

VILLAGE OF AUGUSTAORDINANCE NO. 133AN ORDINANCE TO ESTABLISH REFUSE BIN REGULATIONSTHE VILLAGE OF AUGUSTA ORDAINS:SECTION I

SPECIFIC DEFINITIONS

DEFINITIONS: The definitions in this section apply to terms used throughout this regulation unless the context clearly indicates otherwise.

ITEM 1 - CUSTOMER: A person who has arranged or contracted for refuse collection service.

ITEM 2 - EMPLOYEE: An individual hired by an employer to work for wages or salary, whose responsibilities include handling the refuse bin. This includes individuals hired by the customer, owner or refuse collector.

ITEM 3 - EMPLOYER: A person who hires one or more individuals to work for wages or salary.

ITEM 4 - OWNER: Person who has title to the refuse bin.

ITEM 5 - REFUSE COLLECTOR: The company, firm or other business organization which is in the business of providing refuse collection service.

ITEM 6 - REFUSE BIN: Refuse bin shall mean those bins which are mechanically emptied into refuse collection vehicles. Excluded from this regulation are

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roll-off containers hoisted atop tilt-frame
or hoist-type trucks and manually handled
cylindrical containers or manually handled
disposal bags.

ITEM 7 -- USER: Person who deposits refuse into the refuse bin.

SECTION II

PERFORMANCE REQUIREMENTS

ITEM 1 -- UNLOADED REFUSE BINS:

A. Hanging Weight Requirements: Refuse bins shall be designed constructed, or modified such that they will not tip when subjected to 191 pounds hanging vertically from the leading edge of the refuse bin when tested under the conditions specified in Section II, Item 3.

B. Pull Force Requirements: Refuse bins shall be designed, constructed, or modified such that they will not tip when subjected to a force of 70 pounds exerted horizontally from any leading edge of the refuse bin when tested under the conditions specified in Section II, Item 3.

ITEM 2 -- LOADED REFUSE BINS:

Refuse bins shall be designed, constructed, or modified in such a manner that when uniformly loaded the load center or gravity shall lie within the wheel base of the refuse bin when tested according to the conditions specified in Section IV, Item 3, Paragraph B through D.

ITEM 3 -- CONDITIONS FOR TESTING:

Tests to determine whether refuse bins satisfy the performance requirements give in Section I, Item 1 and Section I, Item 2 are to be done separately and according to the conditions in Section II, Item 3.

- A. The bin shall be empty.
- B. The bin shall rest on a hard, level surface.
- C. The bins shall not be allowed to move laterally
on the surface upon which it rests.

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- D. Bins with lids or covers shall have the lids or covers positioned in their most adverse stability condition. (See Figure 1).
- E. Bins with casters or wheels shall have the casters or wheels positioned in their most adverse stability condition (See Figure 1).

ITEM 4 - EXCEPTIONS

If In-service or newly manufactured refuse bins cannot meet the requirements, they shall comply with the following:

- A. The refuse bin shall be reasonably secured in some manner such as chained or tied to a stake, fence, wall, or other stationary object such that the bin will not tip over.
- B. The refuse bin shall be enclosed within a fence or barrier at least four (4) feet in height with an access gate that is kept locked or otherwise reasonably protected from unauthorized access.

SECTION III

SAFETY MARKINGS

ITEM 1 - A safety marking shall be conspicuously located on each of the two opposite sides of the refuse bin as illustrated in Figure 2 such as "NOTICE - Container Must Be Placed on Hard Surface - Load Uniformly."

ITEM 2 - Safety markings shall be located on the front and two sides of the refuse bin as illustrated in Figure 2 such as: "CAUTION Do Not Play On or Around."

ITEM 3 - The size of the Safety Markings shall be at least 5" by 7".

SECTION IV

RESPONSIBILITIES

ITEM 1 - MANUFACTURER RESPONSIBILITY:

It shall be the responsibility of the manufacturer of refuse bins to design and construct newly manufactured refuse bins in conformance with Section III and IV of this standard for use in Kalamazoo County, Michigan.

A. Newly manufactured refuse bins shall have a permanent identification of the name of the manufacturer and the date of manufacture, or a code traceable to the date of manufacture.

B. A statement attesting to compliance with this standard shall also be provided on the permanent identification.

ITEM 2 - RETROFITTER RESPONSIBILITY:

It shall be the responsibility of persons who retrofit or modify in-service refuse to modify or re-construct in-service refuse bins in conformance with this standard.

ITEM 3 - OWNER RESPONSIBILITY:

A. It shall be the responsibility of the owner of refuse bins to ensure that in-service refuse bins are modified or retrofitted to meet the requirements of this standard.

B. It shall be the responsibility of the owner of refuse bins to ensure that only refuse bins which are in conformance with Section 3.0 and 5.0 of this standard be used.

C. The owner of refuse bins shall inform the customer in writing of necessary safety precautions and requirements associated with the use of the refuse bins, including but not limited to the following:

1. Refuse bins shall be placed on a hard, level weather-resistant surface. Such surface shall extend at least two (2) feet on each side of the container and the unloading side shall be flush with the surrounding area.
2. Refuse bins shall be loaded uniformly with no refuse extending beyond the internal volume of the bin.
3. All safety features for stability shall be used, such as fasteners, if fasteners are intended to secure the refuse bin to a stationary object.

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4. After the customer informs the owner of the refuse bin of any damage, defect, or malfunction the refuse bin, it shall be repaired within thirty (30) days.

- D. The owner shall train his employees in the handling and placement of refuse bins to be in conformance with this standard.

ITEM 4 -- REFUSE COLLECTOR RESPONSIBILITY:

- A. The refuse collector shall train his employees in the use, handling and placement of refuse bins to be in conformance with the requirements of this standard.
- B. The refuse collector shall inform the owner of refuse bins of any damage, defect, or malfunction of the refuse bins.
- C. The refuse collector shall notify the customer immediately, upon notification from the refuse collector employee that no hard, level, weather-resistant area is available for placing a refuse bin.

ITEM 5 -- REFUSE COLLECTOR EMPLOYEE RESPONSIBILITY:

- A. The employee of the refuse collector shall return the refuse bins after unloading to their original location, if this location is a hard, level, weather-resistant surface.
- B. The employee shall place a refuse bin only on a hard, level, weather-resistant surface. If such an area is not available, he must immediately notify his employer and the owner.

ITEM 6 -- CUSTOMER RESPONSIBILITY:

- A. To be responsible for ensuring that a hard, level, weather-resistant surface is provided for the placement of refuse bins.
- B. To ensure refuse bins used and placed on the customer's premises conform to the applicable requirements of this standard.
- C. To train his employees in the use, handling, and placement of refuse bins to be in conformance with the requirements of this standard.

- D. To ensure that the refuse bin be loaded uniformly with no refuse extending beyond the internal volume of the bin.
- E. To inform the owner of the refuse bin of any damage, defect, or malfunction of the refuse bin.

SECTION V
IMPLEMENTATION

ITEM 1 -- Only approved refuse bins will be in service anywhere in the Village of Augusta to which the public has access on or after Marcy 13, 1978.

ITEM 2 -- The Village of Augusta may accept, consider and allow for an extension of the period in which to comply with the provisions of section V, Item 1 and Item 2, upon recommendation of the Health Officer and application from a responsible person. Such an extension may be granted upon a showing by the applicant of diligent effort and good cause for inability to comply with such security requirements. No extension shall exceed Three (3) Months.

SECTION VI
ENFORCEMENT AND PENALTY

ITEM 1 -- Any person who fails to comply with any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding the sum of One Hundred (\$100.00) Dollars or by imprisonment in the County Jail not exceeding Ninety (90) Days, or by both such fine and imprisonment at the discretion of the Court.

ITEM 2 -- Each day such failure to comply with the provisions of this ordinance shall continue shall be deemed a separate offense.

SECTION VII
SEVERABILITY

Should any section, clause or paragraph of this Ordinance be declared

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to be null, void or otherwise unenforceable by the courts, the same shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect.

EFFECTIVE DATE: This Ordinance shall take effect on March 13, 1978.


Richard D. McGee, Village President


Marcea C. Schwartz, Village Clerk

C E R T I F I C A T E

I, MARCEA C. SCHWARTZ, Clerk of the Village of Augusta, hereby certify that said Ordinance No. 133 was duly enacted by the Village Council at a regular meeting the of Council held February 13, 1978; copies of said Ordinance were posted at three public places with the Village, being; United states Post Office, Baxter's Pharmacy and the Village Hall Bulletin Board.


Marcea C. Schwartz, Clerk

VILLAGE OF AUGUSTA