

TOWNSHIP OF PENINSULA
Ordinance No. _____ of 2011

REFUSE COLLECTION

AN ORDINANCE REGULATING THE COLLECTION AND DISPOSAL
OF HOUSEHOLD GARBAGE AND RECYCLING WITHIN THE
TOWNSHIP OF PENINSULA AND PROVIDING PENALTIES FOR
VIOLATIONS THEREOF

THE TOWNSHIP OF PENINSULA HEREBY ORDAINS:

Section 1. Definitions.

As used in this Ordinance:

- (a) "Ashes" shall mean the residue resulting from the burning of wood, coal, coke or other combustible material.
- (b) "Commercial waste" shall mean waste material resulting from the operation of business enterprises and institutions.
- (c) "Construction waste" shall mean waste from building construction, alteration, demolition or repair including, but not limited to excavated earth, stones, brick, concrete, plaster, lumber and roofing.
- (d) "Disposal" shall include the storage, collection, disposal or handling of refuse.
- (e) "Garbage" shall mean all animal and vegetable wastes resulting from the handling, preparation, cooking or consumption of foods. All residential garbage shall be drained of surplus liquids.
- (f) "Hazardous waste" shall mean waste, or a combination of waste and other discarded material, including solid, liquid, semisolid or containing gaseous material, which, because of its quality, concentration or physical, chemical or infectious characteristics pose a substantial present or potential hazard to human health or the environment.
- (g) "Household bulk waste" means, by way of example, washers, dryers, stoves, Freon free refrigerators and similar appliances, as well as construction and yard waste in lengths of no more than 4 feet and weighing, as a unit, no more than fifty(50) pounds, and similar items approved by the waste hauler.
- (h) "Recycling" means the collection of items such as used plastics: tin and aluminum: brown, green and clear glass; newspaper, magazines, cardboard and stationary paper, approved for collection and recycling by the waste hauler.

- (i) "Refuse" shall mean all solid waste, except animal and human excrement, and shall include garbage, ashes and rubbish.
- (j) "Resident" means any person residing in a dwelling, including multi-family dwellings.
- (k) "Residential refuse" shall mean refuse generated from normal household use. Residential refuse does not include commercial waste, construction waste, hazardous waste, residential yard waste or dead animals.
- (l) "Residential yard waste" shall mean yard waste generated from households including grass clippings, leaves, and trimmings from shrubs, trees or bushes. Residential yard waste does not include tree limbs over four (4) inches in diameter or tree stumps.
- (m) "Rubbish" shall include glass, metal, paper, plant growth, wood, or nonputrescible solid wastes.
- (n) "Waste Hauler" shall mean a duly licensed waste hauler authorized to do business in the State of Michigan contracted with Peninsula Township to provide waste hauling, disposal and recycling services.

Section 2. Storage, removal of refuse.

- (a) Every resident in charge of any dwelling shall provide or obtain a refuse container or containers and recycling bins to store all refuse and recyclables created on the property as approved by the waste hauler for curbside pick up.
- (b) No resident shall store refuse and/or recyclables in the front of their premises except for pick up on the day designated for refuse pick up and curbside recycling.

Section 3. Containers Required, Bags.

- (a) Multi-use containers used for the storage of refuse shall be made of durable, watertight, rust-resistant materials, shall be equipped with handles for lifting, and shall meet the requirements of the waste hauler.
- (b) Single-use containers and bags shall be of sufficiently sturdy material as to prevent breaking or tearing of the containers or bags prior to collection. Bags meeting the requirements of the Waste Hauler or sold by the Waste Hauler are presumed to meet the requirements of this Ordinance.
- (c) Every container used for the storage of refuse shall be equipped with a tight-fitting cover.

- (d) Bins for pick up of curbside recycling shall be of a type approved by the waste hauler.
- (e) The combined weight of a container and its contents shall not exceed fifty (50) pounds

Section 4. Refuse not placed in container.

Refuse not placed in a container shall be securely baled, tied, bundled or packaged so as not to exceed forty-eight (48) inches in length and fifty (50) pounds.

Section 5. Collection by Waste Hauler.

- (a) The Waste Hauler shall collect residential refuse and recycling on the days established by the contract between the Waste Hauler and the Township. Empty containers, excess containers and unacceptable items shall be removed from the side of the street or other approved location the same day that curbside collection is made.
- (b) The Waste Hauler shall not collect hot ashes; hazardous waste; refuse or garbage which has not been drained of excessive amounts of liquid; commercial waste; construction and residential yard waste and loose material not properly bundled and/or weighing over fifty (50) pounds.
- (c) The Waste Hauler contracted with the Township is the exclusive provider of waste hauling, disposal and recycling of all residential refuse, garbage, ashes, and recyclables within the Township. No resident not exempt from this ordinance shall contract with any other hauler for the pick up and disposal of residential waste, refuse, garbage or ashes or for the pick up of recyclables. Any such contract or contracts or receipt of services for the same with any entity engaged in the business of waste hauling and/or recycling other than the Waste Hauler contracted with the Township is a violation of this ordinance.

Section 6. Exempt entities.

Commercial businesses, including but not limited to, restaurants, retail sales establishments, wineries, manufacturers, manufacturing facilities and businesses, and commercial agricultural operations operating with Generally Accepted Agricultural Management Practices (GAAMPS) are exempt from the requirements and provisions of this Ordinance.

Section 7. Rates, charges; penalty.

- (a) The rates for curbside refuse collection and recycling and for drop off at the transfer station located at 2751 Devils Dive Road shall be established by the contract between the Waste Hauler and the Township.
- (b) All charges for curbside refuse collection and recycling services as well as drop off at the transfer station located at 2751 Devils Dive Road shall be payable according to the requirements of the Waste Hauler. The Waste Hauler shall be responsible for the collection of all charges.
- (c) Any owner or occupant expecting to be absent from the Township for a period of one month, or more, and who desires to discontinue refuse collection and recycling service during this absence may notify the Waste Hauler of the expected absence, which notice must be given at least ten (10) days prior to the first day of the month in which service is desired to be discontinued. Discontinuance of service may only commence on the first day of any month, and shall be re-commenced upon notice and request on the first day of the month following the request for resumption of services.
- (d) Township residents may haul and dispose of household refuse outside of the Township but shall not otherwise contract for residential waste hauling services and recycling services within the Township with another provider other than the Waste Hauler.

Section 8. Penalty/Civil Infraction.

Any resident who shall violate any provision of this Ordinance shall be guilty of a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation.

Section 9. Enforcement.

The zoning administrator is hereby designated as the authorized Township official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

Section 10. Nuisance.

A violation of this Ordinance is hereby declared to be a public nuisance or a nuisance per se and is declared to be offensive to the public health, safety and welfare.

Section 11. Injunctive Relief.

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 12. Validity.

If any section, provision or clause of this Ordinance or the application thereof to any resident or circumstances is held invalid, such invalidity shall not effect any remaining portions or application of this Ordinance, which can be given effect without the invalid portion or application.

Section 13. Effective Date.

This Ordinance shall become effective thirty (30) days after its enactment and publication.

TOWNSHIP OF PENINSULA

By: _____
Rob Manigold

Its: Supervisor

By: _____
Monica Hoffman

Its: Clerk