

**GARFIELD TOWNSHIP
ORDINANCE NUMBER 13-1986**

GARFIELD TOWNSHIP WASTE MANAGEMENT ORDINANCE

An ordinance of the Township of Garfield, Bay County, Michigan, establishing a municipal service for the collection and disposal of residential trash accumulated in the Township of Garfield, prescribing regulations for the storage and collection of waste materials and trash within the Township; providing for the maintenance of sanitary conditions on public and private premises in the Township; providing for the imposition and collection by the Township of charges for the collection and disposal of waste materials and trash and liens for nonpayment thereof; all for the protection of the health, safety and general welfare of the residents of Garfield Township, Bay County, Michigan.

Section 1. TITLE:

BE IT ORDAINED BY THE TOWNSHIP BOARD OF GARFIELD TOWNSHIP, BAY COUNTY, MICHIGAN, THAT THIS ORDINANCE SHALL BE KNOWN AND MAY BE CITED AS THE GARFIELD TOWNSHIP WASTE MANAGEMENT ORDINANCE, ADOPTED PURSUANT TO AUTHORITY GRANTED BY PROVISIONS OF ACT 345, PUBLIC ACTS OF 1978, BEING MCLA 123.311 ET SEQ.

Section 2. DEFINITIONS:

For purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

A. "Trash" as used in this Ordinance shall be deemed to include:

- (1) "Ashes" which for purposes hereof are defined as the residue from the burning of wood, coal, coke or other combustible materials.
- (2) "Garbage" which for purposes hereof is defined as putrescible animal and vegetable wastes resulting from the handling, preparation cooking and consumption of food.
- (3) "Refuse" which for purposes hereof is defined as putrescible and non-putrescible solid wastes, including garbage, rubbish ashes, street cleanings, solid market wastes and discarded household appliances and furniture, excepting, however, body wastes, animal droppings or entrails.

B. For purposes hereof, a residence is any building or portion thereof which is occupied for living purposes, excluding, however, the following:

- (1) A building used as a motel, hotel or convention center.
- (2) Mobile home in a state licensed park.
- (3) Nursing homes.
- (4) Convalescent homes.
- (5) College dormitories.
- (6) Buildings of like nature used in conjunction with any commercial enterprise.
- (7) Apartments and condominiums.

C. "Dwelling Unit" is a building or portion thereof designed for occupancy by one or more families for residential purposes and having cooking facilities therein. Apartments and condominiums shall not be included within the meaning of the term dwelling unit for purposes hereof.

D. "Township" is the Township of Garfield.

E. "Supervisor" is the Supervisor of the Township of Garfield.

F. "Person" is any person, firm, partnership, association, corporation or company of any kind.

G. "Family" is one or more persons or parents with their direct lineal descendants

and adopted children, including domestic employees thereof living together in the whole or part of a dwelling unit comprising a single housekeeping unit.

Section 3. COLLECTION BY TOWNSHIP:

All trash, as herein defined, accumulated by persons residing in or upon any dwelling unit or residence as herein defined shall be collected, conveyed and disposed of by the Township or contract Hauler under contract to the Township. No person shall collect, convey over any of the streets or alleys of the Township, or dispose of any such trash so accumulated in the Township.

All dwelling units and residences as herein defined shall be required to use the service of the Township or Contract Hauler provided by the Township for disposal of trash and shall engage such service within thirty (30) days after mailing of a notice of such availability to such residence and/or dwelling by appropriate Township personnel.

The Township of Garfield shall not pick up, haul or dispose of trash from any motel, hotel or convention center; mobile home in a state licensed park; nursing homes; convalescent homes; colleges and college dormitories; apartments or condominiums; or buildings of like nature used in conjunction with any commercial enterprise within the Township of Garfield nor any commercial or industrial establishment. All such commercial or industrial establishments; buildings used as a motel, hotel, or convention center; mobile homes in a state licensed park; nursing homes, convalescent homes; colleges and college dormitories; apartments or condominiums; or buildings of like nature used in conjunction with any commercial enterprise shall make adequate and proper provision for the collection and storage and disposal of trash accumulated upon such premises so as to prevent such accumulation from becoming unsafe, unsanitary, unsightly, or a nuisance or a hazard to the health of the residents of the Township.

Section 4. COLLECTION SUPERVISED BY TOWNSHIP SUPERVISOR.

All trash accumulated by person residing in or upon any dwelling unit or residence as herein defined in the Township shall be collected, conveyed and disposed of by the Contract Hauler under the supervision of the Township Supervisor who shall have authority to make regulations concerning the date of collection, routes of collection, conveyance and disposal as he shall find necessary and to change and modify the same; provided, however, that such regulations shall not be contrary to the provisions of this Ordinance.

Section 5. PRE-COLLECTION PRACTICES.

A. Preparation of trash. All trash as herein defined shall, before being placed in garbage cans or trash bags for collection, be drained free from all liquids. Garbage shall first be wrapped in paper or in trash bags before being placed in garbage cans for collection.

B. Trimmings and Clippings. Tree trimmings, hedge clippings and similar material shall be cut to a length not to exceed four (4) feet and securely tied to bundles not more than two (2) feet thick before being deposited for collection.

C. Refuse Containers.

(1) Duty to provide and maintain in sanitary condition. Refuse containers shall be provided by the owner, tenant, lessee or occupant of the premises. Refuse containers shall be maintained in good sanitary condition. Any container that does not conform to the provisions of this Ordinance, or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof shall be promptly replaced upon notice. The Supervisor shall have authority to refuse collection services for failure to comply herewith.

(2) Containers shall be made of metal or plastic equipped with suitable handles and tight fitting covers and shall be water tight. Disposable water proof trash bags may be used in lieu of metal or plastic containers.

(3) Capacity. Containers shall have a capacity of not more than twenty (20) gallons and the weight of each container shall not exceed fifty (50) pounds.

(4) Sanitation. Containers shall be of a type approved by the Township and shall be kept in a clean, neat, and sanitary condition at all times.

D. Storage of Trash.

(1) Public or Private Places. No person shall place any trash in any street, alley or other place or upon any private property, whether owned by such person or not within the Township unless such trash shall, first be placed in proper containers for collection, nor shall any person throw or deposit any refuse in any stream or other body of water.

(2) Burning. No person shall throw any trash upon the grounds or burn the same on any premises, public or private, in any manner that may menace the public health, cause a nuisance by way of smoke, ash or offensive odors, or burn the same in any manner that may constitute a hazard to neighboring property.

(3) Unauthorized accumulation. Any unauthorized accumulation of trash on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within thirty (30) days after the effective date of the Ordinance shall be deemed a violation of the Ordinance.

(4) Scattering of Trash. No person shall cast, place, seep, or deposit anywhere within the Township any trash in such manner that it may be carried or deposited by elements upon any street, sidewalk, alley, sewer, parkway or other public place, or onto any occupied premises within the Township.

(5) Cleanliness. It shall be the duty of each owner, tenant, lessee or occupant of any building having trash, as herein defined, to provide for and have within said building storage containers of sufficient size to handle the accumulation of trash on the premises during the interval between collection periods or disposal.

(6) Points of Collection. Trash containers at dwellings and residences as herein defined shall be placed for collection no earlier than 12:00 noon of the day prior to collection. Trash to be collected by the Township and/or the Contract Hauler shall be placed in the driveway or at the side of the road not more than twelve (12) feet from the edge of the road.

E. Trash not to be collected. The following items will not be picked up as trash, either by the Township or by the Contract Hauler, to wit:

(1) Any trash not placed in appropriate containers as are herein defined.

(2) Materials resulting from the construction, remodeling, repair, or demolition of buildings, such as stones, bricks, plaster, lumber, shingles, concrete, sand, gravel, excavated earth and surplus earth from grading, excepting on bushel basket full of any such items produced by the work of the resident upon the said premises which will be picked up at one collection period. Ashes which contain hot cinders or smoldering embers will not be collected. Junked automobiles or automobile parts including engines, transmissions, seats, doors, fenders, will not be picked up and collected. Dead animals and animal waste will not be picked up.

Section 6. COLLECTION PRACTICES.

A. Frequency of Collection. Trash accumulated by residences and/or dwellings as herein defined shall be collected not less than bi-weekly throughout the entire year. The collection schedule shall be arranged so that the collection shall fall upon the same day of the week except for interruptions due to holidays.

B. Limitation on Quantity. A reasonable accumulation of refuse for each residence or dwelling unit shall be collected during a collection period for the standard charge.

Section 7. ON-SITE BURNING.

No person shall burn or permit to be burned on the premises within his control any trash unless the same shall be burned in a completely enclosed incinerator properly designed to prevent the emission of smoke, flying paper, and ash therefrom.

Section 8. SCAVENGING OF REFUSE MATERIALS.

Scavenging and junk picking of trash placed for collection at the roadside in hereby expressly prohibited.

Section 9. SERVICE CHARGES.

A. Amount of Service Charge. The service charges for collection and disposal of refuse placed for collection at roadside for residences and dwelling units as herein defined shall be set for each calendar year by resolution of the Township Board for Garfield Township and cover the cost to the Township for operation of the system and shall control for the ensuing year. Such portion thereof as may be deemed sufficient may be set aside as a sinking fund for the development of the system.

B. Persons to be charged. The service charge so established shall be made to the owners of all residences and dwelling units as herein defined on an equal flat rate special assessment basis and who shall pay the same of the Township of Garfield for the availability of such service.

C. Collection of charges. The charges established by the Township Borad for the collection of waste materials and trash as herein provided, shall be billed out annually by the Township on the Annual Tax Bill.

D. Lien for Non-Payment. The Township shall have a lien on the premises for non-payment of the charges so set as herein provided. Any amount of such charge remaining unpaid for a period of three months or more may be certified annually to the Township Assessor and to be entered on the Tax Roll as delinquent. Such lien shall then be collected and enforced in the same manner as delinquent property taxes and shall bear interest at the same rate as delinquent real property taxes.

Section 10. PENALTIES FOR VIOLATION.

A. Any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not to exceed One Hundred and no/100 Dollars (\$100.00) and/or ninety (90) day in jail.

Section 11. EFFECTIVE DATE OF ORDINANCE.

This Ordinance shall become effective August 13, 1986.

Adopted this 14th day of July, 1986 at a regular meeting of the Township Board of Garfield Township.

Sandra Day
Garfield Township Clerk