

TORCH LAKE TOWNSHIP

ORDINANCE NO. 3-08

ORDINANCE FOR OPERATION OF A WASTE MANAGEMENT PROJECT

Section 1:

An ordinance to establish a waste management project for the collection and disposal of garbage/refuse in Torch Lake Township, and to authorize the charging of fees for the services. This Ordinance is enacted pursuant to MCL 324.11901 et.seq.

The objectives of the Ordinance are:

1. To prevent the discard of garbage and refuse within the Township, except by proven waste disposal means and methods.
2. To provide for a cost effective means and method of disposing of garbage and refuse.

Section 2: *DEFINITIONS*

- a. Debris means any waste from trees and structures, or concrete, lumber, bricks, stumps, rocks, vehicle parts, machinery, appliances, furniture, and tires.
- b. Garbage means all waste from food used or intended for food for human consumption.
- c. Hazardous waste includes, but is not limited to, hot ashes, coal, oil, gasoline, poisons, solvents, lacquers, paint, automobile batteries, batteries, defoliants, infectious medical wastes, explosive materials, and any material defined as hazardous under Public Act 64 of 1979.
- d. Person means an individual, firm, partnership, association, corporation, unincorporated joint venture existing under the laws of the State of Michigan or any other state.
- e. Prunings mean wood wastes, such as tree or shrub trunks, roots and branches.
- f. Yard waste means grass clippings, sod, leaves, weeds, and garden and hedge trimmings.
- g. Refuse means general household or business waste materials not associated with food preparation including cans, bottles, papers and miscellaneous discharged items.
- h. Township means the Township of Torch Lake, a general law township located in Houghton County, State of Michigan and, where appropriate, the Torch Lake-Schoolcraft Joint Garbage and Refuse Collection Authority.

- i. Nonresidential premises means all real estate occupied by entities, such as business, municipal or nonprofit, which are not utilized for human habitation.

Section 3: *MUNICIPAL-WIDE REFUSE COLLECTION SERVICE ESTABLISHED*

The Township hereby establishes a township-wide refuse collection service for the collection and disposal of garbage and refuse, which collection and disposal may be done through the Torch Lake-Schoolcraft Joint Garbage and Refuse Collection Authority.

Section 4: *ACCEPTABLE MATERIALS FOR COLLECTION*

Garbage and refuse as herein defined shall be collected and disposed of by the Township. The Township shall not collect and dispose of yard wastes, pruning, debris and hazardous wastes, and animal or human excretion.

Section 5: *UNLAWFUL DISPOSAL OF WASTE*

It shall be unlawful for any person to attempt to or to dispose of garbage and refuse within the Township, other than as permitted by the terms of this Ordinance.

Section 6: *WASTE COLLECTION*

The Township shall collect and dispose of all residential garbage and refuse from within the Torch Lake Township boundaries pursuant to this Ordinance, whether such garbage or refuse shall come from single family residences, seasonal homes, apartments, or other form of human residential occupancy. All premises for residential occupancy must dispose of their residential garbage and refuse through the Township. The Township may also collect non-residential garbage and refuse from within the Township boundaries and may also, by contract, agree to collect garbage and refuse from outside the Township boundaries. All such collection may be done by the Torch Lake-Schoolcraft Joint Garbage and Refuse Collection Authority.

Section 7: *WASTE COLLECTION SCHEDULE*

The Township shall provide for a systematic waste collection and disposal system, which shall provide for the collection of garbage and refuse from suitable roadside locations at least once each week.

Section 8: *DISPOSAL OF GARBAGE AND REFUSE*

All garbage and refuse collected by the Township shall be properly disposed of at a sanitary landfill approved for such purposes by the State of Michigan pursuant to the Lid Waste Management Act.

Section 9: *RATES, CHARGES AND COST RECOVERY FEES*

- a. The rates, including late fees, to be charged for garbage and refuse collection and disposal service shall be established periodically by resolution of the Township Board, which charges may be enacted apart from the published Ordinance, and such rates shall be in such an amount as the Township Board shall deem necessary to ensure sufficient revenues to pay all or such part of the garbage and refuse collection and disposal costs, as shall be deemed necessary by the Township Board. A fee shall be charged for such services, and the charges shall be made against each lot, parcel of land, or premises to which garbage and refuse collection services are supplied by the Township, and the fee shall be paid to the Township by the owners thereof.
- b. No free service shall be allowed for any user of the waste disposal and collection system.
- c. The Township may charge a late fee to owners of real estate for failure of an owner to make timely payment of the charges for garbage and refuse collection.
- d. Termination of Service for Non-payment

If payment for waste collection and disposal service is not made within ninety (90) days of the due date specified on the bill, a notice shall be sent by first class mail that service may be discontinued. The Township may discontinue garbage and refuse collection service from the premises against which the lien created by this Ordinance has accrued if a person fails to pay the charges, or the Township may institute a civil action for the collection of the same against the owners of the premises. The Township's attempt to collect these charges by civil process shall not invalidate or waive the lien upon the premises.

- e. **Lien of Township**
The Township shall have, as security for payment of waste collection and disposal service charges to any customer, a lien upon the real estate to which the waste collection and disposal service was supplied. The lien shall become effective immediately upon billing for the service. The lien may be enforced as provided by MCL 324.11904 and other laws. The lien created by this Ordinance shall have priority over all other liens, except taxes or special assessments, and shall have equal priority with other liens imposed for Township supplied municipal services. Amounts delinquent for 3 months or more may be certified annually to the proper tax assessing officer of the Township, to be entered upon the next tax roll against the premises to which the services have been rendered. The charges shall be collected and the lien enforced in the same manner as provided for the collection of taxes assessed upon the tax roll and the enforcement of a lien for unpaid taxes.

Section 10: *ACCUMULATION OF GARBAGE AND REFUSE*

The owner or occupant of a residential unit shall not permit the accumulation of garbage and refuse upon any premises under his control for a period of more than fourteen (14) days.

Section 11: *COLLECTION SERVICE*

The Township shall collect once every week from each single family residence, the garbage and refuse generated by the owner or occupant, but the Township shall collect each week no more than five (5) thirty (30) gallon plastic garbage bags or equivalent volume in plastic garbage bags, or in three (3) thirty (30) gallon garbage cans. The method of collection for non-single family residence shall be determined by the Torch Lake- Schoolcraft Joint Garbage and Refuse Collection Authority.

Section 12: *UTILIZATION OF WEEKLY MUNICIPALITY-WIDE GARBAGE AND REFUSE COLLECTION SERVICE CONDITIONS*

The owner or occupant of a residential unit shall place accumulated garbage and refuse in plastic garbage bags or approved garbage and refuse containers, which shall be tightly sealed. The garbage bags and the garbage and refuse containers shall be placed by the owner or occupant of the residential unit at roadside in front of the unit. The garbage bags and containers intended for collection shall not be broken. A garbage bag shall weigh no more than thirty (30) pounds when filled. A thirty (30) gallon garbage container shall weigh no more than sixty (60) pounds when filled. The user of this service shall not place or cause to be placed at roadside for Township collection and disposal, any unacceptable materials for collection in a garbage and refuse bag or a container used for collection of garbage and refuse.

Section 13: *SCATTERED OR UNACCEPTABLE REFUSE RESONSIBILITY*

The owner or occupant of a residential unit shall clean up and remove from the roadside and premises any scattered garbage and refuse resulting from the breakage or opening of any garbage bag or other container used for garbage and refuse collection disposal within twenty-four (24) hours after the same has been scattered. Any garbage bag or container contents not accepted for collection shall be removed from the roadside within twenty-four (24) hours of the regularly scheduled collection day.

Section 14: *SCHEDULE OF COLLECTIONS*

The schedule of routes and days for the weekly garbage and refuse collection service created by this Ordinance shall be determined by the Township.

Section 15: *CIVIL INFRACTION*

Unless otherwise specified in this Ordinance, violations of this Ordinance are a municipal civil infraction. Civil sanctions under this Section may include, without limitation, fines, damages,

expenses and costs as authorized by Public Act 236 of 1961, as amended, subject to the following provisions:

- a. Sanctions for a violation of a civil infraction shall be a civil fine in the amount of not less than \$75, plus other costs, damages, expenses and other sanctions for each infraction.
- b. Increased civil fines may be imposed for repeat violations. Unless otherwise specifically provided by this Ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be not less than \$250, plus costs for a first repeat offense, and not less than \$500, plus costs per offense for a second repeat or any subsequent repeat offense.
- c. A municipal civil infraction action may be commenced upon the issuance of a municipal civil infractions citation directing the alleged violator to appear in Court.
- d. Failure to answer a citation to appear in Court for a municipal civil infraction is a misdemeanor violation punishable by a fine of not more than \$500, plus other costs, or by imprisonment for a term not to exceed 90 days, or both fine and imprisonment.
- e. Failure to comply with an order, judgment or default in payment of a civil fine, costs, damages or expenses so ordered may result in enforcement actions including, but not limited to, imprisonment, collections, placement of liens or other remedies as permitted in Chapter 87 of PA 236 of 1961, as amended.
- f. A municipal civil infraction is not a crime under this Ordinance, and is not a lesser included offense of a criminal offense or an ordinance violation that is not a civil infraction.

Section 16: *SEVERABILITY*

The phrases, clauses, sentences, paragraphs, and section of this Ordinance are several, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared invalid by the judgment or decree of any Court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

Section 17: *EFFECTIVE DATE*

This Ordinance shall be effective thirty (30) days after publication of said Ordinance, as provided by law.

Section 18: *REPEAL OF PREVIOUS ORDINANCE*

Upon the effective date of this Ordinance, the Torch Lake Township Garbage and Refuse Disposal Ordinance shall be repealed and replaced by this Ordinance.

A motion to adopt Ordinance No. 03-08 was offered by Board member

ZURCHER and supported by Board member LEPISTO.

Upon a roll call vote, the following voted:

AYE: Zurcher, Lepisto, Rovano, Cadiwell, Ambuehl

NAY: _____

The Supervisor declared the Ordinance adopted.

K^m

Rovano

12-17-08
Date