

Ordinance No. 2013-5
AN ORDINANCE TO PROVIDE FOR THE
COLLECTION AND DISPOSAL OF SOLID
WASTE WITHIN THE TOWNSHIP OF
REPUBLIC

Pursuant to the terms and provisions of the Waste Management Resource Recovery Finance Act 1978 (M.S.A. Sub Sec 5.2725(11) et. Sq.),

THE TOWNSHIP OF REPUBLIC ORDAINS:

Section 1. Definitions

As used in the 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 for existing under the laws of this state or any other state, including a federal corporation.
- d) “residential solid waste” means solid waste generated or originating from any building, home, structure or premise which is used or intended for use as a dwelling or place of residence of one or more natural persons.
- e) “rubbish” means non prutrescible solid waste, consisting of combustible and noncombustible, including paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, and litter of any kind that may be a detriment to the public health and safety, but excluding ashes, excluding demolished building materials and excluding building materials.
- f) “solid waste” means garbage, and all non-hazardous and non-toxic type II and type II materials regulated by ACT 641 of 1978.
- g) “user” means a person receiving solid waste pickup services.
- h) Terms or words used in this ordinance and not defined herein shall have the meaning as defined in ACT 641, P.A. 1979 and he rules and regulation issued there under, or as commonly understood and used if not so defined.
- i) Seasonal Residences shall be defined as any seasonal homes, hunting camps, cottages or other structures occupied for less than six months of each calendar year.

Section 2. Creation of System for Disposal of Solid Waste

- a) There is hereby established a system for the collection and disposal of solid waste generated within the Township of Republic (the “system” herein), which shall conform to the Marquette County Solid Waste Authority User Agreement.
- b) The Township of Republic shall, by Contract, engage the services of one or more persons to provide for the regular collection, curbside or roadside pickup and disposal of solid waste generated within the Township of Republic, and each and every residential premises within the Township of Republic shall be served by said pickup and disposal service and shall be assessed a reasonable charge therefore, in accordance with the User Fee Schedule attached hereto and incorporated herein by reference.
- c) No residential premises with the Township of Republic shall be exempt from the user fee charge, nor shall any residential premises be allowed to dispose of its solid waste to any person other than a person with whom the Township of Republic has contracted with for the collection of solid waste.
- d) Businesses, commercial establishments, restaurants and institutions within the Township of Republic which generates solid waste shall be required to dispose of the generated solid waste according to the law, but may reject the services provided by the system provided such rejection is in writing and explains to the satisfaction of the Township Supervisor how the solid waste generates is being collected and disposed of according to the law.

Section 3. Procedure for Pickup of Solid Waste

- a) Each single family residential unit within the Township of Republic shall receive at least one (1) pickup of solid waste during each week at a time and according to a schedule to be established by the Township Board.
- b) Each multiple family residential unit, including duplexes and apartment houses within the Township of Republic shall receive at one (1) pickup of solid waste during each week at a time and according to a schedule to be established by the Township Board.
- c) Each business, commercial establishment, restaurant, institution and every other premise which generates solid waste other than residential solid waste shall establish a pickup with a commercial hauler as often as is reasonable and necessary in order to protect the public health.
- d) (1) Solid waste pickup service will be provided at curbside or roadside to single family residential units, duplexes, and multiple family residential units. Multiple family residential units may receive service off street, provided that adequate room is provided for the collection vehicles to safely and conveniently make the collection.

(2) Solid waste pickup service provided to nonresidential premises will be provided at curbside or roadside, or at any other place near the premises and within the public right of way where the collection vehicle can safely and conveniently make the collection.

(3) 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. Garbage after having been placed in a plastic bag may be placed in either a metal garbage can or plastic garbage receptacle, which container shall have two (2) handles and a tight fitting cover, at the time the garbage is placed at roadside or curbside for pickup. No such container as loaded shall exceed a weight of sixty (60) pounds.

(4) Each business, commercial establishment, restaurant, institution and every other premises which generates solid waste other than normal domestic solid waste may elect to place such waste in a dumpster or other large container, provided however, that:

- A) All garbage shall be placed in plastic bags properly sealed, and
- B) Each container shall be compatible with the mechanized handling equipment of the solid waste hauler.

- e) No person shall place at curbside, roadside or anywhere else any white goods (refrigerators, stoves, water heaters), 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) or any other type of material required to be disposed of at a Type III landfill, for pickup or collection by the solid waste hauler. And, these types of materials shall not be accepted for pickup by the solid waste hauler. Any person or use wishing to dispose of these types of materials be required to make private arrangements therefore with a properly licensed solid waste hauler, solid waste processing plant, solid waste transfer facility or disposal are, as these terms are defined in ACT 641 P.A. 1978 (M.S.A. sub Sec 13.29 (1) et. Seq.;M.C.L.A. sub sec 299.401 et. Seq.), for the proper and legal disposal thereof.
- f) Solid waste shall not be placed out for pickup more than twelve (12) hours prior to the scheduled pickup time.
- g) 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 with the Township of Republic, except the placement thereof for pickup by a licensed solid waste hauler in accordance with provisions of this ordinance.
- h) Any user wishing to dispose of ashes, demolished building materials, building material or any other nontoxic or non-hazardous waste, the collection of which is not provided during scheduled pickups, may contact the solid waste hauler and make arrangements for a special pickup of such materials.
- i) Any user having a complaint against the solid waste hauler engaged by the Township of Republic shall communicate such complaint to the Township Supervisor. It shall be the

duty of the Township Supervisor or his agent or representative, 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 4. 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 to be maintained by the Township of Republic.
- b) All user fee charges assessed against users pursuant to the terms of this Ordinance shall be collected by the Township of Republic, and shall be deposited into the Solid Waste Disposal Fund.
- c) User fee charges as established in the User Fee Charges Schedule attached hereto shall be billed to each user account on the first (1st) day of each month. The garbage collection billing for all residences with the water and /or sewer service area shall be billed monthly. All residences outside of the water and/or sewer service area shall be billed semiannually.
- d) The rates and charges to users of the System shall be a lien on the premises for which the services have been provided, and amounts delinquent for three (3) months or more shall be certified annually to the Township Tax Assessor to be entered upon the next tax roll against the premises to which the services have been rendered. The charge shall be collected and the lien enforced in the same manner as provided for the collection of taxes assessed upon the tax roll and the enforcement of a lien for unpaid taxes. This tax roll lien may be utilized notwithstanding the fact that there are or may be no delinquent real property taxes outstanding against the premises.
- e) The Republic Township Board shall adopt a User Fee 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 Republic 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, the Republic Township Board shall adjust the rates and rate structure which will cover all costs and expenses incurred by the Township in operating the system.
- f) If periodic redeterminations of costs are necessary, such redetermination may be made without further notice to the record owners or parties in interest in the property.

Section 5. Unlawful Collection or Disposal of Solid Waste

- a) It shall be unlawful for any person within the Township of Republic:
 - 1) To pickup or to collect any residential solid waste or
 - 2) To transport 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 Township of Republic.

- b) It shall be unlawful for any person within the Township of Republic 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 Township of Republic 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.
- d) Any Township resident may transport rubbish; white goods demolished building materials, building materials, tires, grass clippings, tree trimmings and other type III materials to the West Marquette County Transfer Station with permit tickets available at the Republic Township Hall.

Section 6. Penalties

Every person violating the provisions of this Ordinance shall be guilty of a misdemeanor, punishable by imprisonment in the Marquette County Jail for a period not to exceed ninety (90) days or by fine not to exceed One Hundred (\$100.00) dollars, or by both such fine and imprisonment in the discretion of the Court. The imposition of punishment for a criminal violation of this Ordinance shall not relieve any person from civil responsibility to the Township of Republic for payment of the rates and charges for services furnished to such person under the provisions of this Ordinance, and the Township of Republic may simultaneously pursue its civil remedies, criminal remedies and enforcement of any lien it may have against any premises in connection with any violation of the terms and provisions of this Ordinance.

This Ordinance was adopted August 27, 1990, published on August 31, 1990 and effective on September 30, 1990, Amendments Adopted September 26, 1991 Gary Johnson, Township Supervisor

Garbage Collection User Fee Schedule

September 26, 1991

The Garbage Collection rate schedule is as follows:

- a) **Large Businesses** (i.e.; stores, schools, etc.) shall pay \$36 per month if they participate in the recycling program. **Large Businesses** shall pay \$48 per month if they do not participate in the recycling program.
- b) **Small Businesses** (i.e.; taverns, gas stations, etc.) shall pay \$20 per month
- c) **Residences** shall pay \$10 per month.
- d) **Senior Citizens, Widows or Widowers**, (living alone) shall pay \$5 per month
- e) **Seasonal Residents** shall be billed \$30 per year. Any Seasonal dwellings occupied for more than six months of any calendar year shall pay a flat fee of \$10 per month.

Amendment to Solid Waste Ordinance Garbage Collection User Fee Schedule

The Garbage Collection rate schedule is as follows:

Businesses requiring dumpsters shall pay \$15.00 per month dumpster rental plus \$6.50 per rate yard of dumpster capacity.

Dumpster capacity recommended by Solid Waste Contractor Study:

School	Four (4) yard dumpster
Supervalve	Four (4) yard dumpster + cardboard
Maki's Mini-Mart	Two (2) yard dumpster + cardboard
Robin's Nest	Two (2) yard dumpster
Summer Place	Two (2) yard dumpster
St. Vincent DePaul	Two (2) yard dumpster
Pine Grove	One (1) yard dumpster
Bill's Bar	One (1) yard dumpster
Marquette Co. Rd Comm.	One (1) yard dumpster

Cardboard shall be handled by employee from generator's business; Township shall provide compactor and operator.

Businesses not requiring dumpsters (i.e.; hair shops, hardware store, etc.) shall pay \$15.00 per month

Residences shall pay \$10.00 per month.

Senior Citizens, Widows and Widowers (living alone), Shall pay \$5.00 per month

Seasonal Residents shall be billed a minimum of \$30.00. And \$10.00 additional shall be billed for each month of residence beyond 3 months.

Transfer Stations Users shall pay \$3.00 per hundred pounds of waste weight.

Motion by Oja, Supported by Allain, to adopt the rate schedule and for it to become effective 10/01/93. Roll Call vote = 5 = aye, 0 = nay ADOPTED 9/23/93.

Amendment to Solid Waste Ordinance Garbage Collection User Fee Schedule

Whereas, the expenses exceed the income in the Solid Waste Fund.....

BE IT HEREBY RESOLVED, that the Republic Township Board makes an amendment to the Solid Waste Ordinance making the following rate changes, which will become effective April 1, 1997:

Monthly customers = increase of \$1.00 per month (to \$11.00)
Senior customers = increase of \$.50 per month (to \$5.50)
Business customers = increase of \$1.00 per month (to \$16.00)
Seasonal customers = increase of \$15.00 per year (to 45.00)
Surrounding Townships = increase of 10% per year

BE IT FURTHER RESOLVED, that Republic Township institute an annual rate adjustment, the amount of which will be determined each year.

Motion by Oja, supported by Adams to adopt the above adjustment to the Republic Township Solid Waste Ordinance.

Roll Call Vote: Adams – yes, Allain – yes, Mattila – yes, Oja – yes, Skogman – yes. Carried ADOPTED 02-06-97

Solid Waste Rate Changes 02/22/05

At a Solid Waste Budget Workshop, held February 22, 2005, and called to order by Supervisor Johnson at 7:35pm rate changes were discussed and proposed. A motion was made, seconded, and passed to adopt the following rate changes to Republic Township's Solid Waste Fee Schedule:

Seasonal garbage rates – from \$45 to \$50 a year
Urban garbage rates – from \$9 to \$12 per month

Rural garbage rates – from \$12 to \$15 per month
Senior Citizens (62 & older living alone) from \$4.50 to \$6 per month
Business w/o dumpster from \$17 - \$20 per month
Business with a 1 yd dumpster – from \$46.66 to \$50.00 per month
Business with a 2 yd dumpster – from 78.33 to \$85 per month
Business with a 4 yd dumpster – from \$141.66 to \$155 per month
Transfer Station from \$5 to \$5.50 per 100 pounds
Transfer Station/tires w/o a rim from \$1 to \$1.50 per tire