

# Solid Waste Management Ordinance

## No. 46

AN ORDINANCE TO PROVIDE FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE WITHIN THE TOWNSHIP OF MARKEY, ROSCOMMON COUNTY, MICHIGAN, PURSUANT TO THE TERMS AND PROVISIONS OF THE WASTE MANAGEMENT RESOURCE RECOVERY FINANCE ACT OF 1978 (M.S.A. § 5.2725) (11) ET. SQ.).

THE TOWNSHIP OF MARKEY, ROSCOMMON COUNTY, MICHIGAN,  
ORDAINS:

### Section 1: TITLE.

This Ordinance shall be known and cited as the “Markey Township Solid Waste Management Ordinance.”

### Section 2: DEFINITIONS.

As used in this 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 or existing under the laws of the State of Michigan or any other state, including a federal corporation.
- d. “Residential solid waste” means solid waste generated or originating from any building, home or structure.
- e. “Rubbish” means non-decaying solid waste, consisting of both combustible and noncombustible waste, including paper, cardboard, metal containers, wood, glass, bedding, crockery, and litter of any kind, that may be a detriment to the public health and safety, but excluding ashes, demolished building materials, and building materials.
- f. “Solid Waste” means garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleaning, municipal and industrial sledges, and solid commercial and industrial waste, animal waste, human body waste, liquid waste or sanitary sewage, and ferrous or nonferrous scrap.
- g. “User” means a person receiving solid waste collection services.

Terms or words used in this Ordinance and not defined herein shall have the meaning as defined in Act 641, P.A. 1978, and the rules and regulations issued hereunder, or as commonly understood and used if not so defined.

Section 3: COLLECTION AND DISPOSAL OF SOLID WASTE.

a. The Township of Markey shall, by contract, engage the services of one or more persons to provide for the regular collection and disposal of solid waste generated within the Township of Markey. Each IMPROVED parcel within the Township of Markey shall be assessed a reasonable charge in accordance with the "User Fee Charge Schedule" attached hereto and incorporated herein by reference.

Section 4: COLLECTION PROCEDURES FOR SOLID WASTE.

a. Each single and duplex family residence will receive curbside or roadside collection of residential solid waste in accordance with a schedule approved by the Township Board. If the residence is on a private road the solid waste must be placed at the nearest public road.

b. Each business, commercial establishment/rental complex, apartment house, restaurant, institution, and premises in the Township of Markey which generates solid waste and does not meet the requirements of the fee schedule shall contract for collection with a commercial hauler as often as is reasonable and necessary in order to protect the public health.

c. All garbage must be placed in plastic bags, properly sealed so as to prevent leakage or spillage. No plastic bag containing garbage shall exceed the weight specified in the waste haulers contract. No garbage container shall exceed the weight specified in the waste haulers contract. All items of solid waste other than garbage may be placed in any type of container or receptacle, provided; however, that no such container or receptacle shall exceed the weight specified in the waste haulers contract. Containers or receptacles which the user wishes to retain after collection services shall be clearly marked or labeled so that the solid waste hauler does not remove them from the premises.

e. Each business, commercial establishment/rental complex, apartment house, restaurant, institution, and premises which generate solid waste may elect to place such waste in a dumpster or other large container; provided, however, that all garbage shall be placed in plastic bags and properly sealed.

f. Solid waste shall be placed out prior to the scheduled collection time to ensure pickup.

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 or private property within the Township of Markey, except the placement thereof for collection by a licensed solid waste hauler in accordance with the provisions of this Ordinance.

h. Any user wishing to dispose of demolished building materials, building materials, and any other nontoxic or non-hazardous waste, the collection of which is not provided during schedule collection, may contract with the solid waste hauler for a special collection of such materials or deliver them to an authorized transfer facility.

i. Any user having a complaint against the solid waste hauler engaged by the Township of Markey shall communicate such complaint to the Township Clerk. It shall be the duty of the Township Clerk 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 5: COLLECTION OF USER FEE CHARGES AND ADMINISTRATION OF ORDINANCE.

- a. There is hereby created a Markey Township Garbage Fund which is established as a separate fund to be maintained by Township of Markey
- b. The Markey Township Board shall adopt a "User Fee Charge Schedule" which will provide sufficient revenues so that the Markey Township Garbage 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 the Markey Township Board shall adjust the rates and charges to users of the system which will cover all costs and expenses incurred by the Township in operating the system.
- c. All user fee charges assessed against users pursuant to the terms of this Ordinance shall be collected by the Township of Markey, and shall be deposited into the Markey Township Garbage Fund.
- d. User fee charges as established in the "User Fee Charge Schedule" attached hereto shall be billed to each user and placed on there tax bill. The rates and charges to users of the system shall be a lien on the premises for which the services have been provided to be entered upon the tax roll against the premises to which the service has been rendered. The charges shall be collected and the lien enforced in the same procedure established by law for the enforcement and collection of real property taxes against the premises.

Section 6: UNLAWFUL COLLECTION OR DISPOSAL OF SOLID WASTE.

- a. It shall be unlawful for any person within the Township of Markey 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.
- b. It shall be unlawful for any person within the Township of Markey 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.

Section 7: PENALTIES.

Any person who shall violate the provision of this Ordinance shall be guilty of a civil infraction and, upon conviction thereof, shall be subject to punishment by a fine of not more than one hundred dollars (\$100) and a cost of prosecution for the first offense. Upon conviction of subsequent violations, such person shall be punishable by a fine of not more than five hundred dollars (\$500) and cost of prosecution. The imposition of punishment for a civil violation of this Ordinance shall not relieve any person for civil responsibilities to the Township of Markey for payment of rates and charges for services furnished to such person under the provisions of this Ordinance, and the Township of Markey, may simultaneously pursue its civil remedies and enforcement of any lien it may have against any premise in connection with any violation of the terms and provisions of this Ordinance.

Section 8: SEVERABILITY.

The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 9: CONFLICTING PROVISIONS.

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 10: EFFECTIVE DATE.

This Ordinance shall take effect and be in force seven (7) days after its publication in a newspaper of general circulation in the Township of Markey.

ADOPTED April 12, 2010  
EFFECTIVE April 30, 2010

USER FEE CHARGE SCHEDULE

I. USER CHARGES.

- A. Annual Residential Garbage Fee per unit \$ \$80.00. 6 bag limit. Each container shall count as one bag.
- B. Resort Garbage Fee \$ 160.00 with a 12 bag limit. Each container shall count as one bag.
- C. Associations Fee \$80.00 per unit with a 6 bag limit per unit.
- D. Each business, commercial establishment/rental complex, apartment house, restaurant, institution, and premises in the Township of Markey which generates solid waste and can not meet the above requirements shall contract for collection with a commercial hauler as often as is reasonable and necessary in order to protect the public health.

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Esther Rons, Clerk

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Larry Hagerty, Supervisor