

**KINROSS TOWNSHIP
ORDINANCE NO. 1.116**

Adopted: July 15, 1996

Effective: September 13, 1996

Amended: Nov. 18, 1996 and Nov. 15, 1999

THE CHARTER TOWNSHIP OF KINROSS ORDAINS:

ORDINANCE NO 16

An ordinance to establish a solid waste collection system, including solid waste storage and disposal, rates and charges for solid waste collection, and penalties for violation thereof in the Woodside Area of the Charter Township of Kinross, Chippewa County, Michigan.

ARTICLE I

SHORT TITLE

SECTION 101: Short Title:

This Ordinance shall be known as the "Solid Waste Collection Ordinance" and may be cited as such.

ARTICLE II

DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of the terms set forth below and used in this Ordinance shall be as follows:

SECTION 201: "Act 451" means the Natural Resources and Environmental Protection Act, which is Act 451 of the Public Acts of Michigan of 1994, as amended.

SECTION 202: "Clerk" means the Township Clerk or his or her authorized deputies, assistants, or agents.

SECTION 203: "Collection District" means the plats of Cedar Grove Estates No.1, Cedar Grove Estates No.2, Cedar Grove Estates No.3, Country Club Condominiums and Windermere Condominiums, all being located in the Charter Township of Kinross and commonly known as Woodside.

SECTION 204: "Collection Fee" means the fee established by the Township for the collection of Solid Waste from Premises located within the Collection District.

SECTION 205: "Customer" means any Person owning or occupying Premises within the Collection District.

SECTION 206: "Hazardous Waste" means hazardous waste as defined in Act 451 and related administrative rules.

SECTION 207: "Miscellaneous Customer Charges" means amounts charged to Customers for miscellaneous services and related administrative costs associated with the Solid Waste Collection System, including, without limitation, the additional expense of collecting furniture, appliances, tires, and similar items in excess of 30 pounds and dead animals in excess of 5 pounds, and the expense incurred by the Township to collect and/or pick up accumulated Solid Waste on Premises within the Collection District, which has not been properly stored or disposed of by the owner or occupant of said Premises under the terms of the Ordinance.

SECTION 208: "Person" means any individual, firm, public or private corporation, partnership, trust, public or private agency or any other entity, or any group of such persons.

SECTION 209: "Premises" means a separate lot or parcel used or intended for use for residential purposes, only (either owner occupied or rental) and not for commercial or industrial purposes, to which a separate street address, postal address or box, tax roll description, and activated water meter has been assigned.

SECTION 210: "Solid Waste Collection System" means the services provided by this Ordinance for the collection of Solid Waste in the Collection District.

SECTION 211: "Solid Waste" 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; household rubbish including, without limitation, paper, cardboard, metal containers, wood, glass, bedding, crockery, demolished building materials, or other nonputrescible, combustible and noncombustible litter of any kind that may be a detriment to the public health and safety. For purposes of this Ordinance, Solid Waste shall not include Hazardous Waste, human body waste, Yard Clippings, and other types of waste materials or substances excluded from the definition of Solid Waste as set forth in Section 11506(1) of Act 451.

SECTION 212: "Solid Waste Plan" means that certain Solid Waste Management Plan for Chippewa, Luce, and Mackinaw Counties dated September 1990, and as amended from time to time, prepared by the Eastern Upper Peninsula Regional Planning and Development Commission.

SECTION 213: "Township" means the Charter Township of Kinross, Chippewa County, Michigan, as represented by the Kinross Township Board.

SECTION 214: "Waste Hauler" means any Person collecting, transporting, delivering, or disposing of Solid Waste generated within the collection District pursuant to contract with the Township.

SECTION 215: "Yard Clippings" means leaves, grass clippings, vegetable or other garden debris, shrubbery, or brush or tree trimmings less than 4 feet in length and 2 inches in diameter, that can be converted to compost humus.

ARTICLE III

POWERS AND AUTHORITY

SECTION 301: Statutory Authority.

The Township enacts this Ordinance and establishes the Solid Waste Collection System within the Collection District pursuant to its powers and, authority under the Charter Township Act, which is Act 359 of the Public Acts of Michigan of 1947, as amended, and the Revenue Bond Act of 1933, which is Act 94 of the Public Acts of Michigan of 1933, as amended.

SECTION 302: Public Health and Safety; Public Improvement.

The Township determines that the disposal of Solid Waste from a Person's own household upon the Person's own Premises located within the Collection District constitutes a nuisance and a hazard to public health. The Township hereby further determines that the Solid Waste Collection System and regulation of storage and disposal of Solid Waste within the Collection District:

- (a) is necessary to ensure public health and safety in accordance with Section 15 of the Charter Township Act and
- (b) constitutes a public improvement within the meaning of Section 3(c) of the Revenue Bond Act of 1933.

SECTION 303: Solid Waste Plan.

The Township hereby determines that the Solid Waste Collection System and the regulation of storage and disposal of solid Waste within the Collection District as set forth in this Ordinance are consistent with and in furtherance of the goals and recommendations of the Solid Waste Plan.

ARTICLE IV

WASTE HAULER AND TRANSPORTATION OF SOLID WASTE

SECTION 401: Contract With Waste Hauler.

The Township shall contract with one or more licensed waste haulers selected through the process of competitive bidding to collect Solid Waste from Premises located in the Collection District. The contract between the Waste Hauler and the Township shall include, without limitation, the following provisions:

a. Solid Waste Transportation Unit

- (1) Any Solid Waste transportation unit operated pursuant to this Ordinance shall have the name of the duly authorized Waste Hauler, the address and telephone number plainly marked upon both sides of the vehicle in a place and color plainly visible, in letters and figures of three (3) inches or more.
- (2) A Solid Waste transporting unit operated pursuant to this Ordinance shall not be parked in a residence zone longer than necessary to collect Solid Waste unless within a completely enclosed garage or building. A Solid Waste transporting unit

shall not be parked, stored or established at any location so as to cause a nuisance or hazard to health.

b. Identification of Solid Waste Containers

A Solid Waste container used by the Township's Waste hauler which has a capacity of at least one-half (1/2) cubic yard shall be plainly marked on at least three (3) sides of the Solid Waste container in letters and figures not less than three (3) inches in height with the name, current street address and current telephone number of the Waste Hauler.

c. Insurance

The Township's Waste Hauler shall furnish to the Township evidence of Worker's Compensation Insurance having at a minimum, the statute only mandated coverage and evidence of Contractor's Motor Vehicle Bodily Injury and Property Damage Insurance in amounts acceptable to the Township. All such policies shall be issued by carriers acceptable to the Township and shall name the Township as additional insured.

d. Compliance With Laws

The Township's Waste Hauler shall comply with all the provisions of this Ordinance, the Solid Waste Plan and all applicable Federal and State laws, statutes, rules and regulations (including, but not limited to Act 451 and related administrative rules) in the collection, transportation, delivery, and disposal of Solid Waste.

SECTION 402: Disposal of Solid Waste in Interstate Commerce.

Neither this Ordinance nor the township's contract with the Waste Hauler shall be construed to limit the disposal of Solid Waste in interstate commerce by the Waste Hauler.

ARTICLE V

SOLID WASTE AND SOLID WASTE COLLECTION

SECTION 501: Solid Waste Collection Service.

The Township shall provide Solid Waste Collection Service to all Premises in the Collection District. Use of the Solid Waste Collection System and adherence to the provisions of this Ordinance are mandatory for all owners and occupants of Premises within the Collection District for all materials included in the definition of Solid Waste set forth in Article 2 of this Ordinance. Solid Waste collection within the Collection District shall be provided only by a Waste Hauler pursuant to contract with the Township. Premises which are unoccupied for a period of at least forty five (45) consecutive days shall be eligible for exemption from the rates and charges imposed under Article VI of this Ordinance for each full calendar month during such period of vacancy provided the owner of such property files with the Township at least fifteen (15) days in advance of the commencement of such period a signed affidavit setting forth the beginning date and ending date of the period of vacancy.

SECTION 502: Accumulation of Solid Waste.

No Person shall accumulate or allow the accumulation for a period of more than seven (7) consecutive days of any Solid Waste on any Premises owned, occupied, or controlled by that person which is located within the Collection District. No Person

shall throw or deposit any Solid Waste upon or into any street, alley or other property, public or private within the Collection District. It shall be the duty of every occupant of Premises within the Collection District and of every owner of unoccupied Premises within the Collection District at all times to maintain the Premises occupied or owned by him or her, in a clean and orderly condition, permitting no deposit or accumulation of solid Waste upon such Premises, unless stored or accumulated as permitted by this Ordinance.

SECTION 503: Storage of Solid Waste.

Unless otherwise permitted in the Ordinance, all Solid Waste stored on any Premises between collections must be stored in plastic bags or plastic bag lined rigid containers. The owner or occupant of any Premises within the Collection District shall maintain on said Premises one (1) or more refuse containers, each having a capacity of not more than thirty (30) gallons, and the number of containers kept on each Premises shall be sufficient to conveniently store the normal accumulation of Solid Waste on said Premises over a period of not less than seven (7) days. Such containers may be constructed of rigid metal or plastic with tightly fitting covers, which are rodent-proof, or may be polyethylene plastic refuse bags or other plastic bags. Rigid refuse containers must be plastic bag lined and kept tightly covered except when opened for deposit or removal of Solid Waste. Plastic bags used as storage containers must be kept in a clean and sanitary condition. Certain items must be stored and prepared for collection as follows.

- (1) Broken glass must be double wrapped in newspaper before being placed in container.
- (2) Cardboard boxes must be flattened and securely bundled, weighing no more than 30 pounds per bundle and need not be placed inside a container.
- (3) Newspapers must be bundled with strong string or twine and weigh no more than 30 pounds per bundle and need not be placed inside a container.
- (4) Rigid containers for storage of Solid Waste and permitted bundles of Solid Waste shall be placed at the rear or side of buildings at a place which is reasonably inconspicuous and away from streets and places occupied by other persons; plastic bags, when used as storage containers, and not as liners for rigid containers, must be kept tightly sealed and must be located, prior to placement for collection, in a place not readily accessible to animals, children or the elements. (Amended Nov. 18, 1996) and (Amended Nov. 15, 1999)

SECTION 504: Placement of Solid Waste for Collection.

All Solid Waste, whether in proper containers or permitted bundles, intended for Township collection must be placed in the parkway near the street curb in front of the Premises, before 7:00 a.m. on the day of collection. In no case shall Solid Waste or containers intended for Township collection be placed at the curb or alley before 7:00 p.m. of the day preceding the collection day. Solid Waste shall not be placed or accumulated at the collection location except in accordance with this Ordinance.

SECTION 505: Frequency of Collection.

Solid Waste shall be collected one (1) day per week within the Collection District according to a schedule established by the Township. The Township shall inform the Customer in writing of the collection schedule.

SECTION 506: Holidays.

Solid Waste Collections will not be made on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. Whenever collections are interrupted because of one (1) of these holidays, the scheduled collection of Solid Waste will be postponed by one (1) day.

SECTION 507: Weight Limit.

Unless special arrangements are made with the Township Supervisor, no container or bundle of Solid Waste shall exceed thirty (30) pounds or thirty (30) gallons when full. Larger items which constitute Solid Waste, such as furniture, appliances and tires, will not be collected during regularly scheduled collection times. Arrangements for pick-up of larger items must be made with the Township.

SECTION 508: Responsibility for Solid Waste.

The Owner or occupant of Premises shall be responsible to clean up any scattered Solid Waste resulting from the breakage or opening of plastic bags or rigid containers prior to collection. The owner or occupant of the Premises shall take necessary measures to ensure that Solid Waste is protected from animals, and that it is packaged in such a way that it does not cause breakage of the container. Owners and occupants of Premises within the Collection District shall be responsible for the removal of any Solid Waste located on the parkway or in an alley adjacent to the Premises, except when the items are placed on the parkway or in the alley for Township collection in accordance with this Ordinance.

SECTION 509: Dead Animals.

The Township shall collect dead animals, provided they are placed in tightly sealed polyethylene bags or covered boxes. The Township shall collect dead animals weighing less than five (5) pounds in the routine weekly collection of Solid Waste collection. Customers shall make arrangements with the Township for collection of larger dead animals. This service shall be provided for residential premises within the Collection District only, and is not intended for use by veterinarians or commercial establishments.

SECTION 510: Source Separation.

The Township may provide for the separation, at the point of collection, of newspapers or certain other specific materials, which may be salvageable. Any such source separated materials must be securely bundled or in proper containers and must not weigh in excess of thirty (30) pounds.

ARTICLE VI

RATES AND CHARGES

SECTION 601: Collection Fee.

The Township Board shall, by resolution, be authorized to establish a Collection Fee schedule for the collection of Solid Waste, and may, by resolution, adjust the Collection Fee schedule as necessary, without amending the Solid Waste Collection Ordinance. (Amended Nov. 18, 1996) and (Amended Nov. 15, 1999)

SECTION 602: Miscellaneous Customer Charge.

The Township shall, from time to time, establish Miscellaneous Customer Charges, as necessary, for miscellaneous services and related administrative costs associated with the Solid Waste Collection System.

ARTICLE VII**PAYMENT & COLLECTIONS****SECTION 701: Monthly Bills.**

Bills for the Collection Fee and Miscellaneous Customer Charges shall be dated and mailed monthly as a separately stated item on the water and sewer bill issued by the Township. These monthly bills shall be due and payable at the business office of the Township or to any designated agent on their date of issue. If not paid by the 20th day after the date of the bills, a time price differential equal to 1 % per month or fraction of a month shall be charged on the unpaid balance. In addition, there shall be charged a late penalty in an amount to be established by the Township Board by resolution. (Amended Nov. 18, 1996) and (Amended Nov. 15, 1999)

SECTION 702: Remedies for Nonpayment.

If the Collection Fee and Miscellaneous Customer Charge are not paid on or before their respective due date, the Township may:

- i. institute an action in any court of competent jurisdiction for the collection of the amounts unpaid, including penalties, interest and reasonable attorney fees; or
- ii. enforce the lien created in Section 703 below. These remedies shall be cumulative and shall be in addition to any other remedy provided in this Ordinance or now or hereafter existing at law or in equity. Under no circumstances shall action taken by the Township to collect unpaid rates and charges, penalties and interest, invalidate or waive the lien created by Section 703 below.

SECTION 703: Lien.

Except as set forth below, the Collection Fee, Miscellaneous Customer Charge, interest or late penalty shall be a lien on the respective Premises served by the Solid Waste Collection System. Whenever rates and charges shall be unpaid for sixty (60) days or more, they shall be considered delinquent. The Township Treasurer shall certify all delinquent rates and charges annually, on or before September 1 of each year to the tax-assessing officer of the Township, who shall enter the delinquent rates and charges, interest and penalties upon the next tax roll as a charge against the Premises affected and such charges shall be collected and the lien thereof enforced in the same manner as ad valorem property taxes levied against such Premises. A lien shall not attach to Premises which is subject to a legally executed lease that expressly provides that the Premises lessee, and not the Premises lessor, shall be liable for payment of any Collection Fee and Miscellaneous Customer Charge for services which accrue after an affidavit is filed with the Township. The affidavit described in the preceding sentence shall include the particulars of the execution of the lease and a notation of the expiration of the lease. In addition, the lessor shall give the Township twenty (20) days written

notice of any cancellation, change in or termination of the lease. The filing of the affidavit shall be accompanied by a security deposit in the amount equal to three months of Collection Fees, which upon failure of the lessee to pay the Collection Fee and Miscellaneous Customer Charges as they come due, shall be applied against the unpaid balance. The lessee shall immediately make sufficient payment to the Township to cover the amount of the security deposit so advanced. Upon failure of the lessee to do so within ten (10) days of said advance, the Township may institute an action in any court of competent jurisdiction for the collection of unpaid amounts including penalties, interest and reasonable attorney fees. (Amended Nov. 18.1996) and (Amended Nov. 15, 1999)

SECTION 704: No Free Service.

No free service shall be furnished by the Solid Waste Collection System to any Person, public or private, or to any public agency or instrumentality.

SECTION 705: Notice of Rates and Charges.

All bills and notices relating to the conduct of the business of the Township and of the Solid Waste Collection System will be mailed to the Customer's address set forth on the Township tax roll unless a change of address has been filed in writing at the business office of the Township. The Township shall not otherwise be responsible for delivery of any bill or notice, nor will the Customer be excused from nonpayment of a bill or from any performance required in said notice by reason of non-delivery thereof.

SECTION 706: Interruptions of Service.

The Township shall make all reasonable efforts to eliminate interruptions of service and, when such interruptions occur, will endeavor to reestablish service with the shortest possible delay. The Township will notify all Customers affected by an interruption in service in advance whenever it is possible to do so.

SECTION 707: Appeals.

Any Customer has the right to appeal any Collection Fee or Miscellaneous Customer Charge levied in accordance with this Ordinance. Appeals shall be directed to the township, along with any supporting documentation for amendment of the charges in question. Any additional information that may be required to resolve the appeal, as directed by the Township, shall be obtained by the Customer at his or her expense. Resolution of appeals shall be made within sixty (60) days by the Township in accordance with best available data and this Ordinance. All bills for Collection Fees and Miscellaneous Customer Charges shall continue to be due and payable. Upon resolution of the appeal, the Township shall adjust said charges accordingly, including any refunds due. Refunds shall be retroactive to the previous 12 months' billings only.

ARTICLE VIII

ENTRY ONTO PREMISES

SECTION 801: Entry for Collection.

Duly authorized Township representatives (including, but not limited to, employees of the Township Waste Hauler) bearing proper credentials and identification, shall be permitted to enter any Premises within the Collection District for collection of Solid Waste in accordance with this Ordinance.

SECTION 802: Entry to Remedy Violation.

Duly authorized Township representatives (including, but not limited to, employees of the Township Waste Hauler) bearing proper credentials and identification, shall be permitted to enter any Premises within the Township in order to remedy any violation of this Ordinance.

SECTION 803: Observation of Safety.

While performing the duties of Sections 801 and 802 above, the duly authorized employees or representatives of the Township shall observe all reasonable safety rules applicable to the Premises.

ARTICLE IX

PENALTIES

SECTION 901: Notice of Violation.

Any Person found to be violating any provision of this Ordinance shall be served by the Township with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

SECTION 902: Civil Infraction.

Any violation of any provision of this Ordinance, or any violation beyond the time limit provided for in Section 901, shall be a municipal civil infraction, for which the fine shall not be less than \$100 nor more than \$500 for the first offense and not less than \$200 more than \$2,500 for subsequent offenses, in the discretion of the court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, "subsequent offense" means a violation, of this Ordinance committed by the same person within 12 months of a previous violation of the Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following issuance of a citation for the first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense. Any person violating any of the provisions of this Ordinance shall, in addition, become liable for any expense, loss, or damage occasioned by reason of such violation.

SECTION 903: Nuisance.

Any nuisance or any violation of this Ordinance is deemed to be a nuisance per se. The Township, in the furtherance of the public health is hereby empowered to enforce the requirements of this Ordinance by injunction, or take other corrective action necessitated by such nuisance or violation, including, without limitation, entry onto the subject Premises to remedy the violation. The Person who violated the Ordinance or permitted such nuisance or violation to occur shall be responsible to the Township for the costs and expenses incurred by the Township in taking such action.

SECTION 904: Township's Costs and Expenses.

Any Person violating any of the provisions of this Ordinance shall become liable to the Township and its representatives for any expense, including reasonable attorney's fees, loss, or damage incurred by the Township by reason of such violation.

SECTION 905: Remedies Cumulative.

The remedies provided by this Ordinance shall be deemed to be cumulative and not mutually exclusive.

ARTICLE X

VALIDITY

SECTION 1001: Repeal of Conflicting Provisions.

All Ordinances or parts of Ordinances in conflict herewith and relating to the Solid Waste Collection System are hereby repealed.

SECTION 1002: Severability of Invalid Provisions.

The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given without such invalid part or parts.

ARTICLE XI

PUBLICATION AND EFFECTIVE DATE

SECTION 1101: Newspaper Publication.

A true copy of this Ordinance shall be published in The Community Voice within thirty (30) days after the adoption of the Ordinance by the Township.

SECTION 1102: Effective Date.

This Ordinance shall be in full force and effect thirty (30) days after its publication as provided by law.

ARTICLE XII

AMENDMENT

SECTION 1201: Reservation to Amend.

The Township specifically reserves the right to amend this Ordinance in whole or in part, at one or more times hereafter, or to repeal the same, and by such amendment to repeal, abandon, increase, decrease or otherwise modify any of the fees, charges or rates herein provided.

(Ord.1.117) Passed and adopted by the Township Board of the Charter Township of Kinross, County of Chippewa, Michigan on November 18, 1996. And the Township Ordinance No. 1.117 or a summary thereof was published in The Evening News

and Community Voice on November 28, 1996. (AMENDMENT 1.117)

(Ord. 1.118) Passed and adopted by the Township Board of the Charter Township of Kinross, County of Chippewa, Michigan on November 15, 1999. This ordinance was published in The Community Voice on November 25, 1999, and in The Evening News on November 24, 1999. This ordinance shall become effective on December 1, 1999. (AMENDMENT 1.118)

Passed and adopted by the Township Board of the Charter Township of Kinross, County of Chippewa, Michigan, on July 15, 1996, and approved by me on July 15, 1996. **(and Amended as stated above)**