

**GARBAGE AND REFUSE ORDINANCE OF MONTCALM
TOWNSHIP**

MONTCALM COUNTY, MICHIGAN

Ordinance No. O-2017-1

ADOPTED: March 30, 2017

EFFECTIVE: April 8, 2017

Section 1: PURPOSE AND INTENT

It is the intent of the Township to provide its residents with sanitary and satisfactory methods of preparation, collection and disposal of domestic solid waste and materials, as well as the maintenance of public and private property in a clean, orderly and sanitary condition, for the health, safety and welfare of the Township, and to provide for a reasonable system of user fees. This ordinance is designed to establish an effective, efficient, uniform and safe system of solid waste and recycling services that provide for a continuous and uniform level of waste removal services in order to assure protection of the health, safety and welfare of the community.

Section 2: DEFINITIONS

The following definitions shall apply unless the context clearly indicates or requires a different meaning.

Section 2.1 BULK REFUSE. Appliances, furniture and other bulky refuse items, excluding construction and demolition debris, which cannot readily be placed in an approved container.

Section 2.2 COMMERCIAL ESTABLISHMENT. Property classified by the Township's zoning ordinance as a nonindustrial business, or residential property which has more than four units.

Section 2.3 CONSTRUCTION DEBRIS. Waste from buildings, driveways, or other construction, alteration or repair, including dirt from excavations.

Section 2.4 CONTRACTOR. A contractor shall be a person who is engaged in the business of collecting, transporting, delivering, or disposing of solid waste, bulk refuse, commercial or construction debris, garbage, hazardous or industrial solid waste and who is licensed by the Township and designated as a waste collector by the Township.

Section 2.5 DEMOLITION DEBRIS. Refuse which is incidental to the demolition of buildings, or structures or appurtenances on a premises.

Section 2.6 DISCARDED HOUSEHOLD DEBRIS. Domestic refuse of a quantity that exceeds the amount generated by routine housekeeping, including for example, unsold garage sale items and items discarded in the process of vacating a premises. Discarded household debris does not include bulk refuse for which removal arrangements have been made.

Section 2.7 DOMESTIC SOLID WASTE. The waste materials resulting from the usual routine of housekeeping, including garbage and rubbish and excluding hazardous waste, construction and demolition debris, industrial solid waste and medical waste.

Section 2.8 GARBAGE. All animals, fish, fowl, fruit or vegetable waste incidental to the use, preparation and storage of food for human consumption. This term does not include food processing wastes from canneries, slaughterhouses and packinghouses or hazardous waste.

Section 2.9 GREASE INCEPTOR WASTE. Grease and other wastes required to be collected by inceptors in accordance with the septic system regulations found in the Township code.

Section 2.10 HAZARDOUS WASTE. Hazardous waste as defined in Part 111 of the Michigan Natural Resources and Environmental Protection Act, as amended, M.C.L.A. §§ 324.11101 *et seq.*, and the regulations promulgated thereunder.

Section 2.11 INDUSTRIAL SOLID WASTE. All solid waste materials resulting from industrial or manufacturing operations or process of every nature, including organic wastes from canneries, slaughterhouses, packinghouses and other industrial food processing operations. This term includes refuse material resulting from cleaning up in connection with such industrial or manufacturing operations, and refuse material resulting from offices, stores, lunchrooms, warehouses, or other operations established in conjunction with such industrial or manufacturing operations, and excludes hazardous waste.

Section 2.12 MEDICAL WASTE. Any material that has been identified by county, state or federal regulation to be medical, bio-hazardous, or pathological waste and is subject to special handling and disposal regulations.

Section 2.13 MULTIPLE RESIDENTIAL. Residential establishments consisting of five or more residential units.

Section 2.14 NON-PORTABLE RECEPTACLE. A stationary dumpster of a type that can be mechanically hoisted by a refuse collection vehicle, and with specifications established and approved by the Township and the necessities of health and safety. NON-PORTABLE RECEPTACLES shall be of all-weather material of a sufficient size and capacity to eliminate overflowing, and secured to prevent unauthorized access.

Section 2.15 PARTICIPATING UNIT. Any premises receiving services from the designated collector.

Section 2.16 PERSON IN CHARGE. The owner, proprietor, occupant or agent in charge of any premise, whether an individual, partnership or corporation or business entity.

Section 2.17 PREMISES. A parcel of land within the Township, which includes right-of-way or legal easements, separated from adjacent parcels of land by legal description.

Section 2.18 RECYCLABLE MATERIALS. Materials separated from solid waste for the express purpose of preparation for and delivery to a secondary market or other use. For purposes of this ordinance, RECYCLABLE MATERIALS shall at a minimum include plastic bottles, polystyrene, newsprint, container glass, tin/steel cans, aluminum, aerosol cans, corrugated cardboard boxes, magazines and junk mail. Additional RECYCLABLE MATERIALS may be collected, provided that said materials are properly collected, transported and recycled in accordance with all applicable laws and regulations.

Section 2.19 REFUSE. The same as **SOLID WASTE**.

Section 2.20 RESIDENTIAL UNIT. A building, or portion thereof, designated for occupancy exclusively for residential purposes and having cooking facilities and separate sanitary facilities, not including a licensed nursing home.

Section 2.21 RUBBISH. The miscellaneous waste materials resulting from housekeeping and ordinary mercantile enterprises, including materials such as packing boxes, cartons, excelsior, paper ashes, cinders, glass, metal, plastic and rubber, and excluding hazardous waste.

Section 2.22 SOLID WASTE. *Garbage and rubbish.* This term does not include human body waste, liquid waste, materials that have been separated either at the source or a processing site for the purpose of reuse, recycling or composting, or any material that has been identified by county, state or federal regulation to be unsuitable for disposal in a Type II sanitary landfill or its state-designated equivalent.

Section 2.23 TYPE II SANITARY LANDFILL. As defined in Part 115 of Public Act No. 451 of 1994, as amended from time to time, or a state equivalent designation.

Section 2.24 YARD WASTE COLLECTION. The yard waste collection service provided by a licensed contractor or designated collector for a designated number of months each year, for example April 1 to November 30.

SECTION 3: DISPOSAL OF SOLID WASTE GENERALLY.

A person shall dispose of his solid waste and segregate items as provided in this Township ordinance.

SECTION 4: ACCUMULATION OF SOLID WASTE.

Section 4.1 Accumulation of Refuse or Garbage.

No owner and/or person in control of a residential unit, commercial establishment or industrial facility shall permit the accumulation of refuse, garbage or solid waste upon his or her premises for a period that would pose a health hazard, subject adjacent property occupants to unreasonably offensive odors or become a public nuisance. The accumulation of refuse, garbage or solid waste for a period in excess of fourteen days shall be burden of proof of a health hazard and creating a public nuisance. The terms of a lease shall not excuse either the property owner nor the tenant from complying with the requirements of this section.

Section 4.2 Composting Storage.

Leaves, yard waste and vegetable waste may be stored for composting purposes as long as they do not harbor rodents, subject adjacent property owners to an unreasonably offensive odor or become a public nuisance, provided compost is stored in the rear yard and located not closer than ten feet from the property line.

SECTION 5: UNAUTHORIZED DUMPING AND LITTERING.

It shall be unlawful for any person to throw or deposit any refuse upon or into any street, right-of-way, alley or waterway. It is also unlawful to place or permit the placement of any portable or non-portable container upon another's property, public or private, without the permission of the owner, proprietor, occupant or agent in charge of such property. Even with such permission, portable containers not belonging to a participating unit shall not be placed or permitted upon the property of a participating unit for disposal by the designated collector without the designated collector's express consent.

SECTION 6: PRE-COLLECTION REQUIREMENTS; SEPARATION; CONTAINERS.

Section 6.1 Pre-collection; Separation and Container Regulation.

All persons within the Township who place the following items for disposal, removal or collection shall do so in strict conformity with the following regulations:

6.1.1 Solid Waste. Solid waste shall be separated and contained in an approved container.

6.1.2 Bulk Refuse. All bulk refuse shall be separated and must be removed using an approved method. Approved methods of removal shall be limited to arrangements with the contractor or private arrangements to transfer the bulk refuse to an appropriate disposal site or facility.

6.1.3 Recyclable Material. All recyclable material shall be separated and contained in a recycling container furnished by the contractor.

6.1.4 Industrial Solid Waste. All industrial solid waste shall be collected by collectors privately contracted and paid for by the industrial user, and shall otherwise comply with the provisions of this ordinance.

6.1.5 Discarded Household, Construction and Demolition Debris. All discarded household, construction and demolition debris shall be separated and collected by contractors privately contracted and paid for by the person who produced the waste, and shall otherwise comply with the provisions of this ordinance.

6.1.6 Hazardous Waste. All hazardous waste shall be separated and collected by collectors privately contracted for by the person who produced the waste, and shall otherwise comply with the provisions of this ordinance.

6.1.7 Medical Waste. All medical waste shall be separated and disposed of in accordance with all applicable county, state and federal regulations and shall be collected by contractors privately contracted for by the person who produced the waste, and shall otherwise comply with the provisions of this section.

6.1.8 Grease Inceptor Waste. All grease inceptor waste shall be separated and disposed of in accordance with all applicable county, state and federal regulations and shall be collected by contractors privately contracted for by the person who produced the waste, and shall otherwise comply with the provisions of this section.

Section 6.2 Use of Unapproved Containers.

Items placed in an unapproved container will not be picked up, unless otherwise provided in this ordinance.

SECTION 7: RECEPTACLES.

Section 7.1 Maintenance.

The owner, person in charge, or occupant of a building, house or structure where domestic solid waste accumulates shall maintain proper refuse receptacles as defined in this ordinance, and shall place all domestic solid waste accumulating on the premises in the containers; and shall store bulk refuse, recyclable materials and yard waste in containers or prepared for collection as specified in this ordinance.

Section 7.2 Residential.

The person in charge of every residential building having four or less residential units shall maintain and keep clean proper receptacles to house domestic waste.

Section 7.3 Commercial, Industrial and Multiple Residential.

The person in charge of a building consisting of five or more residential units, and every building used as a commercial or industrial business, shall provide and keep clean and in place proper receptacles of a portable type as defined in this ordinance, provided that if the Township determines that portable receptacles are not practical for a multiple dwelling, commercial or industrial business, it may authorize the use of non-portable receptacles as defined in this ordinance.

Section 7.4 Portable Receptacles.

Portable receptacles for domestic solid waste shall be of metal, fiberglass, plastic or other substantial construction approved by the Township. Such receptacles shall have handles and tight fitting covers and shall not exceed 96 gallons each.

Section 7.5 Non-portable Receptacles.

It shall be the responsibility of the property owner or agent being serviced to maintain the non-portable receptacle area free of odors, scattered or overflowing debris and all other nuisances. All garbage shall be properly wrapped or placed within a closed plastic bag before it is placed in a non-portable receptacle. The Township may at any time order the relocation or screening of a dumpster if it is deemed to be interfering with the health, safety or well being of others.

Section 7.6 Location.

All non-portable receptacles shall be placed and collected in a location designated by the Township. Such receptacles shall be located so that the permitted collectors will not have to trespass on the private property of another in order to pick up such receptacles. In no event

shall non-portable receptacles be placed in or upon public property, easements, or public rights-of-way. All portable receptacles shall be stored upon the premises of the user and shall be returned to their place of storage after they are empty in a reasonable period of time (normally the same day). No empty portable receptacles shall be stored on Township property including the public right-of-way, sidewalks and streets.

Section 7.7 Non-conforming Receptacles.

Receptacles that, are badly broken or otherwise fail to meet the requirements of this ordinance may be classified as rubbish and, after due notice to the owner and contractor/collector, may be ordered by the Township to be collected as rubbish by the contractor/collector.

SECTION 8: CONTRACTOR REGISTRATION.

No person shall engage in the business of collecting, transporting, delivering, or disposing of solid waste bulk refuse, commercial or construction debris, garbage, hazardous or industrial solid waste in the Township without first obtaining a permit from the Township as provided for in the Township code.

SECTION 9: CONTRACTS.

Section 9.1 Grant of Exclusive Contract.

The Township may by resolution grant an exclusive, revocable contract to a designated collector, giving it the right, power and authority to collect domestic and/or commercial solid waste, recyclable materials and bulk refuse as described herein within the Township. The designated collector shall receive no compensation from the Township but shall be permitted to enter into private contracts for the collection of solid domestic waste and other services authorized herein.

Section 9.2 Intergovernmental Agreement.

The Township may by resolution enter in to an Intergovernmental Agreement with one or more units of local government for the purpose of designating a collector and giving it the right, power and authority to collect domestic solid waste, recyclable materials and bulk refuse as described herein within the Township.

Section 9.3 Renewal of Contract.

Any agreement the Township enters into with a designated collector, including renewal, extension or amendment, is subject to revocation at the will of the Township Board.

SECTION 10: TRANSPORTATION OF WASTE MATERIALS.

Section 10.1 Mode of Transportation.

The transportation of all garbage, rubbish or other waste materials through the streets, alleys or thoroughfares of the Township shall be conducted in a manner which does not create a nuisance. It shall be unlawful for any person to transport, cart, carry or convey through or over any of the streets, alleys or public places of the Township any unwanted garbage, refuse, or food containers without the approval of the Township. It shall be unlawful for any person to transport or otherwise convey through or over any of the street or public places of the Township any rubbish or other waste material, except under written regulations or with the written consent of the Township, except rubbish or waste material accumulating on property owned or controlled by him, and then only by approved methods of conveyance.

Section 10.2 Conveyance Vehicles.

Vehicles conveying waste must be of such construction and operated in such a manner that the contents shall not spill upon the public right-of-way or public property. Such vehicles shall be watertight and covered.

Section 10.3 Collection Schedule.

All solid waste contractors who maintain a regular schedule for pick up within the Township shall file that schedule with the Township clerk.

Section 10.4 Collection Times.

All solid waste contractors shall schedule their collection activities so that they occur within the hours of 7:00 a.m. and 7:00 p.m. local time, Monday through Saturday.

Section 10.5 Collection Days.

The Township may establish by category of waste being collected the day or days of the week that solid waste contractors may operate within the Township.

SECTION 11: FEES.

Charges for the collection and disposal of domestic solid waste and materials shall be billed by the designated collector directly to the residential unit or participating unit owner or occupant at a rate outlined in the collector's contract with the Township.

SECTION 12: PROHIBITED WASTE.

Section 12.1 Prohibited Waste.

It shall be unlawful for any person to place any material in a container or receptacle which might endanger the collection personnel, or to deposit or deliver to a disposal site any hazardous material, waste material which would be detrimental to the normal operation of collection, incineration, recycling or disposal, such as gaseous, solid or liquid poison, dead animals, ammunition, explosives, flammable liquid, un-drained garbage of a liquid or semi-liquid nature, whether in containers or not, concrete, dirt, automobile or equipment parts, or any material that possesses heat sufficient to ignite any other collected materials. No motor vehicles shall be dumped or abandoned at any disposal site.

Section 12.2 Prohibited Placement.

It shall be unlawful for any person to place bulk refuse, hazardous waste or other waste specifically required to be separated from solid waste by this ordinance, in a refuse container for the purpose of refuse collection, removal or disposal, or not otherwise dispose of such item, except in conformance with the provisions of this section.

Section 12.3 Unauthorized Use.

No person shall dump or place garbage, rubbish or refuse in a dumpster, bin or other container which is located on the property of another person leased, owned or maintained by the person without the authorized permission of the person. All violators will be prosecuted to the fullest extent allowed by law and/or provision of this ordinance.

SECTION 13: ENFORCEMENT.

Enforcement of this ordinance shall be the responsibility of the Township Supervisor or his or her designee. The Township Supervisor is authorized to work cooperatively with a contractor to establish and promulgate reasonable regulations as to the matter, days and times for the collection of waste or recyclable materials. The Township Board may, by majority vote, change, modify, repeal or amend any portion of this ordinance. Designated Township officials charged with the enforcement of this ordinance may be authorized to issue citations or notices for violations relative to any part of this ordinance.

SECTION 14: PENALTY

Section 14.1 Any person, firm, corporation, trust, partnership or other legal entity which violates or refuses to comply with any provision of this ordinance shall be responsible for a municipal civil infraction and shall be punished by a civil fine in accordance with Township code.

Section 14.2 Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit or approval issued under the Ordinance shall be deemed responsible for a violation of this Ordinance and the Zoning Officer shall take appropriate action. Any person responsible for a violation of this Ordinance whether as an owner, leasee, licensee agent, contractor, employee or otherwise shall be liable as a principal. Each day that a violation of this ordinance continues to exist shall constitute a distinct and separate offense, and shall make the violator liable for the imposition of fines for each day.

Section 14.3 Any violation of the provisions of this ordinance shall constitute a nuisance per se and the foregoing penalties shall be in addition to the abatement of the violating condition and injunctive or other relief which may be ordered by the court as prescribed by the laws of the State of Michigan for the abatement of a Township ordinance designated as a municipal civil infraction.

Section 14.4 A violation of this Ordinance shall constitute a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil find determined in accordance with the following schedule:

	<u>Minimum Fine</u>	<u>Maximum Fine</u>
1st Offense within 3-year period*	\$ 75.00	\$500.00
2nd Offense within 3-year period*	\$150.00	\$500.00
3rd Offense within 3-year period*	\$325.00	\$500.00
4th Offense within 3-year period*	\$500.00	\$500.00

***Determined on the basis of the date of commission of the offense(s)**

SECTION 15: REPEAL AND EFFECTIVE DATE

This ordinance shall take effect eight days following proper publication of notice of its adoption in accordance with and subject to Michigan Public Act 110 of 2006. All ordinances or parts of ordinances in conflict herewith are hereby repealed.