

**ORDINANCE #217**  
**REFUSE HAULERS PERMIT**

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

An ordinance to permit and authorize refuse haulers within the Charter Township of Bangor and to provide penalties for violations of its provisions.

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

**SECTION 1. SHORT TITLE.** This Ordinance shall be known and may be cited as the "Refuse Haulers Permitting Ordinance."

**SECTION 2. PERMIT REQUIREMENT; REFUSE DEFINED.** No person, partnership, corporation or other entity shall engage in the business of refuse collection and hauling from single-family or duplex housing within the Township of Bangor without first obtaining a permit as hereinafter provided in this Ordinance. For the purpose of this Ordinance refuse is defined as all putrescible and non-putrescible solid wastes including but not limited to garbage, rubbish, trash, ashes, discarded household materials, newspapers, magazines, wrappings, cartons, boxes, crates, rags, clothing, tin cans, bottles, cardboard, wood and similar materials.

**SECTION 3. APPLICATION FOR PERMIT.** An application for a permit to provide a refuse hauling service shall be made to the Township Clerk of the Charter Township of Bangor and shall include the following information as to the applicant:

- A. Name, office address and office telephone number;
- B. If a corporation, list the name, home address and home telephone number of all shareholders who have a five (5%) percent or more ownership in said corporation;
- C. If a Limited Partnership, the name, home address and home telephone number of the general partner;
- D. If a partnership, the name, home address and home telephone number of all partners;
- E. A list of all vehicles, including license numbers, to be used by the applicant within the Township for refuse hauling;
- F. Verification that when fully loaded the vehicles in E above will not exceed the size of weight limitations set by the Bay County Road Commission;
- G. *Proof of public liability insurance to pay all claims for injury or damage to person or property, both real and personal, resulting from the operation of a refuse hauling business in an amount as adopted by resolution of the Township Board and that the policy of insurance shall provide 30 days' notice of cancellation to the Township Clerk. (Amended by Ordinance #301, effective 11/17/05)*

- H. A statement that the applicant shall hold the Charter Township of Bangor harmless for any and all claims and damages resulting directly or indirectly as a result of being a refuse hauler;
- I. Certification that each vehicle listed in E above is fitted with a good substantial box so that no portion of any refuse shall be scattered, thrown or dropped into the street, alley or thoroughfare, and that from the last place of pick-up to place of final disposition that the vehicle shall be closed and covered with sufficient covering and tightly fitted so as to prevent escape or seepage of liquid or of any contents;
- J. Certification that the applicant shall, at its cost, dispose of said refuse in a licensed facility in the State of Michigan or at a location which accepts recycled materials throughout the time that the permit shall be in effect;
- K. Certification that the Applicant is capable of and will handle all single-family and duplex housing refuse in accordance with the Charter Township of Bangor Refuse Separation Ordinance begin Ordinance No. 216 as hereafter amended;
- L. Certification that collection of refuse shall be done not less frequently than weekly, and collection of recyclable solid waste as defined in Ordinance No. 216 not less frequently than bi-weekly.

**SECTION 4. PERMITTEE; RIGHTS; RESTRICTIONS.** The Applicant upon complying with all of the requirements of Section 3 above shall be issued a permit to conduct refuse hauling within the Township of Bangor from single-family and duplex housing subject to the following:

- A. All refuse hauling including pick-up of refuse shall be conducted between 6:00 a.m. and 6:00 p.m.;
- B. All permits shall expire one (1) year from date of issue;
- C. The permittee shall comply with all applicable federal, state and local laws, codes, rules or regulations;
- D. Any changes set forth in Section 3 above shall be provided in writing, to the Clerk of the Township;
- E. Permits granted hereunder are not transferable;
- F. Permittee shall make its services available to all single-family or duplex residences within the Charter Township of Bangor;
- G. Permittee shall provide its schedule of collection to the Clerk of the Township;
- H. Permittee shall bill and collect for its services.

**SECTION 5. PENALTIES.** Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding Five Hundred 00/100 (\$500.00) Dollars, or be imprisoned in the County Jail for a period not exceeding ninety (90) days, or be both so fined and imprisoned. Each day such violation is committed or allowed to continue shall constitute a separate offense and shall be punishable as such hereunder.

*In addition to the criminal sanctions provided herein, the Township specifically reserves the right and shall have the authority to terminate the permit and, if deemed necessary, to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate civil proceeding to prevent, enjoin, abate, or remove any violation of this division. (Amended by Ordinance #301, effective 11/17/05)*

**SECTION 6. SEPARABILITY.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 7. ORDINANCE REPEALED.** All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 8. NECESSITY.** The provisions of this Ordinance are declared to be necessary for the public health, safety, morals and general welfare of the residents of the Township.

**SECTION 9. EFFECTIVE DATE.** This Ordinance shall be effective thirty-one (31) days after publication and shall be published once in the Bay City Democrat, a newspaper circulating in the Charter Township of Bangor, Bay County, Michigan.