

**FRANKENLUST TOWNSHIP
BAY COUNTY, MICHIGAN
SOLID WASTE DISPOSAL
ORDINANCE NO. 8A**

An Ordinance of Frankenlust Township, Bay County, Michigan, establishing a municipal service for the collection and disposal of residential solid waste accumulated in the Township of Frankenlust; prescribing regulations for the storage, collection and separation of solid waste within the Township; providing for the maintenance of sanitary conditions on public and private premises in the Township; providing for the imposition and collection by the Township of fees for the collection and disposal of solid waste; providing penalties for the violation thereof; all for the protection of the health, safety, and general welfare of the residents of Frankenlust Township, Bay County, Michigan.

FRANKENLUST TOWNSHIP, BAY COUNTY, MICHIGAN, HEREBY ORDAINS:

SECTION 1. TITLE. This Ordinance shall be known and may be cited as the Frankenlust Township Solid Waste Disposal Ordinance.

SECTION 2. DEFINITIONS. For purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word “**shall**” is always mandatory and not merely directory.

A) “**Solid Waste**” as used in this Ordinance shall be deemed to include:

- 1) “**Ashes**” which for purposes hereof are defined as the residue from the burning of wood, coal, coke, or other combustible materials.
- 2) “**Garbage**” which for purposes hereof is defined as putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of foods.
- 3) “**Refuse**” which for purposes hereof is defined as putrescible and nonputrescible solid wastes including garbage, rubbish, ashes, street cleanings, and solid market wastes; excepting, however, body wastes, animal droppings or entrails and any material that has been identified by state or federal regulation to be unsuitable for disposal in a type II sanitary landfill.

- 4) “**Rubbish**” which for purposes hereof is defined as nonputrescible solid wastes excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, recyclable solid waste, tin cans, yard waste, wood, glass, bedding, crockery, household appliances and similar materials.
 - 5) “**Recyclable Solid Waste**” means glass; aluminum and tin containers; polyethylene terephthalate (PET) and high density polyethylene plastics (HDPE) as listed in *MCL 324.14701, et seq* (referred to as plastic number 1, number 2 and number 6); blown polystyrene; corrugated cardboard; cardboard; box board; paper; plastic and paper bags.
 - 6) “**Yard Waste**” means grass clippings, leaves, weeds, hedge clippings, garden waste, and twigs and brush no longer than four feet in length or heavier than 50 pounds in weight and two feet in diameter and Christmas trees.
- B) For purposes hereof, a “**residence**” is any building or portion thereof which is occupied for living purposes, excluding, however, the following:
- 1) A building used as a motel, hotel, or convention center,
 - 2) Mobile home in a state licensed park,
 - 3) Nursing homes,
 - 4) Convalescent homes,
 - 5) College dormitories,
 - 6) Apartments and condominiums containing more than five dwelling units in a single building, except Tennis Village,
 - 7) Buildings of like nature used in conjunction with any commercial enterprise.
- C) “**Dwelling Unit**” is any building or portion thereof having cooking and sanitary facilities, which is occupied exclusively as the home, residence or sleeping place of one (1) family, either permanently or transiently, but in no case shall a travel trailer, motor home, automobile chassis, tent or other portable building be considered a dwelling. In cases of mixed

occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions relative to dwellings, or residences.

- D) **“Dwelling, Multiple”** is a building designed for or occupied as a residence for three to five families living independently of each other and each having their own cooking facilities and sanitary accommodations.
- E) **“Dwelling, One-Family”** is a detached building designed for or occupied by one (1) family and so arranged as to provide living, cooking and sanitation facilities for one (1) family only. Also known as a single-family dwelling.
- F) **“Dwelling, Two-Family”** is a detached building, designed for or occupied by two (2) families living independently of each other. Also known as a duplex dwelling.
- G) **“Family”** is either of the following:
- 1) A domestic family, that is, one or more persons living together and related by the bonds of consanguinity, marriage, or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.
 - 2) The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise operating as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration.
- H) **“Township”** is the Township of Frankenlust.

- I) “**Supervisor**” is the Supervisor of the Township of Frankenlust.
- J) “**Person**” is any person, firm, partnership, association, corporation, or company of any kind.
- K) “**Type II Sanitary Landfill**” is as defined in *MCL 324.1501, et seq*, as amended.

SECTION 3. COLLECTION BY TOWNSHIP. All solid waste, except waste not to be collected as described in *Section 5.F.* of this Ordinance, accumulated by persons residing in Tennis Village and in or upon any one-, two-, or multiple-family dwelling unit or residence in Frankenlust Township shall be collected, conveyed, and disposed of by the Township or Contract Hauler under contract to the Township.

All such dwelling units and residences shall be required to use the services of the Township or Contract Hauler provided by the Township for disposal of solid waste.

The Township or Contract Hauler shall not pick up, haul, or dispose of trash from any motel, hotel or convention center; mobile homes in a state licensed park; nursing homes; convalescent homes; colleges and college dormitories; apartments and condominiums containing more than five dwelling units in a single building, except Tennis Village; or buildings of like nature used in conjunction with any commercial enterprise within the Township of Frankenlust nor any commercial or industrial establishment. All such commercial or industrial establishments; buildings used as a motel, hotel, or convention center; mobile homes in a state licensed park; nursing homes; convalescent homes; colleges and college dormitories; apartments and condominiums containing more than five dwelling units in a single building, except Tennis Village; or buildings of like nature used in conjunction with any commercial enterprise shall make adequate and proper provision for the collection and storage and disposal of solid waste accumulated upon such premises so as to prevent such accumulation from becoming unsafe, unsanitary, unsightly, or a nuisance, or a hazard to the health of the residents of the Township.

SECTION 4. COLLECTION SUPERVISED BY TOWNSHIP SUPERVISOR. All solid waste accumulated by persons residing in or upon any dwelling unit or residence as herein defined in the Township shall be collected, conveyed, and disposed of by the Contract hauler under the supervision of the Township Supervisor who shall have authority to make regulations concerning the date of collection, routes of collection, vehicles, and such other matters pertaining to collection, conveyance, and disposal as he shall find necessary and to change

and modify the same, provided, however, that such regulations shall not be contrary to the provisions of this Ordinance.

SECTION 5. PRE-COLLECTION PRACTICES.

A) **PREPARATION OF SOLID WASTE.** All solid waste as herein defined shall, before being placed in garbage cans or trash bags for collection, be drained free from all liquids. Garbage shall be first wrapped in paper or in trash bags before being placed in garbage cans for collection. The Township, or Contract Hauler may require the use of specific garbage cans.

B) **RECYCLABLE SOLID WASTES.** Recyclable solid wastes shall be separated from other solid wastes and placed in separate containers as follows:

(1) Paper recyclables shall be bundled separately and secured in bundles not exceeding 50 pounds and in such a manner as to prevent them from being blown or scattered, and shall be maintained in a dry condition, free of any other substances, and shall not be put into plastic bags;

(2) Other recyclable solid waste shall be cleared of all contents and rinsed; lids, corks and caps shall be removed; and, labels shall be removed from tin cans.

The Township, or Contract Hauler may require the use of specific recyclable solid waste containers.

C) **YARD WASTE.** Tree trimmings, hedge clippings, and similar materials shall be cut to length not to exceed four (4) feet and securely tied in bundles not more than two (2) feet thick before being deposited for collection. Grass clippings, weeds and similar yard waste shall be placed in paper bags, or reusable containers identified and used exclusively as yard waste containers.

D) **SOLID WASTE CONTAINERS.**

(1) **Duty to Provide and Maintain in Sanitary Condition.** If the Township, or Contract Hauler doesn't require the use of specific solid waste containers, such containers shall be provided by the owner, tenant, lessee, or occupant of the premises. Containers shall be maintained in good sanitary condition. Any container that does not conform to the provisions of this Ordinance, or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof shall be promptly placed upon

notice. The Supervisor shall have authority to refuse collection services for failure to comply herewith.

- (2) **Construction.** Containers shall be made of metal or plastic equipped with suitable handles and tight-fitting covers, and shall be watertight. Disposable waterproof trash bags may be used in lieu of metal or plastic containers.
- (3) **Capacity.** Containers shall have a capacity of not more than thirty-two (32) gallons and the weight of each container shall not exceed sixty (60) pounds.
- (4) **Sanitation.** Containers shall be of a type approved by the Township and shall be kept in a clean, neat, and sanitary condition at all times.

E) **STORAGE OF SOLID WASTE.**

- (1) **Public or Private Places.** No person shall place any solid waste in any street, alley, or other place or upon any private property, whether owned by such person or not, within the Township unless such waste shall first be placed in proper containers for collection, nor shall any person throw or deposit any such waste in any stream or other body of water.
- (2) **Burning.** No person shall burn any solid waste on any premises, public or private, in the Township.
- (3) **Unauthorized Accumulation.** Any unauthorized accumulation of trash on any premises is hereby declared to be a nuisance and is prohibited. Accumulating or allowing the accumulation of solid waste in excess of 30 days on any premises, public or private, within the Township shall be deemed a violation of the Ordinance.
- (4) **Scattering of Solid Waste.** No person shall cast, place, sweep, or deposit anywhere within the Township any solid waste in such manner that it may be carried or deposited by elements upon any street, sidewalk, alley, sewer, parkway, or other public space, or onto any occupied premises within the Township.
- (5) **Cleanliness.** It shall be the duty of each owner, tenant, lessee or occupant of any building, residential or commercial, having trash, as herein defined, to provide for and have within said building storage containers of sufficient size to handle the accumulation of trash on the premises during the interval between collection periods or disposal.
- (6) **Points of Collection.** Solid waste containers at dwellings and residences as herein defined shall be placed for collection no earlier

than 12:00 noon of the day prior to collection. Solid waste to be collected by the Township and/or the Contract Hauler shall be placed in the driveway or at the side of the road not more than twelve (12) feet from the edge of the road.

F) **SOLID WASTE NOT TO BE COLLECTED.** The following items will not be picked up as solid waste, either by the Township or by the Contract Hauler and shall not be placed by any person in a solid waste container for collection, to-wit:

(1) Any solid waste not placed in appropriate containers as are herein defined.

(2) Materials resulting from the construction, remodeling, repair, or demolition of buildings, such as stones, bricks, plaster, lumber, shingles, concrete, sand, gravel, excavated earth and surplus earth from grading, excepting one bushel basket full of any such items produced by the work of the resident upon the said premises which will be picked up at one collection period. Ashes which contain hot cinders or smoldering embers, or any material that possesses heat sufficient to ignite any other collected material will not be collected. Gaseous, solid or liquid poisons, ammunition, explosives, appliances and furniture will not be collected. Junked automobile parts including engines, transmissions, seats, doors, fenders will not be picked up and collected. Dead animals and animal waste will not be picked up. Any material that might endanger the collection personnel, or which would be detrimental to the normal operation of the collection or incineration of ordinary solid wastes shall not be collected.

SECTION 6. PRE-COLLECTION PRACTICES.

A) **FREQUENCY OF COLLECTION.** Solid waste accumulated by residences and/or dwellings as herein defined shall be collected once each week throughout the entire year. The collection schedule shall be arranged so that the collection shall fall upon the same day of the week except for interruptions due to holidays. In the event a collection day falls upon a holiday, the Supervisor shall set another day for the collection of said trash and give reasonable notice of said collection date.

B) **LIMITATION ON QUANTITY.** A reasonable accumulation of solid waste for each residence or dwelling unit shall be collected during a collection period for the standard charge.

SECTION 7. ON-SITE BURNING. No person shall burn or permit to be burned on the premises within his control any solid waste.

SECTION 8. SCAVENGING OF REFUSE MATERIALS. Scavenging and junk picking of solid waste placed for collection at the roadside is hereby expressly prohibited.

SECTION 9. SERVICE CHARGES.

- A) **AMOUNT OF SERVICE CHARGE.** The service charges for collection and disposal of refuse placed for collection at roadside for residence and dwelling units as herein defined shall be set for each calendar year by resolution of the Township Board for Frankenlust Township and cover the cost to the Township for operation of the system and shall control for the ensuing year. Such portion thereof as may be deemed sufficient may be set aside as a sinking fund for the development of the system.
- B) **PERSONS TO BE CHARGED.** The service charge so established shall be made to the owners of all residences and dwelling units as herein defined on an equal flat rate special assessment basis and who shall pay the same to the Township of Frankenlust for such service.

SECTION 10. PENALTIES FOR VIOLATION. Any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not to exceed Five Hundred (\$500.00) Dollars and/or ninety (90) days in jail.

SECTION 11. SEVERABILITY. 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 12. ORDINANCE REPEALED. Ordinance No. 8 and all other ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 13. EFFECTIVE DATE. This Ordinance shall be effective after 30 days following the date of publication and shall be published once in the *Bay City Democrat*, a newspaper circulating in Frankenlust Township, Bay County, Michigan, on or before the 19th day of August, 2010.