

**CITY OF GRAND RAPIDS
ORDINANCE DRAFT**

NOW THEREFORE, be it ordained by the Council of the City of Grand Rapids, in the State of Minnesota, as follows:

SECTION 1: **AMENDMENT** “50-1 Definitions” of the Grand Rapids Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

50-1 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial establishment means any premises where a commercial or industrial enterprise of any kind is carried on, and shall also include clubs, churches, schools, hospitals, public buildings, and any other nonresidential premises where garbage accumulates. Commercial establishment shall also include dwelling units accessory to a commercial establishment, provided the units are able to use the garbage containers of the commercial establishment. The fact that a dwelling unit is located in the same building as a commercial establishment shall be deemed prima facie evidence that the dwelling unit is accessory to the commercial establishment.

Commercial hauler means any garbage collector licensed by the county to haul garbage within the county.

Demolition waste includes trees, tree branches, concrete and asphaltic rubble, building materials, construction rubble, furniture (excluding white goods), and other such items as defined by county ordinances.

Disposal or *dispose* means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any waste into or on any land, or water so that the waste or any constituent thereof may enter the environment or be emitted into the air, or discharged into any waters, including groundwaters.

Garbage means mixed municipal solid waste as defined by state statutes. The term "mixed municipal solid waste" means garbage, refuse, and other solid waste generated from residential, commercial, industrial, and community activities, but does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural wastes, tires, lead acid batteries, used oil, household hazardous wastes and other materials collected, processed, and disposed of as separate waste streams.

Multifamily dwellings means any building used for residential purposes consisting of more than three dwelling units with individual kitchen facilities for each.

Recyclables means those items accepted at the county designated recycling facility and collected by the hauler licensed to provide curbside recycling services.

Residential dwelling means any structure used as a residence, and consisting of one, two or three dwelling units with individual kitchen facilities for each.

Residential hauler means the single hauler licensed by the city to provide garbage and recycling collection services to residential dwellings.

White goods means discarded major appliances, including clothes washers and dryers, dishwashers, hot water heaters, residential furnaces, garbage disposals, trash compactors, conventional and microwave ovens, ranges and stoves, air conditioners, dehumidifiers, refrigerators, and freezers, and other items defined by state statutes and white goods or major appliances.

Yard waste means garden wastes, leaves, lawn cuttings, weeds and prunings.

(Code 1978, § 13.02)

AFTER AMENDMENT

50-1 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial establishment means any premises where a commercial or industrial enterprise of any kind is carried on, and shall also include clubs, churches, schools, hospitals, public buildings, and any other nonresidential premises where garbage accumulates. Commercial establishment shall also include dwelling units accessory to a commercial establishment, provided the units are able to use the garbage containers of the commercial establishment. The fact that a dwelling unit is located in the same building as a commercial establishment shall be deemed prima facie evidence that the dwelling unit is accessory to the commercial establishment.

Commercial hauler means any garbage collector licensed by the county to haul garbage within the county.

Demolition waste includes trees, tree branches, concrete and asphaltic rubble, building materials, construction rubble, furniture (excluding white goods), and other such items as defined by county ordinances.

[Director means the City's Director of Public Works.](#)

Disposal or dispose means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any waste into or on any land, or water so that the waste or any constituent thereof may enter the environment or be emitted into the air, or discharged into any waters, including groundwaters.

Disposal Facility means a waste facility permitted by the Minnesota Pollution Control Agency (MPCA) that is designed or operated for the purpose of disposing of waste or otherwise processing or preparing waste materials for reuse.

Garbage means mixed municipal solid waste as defined by state statutes. The term "mixed municipal solid waste" means garbage, refuse, and other solid waste generated from residential, commercial, industrial, and community activities, but does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural wastes, tires, lead acid batteries, used oil, household hazardous wastes and other materials collected, processed, and disposed of as separate waste streams.

Geographic Service Area means that area incorporated within the boundaries of the City.

Hauler means any person who owns, operates, or leases vehicles for the primary purpose of collection and transportation of any type of waste.

Licensee means a person licensed to collect and transport trash, recyclable materials, organic materials and/or yard waste or roll-off containers as provided in this section.

Multifamily dwellings means any building used for residential purposes consisting of more than three dwelling units with individual kitchen facilities for each.

Recyclables means those items accepted at the county designated recycling facility and collected by the hauler licensed to provide curbside recycling services.

Residential dwelling means any structure used as a residence, and consisting of one, two or three dwelling units with individual kitchen facilities for each.

Residential hauler means the single hauler licensed by the city to provide garbage and recycling collection services to residential dwellings.

Roll-Off Container means an open-top dumpster characterized by a rectangular footprint that: (i) utilizes wheels to facilitate rolling the dumpster in place; (ii) is designed to be transported by special roll off trucks; (iii) is intended for temporary uses; and (iv) is commonly used to contain loads of construction and demolition waste or other waste types. Roll-off container also means any type of dumpster bag service. A dumpster used by a commercial establishment or multiple family dwelling for ongoing collection of waste is not a roll-off container under this definition.

Single Family Dwelling means a building designed for or occupied exclusively by one family.

Trash means non-recyclable materials that are designated for landfill or incinerator disposal by the hauler. The term "trash" does not include hazardous waste as defined in Minnesota Statutes

Section 116.06, subdivision 11, or construction debris as defined in Minnesota Statutes Section 115A.03, subdivision 7.

Waste means all trash, mixed recyclables, organic materials, and yard waste from residential, commercial, industrial, and community activities.

White goods means discarded major appliances, including clothes washers and dryers, dishwashers, hot water heaters, residential furnaces, garbage disposals, trash compactors, conventional and microwave ovens, ranges and stoves, air conditioners, dehumidifiers, refrigerators, and freezers, and other items defined by state statutes and white goods or major appliances.

Yard waste means garden wastes, leaves, lawn cuttings, weeds and pruning's.

(Code 1978, § 13.02)

SECTION 2: AMENDMENT “50-31 Disposal Requirements” of the Grand Rapids Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

50-31 Disposal Requirements

All wastes generated in the city shall be disposed of in accordance with this article and all applicable county, state, and federal laws. In addition, the following requirements shall apply:

- (a) *Disposal of garbage.* The occupant of any premises, or if unoccupied, the owner thereof shall place, deposit, or keep on such premises all garbage in the manner as provided in this article, and shall cause to have garbage removed and hauled away therefrom at the intervals provided as follows:
 - (1) Residential dwellings: not to exceed two weeks, except where one bag or can with a maximum capacity of 35 gallons or less is generated during that period. In cases where one bag or less is generated: not to exceed one month.
 - (2) Multifamily dwellings: not to exceed one week.
 - (3) Commercial establishments: not to exceed one week.
- (b) *Public property.* No garbage shall be burned or disposed of upon any street, alley, or public ground of the city.
- (c) *Burning/incineration of garbage.* No garbage shall be burned upon any private property or premises except in an incinerator built as an inherent part of a building and for that purpose only, and approved by the city fire chief. Every person having any such incinerator and desiring to use the same shall make application to the city council for a permit therefor and the city council may grant such permit if the incinerator is approved by the city fire chief. The fire chief shall grant such approval upon a showing that the incinerator will comply with all laws and ordinances.

- (d) *Yard waste.* Yard waste may not be mixed with or disposed of as garbage. Yard waste may be burned where a burning permit has been issued by the city.
- (e) *Composting.* Residential dwellings may compost yard wastes on site.
- (f) *White goods and demolition materials.* Any discarded white goods and demolition materials shall be considered as garbage for which the owner or occupant of any premises shall arrange for prompt and lawful disposal.
- (g) *Private property.* No garbage shall be deposited on any private property or premises except as provided in this section.

(Code 1978, § 13.03)

AFTER AMENDMENT

50-31 Disposal Requirements

All wastes generated in the city shall be disposed of in accordance with this article and all applicable county, state, and federal laws. In addition, the following requirements shall apply:

- (a) *Disposal of garbage.* The occupant of any premises, or if unoccupied, the owner thereof shall place, deposit, or keep on such premises all garbage in the manner as provided in this article, and shall cause to have garbage removed and hauled away therefrom at the intervals provided herein. ~~as follows:~~
 - ~~(1) Residential dwellings: not to exceed two weeks, except where one bag or can with a maximum capacity of 35 gallons or less is generated during that period. In cases where one bag or less is generated: not to exceed one month.~~
 - ~~(2) Multifamily dwellings: not to exceed one week.~~
 - ~~(3) Commercial establishments: not to exceed one week.~~
- (b) *Public property.* No garbage shall be burned or disposed of upon any street, alley, or public ground of the city.
- (c) *Burning/incineration of garbage.* No garbage shall be burned upon any private property or premises except in an incinerator built as an inherent part of a building and for that purpose only, and approved by the city fire chief. Every person having any such incinerator and desiring to use the same shall make application to the city council for a permit therefore and the city council may grant such permit if the incinerator is approved by the city fire chief. The fire chief shall grant such approval upon a showing that the incinerator will comply with all laws and ordinances.
- (d) *Yard waste.* Yard waste may not be mixed with or disposed of as garbage. Yard waste may be burned where a burning permit has been issued by the city.
- (e) *Composting.* Residential dwellings may compost yard wastes on site.
- (f) *White goods and demolition materials.* Any discarded white goods and demolition materials shall be considered as garbage for which the owner or occupant of any premises shall arrange for prompt and lawful disposal.
- (g) *Private property.* No garbage shall be deposited on any private property or premises except as provided in this section.

(Code 1978, § 13.03)

SECTION 3: AMENDMENT “50-32 Container Requirements” of the Grand Rapids Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

50-32 Container Requirements

Every owner or occupant of any residential dwelling, multifamily dwelling, commercial establishment or any other premises where garbage is accumulated, shall provide one or more watertight containers sufficiently sized to receive all garbage which may accumulate between collection times. All garbage containers shall have outside bails or handles or other proper attachments for lifting. All garbage shall be deposited and kept in such containers and so covered as to shed water and keep odor in and insects, vermin and rodents out. Such containers shall be placed near a street, alley or driveway or at such other appropriate places as shall be convenient for the collection and removal of the contents. The following standards shall also apply to garbage containers:

- (a) For the basis of volume fees, garbage cans for residential dwellings shall not have a volume exceeding 35 gallons.
- (b) Each multifamily dwelling and each commercial establishment where garbage accumulates in excess of the capacity of four containers with a maximum capacity of 35 gallons each per week shall have a dumpster for garbage disposal, to be provided by the owner or the occupant. The dumpster shall have a minimum capacity of one cubic yard.

(Code 1978, § 13.04)

AFTER AMENDMENT

50-32 Container Requirements

Every owner or occupant of any residential dwelling, multifamily dwelling, commercial establishment or any other premises where garbage is accumulated, shall provide one or more watertight containers sufficiently sized to receive all garbage which may accumulate between collection times. All garbage containers shall have outside bails or handles or other proper attachments for lifting. All garbage shall be deposited and kept in such containers and so covered as to shed water and keep odor in and insects, vermin and rodents out. Such containers shall be placed near a street, alley or driveway or at such other appropriate places as shall be convenient for the collection and removal of the contents. ~~The following standards shall also apply to garbage containers: For the basis of volume fees, garbage cans for residential dwellings shall not have a volume exceeding 35 gallons. Each multifamily dwelling and each commercial establishment where garbage accumulates in excess of the capacity of four containers with a maximum capacity of 35 gallons each per week shall have a dumpster for garbage disposal, to be provided by the owner or the occupant. The dumpster shall have a~~

~~minimum capacity of one cubic yard.~~

(Code 1978, § 13.04)

SECTION 4: **AMENDMENT** “50-33 Collection Requirements” of the Grand Rapids Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

50-33 Collection Requirements

Every owner or occupant of any residential dwelling, multifamily dwelling, commercial establishment or any other premises where garbage is accumulated, shall contract with a licensed hauler for the collection and removal of garbage.

- (a) The owners or occupants of residential dwellings shall contract with the licensed residential hauler. Only one hauler shall be licensed for residential collection in the city.
- (b) The owners of multifamily dwellings and commercial establishments shall contract with a commercial hauler.

(Code 1978, § 13.05)

AFTER AMENDMENT

50-33 Collection Requirements

Every owner or occupant of any residential dwelling, multifamily dwelling, commercial establishment or any other premises where garbage is accumulated, shall contract with a licensed hauler for the collection and removal of garbage.

- (a) The owners or occupants of residential dwellings shall contract with the licensed residential hauler. ~~Only one hauler shall be licensed for residential collection in the city.~~
- (b) The owners of multifamily dwellings and commercial establishments shall contract with a commercial hauler.

(Code 1978, § 13.05)

SECTION 5: **AMENDMENT** “50-34 Hauler Licensing” of the Grand Rapids Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

50-34 Hauler Licensing

The city council shall issue a five-year exclusive license for the collection of residential garbage. Such hauler shall furnish equipment, collection schedules, rates chargeable and other conditions and requirements as the city shall require. No other person shall contract for hire as a residential garbage collector within the city limits or upon the city streets or alleys, other than the authorized and licensed collector contracted by the city council. Any hauler engaged in the collection and disposal of garbage from multifamily dwellings and commercial enterprises shall be licensed by the county.

(Code 1978, § 13.07)

State Law reference— Mandatory that city provide for solid waste collection, Minn. Stat. § 115.941; licensing of solid waste collection, Minn. Stat. § 115A.93.

AFTER AMENDMENT

50-34 ~~Hauler Licensing~~ License Required

- (a) ~~The city council shall issue a five-year exclusive license for the collection of residential garbage. Such hauler shall furnish equipment, collection schedules, rates chargeable and other conditions and requirements as the city shall require. No other person shall contract for hire as a residential garbage collector within the city limits or upon the city streets or alleys, other than the authorized and licensed collector contracted by the city council. Any hauler engaged in the collection and disposal of garbage from multifamily dwellings and commercial enterprises shall be licensed by the county. (Code 1978, § 13.07) State Law reference— Mandatory that city provide for solid waste collection, Minn. Stat. § 115.941; licensing of solid waste collection, Minn. Stat. § 115A.93.~~ It is unlawful for any person to collect waste from any person or establishment within the City, or transport the same, without a license from the City.
- (b) The City may issue no more than five (5) licenses at any time for the collection of waste from residential customers. There is no limit on the number of licenses that may be issued for the collection of waste from commercial establishments.

SECTION 6: AMENDMENT “50-35 Hauler's Vehicles” of the Grand Rapids Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

50-35 Hauler's Vehicles

Any person removing and transporting garbage through any of the public streets or other

public places of the city shall haul the garbage in suitable vehicles so as to prevent any part of the load from falling or leaking into or upon any street, or public place. Hauler's vehicles shall be kept clean and as free from offensive odors as possible, and shall not be allowed to stand in any street longer than necessary to collect garbage. Any vehicle used to collect recyclable materials shall conspicuously display the recycling emblem or other identification acceptable to the city, to signify that it is collecting recyclable materials.

(Code 1978, § 13.06)

AFTER AMENDMENT

50-35 ~~Hauler's Vehicles~~Exception

~~Any person removing and transporting garbage through any of the public streets or other public places of the city shall haul the garbage in suitable vehicles so as to prevent any part of the load from falling or leaking into or upon any street, or public place. Hauler's vehicles shall be kept clean and as free from offensive odors as possible, and shall not be allowed to stand in any street longer than necessary to collect garbage. Any vehicle used to collect recyclable materials shall conspicuously display the recycling emblem or other identification acceptable to the city, to signify that it is collecting recyclable materials. (Code 1978, § 13.06)~~Nothing in this section prevents a person from collecting or transporting waste from the person's own residence or place of business provided the collection and transportation of waste is conducted in accordance with Minnesota Administrative Rule 7035.0800. All waste must be dumped or unloaded only at a disposal facility.

SECTION 7:AMENDMENT “50-36 Collection Rates” of the Grand Rapids Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

50-36 Collection Rates

Rates for services provided under this article shall be negotiated within the council-approved license agreement.

(Code 1978, § 13.08)

AFTER AMENDMENT

50-36 ~~Collection Rates~~License Applications

- ~~(a) Rates for services provided under this article shall be negotiated within the council-approved license agreement. (Code 1978, § 13.08)~~Application Fee. An application for a license under this section must be made on a form supplied by the City and must be

accompanied by a fee in the amount as established by resolution of the Council. All questions asked or information required by the application form must be answered fully and completely by the applicant.

- (b) Insurance. Each applicant for a license must provide with its license application evidence, in the form of certificates of insurance issued by insurers duly licensed to do business within the State of Minnesota, of the insurance coverages required by Section 50-37 (h). covering all vehicles to be used and all operations to be performed by the applicant in collecting and transporting waste.
- (c) Investigation. The City is empowered to conduct any and all investigations to verify the information on applications and renewal applications submitted under this section, including but not limited to ordering a criminal history check pursuant to Minn. Stat. § 299C.72.
- (d) Consideration and Issuance. After the information on the application has been verified as correct by the City pursuant to subsection (c) above, an initial application for a license under this section will be endorsed by the Director for issuance for denial within ten (10) days after the application and any investigations are deemed to be complete.

 - (1) Issuance. Upon the Director's endorsement of his/her approval of an application and mail a license certificate to the applicant at the address noted in the application.
 - (2) Denial. The Director may deny a license from any of the following reasons: (i) unavailability of a license pursuant to Section 50-36 of this article; (ii) failure of the applicant to pass any investigations pursuant to Subsection (c) above; (iii) inability of the applicant to meet any of the requirements of Sections 50-37 and 50-38 of this article; or (iv) on the same grounds for which a license may be suspended or revoked as set forth in Section 50-40 of this article. A denial of an application will be communicated to the applicant in writing, including findings supporting the decision. The notice of denial will be mailed by regular mail to the applicant at address listed on the application. An applicant may appeal a denial by submitting a hearing request to the Director within ten (10) days of the date of the notice of denial. If a hearing request is not received by the Director within ten (10) days of the date contained in the notice, the applicant's right to a hearing will be deemed waived. If timely requested, the hearing will be held in accordance with the procedures set forth in Section 50-40(b)b. and 50-40(b)c. of this article.
- (e) Term; Renewal. Licenses issued under this section will expire on December 31 of each year. An application for renewal of a license must be submitted on or before December 1 of each year and be accompanied by the completed renewal form provided by the City and required license fee. Applications for license renewal will be investigated, considered, and issued in accordance with the procedure for an initial license as set forth in Sections a - d of 50-36.

SECTION 8: ADOPTION “50-37 Conditions” of the Grand Rapids
Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

50-37 Conditions (Non-existent)

AFTER ADOPTION

50-37 Conditions(*Added*)

The following are conditions applicable to each licensee for a license for the collection of waste:

- (a) Each licensee is authorized to collect waste within the geographical service area. The Council has by resolution divided the geographical service area into districts and established the days on which residential waste collection may occur within each district. The districts so established and the days on which collection may occur within each district may from time to time be amended by the Council by resolution. No licensee or any other person may collect waste from residential customers on any day other than the day specified for collection in the district except to collect roll-off containers, missed pickups, a special pickup, or when a holiday falls on a district collection day.
- (b) Each licensee must use vehicles or roll-off containers for the collection and transportation of waste in good operating condition, of such design and so equipped so as to prevent loss in transit of liquid or solid cargo. The vehicles must be kept clean and free from offensive odors and must not be stopped or parked longer than reasonably necessary to collect waste.
- (c) No licensee may operate on any City street a vehicle which exceeds eight (8) tons per axle weight.
- (d) No licensee may operate in a residential district after 6:00 p.m. or before 7:00 a.m. on any day and may not operate in a residential district on Saturday or Sunday.
- (e) Each licensee must exhibit evidence of the license in a prominent position on each vehicle used in the collection or transportation of waste. The Licensee shall display the official name together with the appropriate telephone number in printed or painted legible letters not less than eight (8) inches in height on both sides of all pieces of equipment used to collect garbage and recyclables.
- (f) Each licensee is solely responsible for the provision, at its expense, of all personnel and equipment necessary to collect and transport all waste for which a license is granted by the City for delivery and disposal in accordance with the City Code and such regulations as the City may from time to time establish.
- (g) Each licensees must take all precautions necessary to protect the public against injury and must defend, indemnify and save the City and its elected officials, agents and employees harmless from and against all liabilities, losses, damages and claims of

damages (including all reasonable costs, attorney's fees, and other expenses incident thereto) suffered or incurred by the City that may arise by reason of any act or omission on the part of the licensee, its agents, or independent contractors, while engaged in the collection and transportation of waste. Each licensee must also defend, indemnify, and save the City and its elected officials, agents, and employees harmless from and against any and all claims, liens and claims for labor performed or material furnished incident to the said collection and transportation by licensee including claims for material or services furnished or subcontracted for by it. Each licensee must also defend, indemnify, and save the City and its elected officials, agents and employees harmless from and against all liabilities, losses, damages, costs, and expenses (including attorneys' fees and expenses of City), causes of action, suits, claims, demands and judgements of any nature arising from violation of any representation, agreement, warranty, covenant, or condition made by licensee or imposed upon licensee by this section.

(h) Insurance Requirements.

- (1) Each licensee must obtain and maintain during the term of the license the following insurance covering all vehicles to be used and all operations to be performed by the licensee in collecting and transporting waste:
 - a. Commercial general liability insurance in accordance with MN Statute Section 466.04, as may be modified from time to time.
 - b. Comprehensive automobile liability insurance in accordance with MN Statute Section 466.04, as may be modified from time to time. The insurance shall cover liability arising out of any auto, including owned, hired, and non-owned vehicles.
 - c. Worker's compensation insurance at statutory limits.
- (2) After endorsement of an application by the Director but before issuance of the license, the licensee must furnish to the City certificates of insurance evidencing the required insurance coverage in force on the date of commencement of the license period, and continuing for a policy period of at least one (1) year. Each required policy of insurance must name the City as an additional insured.
- (3) The commercial general liability and automobile liability insurance policies must provide contractual liability insurance, specifically referring to and covering licensee's indemnification obligations as provided in subsection g above.
- (4) The commercial general liability and automobile liability policies must contain an endorsement as follows:
 - a. Any deductible amount provided for in any part of the policy will be paid by the insurer upon establishment of legal liability of any insured, and the insurer will be entitled to reimbursement from the insured for such deductible amount.
- (5) All policies of insurance must contain a stipulation that the policy will not be canceled nor any material change effected without first giving thirty (30) days written notice to the City. Upon request by the City, licensee must promptly furnish the City for examination at any time all policies of insurance required

herein. Each licensee must, upon application for renewal of the license, furnish the City with evidence satisfactory to the City of the insurance required hereunder.

- (i) Each licensee must at all times operate its business of collecting, transporting, and disposing of waste in compliance with all local, state, and federal laws. Each licensee must obtain and maintain all licenses, permits, or other authority required by each county in which it operates, the Minnesota Pollution Control Agency, and any other governmental agency having jurisdiction over its activities.
- (j) Each licensee must impose charges for the collection of trash that increase with the volume or weight of the trash collected.
- (k) The Licensee shall establish and maintain an office with a telephone within 50 miles of the City, to which residents can call at no charge, shall provide the telephone number to each dwelling unit and shall receive calls during not less than four hours per day Monday through Friday and shall log all complaints about the collection of garbage and recyclables, and the Licensee's response to such complaint. The Licensee shall also have a local representative whose name, and telephone number is printed on billing statements.

SECTION 9: ADOPTION “50-38 Collection And Reporting Requirements”
of the Grand Rapids Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

50-38 Collection And Reporting Requirements (Non-existent)

AFTER ADOPTION

50-38 Collection And Reporting Requirements(*Added*)

In addition to the conditions imposed upon licensees set forth in Section 50-37, the following conditions are requirements applicable to each licensee. Each licensee must:

- (a) Collect or provide for the collection from each customer of the licensee at a minimum on a bi-weekly basis for recyclable materials and on a weekly basis for trash. Collection of recyclable materials and trash shall be completed on the same day.
- (b) Not deliver to, dump, or dispose of recyclable materials that have been placed in a container designated for recycling on or in a disposal facility.
- (c) Licensee shall collect the garbage and recyclables from the same side of the street or alley where the dwelling unit is located. Where alleys are present, collection shall be from the alley. Where there are no alleys, collection shall be from the curb.
- (d) Not impose a greater charge for curbside collection upon customers who recycle aluminum can, plastic, corrugated cardboard, paper, and glass recyclables than upon

customers who do not recycle waste.

- (e) Collect or provide for the collection of recyclable materials from each commercial or business customer on request.
 - (1) Collect or provide for the collection of at a minimum the following recyclable materials from all residential customers and commercial establishments:
 - a. Aluminum recyclables.
 - b. Can recyclables.
 - c. Corrugated cardboard.
 - d. Glass recyclables.
 - e. Paper recyclables.
 - f. Plastic recyclables.
- (f) Collect or provide for the collection of all recyclable materials from residential customers with curbside collection using one of the following systems:
 - (1) Single Sort System. All recyclable materials are collected in one container, excluding organic materials, or
 - (2) Dual Sort System. All recyclable materials are collected separately.
- (g) Provide one educational piece of literature or one educational flyer in a format approved by the City of Grand Rapids to each residential customer who has curbside collection of recyclable materials. The educational literature or flyer must include at a minimum the materials that are collected by curbside collection.

SECTION 10: **ADOPTION** “50-39 Roll-Off Containers” of the Grand Rapids Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

50-39 Roll-Off Containers (Non-existent)

AFTER ADOPTION

50-39 Roll-Off Containers(*Added*)

- (a) All provisions of this section, except Section 50-38, are applicable to licensees who collect roll-off containers.
- (b) Roll-off containers must not be placed:
 - (1) within any street or public right-of-way except pursuant to a right-of-way permit issued under City Code Article 58
 - (2) on or within other public property.
- (c) Each licensee who collects roll-off containers must document and retain dated weight receipts of the recyclable materials processed or waste hauled from the City for the last three (3) years, which must be made available to the City upon request. At a minimum, the receipts must contain:
 - (1) Total tons of construction and demolition waste collected.

- (2) Total number of construction and demolition waste pick-ups.
- (3) Locations at which construction and demolition wastes were processed or disposed of.
- (d) Upon demand by the City, licensees who collect roll-off containers must produce any records required by the City to verify that all waste has been disposed of in a lawful manner.

SECTION 11: ADOPTION “50-40 Suspension Or Revocation” of the Grand Rapids Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

50-40 Suspension Or Revocation (Non-existent)

AFTER ADOPTION

50-40 Suspension Or Revocation(*Added*)

- (a) Grounds for Suspension or Revocation. The City may suspend or revoke a license issued under this section. The following are grounds for suspension or revocation of a license:
 - (1) Fraud, misrepresentation, or false statement contained in a license application or a renewal application;
 - (2) Fraud, misrepresentation, or false statement made in the course of carrying on the licensed collection;
 - (3) Failure to perform, meet, or comply with any condition or obligation imposed upon a licensee under this section; or
 - (4) Failure to comply with other City ordinances or state or federal law.
- (b) Procedure.
 - (1) Notice. A suspension or revocation will be preceded by written notice from the Director or his or her designee to the licensee and an opportunity for a hearing. The notice will state the nature of the violation(s) or grounds for suspension or revocation and will inform the licensee of the licensee's right to request a hearing within ten (10) days of the date contained in the notice to dispute the suspension or revocation. The notice will be mailed by regular mail to the licensee at the most recent address listed on the license application. If a hearing request is not received by the City within ten (10) days of the date contained in the notice, the licensee's right to a hearing will be deemed waived. No suspension or revocation of a license under this section will take effect until (a) the licensee's time to request a hearing expires; or (b) if a hearing is requested, after the licensee is informed of the decision of the City Administrator.

- (2) Hearing. If a hearing is requested, the Director or his or her designee will provide written notice to the licensee of the date, time, and place of the hearing. The notice will be served in the same manner as the initial notice. The notice will be served no less than fifteen (15) days and no more than thirty (30) days prior to the hearing. The hearing will be held by an impartial hearing officer who will be appointed by the Director or his or her designee. Upon conclusion of the hearing, the hearing officer will, within ten (10) days, make his or her recommendation to the City Administrator in writing. If the hearing officer's recommendation is denial of the application or suspension or revocation of the license, he or she must include in the written recommendation his or her findings and conclusions supporting the decision.
- (3) Decision. Within thirty (30) days of receipt of the hearing officer's written recommendation, the City Administrator will make a decision on whether the license will be denied renewal, suspended, or revoked. The City Administrator will inform the licensee in writing of the decision, including findings and conclusions supporting the decision, within ten (10) days.
- (4) Appeal. No appeal is allowed to the City Council from a decision of the City Administrator under this section. The City Council may, on its own motion, determine to review the decision of the City Administrator.

SECTION 12: **ADOPTION** “50-41 Relationship Of The Parties” of the Grand Rapids Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

50-41 Relationship Of The Parties (Non-existent)

AFTER ADOPTION

50-41 Relationship Of The Parties(*Added*)

The City will have no responsibility or obligation whatsoever with respect to the collection, transportation, or disposal of waste, or payment for such services to any person, and nothing in this section will be deemed to make a licensee a partner, joint venturer, agent, or representative of the City or to create the relationship of employer-employee.

SECTION 13: **ADOPTION** “50-42 Violation A Misdemeanor” of the Grand Rapids Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

50-42 Violation A Misdemeanor (Non-existent)

AFTER ADOPTION

50-42 Violation A Misdemeanor(Added)

A person who commits or attempts to commit, conspires to commit, or aids or abets in the commission of an act constituting a violation of this section, whether individually or in connection with one or more other persons or as principal, agent, or accessory is guilty of a misdemeanor. A person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, permits, or directs another to violate a provision of this section is guilty of a misdemeanor.

PASSED AND ADOPTED BY THE CITY OF GRAND RAPIDS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Tasha Connelly	_____	_____	_____	_____
Molly MacGregor	_____	_____	_____	_____
Rick Blake	_____	_____	_____	_____
Tom Sutherland	_____	_____	_____	_____
Dan Mertes	_____	_____	_____	_____

Presiding Officer

Attest

Tasha Connelly, Mayor, City of Grand Rapids

Kimberly Gibeau, City Clerk, City of Grand Rapids