

ACME TOWNSHIP
Ordinance No. 2011-01

REFUSE COLLECTION

AN ORDINANCE TO PROTECT THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF ACME TOWNSHIP BY REGULATING THE COLLECTION AND DISPOSAL OF HOUSEHOLD GARBAGE AND RECYCLING WITHIN THE TOWNSHIP OF ACME AND PROVIDING PENALTIES FOR VIOLATIONS OF THE TERMS OR PROVISIONS OF THIS ORDINANCE

THE TOWNSHIP OF ACME 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 up to and including four unit buildings.
- (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 Acme 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, recycling and household bulk waste 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. Residents with existing contracts with other haulers may continue with that hauler until their contract expires and then must contract with the Waste Hauler.

Section 6. Exempt entities.

Commercial businesses, including but not limited to, restaurants, retail sales establishments, wineries, manufacturers, manufacturing facilities and businesses, apartment or condominium complexes where more than 4 dwelling units are contained within one building, 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 shall be established by the contract between the Waste Hauler and the Township.

(b) All charges for curbside refuse collection and recycling services 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.

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.

Anyone authorized pursuant to Township Ordinance 2008-2, Municipal Civil Infractions, is hereby designated as the authorized Township official(s) 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 July 1, 2011 which shall be at least thirty (30) days after its enactment and publication.

TOWNSHIP OF ACME

By: Wayne J. Kladder
Wayne J. Kladder

Its: Supervisor

By: Dorothy Duville
Dorothy Duville

Its: Clerk

T. C. RECORD-EAGLE, INC.
ORDER CONFIRMATION

Salesperson: DENISE LINGERFELT Printed at 04/14/11 17:07 by dling

Acct #: 6 Ad #: 252681 Status: N

ACME TOWNSHIP Start: 04/17/2011 Stop: 04/17/2011
DOROTHY DUNVILLE Times Ord: 1 Times Run: ***
6042 ACME ROAD STDAD 4.00 X 20.02 Words: 1507
WILLIAMSBURG MI 49690 Rate: LEGAL Cost: 357.60
Class: 147 LEGALS

Contact: Descript: LEGAL NOTICE TOWNSHIP OF
Phone: (231)938-1350 Given by: EMAIL SHARON VREELAND
Fax#: (231)938-1510 Created: dling 04/14/11 14:50
Email: svreeland@acmetownship.org ddunville@acmetownship.org Last Changed: dling
Agency: -----

PUB	ZONE	ED	TP	START	INS	STOP	SMTWTFS
RE	A	97	W	04/17/11	1	04/17/11	SMTWTFS
IN	AIN	97	W	04/17/11	1	04/17/11	SMTWTFS

AUTHORIZATION

Thank you for advertising in the Record-Eagle, our related publications and online properties. If you are advertising with the Record-Eagle classifieds, your ad will begin running on the start date noted above.

Please be sure to check your ad on the first day it appears. Although we are happy to make corrections at any time, the Record-Eagle is only responsible for the first day's incorrect insertions. Also, we reserve the right to edit or reclassify your ad to better serve buyers and sellers.

No refunds or rebates will be issued if you cancel your ad prior to the stop date.

We appreciate your business.

(CONTINUED ON NEXT PAGE)

T. C. RECORD-EAGLE, INC.
ORDER CONFIRMATION (CONTINUED)

Salesperson: DENISE LINGERFELT Printed at 04/14/11 17:07 by dling

Acct #: 6 Ad #: 252681 Status: N

LEGAL NOTICE
TOWNSHIP OF ACME - NOTICE OF ADOPTION

PLEASE TAKE NOTICE that the ACME TOWNSHIP BOARD OF TRUSTEES, at a meeting on April 5, 2010 at 7:00 p.m. in the Acme Township Hall, 6042 Acme Road, Williamsburg, Michigan 49690, adopted the following ordinance:

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Ordinance No. 2011-01
REFUSE COLLECTION

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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 July 1, 2011 which shall be at least thirty (30) days after its enactment and publication.

A complete copy of this ordinance is available for public inspection and copying at the office of the Township Clerk, Acme Township Hall, 6042 Acme Road, Williamsburg MI 49690 between 8:00 a.m. and 5:00 p.m. Monday through Friday and at www.acmetownship.org.

Dorothy Dunville, Clerk
Acme Township
6042 Acme Road
Williamsburg MI 49690
(231) 938-1350
ddunville@acmetownship.org

April 17, 2011-TT

252681

ACME TOWNSHIP
R-2011-26
Resolution of the Township Board of Trustees
To Amend Ordinance No. 2011-01 Refuse Collection

At a regular meeting of the Acme Township Board of Trustees held on November 1, 2011 the Township Board adopts the following resolution. This resolution is based upon the following findings:

1. The Township Board of Trustees adopted the Refuse Collection Ordinance in April 2011.
2. The Refuse Collection Ordinance defines Resident as "any person in a dwelling, including multi-family dwellings up to and including four unit buildings."
3. The Refuse Collection Ordinance requires a Resident to use the "Waste Hauler" that has contracted with the Township.
4. The Refuse Collection Ordinance expressly exempts "Commercial businesses, including but not limited to, restaurants, retail sales establishments, wineries, manufacturers, manufacturing facilities and businesses, apartment or condominium complexes where more than 4 dwelling units are contained within one building, and commercial agricultural operations operating with Generally Accepted Agricultural Management Practices (GAAMPS) are exempt from the requirements and provisions of this Ordinance."
5. Certain other waste haulers have claimed that residential site condominium developments with subdivision associations created as non-profit corporations do not fall within the definition of Resident or are exempted from the requirement to use the "Waste Hauler."
6. Amending the Refuse Collection Ordinance to expressly state that site condominium subdivisions are included in the definition of Resident and to expressly state that site condominium subdivisions are not exempted, regardless of whether they have a subdivision association set up as a non-profit corporation will clarify the Ordinance, better reflect the intent of the Ordinance, and will serve the public health, safety and general welfare of Acme Township Residents.

For these reasons, the Township Board resolves that:

1. Section 1, subparagraph (j) is deleted in its entirety and shall be replaced by the following:

“(j) “Resident” means any person residing in a dwelling, including multi-family dwellings up to and including four unit buildings. Dwellings include but are not limited to those dwellings existing on any lot, parcel, platted subdivision, and site condominium subdivision regardless of whether a subdivision has a subdivision association existing in the form of any legal entity.”

2. Section 6 is deleted in its entirety and shall be replaced by the following:

“Commercial businesses, including but not limited to, restaurants, retail sales establishments, wineries, manufacturers, manufacturing facilities and businesses, apartment or condominium complexes where more than 4 dwelling units are contained within one building, and commercial agricultural operations operating with Generally Accepted Agricultural Management Practices (GAAMPS) are exempt from the requirements and provisions of this Ordinance. Platted subdivisions and site condominium subdivisions are not exempt regardless of whether they have a subdivision association in the form of a legal entity such as a non-profit corporation.”

3. 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.

4. This Amendment shall become effective 12/10/2011 which shall be at least 30 days after its enactment and publication.

Yes: 6

No: 0

Abstain: 0

Wayne G. Kladder
Wayne Kladder, Supervisor

Dorothy Dunville
Dorothy Dunville, Clerk

