

AGENDA REPORT

TO: Mayor & City Commission
FROM: Ken Hibl, City Manager
DATE: September 2, 2009
RE: Waste Hauler's Permit – Lincoln Sanitation, Inc.



For the Agenda of September 8, 2009

Background. Sections 36-33 and 36-37 (*copies of extracts att'd*) of the Ordinance Codes of the City of Clare outline licensing requirements for collectors of solid waste material within the City of Clare. The City has received an application from Lincoln Sanitation, Incorporated to provide commercial and other “umbrella” solid waste services within the City. Lincoln Sanitation, a locally-owned company well-known to the City for providing reputable services, meets all the City's requirements for license applicant and permit issuance. The City Commission is asked to consider approving the application.

Issues & Questions Specified. Should the City Commission approve the license application of Lincoln Sanitation?

Alternatives.

1. Approve the application.
2. Do not approve the application.
3. Set aside decision regarding this matter to a later date.

Financial Impact. A one-time license fee is required to be paid by the licensee. Lincoln Sanitation has remitted (*copy of check att'd*) the required fee, which is presently \$500.

Recommendation. I recommend that the City Commission approve the license application of Lincoln Sanitation, Incorporated by adoption of Resolution 2009-093 (*copy att'd*).

Attachments.

1. Extract of Ordinance Codes.
2. Waste Hauler Application w/Supporting Documents.
3. Resolution 2009-093.

ARTICLE I. IN GENERAL

Secs. 36-1—36-30. Reserved.

ARTICLE II. COLLECTION**Sec. 36-31. Definitions.**

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

Garbage means 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 vegetable matter.

Nonburnable rubbish means waste of domestic or commercial origin that is incapable of being burned or incinerated, including tin cans, tin ware, bed springs, automobile parts and other metallic substances, bottles, glassware, earthenware, grass, leaves, ashes, etc.

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

(Code 1985, § 2.3)

Cross reference—Definitions generally, § 1-2.

State law reference—Similar definitions, MCL 324.11503, 324.11505.

Sec. 36-32. Service to customers.

(a) The city may operate a garbage and trash collection service for the residents and the businesses of the city and the city shall appropriate such monies and employ such persons as may be reasonably necessary to carry out the terms of this article.

(b) All residents and businesses of the city are required to utilize the collection service method authorized or contracted for by the city and to pay any fees established by city commission resolution which are required to finance the collection services.

(Code 1985, § 2.1)

Sec. 36-33. Collector's license.

No person shall collect any garbage, ashes, trash or rubbish within the city for disposal unless and until they have been duly licensed as provided in this article.

(Code 1985, § 2.2)

Sec. 36-34. Receptacles.

The occupants of every building where wastes accumulate shall provide, keep clean and in place, proper receptacles as set forth in this section. The receptacles for garbage must be of a

portable type and not over 30 gallons' capacity, and shall be of substantial metal construction, provided with handles or bails and a tightfitting cover, and no single receptacle shall weigh more than 50 pounds when filled. All garbage shall be drained and wrapped to prevent freezing of the receptacles. No garbage or food wastes of any description shall be placed in an uncovered receptacle. As an alternative, plastic bags or cans designed as containers for garbage or rubbish may be used.

(Code 1985, § 2.4)

Sec. 36-35. Placement of receptacles.

All receptacles shall be located so that the regularly employed municipal collectors will not have to trespass on private property in order to pick up such receptacles. The point of collection will be either the alley line or the curb. Receptacles shall not be placed under the eaves of a building in such a manner that water from roof will enter the receptacles, and any receptacle filled with ice or water will not be emptied.

(Code 1985, § 2.5)

Sec. 36-36. Schedule.

The collector shall pick up garbage, trash, rubbish and ashes in accordance with a collection schedule fixed by the city manager. Each customer shall be notified at the time application is made for service as to the day and time, within reasonable limits, that the collector will service his premises, and any changes made thereafter by the collector shall be communicated by him to the customer.

(Code 1985, § 2.6)

Sec. 36-37. License applications.

No license shall be granted to an applicant for any collection service in which a contract for such service is in existence. All applicants for licenses to pick up and transport garbage, trash or rubbish shall be made to the city clerk. The applicant shall give his name, address, description of the service to be provided, description of the equipment to be used, names and locations of disposal sites, insurance coverages and any other information which may be requested by the city commission to adequately review the application. The applicant shall pay to the city clerk, with such application, the license fee as established by ordinance or resolution of the city commission. All applications for licenses shall be referred to the city commission. The authorization of all applications for licenses shall be subject to city commission approval; and, if such license is denied, the fee so deposited shall be returned to the applicant. Applications may be rejected by the city for good cause. All licenses shall comply with this Code, the terms of the licensing permit and such rules and/or regulations relating to garbage and trash disposal as may be adopted by the city commission from time to time.

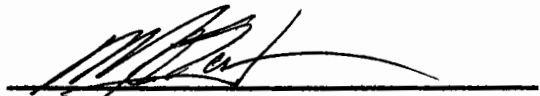
(Code 1985, § 2.7)



CITY OF CLARE WASTE HAULER PERMIT



CHAPTER 36, SOLID WASTE, SECTION 36.7 OF THE CITY OF CLARE ORDINANCES REQUIRES
ALL WASTE HAULERS BE LICENSED BY THE CITY.

WASTE HAULER'S NAME: <i>Lincoln Sanitation, Inc.</i>	
CONTACT PERSON: <i>Merle Harman</i>	
ADDRESS: <i>P.O. Box 220 1572 Bungo Trail</i>	
CITY: <i>Lake George</i>	STATE: <i>MI</i> ZIP: <i>48633</i>
TYPE OF LIABILITY INSURANCE: <i>Commercial plus Umbrella</i>	
AMT OF LIABILITY INSURANCE: <i>\$ 3,000,000.00</i>	
INSURANCE CARRIER: <small>(PLEASE ATTACH A COPY OF PROOF OF INSURANCE)</small> <i>Auto Owners</i>	
BUSINESS/PERSON RECEIVING SERVICE: <i>multiple</i>	
ADDRESS BEING SERVICED: <i>multiple</i>	
TYPE OF SERVICE PROVIDED: <i>Trash</i>	
HAS A LICENSE EVER BEEN ISSUED? YES <input type="radio"/> NO <input checked="" type="radio"/>	
HAS A LICENSE EVER BEEN REVOKED? YES <input type="radio"/> NO <input checked="" type="radio"/>	
IF YES, EXPLAIN:	
I HEREBY CERTIFY THAT ALL INFORMATION PROVIDED BY ME IN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE.	
<i>Merle Harman</i>	
NAME OF APPLICANT (PRINT)	SIGNATURE OF APPLICANT
FEE AMOUNT: \$500.00	
PAYABLE WITH PERMIT APPLICATION	
Approved by City Commission:	
RECEIVED BY <i>S. Schumacher</i>	DATE: <i>8/26/09</i>
THE APPLICANT HAS BEEN AUTHORIZED TO HAUL WASTE AS INDICATED ABOVE.	
_____	_____
SIGNATURE – CITY MANAGER	DATE

LINCOLN SANITATION, INC.

3126

PH: 989/588-6000
1572 BUNGO TRAIL
PO BOX 220
LAKE GEORGE, MI 48633

74-300-724

PAY TO THE ORDER OF

City of Clare

DATE

8-26-09

Five hundred and 00/100

\$ 500.00

DOLLARS



Security Features
Discover on Bank



FOR

[Handwritten signature]

MP

⑈003125⑈⑈072403004⑈

02⑈2552⑈5⑈

PMD

Auto-Owners

Page 6

55040 (11/87)

Issued 07-17-2009

INSURANCE COMPANY
6101 ANACAPRI BLVD., LANSING, MI 48917-3999

TAILORED PROTECTION POLICY DECLARATIONS

Renewal Effective 08-21-2009

AGENCY SCHOFIELD INSURANCE AGENCY
01-0899-00 MKT TERR 005 (989) 588-9967

POLICY NUMBER 034670-33010523-09

INSURED LINCOLN SANITATION INC
C/O MERLE HARMON

ADDRESS PO BOX 220
LAKE GEORGE, MI 48633-0220

Company
Bill

POLICY TERM	
12:01 a.m.	12:01 a.m.
to	
08-21-2009	08-21-2010

In consideration of payment of the premium shown below, this policy is renewed. Please attach this Declarations and attachments to your policy. If you have any questions, please consult with your agent.

COMMERCIAL GENERAL LIABILITY COVERAGE

LIMITS OF INSURANCE

Bodily Injury General Aggregate	\$1,000,000
Property Damage General Aggregate	1,000,000
Bodily Injury Products/Completed Operations Aggregate	1,000,000
Property Damage Products/Completed Operations Aggregate	1,000,000
Personal Injury And Advertising Injury	1,000,000
Bodily Injury	1,000,000 Each Occurrence
Property Damage	1,000,000 Each Occurrence
Damage to Premises Rented to You (Fire, Lightning, Explosion, And Water Damage)	300,000 Any One Premises
Medical Payments	10,000 Any One Person
Bodily Injury Hired Auto & Non-Owned Auto	1,000,000 Each Occurrence
Property Damage Hired Auto & Non-Owned Auto	1,000,000 Each Occurrence

Expanded Coverage Details See Form:
Extended Watercraft
Personal Injury Protection
Broadened Supplementary Payments
Broadened Knowledge Of Occurrence
Additional Products-Completed Operations Aggregate

Twice the "General Aggregate Limit", shown above, is provided at no additional charge for each 12 month period in accordance with form 55300.

AUDIT TYPE: Annual Audit

FORMS THAT APPLY TO THIS COVERAGE: 59351 (01-08) IL0021 (11-85) CG0168 (10-92)
IL0017 (11-85) IL0286 (12-90) 55146 (06-04) 55296 (07-05) 55300 (07-05)
55051 (12-04) 55168 (12-04) 55091 (08-05) 55371 (01-07)

LOCATION OF PREMISES YOU OWN, RENT OR OCCUPY

LOC 001 BLDG 001 1572 Bungo Trail
Lake George, MI 48633

TERRITORY: 005 COUNTY: Clare

Auto-Owners

INSURANCE COMPANY
6101 ANACAPRI BLVD., LANSING, MI 48917-3999

UMBRELLA POLICY DECLARATIONS

AGENCY SCHOFIELD INSURANCE AGENCY
01-0899-00 MKT TERR 005 (989) 588-9967

Endorsement Effective 01-15-2009

INSURED LINCOLN SANITATION INC
C/O MERLE HARMON

POLICY NUMBER 44-229-250-01

ADDRESS PO BOX 220

Company Use 33-21-MI-0811

LAKE GEORGE MI 48633-0220

Agency Bill	POLICY TERM	
	12:01 a.m.	12:01 a.m.
	to	
	11-24-2008	11-24-2009

This policy is amended in consideration of the additional or return premium shown below. This Declarations voids and replaces all previously issued Declarations bearing the same policy number and premium term.

COMMERCIAL UMBRELLA

LIMITS OF LIABILITY:

Products-Completed Operations Aggregate	\$ 2,000,000
Employers Liability Aggregate	\$ 2,000,000
Other Aggregate	\$ 2,000,000
Each Incident Limit	\$ 2,000,000

RETAINED LIMIT: \$ 10,000 (Waived when an Auto-Owners Insurance Group Company provides both the Commercial Automobile and Commercial General Liability coverage).

FORMS THAT APPLY TO THIS POLICY:					
26366 (07-05)	26296 (07-05)	26800 (07-05)	26606 (10-05)	59350 (01-08)	
26527 (10-05)	26827 (07-05)	26505 (07-06)	26455 (07-05)	26572 (07-05)	

COMMERCIAL UMBRELLA PREMIUM

~~PREMIUM~~ CHANGE

THE POLICY PREMIUM SHOWN ABOVE INCLUDES:

TERRORISM
CERTIFIED ACTS SEE FORMS 59350, 26505, 59390 \$11.35

TOTAL POLICY PREMIUM	TERM	No Charge
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PROGRAM: Commercial

DISCOUNT APPLIES FOR AFFILIATION WITH: FARWELL AREA CHAMBER OF COMMERCE
A 11% Cumulative Multi-Policy Discount applies. Supporting policies are marked with an (X): Comm Auto() Comm Prop/Comm Liab(X) Farm() WC(X) Life() Personal().

THIS POLICY IS EXEMPT FROM THE FILING REQUIREMENTS OF SECTION 2236 OF THE INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.2236.

RESOLUTION 2008-093

A RESOLUTION OF THE CLARE CITY COMMISSION APPROVING A WASTE HAULER LICENSE APPLICATION OF LINCOLN SANITATION, INC.

WHEREAS, the Ordinance Codes of the City of Clare mandate that any solid waste collection hauler/vendor is required to submit an application for issuance of a license approved by the Clare City Commission and that said haulers/vendors may not operate within the City of Clare without issuance of said license ; and

WHEREAS, Lincoln Sanitation, Incorporated has submitted a license application to permit said firm to provide commercial and umbrella solid waste services within the City; and

WHEREAS, the City Commission has reviewed said application and determined that Lincoln Sanitation, Incorporated meets all the requirements of the City for issuance of said license.

NOW, THEREFORE BE IT RESOLVED THAT the Clare City Commission hereby approves the issuance of a license to permit Lincoln Sanitation, Incorporated to provide commercial and umbrella solid waste services service within the boundaries of the City of Clare.

BE IT FURTHER RESOLVED THAT said license shall have no expiration date but can be revoked by the City Commission of Clare for warranted, justifiable cause.

ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INsofar AS THEY CONFLICT WITH THE PROVISIONS OF THIS RESOLUTION BE AND THE SAME ARE HEREBY RESCINDED.

The Resolution was introduced by Commissioner _____ and supported by Commissioner _____. The Resolution declared adopted by the following roll call vote:

YEAS:

NAYS:

ABSENT:

Resolution approved for adoption on this 8th day of September 2009.

Diane Schmidt, City Clerk