

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 86, SOLID WASTE, ARTICLE III, WASTE HAULERS, SECTIONS 86-62 – APPLICATION, 86-63 – ISSUANCE OR DENIAL, 86-66 – INSPECTION OF SOLID WASTE TRANSPORTING UNITS, AND 86-70 - REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO MODIFY APPLICATION, ISSUANCE OR DENIAL, INSPECTION OF SOLID WASTE TRANSPORTING UNITS TO LICENSE DECALS, AND REGULATIONS; REPEAL CONFLICTING ORDINANCES, AND PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Section 86-62 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 86-62. Application.

- (a) Every waste hauler shall file a written application for a waste hauler license with the building department upon a form to be furnished by the building department.
- (b) The application shall contain all of the following:
 - (1) The full name, complete address and telephone number of the applicant and whether the applicant is an individual, partnership, limited liability company, corporation or other form of business entity, and if a corporation, the state of incorporation;
 - (2) The name under which the applicant operates or will operate;
 - (3) The days and hours the applicant will service sites of generation within the city; and
 - (4) The capacity, make, model and year of manufacture or the solid waste transporting unit, as well as the capacity of the unit.
- (c) The application shall be accompanied by the following:
 - (1) The application fee;
 - (2) Statistical data regarding the amount of solid waste, recyclable materials and yard clippings collected, transported and disposed of from sites of generation in the city by the applicant;
 - (3) Statistical data regarding the amount of solid waste disposed of from sites of generation in the city at each licensed disposal area utilized by the applicant;

- (4) Certificates of insurance evidencing insurance coverage for the applicant, its agents and employees, for the following coverages:
 - a. Worker's compensation and employer's liability insurance in accordance with state law;
 - b. Commercial general liability insurance on an "Occurrence" basis with limits of liability not less than \$5,000,000.00 per occurrence;
 - c. Motor vehicle liability insurance including Michigan no-fault coverage for all vehicles used with limits of liability not less than \$5,000,000.00 per occurrence and aggregate combined single limit, personal injury, bodily injury and property damage;
 - d. Commercial general liability and motor vehicle liability insurance shall include an endorsement stating the city shall be an additional insured. Such insurance shall be primary to the additional insured and not contributing with other insurance available to the city; and
 - e. The certificates shall provide that the city shall receive 60 days advance written notice of cancellation, nonrenewal, reduction or material change in any such insurance coverage for any reason.
- (5) A written declaration duly dated and signed by the applicant and given under oath or affirmation and under penalty of perjury that the information contained in and attached to the application is true and correct.
- (6) A copy of the Annual Vehicle Inspection Report showing the vehicle has passed inspection in accordance with 49 CFR 396, for all vehicles used that weigh over 26,000 lbs.

Section 2. Section 86-63 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 86-63. Issuance or denial.

- (a) The building department shall issue a waste hauler license to the applicant unless the investigation or recommendation finds any of the following:
 - (1) The application or the renewal application fee has not been paid, and, in the case of a check or bank draft, dishonored for payment upon presentment;
 - (2) Solid waste transporting units ~~do not pass inspection~~ over 26,000 lbs have not passed their annual inspection as required by 49 CFR 396;
 - (3) The applicant has knowingly made false, misleading or fraudulent statements of fact in the application or in any document required in conjunction with the application;

- (4) The applicant has had a waste hauler license or other similar license or permit suspended or revoked by the city prior to the date of the application; or
 - (5) The applicant or application does not meet all of the requirements of this division or other ordinances of the city.
- (b) If the building department denies the application, the reasons for the denial and the right to appeal such denial under the provisions of this division shall be specified in writing and mailed by first-class mail to the applicant at the address set forth on the application.

Section 3. Section 86-66 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 86-66. ~~Inspection of solid waste transporting units~~License Decals.

~~The building department and sheriff's department shall inspect each solid waste transporting unit to determine whether it is roadworthy, proper and hygienic according to this article and in compliance with applicable state law and city ordinances.~~The city shall provide a decal to be affixed to each solid waste transporting unit that ~~passes inspection. Inspections shall be conducted during normal business hours. Other inspection times may be arranged upon request and payment of an additional fee~~is issued a license. Each decal will contain the truck vehicle identification number and license plate.

Section 4. Section 86-70 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 86-70. Regulations.

A licensed waste hauler shall comply with the following regulations:

- (1) *Collection hours.*
 - a. Domestic. Solid waste, recyclable materials and yard clippings shall be collected within the city from the curbside of residential sites of generation only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday; except solid waste, recyclable materials and yard clippings may be so collected on a Saturday between those hours when a legal holiday has occurred on a weekday in the immediately preceding week or when scheduled weekday collections have been delayed in the immediately preceding week due to collection vehicle equipment failure beyond the control of the waste hauler.
 - b. Commercial and industrial. Solid waste, recyclable materials and yard clippings shall be collected within the city from commercial and industrial sites of generation only between the hours of 7:00 a.m. and 8:00 p.m., Monday through Friday.
- (2) *Delivery to disposal areas.* A waste hauler shall deliver all waste collected in the city to licensed disposal areas authorized to operate pursuant to 1994 Public Act 451.

- (3) *Compliance with applicable laws.* A waste hauler shall comply with all federal and state laws, local ordinances and related rules and regulations in the collection, transportation and delivery of solid waste, recyclable materials and yard clippings.
- (4) *Hazardous waste.* A waste hauler shall not knowingly collect and deliver hazardous waste to a licensed disposal area.
- (5) *Solid waste transporting units and collection vehicles.* All solid waste transporting units and collection vehicles shall:
 - a. Be kept clean and free from odors.
 - b. Bear on each side in letters at least three inches high the name of the waste hauler and the license decal issued by the building department.
 - c. Comply with all requirements of 1994 Public Act 451 related to solid waste transporting units.
 - d. Be maintained to a level as to be able to pass inspection at any time.

Section 5. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Section 6. Penalty. Except as otherwise provided therein, all violations of this ordinance shall be municipal civil infractions and upon a determination of responsibility therefore shall be punishable by a civil fine of \$500.

Section 7. Repeal, Effective Date, Adoption.

(1) Repeal. All regulatory provisions contained in other City ordinances, which are inconsistent with the provisions of this ordinance, are hereby repealed.

(2) Effective Date. This ordinance shall become effective on _____, 2024 following its publication in the *Oakland Press* on _____, 2024.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on _____, 2024.

Bryan K. Barnett, Mayor
City of Rochester Hills

CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ADOPTED BY THE CITY COUNCIL OF THE CITY OF ROCHESTER HILLS AT A MEETING THEREOF ON _____, 2024.

Leanne Scott, Clerk
City of Rochester Hills