

**ORDINANCE #216
TRASH ORDINANCE**

Adopted: 03/09/93
Effective: 04/20/93

An Ordinance of the Charter Township of Bangor, Bay County, Michigan, establishing separation criteria for the disposal of solid waste and recyclable solid waste materials; prohibiting the improper storage or disposition of such waste materials; prohibiting the improper storage or disposition of such waste materials; providing for the maintenance of sanitary conditions within the Township; for the imposition and collection of certain fees and costs incurred to collect and dispose of such waste; prescribing penalties for violations of its provisions; and for the protection of the health, safety and general welfare of the residents of the Township of Bangor

THE CHARTER TOWNSHIP OF BANGOR, BAY COUNTY, MICHIGAN, HEREBY ORDAINS:

SECTION 1. DEFINITIONS. For the purposes of this Ordinance, the following terms, phrases, words and derivations shall have the meaning herein given.

- A. Garbage means wastes resulting from the handling, preparation, cooking and consumption of food; storage and sale of produce; disposable fruits from residential fruit trees.
- B. Leaves means deciduous or coniferous seasonal deposition.
- C. Recyclable solid waste means clear glass bottles, jars and containers; aluminum and tin cans; newspapers; polyethylene terephthalate (PET) and high density polyethylene plastics (HDPE), as listed in Michigan Public Act 414 of 1988, MCL 299.481 et. seq. (referred to as plastic number 1, number 2, and number 6); blown polystyrene; corrugated cardboard not including cereal boxes or box board; plastic and paper bags.
- D. Solid Waste means garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludge, solid commercial and solid industrial waste, and animal waste. Solid waste does not include human body waste, liquid waste, yard waste, materials that have been separated either at the source or a processing site for the purpose of reuse, recycling or composting, or any material that has been identified by state or federal regulation to be unsuitable for disposal in a type II sanitary landfill.
- E. Type II sanitary landfill as defined in Michigan Public Act 641 of 1978, as amended.
- F. Yard waste means grass clippings, leaves, weeds, hedge clippings, garden waste, and twigs and brush no longer than four (4) feet in length or heavier than fifty (50) pounds in weight and two (2) feet in diameter and Christmas trees.

SECTION 2. DEPOSIT ON PUBLIC WAYS, PRIVATE PROPERTY.

- A. It shall be unlawful for nay person to cause any waste or garbage as the terms are defined in Section 1 to be thrown or places in any street, alley, walkway, lot, park or lawn, whether public or private, within the Township limits, except in conformity with the provisions of this Ordinance.

- B. This prohibition shall not apply to the placement of yard waste into properly located and functioning compost piles either at the premises where such yard waste was generated or at any lawful, regional composting site previously approved by the Bangor Township Board.
- C. This prohibition shall not apply to the placement of any solid waste or recyclable solid waste placed at any regional collection site previously approved by the Bangor Township Board.

SECTION 3. UTILIZATION OF PERMITTED FIRMS. Users of solid waste collection services other than any collection service which may be provided by the Township from time to time shall use only such waste hauling firms which possess current permits as issued by the Bangor Township Board.

SECTION 4. PRE-COLLECTION SEPARATION - RECYCLABLE SOLID WASTE. All persons contracting with licensed waste hauling firms may separate their recyclable solid waste for pickup, and all licensed waste hauling firms shall offer such services to its customers on a regularly scheduled basis as a condition of their township permit. Preparation of recyclable materials shall be as follows:

- A. Paper recyclables shall be bundled separately and secured in bundles not exceeding fifty (50) pounds and in such a manner as to prevent them from being blown or scattered, and shall be maintained in a dry condition, free of any other substance, and shall not be placed in plastic bags.
- B. Recyclable solid waste shall be placed in one (1) or more clearly identifiable containers rinsed and cleared of all contents.
 - 1. Bundles of corrugated cardboard shall not contain cereal boxes or box board.
 - 2. Lids shall be removed from all recyclable glass and plastic items.
 - 3. All labels shall be removed from tin cans.

SECTION 5. INDIVIDUAL DISPOSAL OF WASTE MATERIAL. All persons who shall use solid waste, yard waste or recyclable solid waste collection services which may from time to time be provided by the Township at designated regional collection sites shall be required to separate their solid waste prior to disposal at such regional site. Further, recyclable solid waste material shall be prepared as provided in Section IV above.

SECTION 6. PROHIBITED WASTES - DANGEROUS MATERIALS. No person shall place in any container or receptacle any material that might endanger the collection personnel or which would be detrimental to the normal operation of the collection or incineration, including but not limited to: gaseous, solid or liquid poisons, dead animals, ammunition, explosives, concrete, dirt, appliances, furniture, auto or equipment parts, or any material that possesses heat sufficient to ignite any other collected material.

SECTION 7. DISPOSAL FACILITIES.

- A. All disposal of solid waste shall be through the use of state licensed or approved landfills or disposal facilities authorized to receive the type of solid waste to be disposed.
- B. All waste hauling firms possessing township permits shall collect all recyclable solid waste as defined in this Ordinance and shall be responsible to deliver all of the same to a material recovery facility (MRF).

SECTION 8. TOWNSHIP SERVICES; COSTS; RULES AND REGULATIONS. To further the public health, safety and welfare of the people of the Township of Bangor, the Township may from time to time provide certain solid waste disposal services. Rates for such services and rules and regulations for the use of such services shall be established from time to time by a resolution approved by a majority vote of the Township Board.

SECTION 9. REMOVAL OF WASTES; COSTS ASSESSED.

- A. The Township Supervisor is hereby authorized and empowered to notify, in writing, the owner and/or tenant(s) of any premises to remove solid wastes, yard wastes and/or recyclable materials found not to be set out in compliance with the provisions of this Ordinance (unless the same is on the abutting public right-of-way in which case no notice is required). Such notice shall be by hand delivery or certified mail, addressed to said owner and/or tenant(s) at the last known address.
- B. If such items are not removed from the premises within six (6) days after the date of mailing or delivery of such notice, or if the items are on the abutting public right-of-way, the owner and/or tenant(s) of the premises shall be subject to penalties as set forth in Section X. The Township Supervisor is also hereby authorized and empowered to effect the removal of the items or to order their removal by the Township.
- C. When the Township has effected the removal of such items or has paid for their removal, the actual cost shall be charged to the owner by the Township and shall be due and payable within thirty (30) days from the date of billing. After thirty (30) days, interest at the rate of one (1) percent per month shall be added to any unpaid balance.

SECTION 10. PENALTIES. Any person violating any of the provisions of this Ordinance or rules adopted pursuant thereto, shall be deemed guilty of a misdemeanor, and each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Ordinance is committed, continued or permitted, and upon conviction of such violation such person shall be punished by a fine of up to Five Hundred Dollars (\$500.00), or by imprisonment of not more than ninety (90) days or both.

SECTION 11. SEVERABILITY. It is the legislative intent of the Bangor Township Board in adopting this Ordinance to promote the general welfare of the inhabitants of the Township, and further, that should any provision, portion, section, or subsection of this Ordinance be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions, portions, sections or subsections; it being the intent of the Township Board that the remainder of this Ordinance shall stand, notwithstanding the validity of any provision or section of any part hereof.

SECTION 12. EFFECTIVE DATE. This Ordinance shall be effective thirty-one days after publication and shall be published once in the Bay City Democrat, a newspaper circulating within the Charter Township of Bangor, Bay County, Michigan.