day notice	3.141
Pool Rental	Separate schedule		
Special Events	250.00		

Service	Fee	Additional Costs/ Comments	City Code Section
Public Works Department			
Zoning Appeal	250.00		5.121
Zoning Variance - application/processing	500.00		5.121
Zoning Variance - Post-Construction	700.00	added to application fee	5.121
Fence Variance - application/processing	250.00		
Land Division	300.00		5.406
Special Use Permit	500.00		5.121
Site Plan Review - Administrative	200.00		5.121
Site Plan Review - Intermediate	300.00		5.121
Site Plan Review - Complete *	500.00	* Escrow fees also required	5.121
PUD Application/Site Condominium*	1,000.00	* Escrow fees also required	5.121
Rezoning Application	800.00		5.121
Rental Inspection/CertificationDU	100.00	EGR notice costs \$50; Cascade Twp \$50	8.809
Building Permits		Cascade Township	
Infrastructure Impact Fees:			
New Construction	150.00		
Demo Requiring Permit (primary structure)	150.00		
Demo Requiring Permit (accessory structure)	75.00		
Addition Requiring Permit	100.00		
Accessory Structure Building Permit	75.00		
Pool	50.00		
Plumbing/Mechanical/Electrical		Cascade Township	
Construction B.O.A. Hearing		Cascade Township	
Sign Permit Application	75.00		8.21
Sign Installation Building Permit		Cascade Township	
Mechanical Appurtenances	50.00		
Utility Tap (New):			4.5
1" Meter	200.00	plus cost of materials	
1.5" Meter	300.00	plus cost of materials	
2" Meter	400.00	plus cost of materials	
Meter Replacement or New Meter:			4.5
5/8" (3/4" short) Meter	430.00		
3/4" Meter	520.00		
1" Meter	600.00		
1.5" Meter	2,650.00		
2" Meter	3,100.00		
Replacement of Non-Functioning Meters	No Charge		
Right of Way Permits:			
Non-Utility ROW (Drive Approach/Sidewalk)	100.00		4.5
Water/Service Connection/Repair	100.00	\$200 in ROW	
Sewer Connection/Repair	100.00	\$200 in ROW	
Storm Connection	NC	\$100 in ROW	
Private Utility, annual permit	No Charge		4.5
Sidewalk Encroachment (café)	No Charge		4.4, 5.70(c)
Forestry	No Charge		3.33
Dumpster Placement permit	No Charge		2.15
Temporary Storage Unit	No Charge		5.75(B)
Fence Permit	No Charge		8.61(M)
House Print Copies	5.00 each		

CHAPTER 21: COMBUSTIBLE WASTE AND SOLID WASTE

Section

- 2.1 Definitions
- 2.2 Yard rubbish collection
- 2.3 Accumulation and storage of solid waste and source separated materials
- 2.4 Disposition of solid waste
- 2.5 Waste haulers= licenses
- 2.5A Identification of solid waste containers
- 2.5-1 Regulations governing operations of waste haulers
- 2.6 Delivery of combustible waste; commercial operation date
- 2.7 Compliance with laws, rules and regulations
- 2.8 Littering and waste accumulation prohibited
- 2.9 Rules and regulations
- 2.10 Regulations governing collection of yard rubbish
- 2.11 Violations; penalty
- 2.12 Notice of violation
- 2.13 Removal by city, cost to owner or occupant
- 2.14 Temporary rubbish containers
- 2.15 Dumpsters and enclosures
- 2.16 Reserved
- 2.17 Reserved

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT 451 PLAN. The county solid waste management plan approved by the County Board of Commissioners, the city and by the Director of the Department of Natural Resources, pursuant to the requirements and provisions of Public Act 451 of 1994, being M.C.L.A. " 324.11501 et seq., as amended, and any amendments thereto adopted in accordance with said Act.

APPROVED GARBAGE GRINDER and APPROVED COMPOSTING METHOD. Garbage grinders and composting methods, respectively, which conform with all city ordinance requirements, are used exclusively to dispose of solid waste generated by the occupant of the site of generation on which they are located, and are consistent with the Act 451 Plan.

ASHES. The residue from the burning of wood, coal, coke, refuse, wastewater sludge or other combustible materials.

BOARD OF PUBLIC WORKS. The Kent County Board of Public Works established pursuant to the provisions of Act 185 of the state=s Public Acts of 1957, as amended.

' 2.1 DEFINITIONS.

COMBUSTIBLE WASTE. Solid waste that is combustible in the MBI as shall be determined solely by the Board of Public Works. **COMBUSTIBLE WASTE** shall include: garbage; combustible rubbish, such as paper; cardboard; cartons; wood; boxes, rags, cloth; bedding; leather; grass; leaves and brush; yard trimmings; tree limbs; timber; logs, and stumps six inches in diameter or less; carpeting; and combustible construction and demolition debris; and any other solid

waste that is combustible in the MBI as shall be determined solely by the Board of Public Works. **COMBUSTIBLE WASTE** shall exclude: noncombustible solid waste, such as ashes; noncombustible rubbish; incinerator ash; incinerator residue; municipal and industrial sludges; animal waste; pathological and biological waste; asbestos and asbestos waste products; explosives; radioactive materials; appliances; concrete rubble;

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noncombustible construction and demolition debris; rock; gravel and earth materials; automobiles; trailers; equipment wire and cable; all waste other than solid waste (such as hazardous waste; site separated materials and source separated materials); and any other type of waste that is noncombustible in the MBI as shall be determined solely by the Board of Public Works.

COMMERCIAL OPERATION DATE. The date when the MBI has been completed and tested and is, in the sole opinion of the county, ready for full commercial operation.

COMPOSTING CONTRACTOR. An entity that collects compostable materials and delivers them to an offsite composting facility.

COUNTY. The County of Kent, Michigan, acting by and through its Board of Commissioners or its Department of Public Works.

DIRECTOR. The Public Works Director of the city.

DIRECTOR'S ASSISTANT. Any city employee authorized by the Director of City Services to issue violations pursuant to ' 2.12 of this chapter.

DISPOSAL SITE. Any of the following:

- (1) A solid waste transfer facility;
- (2) A single incinerator having an average daily design capacity exceeding 50 tons of solid waste per day or two or more incinerators located at one site under the control of one person and having an aggregate average daily design capacity exceeding 150 tons of solid waste per day;
- (3) A sanitary landfill;
- (4) A solid waste processing plant; or
- (5) Any other solid waste handling or disposal facility utilized in the disposal of solid waste.

GARBAGE. Rejected food wastes, including waste accumulation of animal, fruit or vegetable

matter, used or intended for food or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables. Some of these wastes may be composted by an approved composting method or by delivery to a composting contractor.

HAZARDOUS WASTE. Hazardous waste as defined in Act 451 and as identified in administrative rules promulgated from time to time pursuant to said Act by the Director of the state's Department of Natural Resources.

MBI. The mass burn energy generating incinerator to be constructed by or on behalf of, or available by contract or lease with, the county within the city in accordance with the Act 451 Plan.

PERSON. Any individual, firm, public or private corporation, partnership, trust, public or private agency or any other entity, or any group of such persons.

PREMISES. Any enclosed area used for residential, commercial or industrial purposes, 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.

RUBBISH. Nonputrescible solid waste, excluding ashes, consisting of combustible and noncombustible waste, including paper, cardboard, metal containers, yard rubbish, wood, glass, bedding, crockery, demolished building materials, or litter of any kind that may be a detriment to the public health and safety.

SITE OF GENERATION. Any premises in or on which solid waste is generated by any person.

SITE SEPARATED MATERIALS. Recyclable materials (including, but not limited to, bottles, cans, newspapers, corrugated containers, metals and yard rubbish) that are separated from solid waste after collection from a site of generation by the city, a waste hauler, or the operators of a disposal site to which it is delivered.

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SOLID WASTE. Garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludges, solid commercial and solid industrial waste, and animal waste; provided, however, that this definition shall not include hazardous waste, site separated materials, source separated materials, human body waste, liquid or other waste regulated by statute, ferrous and nonferrous scrap directed to a scrap metal processor or to a reuser of ferrous or nonferrous products, and slag or slag products directed to a slag processor or to a reuser of slag or slag products.

SOURCE SEPARATED MATERIALS. Recyclable materials (including, but not limited to, bottles, cans, newspapers, corrugated containers, metals and yard rubbish) that are separated from solid waste prior to the collection of solid waste from a site of generation.

TIPPING FEE. The fee established by the Board of Public Works to be charged upon delivery of combustible waste to the MBI.

WASTE HAULER. Any person engaged, in whole or in part, in the business of collecting, transporting, delivering or disposing of solid waste within the city.

YARD RUBBISH. Grass clippings, branches, twigs, leaves, brush, shrub clippings, tree limbs and general yard and garden waste materials. (Prior Code, ' 2.1) (Ord. effective 11-18-1985; Ord. effective 9-19-1988; Ord. effective 9-14-1991; Ord. effective 8-14-1992; Ord. effective 1-28-2005; Ord. effective 10-12-2018)

' 2.2 YARD RUBBISH COLLECTION.

(A) Yard rubbish shall be collected by the city at regular intervals pursuant to a schedule established by the Director. The yard rubbish collection service of the city shall be under the supervision and direction of the Director.

(B) The City Manager shall make such reasonable rules and regulations concerning the storage and collection of yard rubbish as he or she may deem proper, subject to the approval of the Commission. No person shall fail to observe any rule or regulation so adopted and approved.

(Prior Code, ' 2.2) (Ord. effective 11-18-1985)

Cross-reference:

Lawn care contractors, see Chapter 78

Related provisions, see ' 2.10

' 2.3 ACCUMULATION AND STORAGE OF SOLID WASTE AND SOURCE SEPARATED MATERIALS.

The occupant of any premises within the city in which any solid waste or source separated materials shall be accumulated shall maintain on said premises one or more approved containers. The number of containers kept on each premises shall be sufficient to conveniently store the normal accumulation of solid waste and source separated materials on said premises for a period of not less than seven days. Each solid waste container shall be kept tightly covered with an impervious cover except when open for the deposit or removal of solid waste. Solid waste containers shall be kept in a clean and sanitary condition at all times. Both solid waste containers and containers for source separated materials shall be placed inside a building or at the rear or side of a building at a place which is reasonably inconspicuous, but shall be accessible to the waste hauler. The Director may make such reasonable rules and regulations relating to the type of containers and the methods of storage of containers as the Director may deem necessary for the public health, safety and welfare.

(Prior Code, ' 2.3) (Ord. effective 11-18-1985; Ord. effective 9-17-1994)

Cross-reference:

Related provisions, see ' 9.95

' 2.4 DISPOSITION OF SOLID WASTE.

(A) Solid waste shall be disposed of only to licensed waste haulers, composting contractors or the city collection service (if provided), except that any individual may dispose of solid waste from his or her

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own household:

(1) By an approved garbage grinder or composting method upon the individual's own land so long as the disposal does not create a nuisance or hazard to health, in accordance with Act 451; or

(2) By personally transporting the same to an approved sanitary landfill, but only in accordance with the rules and regulations pertaining thereto and the Act 451 Plan. No person transporting any solid waste in accordance with this section shall fail to securely cover and secure the load so that no part of said load shall be lost while being transported.

(B) The personal use of incinerators is prohibited.

(Ord. effective 10-12-2018)

' 2.5 WASTE HAULERS= LICENSES.

(A) No person shall engage in the business of collecting, transporting or disposing of solid waste within the city without first obtaining a license therefor.

(B) Licenses shall be issued upon application to the City Clerk on forms provided by him or her and upon payment of such fee as shall be required by ' 7.32 of this code. Licenses shall cover the period from July 1 through June 30, and a new license must be secured for each license year. It shall be an express condition of each license that the waste hauler shall comply with all provisions of the chapter.

(C) The Director shall make such reasonable rules and regulations governing the operation of the business of solid waste collection, transportation and disposition as he or she may deem necessary and as are consistent with the Act 451 Plan, subject to approval of the City Commission. The Director shall revoke the license of any waste hauler who fails to abide by any such rule or regulation or any provision of this chapter. Prior revocation of a license shall be sufficient grounds for refusal by the Director to certify any future application of such licensee.

(Ord. effective 10-12-2018)

' 2.5A IDENTIFICATION OF SOLID WASTE CONTAINERS.

(A) A solid waste container having a capacity of at least 64 gallons shall be plainly marked with the name and current street address or the name and current telephone number of the waste hauler which collects solid waste from or transports solid waste within the solid waste container. The name and current street address or the name and current telephone number of the waste hauler shall be plainly marked on at least three sides of the solid waste container in letters and figures not less than three inches in height.

(B) The waste hauler collecting solid waste from or transporting the solid waste container having a capacity of at least 64 gallons shall be responsible for complying with this section. It shall be a violation of this section for any waste hauler to collect solid waste or to transport such a solid waste container unless the solid waste container has been marked in compliance with this section.

(C) For purposes of this section, **SOLID WASTE CONTAINER** means a container or receptacle designed or used for depositing, storing or accumulating solid waste for collection or transportation by a waste hauler. Without limitation, this definition shall include dumpsters, packer boxes and roll-offs or other receptacles designed or used to store solid waste or to transport solid waste from a site of generation.

(D) This section shall become effective on January 1, 1991.

(Prior Code, ' 2.5A) (Ord. effective 9-14-1991)

' 2.5-1 REGULATIONS GOVERNING OPERATIONS OF WASTE HAULERS.

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(A) *Regulation No. 1.* Each applicant for waste hauler license shall file with the application a certificate of insurance for motor vehicle insurance in the minimum amounts required by the City Commission for city contracts. None of this coverage shall have any deductible amount, except for property damage which shall have a deductible of not more than \$300. The certificates must name the applicant as the insured and the city as an additional insured, and must include at least a ten-day notice of cancellation clause. The certificates must state that they cover commercial operations or waste hauling operations, and must either extend through the full license period (through June 30) or be immediately renewed so as to avoid any lapse in coverage during the license period. Proof of renewal shall be furnished to the city at least ten days prior to the insurance expiration date.

(B) *Regulation No. 2.* Every waste hauler licensed in the city must provide every customer with the collection, transportation and disposition of both solid waste and source separated materials other than yard rubbish which are specified by the Director (recyclables), and shall charge customers a unified fee for this service. This regulation does not prohibit a licensed waste hauler from subcontracting with another licensed waste hauler for the collection, transportation and/or disposition of solid waste or recyclables so long as the customer is only charged a unified fee. Composting contractors need only offer composting service.

(C) *Regulation No. 3.* Every licensed waste hauler shall not collect solid waste and/or source separated materials within any residentially zoned areas of the city between the hours of 9:00 p.m. and 7:00 a.m.
(Ord. effective 10-12-2018)

' 2.6 DELIVERY OF COMBUSTIBLE WASTE; COMMERCIAL OPERATION DATE.

(A) (1) Commencing on the commercial operation date and at all times thereafter, waste haulers shall:

(a) Deliver to the MBI all combustible waste collected or transported from a site of generation

within the city; and

(b) Pay the tipping fee for delivery of such waste at the MBI (unless otherwise provided by contract between the city and the waste hauler).

(2) Commencing on the commercial operation date and at all times thereafter, no waste hauler shall deliver combustible waste collected or transported from a site of generation within the city to any disposal site other than the MBI.

(B) Waste haulers shall deliver to the MBI all combustible waste regardless of whether the combustible waste is transported in the same load or vehicle as solid waste which is not combustible waste. This requirement shall be absolute and unconditional unless the Board of Public Works, acting through its designated representatives, has made a prior written determination that a specific load of waste consists primarily of waste which would not be accepted for delivery at the MBI. Such a written determination of the Board of Public Works shall not be applicable to waste collected from any site of generation, any load or vehicle, any waste hauler or any facts or circumstances, other than those expressly identified in the written determination. This division (B) shall become effective on January 1, 1992.

(C) Waste haulers shall not deliver combustible waste to a site for site separation of recyclable materials unless the Board of Public Works, acting through its designated representatives, after request of the waste hauler, has made a prior written determination that such delivery does not violate this section. Such a written determination shall not be applicable to waste collected from any site of generation, any load or vehicle, any waste hauler, or any facts or circumstances other than those expressly identified in the written determination. A written determination pursuant to this section shall not relieve the waste hauler from the obligation to deliver to the MBI all combustible waste remaining in a load after site separation of recyclable materials. This division (C) shall become effective on January 1, 1992.

(D) Waste haulers shall not deliver hazardous waste to the MBI.

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(E) Notwithstanding any other provision of this chapter, waste haulers shall not be prohibited from transporting combustible waste from a site of generation within the city for disposal at any disposal site located outside of the state.

(Prior Code, ' 2.6) (Ord. effective 9-14-1991; Ord. effective 11-14-1997)

' 2.7 COMPLIANCE WITH LAWS, RULES AND REGULATIONS.

Waste haulers shall comply with the Act 451 Plan and all applicable federal and state laws, statutes, rules and regulations (including, but not limited to, Act 451 and administrative rules promulgated pursuant to Act 451) in the collection, transportation, delivery and disposal of combustible waste. Waste haulers shall also comply with all rules and regulations of the Board of Public Works for the administration and operation of the MBI (including, without limitation, rules and regulations prohibiting delivery of loads consisting primarily of unacceptable waste as solely determined by the Board of Public Works acting through its designated representatives) and other disposal sites of the county refuse disposal system.

(Prior Code, ' 2.7) (Ord. effective 9-14-1991; Ord. effective 1-28-2005)

' 2.8 LITTERING AND WASTE ACCUMULATION PROHIBITED.

No person shall throw or deposit any solid waste, including yard rubbish, upon or into any street, alley or other property, public or private, except to the extent that yard rubbish may be placed in the street adjacent to the curb for collection by the city under the rules and regulations made by the City Manager and approved by the City Commission. It shall be the duty of every occupant of property and the owner of unoccupied property, at all times, to maintain the premises occupied or owned by him or her in a clean and orderly condition, permitting no deposit or accumulation of solid waste upon such premises unless stored or accumulated as permitted by this chapter. (Prior Code, ' 2.8)

Cross-reference:

Litter control, see Ch. 91, Art. II

' 2.9 RULES AND REGULATIONS.

All rules and regulations promulgated by the Director pursuant to ' 2.5 of this chapter shall be filed with the City Commission. Unless reversed or modified by the City Commission at the first meeting after such filing with the City Commission, the rules and regulations shall take effect immediately after said first meeting of the City Commission.

(Prior Code, ' 2.9) (Ord. effective 11-18-1985; Ord. effective 4-20-1987; Ord. effective 9-19-1988)

' 2.10 REGULATIONS GOVERNING COLLECTION OF YARD RUBBISH.

(A) Yard rubbish, including grass clippings, branches, twigs, leaves, weeds, shrub clippings, and general yard and garden waste materials, shall be picked up by the city when placed along the terrace side of the curb or edge of the street according to the approved schedule and regulations established and published by the City Manager.

(B) Small loose yard waste such as grass clippings, twigs, weeds, shrub trimmings and leaves shall be placed in disposable/recyclable paper bags, cardboard boxes or other suitable reusable containers, limited in size to a 32 gallon capacity container to maximum 40 pounds in weight for each container. Ornamental grass may be placed outside of the container if it is bundled with twine. Plastic bags, metal hardware, wheel barrows, lawn carts and their likeness are prohibited.

(C) Large yard waste such as tree limbs, trunks and stumps shall be cut to a maximum length of six feet and tree logs may not exceed 12 inches in diameter. Collection of large yard waste items may be collected a few days following the scheduled pick up date due to equipment required to complete the collection.

(D) Except during the fall leaf collection program, it is preferred that yard waste no longer be placed out for collection earlier than one day prior to the scheduled day.

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(E) Yard waste collection services shall be provided from Monday of the first full week of April through Friday of the first full week of December each year.

(F) Fall leaves may be placed out for collection without being placed in containers commencing on Monday of the second full week of October through Friday of the first full week of December. Fall leaves should be placed along or in the street without obstructing the traveled portion of the roadway or walkways. Small loose yard waste must be placed in the required container at all other times.

(G) Collection and disposal of real Christmas trees, holiday wreaths or other natural plant based holiday decorations shall be provided commencing on Monday of the first full week through Friday of the second full week of January each year. The collection of these items will follow the regular established schedule.

(H) The city does not accept yard waste at the public works complex from licensed contractors or residents, effective April 1, 2007. Licensed contractors shall be required to place yard waste only at the property that is being provided service. Placement of materials shall be in accordance with other rules and regulations noted or dispose of the yard waste at an appropriate off-site facility.

(I) Unless otherwise noted herein, yard waste collection services will be discontinued from Friday of the first full week of December through Monday of the first full week in April each year. Yard waste shall not be placed out for collection during this time. Special collections may be provided during this time if ice and wind events occur.

(J) Yard waste from properties located outside the corporate boundaries of the city is strictly prohibited from being deposited along city streets or terrace side of curb for collection.

(K) Violations of these rules and regulations by contractors may be cited in accordance with this

(B) If the owner or occupant does not comply within this time limit, the City Manager shall cause the

chapter and/or also grounds for suspension of their licenses.

(Ord. effective 10-12-2018)

' 2.11 VIOLATIONS; PENALTY.

Upon a violation of any provision of this chapter, the city may seek prosecution and may seek legal and/or equitable relief in a court of competent jurisdiction. Any person who shall violate any provision of this chapter shall have committed a civil infraction. Civil infraction penalties shall be in accordance with Chapter 11, Title I of the city code. (Ord. effective 10-12-2018)

' 2.12 NOTICE OF VIOLATION.

The issuance of a ticket or notice of violation by a public safety officer, the Director or the Director's Assistant shall be deemed an allegation of a violation of this chapter.

(Prior Code, ' 2.12) (Ord. effective 11-18-1985; Ord. effective 4-20-1987; Ord. effective 9-19-1988)

' 2.13 REMOVAL BY CITY, COST TO OWNER OR OCCUPANT.

(A) If the provisions of " 2.8 and/or 2.10 of this chapter are not complied with, the City Manager, or the Manager's duly authorized representative, shall notify the occupant and owner of the premises to comply with the provisions of said sections within a time to be specified in said notice, which notice shall be given by either posting said notice at a conspicuous place on the premises for five days and mailing said notice to such person at his or her last known address or by delivering the notice personally to the owner or occupant or by leaving the same at his or her residence, office or place of business with some person of suitable age and discretion. Said notice shall require compliance with " 2.8 and/or 2.10 of this chapter within five days after service of such notice.

yard rubbish to be removed and the actual cost of such removal, plus 100% for inspection and other additional

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costs in connection therewith, shall be charged against said premises and the same shall be billed to said owner. If any such charges are not paid within 30 days after billing, they shall be collected as a single lot assessment in accordance with the City Charter and ' 1.306 of this code. Notwithstanding the above, in the case of an emergency, such as a traffic lane being blocked by yard rubbish, a citation may be issued immediately pursuant to the motor vehicle code.

(Ord. effective 10-12-2018)

' 2.14 TEMPORARY RUBBISH CONTAINERS.

(A) *Purpose and intent.* The following regulation has been adopted to ensure that placement of temporary rubbish containers complies with health, safety and aesthetics objectives of the city.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PERSON. The person or entity that owns, rents, occupies or controls the property upon which a temporary rubbish container is placed.

SUPPLIER. The company or vendor that supplies the temporary rubbish container.

TEMPORARY RUBBISH CONTAINER.

A transportable unit, container or structure used on a temporary basis for the storage and disposal of rubbish, construction materials and debris, and other such non-putrescible materials. Such containers shall not be considered an accessory structure as provided in ' 5.4, Article II of Chapter 50 of the city code.

(C) *Requirements for registration of temporary rubbish containers.*

(1) Prior to or within 72 hours following the initial delivery of the temporary rubbish container, a person or the supplier shall register the placement of the temporary rubbish container with the Director of City Services; provided, however, that a person or supplier is not required to register a temporary rubbish container that is removed within 72 hours of its initial

delivery.

(2) Registration requires all of the following:

(a) Completing the City Services Department=s application, to include the person=s name, the size of the temporary rubbish container to be registered, the address at which the temporary rubbish container will be placed, the delivery date, removal date, active building permit number, if applicable, and a sketch depicting the location and the placement of the temporary rubbish container;

(b) Presenting an approved building permit for that property if the temporary rubbish container is to be used for the storage of building or construction materials; and

(c) Written approval of the application by the City Services Department.

(3) The effective date of the registration shall be the date of the City Services Department=s approval.

(D) *Requirements for placement of temporary rubbish containers.* The following requirements shall apply to the placement of temporary rubbish containers.

(1) It shall be unlawful to place or permit the placement of a temporary rubbish container on property located within the city unless it is registered with the City Services Department as provided in division (C) above.

(2) Temporary rubbish containers shall only be placed upon or within a driveway or a parking area or, if access exists at the side or rear of the lot, the side or rear yard.

(3) No temporary rubbish container shall be placed upon or within public property or a public place, including, without limitation, a street, sidewalk or outlawn.

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(4) The temporary rubbish container shall be located at such address for a maximum period of six months, including the days of delivery and removal, unless an extension is granted. An extension may be granted by the Director of City Services, subject to conditions, for an additional amount of time not to exceed 18 months total (three renewals of six months each). The maximum registration period for a temporary rubbish container is 24 months, inclusive of extensions.

(5) No more than one temporary rubbish container may be registered per address.

(6) The temporary rubbish container shall not exceed five feet in height, eight feet in width or 22 feet in length.

(7) The temporary rubbish container shall be secured in a manner that does not endanger the safety of persons or property in the vicinity of such unit.

(8) The temporary rubbish container shall be maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing or other holes or breaks, at all times.

(9) No temporary rubbish container shall be used to store garbage, business inventory, commercial goods, goods for property other than the property where the temporary rubbish container is located, or any other illegal or hazardous material. Upon reasonable notice, the city may inspect the contents of any temporary rubbish container at any reasonable time to ensure that it is not being used to store said materials.

(10) Any temporary rubbish container which is not removed at the end of the time for which it may lawfully remain in place may be removed by the city immediately, without notice, and the cost of such removal may be assessed against the property on which such unit was located as a single lot assessment as provided by ' 1.306, Chapter 7 of Title I of the city code.

(11) A sign advertising the supplier=

business and mounted on a temporary rubbish Container does not require a sign permit per ' 8.13(P) of Chapter 81, provided that the temporary rubbish container is in compliance with this section and all applicable ordinances.

(E) *Enforcement and penalties.* Violations of this section shall be subject to the enforcement and penalties provided in this chapter, and shall be enforced as municipal civil infractions in accordance with Chapter 11, Title I of the city code. (Ord. effective 10-12-2018)

' 2.15 DUMPSTERS AND ENCLOSURES.

(A) *Purpose and intent.* A chapter to regulate the construction, placement and use of dumpsters and their enclosures in a manner consistent with the environmental, health, safety and aesthetic objectives of the city.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DUMPSTER. A bin or other rigid container that is placed long-term at a property for the purpose of temporary storage of solid waste, site-separated materials or source-separated materials as defined in this chapter, for periodic pick-up by a waste hauler.

ENCLOSURE. A permanent structure designed so as to screen one or more dumpsters from ground-level view from streets, public sidewalks or adjacent properties. An **ENCLOSURE** shall not be considered an accessory structure as provided in ' 5.14, Article II of Chapter 50 of the city code, nor shall they be regulated as fences or walls pursuant to Article I of Chapter 83 of the city code.

(C) *Regulations.*

(1) Dumpsters shall be constructed and maintained with covers, doors, floors and sides sufficient to prevent loss of contents by wind, by leakage or by animals.

(2) Dumpster covers must not allow rain,

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snow and the like to enter the dumpster so as to create spillage and runoff when emptied.

(3) Drain plugs, when so equipped, must be leak-proof.

(4) Drain plugs, doors, lids, covers and gates shall be kept securely closed at all times.

(5) Dumpsters shall not be overfilled in a manner that prevents closure of doors or lids or allows spillage of contents.

(6) Outdoor storage of excess solid waste, site-separated materials, or source-separated materials is prohibited unless they are stored in the dumpster as required in this section. The owner shall arrange for disposal of any excess waste within 24 hours.

(7) Dumpsters shall be enclosed on all sides within a permanent enclosure, unless the location itself is shielded by buildings or other structures so as to be reasonably inconspicuous to ground-level view from streets, public sidewalks or adjacent properties. If not more than two household-sized containers, each with less than one-half cubic yard or 100 gallon capacity, are used on a parcel, enclosure will not be required.

(8) Enclosures shall consist of a wall or fence on all sides and shall be equipped with a gate.

(9) Height of walls and gate shall be sufficient to shield the enclosed dumpster(s) from ground-level view from streets and adjacent properties, but shall not exceed six feet from the finish grade at the gate unless attached to a taller structure.

(10) The enclosure and gate shall be a permanent structure constructed of high quality materials which prevent visibility, and which are consistent with the building materials of the main building on the site.

(11) Enclosures shall be maintained to retain their original appearance, shape and configuration in accordance with the Property Maintenance Code of the city.

(12) Fire safety regulations include the

following.

(a) All dumpsters, and any associated combustible enclosures, must have a minimum separation of ten feet from the nearest building or building overhang.

(b) The minimum separation distance may be reduced, or the enclosure may be attached to a building, if protected by fire-rated materials in compliance with the Building Code.

(c) Dumpsters and enclosures shall not block access to any fire safety equipment such as stand pipe connections, hydrants or other fire safety fixtures.

(13) Location regulations include the following.

(a) Dumpsters and enclosures shall be placed at the rear or side of a building at a place which is reasonably inconspicuous.

(b) Detached enclosures must be at least three feet from property lines, fences and structures in order to allow for periodic maintenance to be performed.

(14) Any person or entity, including the owner, occupant or hauler who violates the terms of this section shall be subject to a civil infraction violation in accordance with Chapter 11, Title I of the city code.

(D) *Exceptions.*

(1) Paper recycling containers may be placed on the property of a church or school for the purpose of fundraising. Such containers will not require an enclosure, provided that the container is placed so as to be reasonably inconspicuous from adjacent residential uses.

(2) Temporary rubbish containers as defined in Chapter 21 are exempt from the requirements of this section.

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(E) *Variances.*

(1) The City Commission may authorize exceptions from the strict requirements of this section relating to location and screening, upon written application and following a public hearing. The procedure, the standards and the fee for such application and hearing shall be as set forth in Chapter 50 of this code with respect to variances from the city zoning chapter.

(2) In no case shall the City Commission have the authority to grant a variance when the matter concerns requirements of this section relating to environmental protection, fire safety or building code. (Ord. effective 10-12-2018)

' **2.16 RESERVED.**

' **2.17 RESERVED.**