

**Solid Waste Management Ordinance
No. 100494**

AN ORDINANCE TO PROVIDE FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE WITHIN THE TOWNSHIP OF MARQUETTE, MARQUETTE COUNTY, MICHIGAN, PURSUANT TO THE TERMS AND PROVISIONS OF THE WASTE MANAGEMENT RESOURCE RECOVERY FINANCE ACT OF 1978 (M.S.A. § 5.2725) (11) ET. SQ.).

THE CHARTER TOWNSHIP OF MARQUETTE, MARQUETTE COUNTY, MICHIGAN, ORDAINS:

The existing Marquette Township Solid Waste Ordinance, Ordinance 011690, adopted January 16, 1990, and amended by Ordinance 061990, adopted June 19, 1990, and amended by Ordinance 080990, adopted August 9, 1990, are hereby superseded by this Ordinance.

Section 1: TITLE.

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

Section 2: DEFINITIONS.

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

- a. “Ashes” means the residue from the burning of wood, coal, coke, refuse, wastewater sludge, or other combustible materials.
- b. “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.
- c. “Person” means an individual, sole proprietorship, partnership, association, or corporation, public or private, organized or existing under the laws of the State of Michigan or any other state, including a federal corporation.
- d. “Residential solid waste” means solid waste generated or originating from any building, home, structure, or premises which is used or intended for use as a dwelling or place of residence of one or more natural persons.
- e. “Rubbish” means non-decaying solid waste, consisting of both combustible and noncombustible waste, including paper, cardboard, metal containers, wood, glass, bedding, crockery, and litter of any kind, that may be a detriment to the public health and safety, but excluding ashes, demolished building materials, and building materials.
- f. “Solid Waste” means garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleaning, municipal and industrial sludges, and solid commercial and industrial waste, animal

waste, but excluding human body waste, liquid waste or sanitary sewage, and ferrous or non-ferrous scrap.

- g. "User" means a person receiving solid waste collection services.
- h. "Seasonal residences" means a home that either cannot be occupied more than six (6) months a year by law or where the hauler is unable to serve during the winter months.

Terms or words used in this Ordinance and not defined herein shall have the meaning as defined in Act 641, P.A. 1978, and the rules and regulations issued thereunder, or as commonly understood and used if not so defined.

Section 3: COLLECTION AND DISPOSAL OF SOLID WASTE.

- a. The Charter Township of Marquette shall, by contract, engage the services of one or more persons to provide for the regular collection and disposal of solid waste generated within the Charter Township of Marquette. Each residential premises within the Charter Township of Marquette that is served by said collection and disposal service shall be assessed a reasonable charge in accordance with the "User Fee Charge Schedule" attached hereto and incorporated herein by reference.
- b. If service cannot be provided, whether curbside or roadside to a residential premise, there will be no users fee charge. The owners or occupants of non-serviced residential premises will be required to dispose of their solid waste by delivering it to a licensed solid waste hauler or transfer facility. The determination as to which residential premises fall within the provisions of this subsection shall be made by the Township Manager.

Section 4: COLLECTION PROCEDURES FOR SOLID WASTE.

- a. Each single and duplex family residence will receive curbside or roadside collection of residential solid waste in accordance with a schedule approved by the Township Board.
- b. Each business, commercial establishment/rental complex, apartment house, restaurant, institution, and premises in the Charter Township of Marquette which generates solid waste shall contract for collection with a commercial hauler as often as is reasonable and necessary in order to protect the public health.
- c. 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. All garbage, after having been placed in a plastic bag, shall be placed in either a metal or plastic garbage receptacle, which container shall have two (2) handles and a tight fitting cover. No garbage container shall exceed a weight of sixty (60) pounds.
- d. All items of solid waste other than garbage may be placed in any type of container or receptacle, provided; however, that no such container or receptacle shall exceed a weight of sixty (60) pounds. Containers or receptacles which the user wishes to retain after collection services shall be clearly marked or labeled so that the solid waste hauler does not remove them from the premises.

- e. Each business, commercial establishment/rental complex, apartment house, restaurant, institution, and premises which generate solid waste, other than normal domestic solid waste, may elect to place such waste in a dumpster or other large container; provided, however, that all garbage shall be placed in plastic bags and properly sealed.
- f. No person shall place at curbside, roadside, or anywhere else any white goods (refrigerators, stoves, water heaters, etc.), or other household appliances, vehicles, motor vehicles, motor vehicle frames, chassis, parts or engines, building materials, human body waste, toxic materials or hazardous waste (as defined in Act No. 64, P.A. 1979), yard wastes, or any other type of material required to be disposed of at a Type III landfill, for collection by the solid waste hauler, and these types of materials shall not be accepted for collection by the solid waste hauler.
- g. Any person or user wishing to dispose of these types of materials shall be required to make private arrangements with a properly licensed solid waste hauler, solid waste processing plant, solid waste transfer facility, or disposal area, as these terms are defined in Act 641, P.A. 1978 (M.S.A. 13.29 (1) et. seq.; M.C.L.A. § 229.401 et. seq.) for the proper and legal disposal thereof.
- h. Solid waste shall be placed out prior to the scheduled collection time to ensure pick-up.
- i. 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 within the Charter Township of Marquette, except the placement thereof for collection by a licensed solid waste hauler in accordance with the provisions of this Ordinance.
- j. Any user wishing to dispose of demolished building materials, building materials, and any other non-toxic or non-hazardous waste, the collection of which is not provided during schedule collection, may contract with the solid waste hauler for a special collection of such materials or deliver them to an authorized transfer facility.
- k. Any user having a complaint against the solid waste hauler engaged by the Charter Township of Marquette shall communicate such complaint to the Township Manager. It shall be the duty of the Township Manager or the Public Works Superintendent 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.

Section 5: 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 by the Charter Township of Marquette.
- b. The Marquette Township Board shall adopt a “User Fee Charge 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 Marquette 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, then the Marquette Township Board shall adjust the rates and charges to users of the system to establish a rate structure which will cover all costs and expenses incurred by the Township in operating the system.

- c. All user fee charges assessed against users and commercial haulers pursuant to the terms of this Ordinance shall be collected by the Charter Township of Marquette, and shall be deposited into the Solid Waste Disposal Fund.
- d. Residential user fee charges as established in the "User Fee Charge Schedule" attached hereto shall be billed to each user on the first (1st) day of each month, and shall be payable without penalty on or before the twentieth (20th) day of the same month. Thereafter, late payment charges shall be imposed on all delinquent payments in accordance with the "User Fee Charge Schedule."
- e. Since the Marquette County Solid Waste Management Authority has restricted the use of the landfill located in Sands Township, Michigan, solid waste haulers shall be preauthorized to use the landfill by the Authority through the issuance of a license. Solid waste haulers doing business in Marquette Township must apply through Marquette Township, the municipality in which the solid waste is generated and collected, for the license. The solid waste hauler, at time of issuance or renewal of the license, shall either post a bond with or pay a deposit to the Township. This bond or deposit shall be equal to one (1) month's estimated tippage fees plus charges for landfill debt retirement as specified in the "User Fee Charges Schedule." Interest at the prevailing average annual rate will be paid on all cash deposits. Commercial hauler fee charges, as established in the "User Fee Charge Schedule" attached hereto, shall be billed to each solid waste hauler on a monthly basis and shall be payable without penalty within thirty (30) days of the billing date. Late payment charges shall be imposed on all delinquent payments in accordance with the "User Fee Charge Schedule."
- f. The rates and charges to residential users of the system shall be a lien on the premises for which the services have been provided, and amounts delinquent for six (6) months or more shall be certified annually to the Township Assessor, 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 procedure established by law for the enforcement and collection of delinquent real property taxes against the premises, and may be utilized notwithstanding the fact that there are or may be no delinquent real property taxes outstanding against the premises.

Section 6: UNLAWFUL COLLECTION OR DISPOSAL OF SOLID WASTE.

- a. It shall be unlawful for any person within the Township of Marquette to collect and/or transport for a fee 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 Charter Township of Marquette.

- b. It shall be unlawful for any person within the Charter Township of Marquette 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 Charter Township of Marquette 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.

Section 7: PENALTIES.

Any person who shall violate the provision of this Ordinance shall be guilty of a civil infraction and, upon conviction thereof, shall be subject to punishment by a fine of not more than one hundred dollars (\$100) and a cost of prosecution for the first offense. Upon conviction of subsequent violations, such person shall be punishable by a fine of not more than five hundred dollars (\$500) and cost of prosecution. The imposition of punishment for a civil violation of this Ordinance shall not relieve any person for civil responsibilities to the Charter Township of Marquette for payment of rates and charges for services furnished to such person under the provisions of this Ordinance, and the Charter Township of Marquette may simultaneously pursue its civil remedies and enforcement of any lien it may have against any premise in connection with any violation of the terms and provisions of this Ordinance.

Section 8: SEVERABILITY.

The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 9: CONFLICTING PROVISIONS.

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 10: EFFECTIVE DATE.

This Ordinance shall take effect and be in force seven (7) days after its publication in a newspaper of general circulation in the Charter Township of Marquette.