

**REPUBLIC TOWNSHIP ORDINANCE
MARQUETTE COUNTY, MICHIGAN**

SOLID WASTE MANAGEMENT ORDINANCE

ORDINANCE NO. 2019 - 8

An ordinance providing for the collection and disposal of solid waste within Republic Township pursuant to [MCL 324.11901](#), et seq., and other statutes; to provide penalties for the violation of said Ordinance; and to repeal existing Ordinances 2013-5 Collection and Disposal of Solid Waste and 2013-6 Garbage Containers.

THE TOWNSHIP OF REPUBLIC, COUNTY OF MARQUETTE, ORDAINS:

SECTION 1. Title

This Ordinance shall be known and cited as the “Republic Township Solid Waste Management Ordinance”.

SECTION 2. Purpose

It is the purpose of this Ordinance to secure the public health, safety and welfare of the residents and property owners by providing for the collection and disposal of solid waste within Republic Township; and to provide penalties for the violation of said Ordinance, and to repeal all Ordinances and parts of Ordinances in conflict therewith.

SECTION 3. Definitions

As used in the Ordinance, the following words and phrases are hereby defined:

- "Approved container" means a container of noncorrosive metal or plastic that is rodent and fly proof, durable and leak proof , of the type commonly sold as garbage cans of suitable material, gauge, weight and construction to insure durability, with suitable handles on the can and lid with a capacity of not more than 50 gallons or 60 pounds when full.
- “Ashes” means the residue from the burning of wood, coal, coke, refuse, wastewater sludge or other combustible materials.
- "Debris" see "rubbish"
- “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.
- "Hazardous wastes" means hot ashes, coal, oil, gasoline, poisons, solvents, lacquers, paint, automobile batteries, defoliant, infectious medical wastes, explosive materials, and any material defined as hazardous by The Michigan Department of Environment, Great Lakes and Energy (EGLE).
- "Medical waste" is identified in, and shall be disposed of in accordance with, part 138 of the Michigan Public Health Code being Public Act 368 of 1978 as amended, MCL 333.13801, et seq.
- “Person" means an individual, sole proprietorship, partnership, association, or corporation, public or private, organized for existing under the laws of this state or any other state, including a federal corporation.

- "Refuse" see "rubbish"
- "Residential solid waste" means solid waste generated or originating from any building, home, structure or premise which is used or intended for use as a dwelling or place of residence of one or more natural persons.
- "Rubbish" means non putrescible solid waste, consisting of combustible and noncombustible, including paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, and litter of any kind that may be a detriment to the public health and safety, but excluding ashes, excluding demolished building materials and excluding building materials.
- "Sharps" as defined in MCL 333.13807(7), shall not be placed in garbage bags or cans but shall be contained for disposal in leak proof, rigid, puncture-resistant containers that are secured to prevent the loss of contents. The container shall be labeled with the word "sharps".
- "Solid waste" means garbage, and all non-hazardous and non-toxic material as defined in MCL 324.11506.
- "User" means a person receiving solid waste pickup services.
- "Seasonal Residences" shall be defined as any seasonal homes, hunting camps, cottages or other structures occupied for less than six months of each calendar year.

SECTION 4. Regulation.

Creation of System for Disposal of Solid Waste

- a) There is hereby established a system for the collection and disposal of solid waste generated within the Township of Republic (the "system" herein), which shall conform to the Marquette County Solid Waste Authority User Agreement.
- b) The Township of Republic shall, by Contract, engage the services of one or more persons to provide for the regular collection, curbside or roadside pickup and disposal of solid waste generated within the Township of Republic, and each and every residential premises within the Township of Republic shall be served by said pickup and disposal service and shall be assessed a reasonable charge therefore, in accordance with the User Fee Schedule known as " Republic Township Charges", available at the Township office or online.
- c) No residential premises with the Township of Republic shall be exempt from the user fee charge, nor shall any residential premises be allowed to dispose of its solid waste to any person other than a person with whom the Township of Republic has contracted with for the collection of solid waste.
- d) Businesses, commercial establishments, restaurants and institutions within the Township of Republic which generates solid waste shall be required to dispose of the generated solid waste according to the law, but may reject the services provided by the system provided such rejection is in writing and explains to the satisfaction of the Township Board how the solid waste generates is being collected and disposed of according to the law.

Procedure for Pickup of Solid Waste

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

- b) Each single family residential unit within the Township of Republic shall receive at least one (1) pickup of solid waste during each week at a time and according to a schedule to be established by the Township Board.
- c) Each multiple family residential unit, including duplexes and apartment houses within the Township of Republic shall receive at one (1) pickup of solid waste during each week at a time and according to a schedule to be established by the Township Board.
- d) Each business, commercial establishment, restaurant, institution and every other premise which generates solid waste other than residential solid waste shall establish a pickup with a commercial hauler as often as is reasonable and necessary in order to protect the public health.
- e) Solid waste pickup service will be provided at curbside or roadside to single family residential units, duplexes, and multiple family residential units. Multiple family residential units may receive service off street, provided that adequate room is provided for the collection vehicles to safely and conveniently make the collection.
- f) Solid waste pickup service provided to nonresidential premises will be provided at curbside or roadside, or at any other place near the premises and within the public right of way where the collection vehicle can safely and conveniently make the collection.
- g) All garbage must be placed in plastic bags, properly sealed so as to prevent leakage or spillage. No plastic bag containing garbage shall exceed a weight of thirty (30) pounds. Garbage after having been placed in a plastic bag shall be placed in either a metal garbage can or plastic garbage receptacle, which container shall have two (2) handles and a tight fitting cover, at the time the garbage is placed at roadside or curbside for pickup. No such container as loaded shall exceed a weight of sixty (60) pounds.
- h) Each business, commercial establishment, restaurant, institution and every other premises which generates solid waste other than normal domestic solid waste may elect to place such waste in a dumpster or other large container, provided however, that:
 - A) All garbage shall be placed in plastic bags properly sealed, and
 - B) Each container shall be compatible with the mechanized handling equipment of the solid waste hauler.
- i) No person shall place at curbside, roadside or anywhere else any white goods (refrigerators, stoves, water heaters), or other household appliances, vehicles, motor vehicles, motor vehicle frames, chassis, parts or engines, building materials, human body waste, toxic materials, hazardous waste or any other type of material required to be disposed of at a Type III landfill, for pickup or collection by the solid waste hauler. These types of materials shall not be accepted for pickup by the solid waste hauler. Any person or use wishing to dispose of these types of materials be required to make private arrangements therefore with a properly licensed waste hauler.
- j) White goods, including refrigerators with refrigerant removed, household appliances, smaller volumes of building materials generated by remodeling, yard waste, furniture, paint and batteries, may be disposed of at the Township Trash Transfer Station, 8850 Willow Drive, on a pay per pound basis, per the Township's published fee schedule, on specific access days, the calendar of which is published by the Township. Contact the Township office for days of service.
- k) Solid waste shall not be placed out for pickup more than twelve (12) hours prior to the scheduled pickup time.

- l) 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 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 24 hours of the regularly scheduled collection day.
- m) No person shall place, deposit, throw or dispose of any solid waste in or on any street, alley, sidewalk, road, public building or public place with the Township of Republic, except the placement thereof for pickup by a licensed solid waste hauler in accordance with the provisions of this ordinance.
- n) Any user wishing to dispose of ashes, demolished building materials, or any other nontoxic or non-hazardous waste, the collection of which is not provided during scheduled pickups, may contact the solid waste hauler and make arrangements for a special pickup of such materials.
- o) Any user having a complaint against the solid waste hauler engaged by the Township of Republic shall communicate such complaint to the Township Office. It shall be the duty of the Township Supervisor or his agent or representative, to investigate each complaint to assist in resolution of the problem if possible and to provide a brief written summary as to the results of the investigation. A copy of the written summary shall be delivered to the complainant and to the solid waste hauler.

Collection of User Fee Charges and Administration of Ordinance

- a) There is hereby created a Solid Waste Disposal Fund, which is established as a separate fund to be maintained to be maintained by the Township of Republic.
- b) All user fee charges assessed against users pursuant to the terms of this Ordinance shall be collected by the Township of Republic, and shall be deposited into the Solid Waste Disposal Fund.
- c) User fee charges as established in the User Fee Charges Schedule attached hereto shall be billed to each user account on the first (1st) day of each month. The garbage collection billing for all residences with the water and /or sewer service area shall be billed monthly. All residences outside of the water and/or sewer service area shall be billed semiannually.
- d) The rates and charges to users of the System shall be a lien on the premises for which the services have been provided, and amounts delinquent for three (3) months or more shall be certified annually to the Township Tax Assessor to be entered upon the next tax roll against the premises to which the services have been rendered. The charge 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. This tax roll lien may be utilized notwithstanding the fact that there are or may be no delinquent real property taxes outstanding against the premises.
- e) The Republic Township Board shall adopt a User Fee Schedule which will provide sufficient revenues so that the Solid Waste Disposal Fund shall be adequate to finance all contract payments and other expenses incurred by the Township in operating the system. If the rates and charges collected from users of the system are inadequate to meet all such expenses, then funds may be transferred , on a loan basis from the Republic Township General Fund, or from any other fund which may be validly used for such purposes to the Solid Waste Disposal Fund to cover any deficiency; provided , however that if it appears

that the system is not self-supporting, the Republic Township Board shall adjust the rates and rate structure which will cover all costs and expenses incurred by the Township in operating the system.

- f) If periodic redeterminations of costs are necessary, such redetermination may be made without further notice to the record owners or parties in interest in the property.

Unlawful Collection or Disposal of Solid Waste

- a) It shall be unlawful for any person within the Township of Republic:
 - 1) To pick up or to collect any residential solid waste or
 - 2) To transport any residential solid waste

Unless that person has been authorized to do so pursuant to a written contract entered into between that person and the Township of Republic.

- b) It shall be unlawful for any person within the Township of Republic to dispose of any solid waste by depositing same upon or by delivering it to the property of any person, unless the receiver of the solid waste is the owner or operator of a disposal area duly licensed by the Director of the Michigan Department of Natural Resources.
- c) It shall be unlawful for any person within the Township of Republic to transport solid waste, or to deliver any solid waste to any other person for transportation, unless the receiver of the solid waste is a solid waste hauler who is using a solid waste transporting unit, which complies with the requirements of the Solid Waste Management Act and the rules promulgated pursuant to said act.
- d) Any Township resident may transport rubbish; white goods, demolished building materials, building materials, tires, grass clippings, tree trimmings and other type III materials to the Township Trash Transfer Station, 8850 Willow Drive, on a pay per pound basis, per the Township's published fee schedule, on specific access days, the calendar of which is published by the Township.

SECTION 5. Penalty

Any person who shall violate any of the provisions of this Ordinance shall be punished as provided by the MUNICIPAL CIVIL INFRACTION ORDINANCE.

SECTION 6. Severability

The provisions of this Ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

SECTION 7. Repeal

Republic Township Ordinances, 2013-5 Collection and Disposal of Solid Waste and 2013-6 Garbage Containers, are hereby repealed in their entirety and all Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

SECTION 8. Effective Date and Adoption

This Ordinance shall take effect thirty (30) days following publication after adoption by the Township Board.

This Ordinance was offered for adoption by Township Board Member _____ and was seconded by Township Board Member _____, the vote being as follows:

YEAS:

NAYS:

ABSENT/ABSTAIN:

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the above is a true copy of an ordinance adopted by the Republic Township Board at a regular meeting held at the Republic Township Hall on _____, 20____, at _____ p.m., pursuant to the required statutory notice and procedures.

Published _____

Marilyn Brancheau, Republic Township Clerk