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Second Reading: MAR 12, 2024
Publication: MARCH 29, 2024
Effective Date: APRIL 6, 2024

ISHPEMING TOWNSHIP SOLID WASTE MANAGEMENT ORDINANCE

Township of Ishpeming
Marquette County, Michigan

ORDINANCE NO.: 24-1

The Township of Ishpeming, Marquette County ORDAINS:

REPEALER

That Ordinance No. 0809990, the Ishpeming Township Solid Waste Management Ordinance, as amended, and any ordinance, resolution, order or other parts thereof in conflict with the provisions herein is hereby repealed and replaced as follows. The repeal day shall be the Effective Date stated above.

PURPOSE

AN ORDINANCE TO PROVIDE FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE WITHIN THE TOWNSHIP OF ISHPEMING, MARQUETTE 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.).

Section 1. Title.

This Ordinance shall be known and cited as the "Ishpeming Township Solid Waste Management Ordinance."

Section 2: Definitions.

For the purpose of 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 or plant 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, structure, or premises which is used or intended for use as a dwelling or place of residence of one or more natural persons.

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 sludges, and solid commercial and industrial waste, animal, but excluding human body waste, liquid waste or sanitary sewage, and ferrous or nonferrous scrap.

G. "User" means a person receiving solid waste collection services.

H. "Seasonal Residences" mean any seasonal homes, hunting camps, cottages or other structures occupied for less than six-month of each calendar year.

I. "Principal Residence" means a dwelling that is owned and occupied by a resident as a permanent home and eligible to take a Principal Residence Exemption (PRE) as permitted by MCL 211.7cc and 211.7dd of the General Property Tax Act 206 of 1983, as amended.

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 thereunder, or as commonly understood and used if not so defined.

Section 3: Collection and Disposal of Solid Waste.

A. Residential. The Township of Ishpeming 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 Ishpeming. Each residential premises within the Township of Ishpeming served by said collection and disposal service shall be assessed a reasonable charge in accordance with the "User Fee Charge Schedule" attached hereto as Exhibit A, and incorporated herein by reference. Those properties being used as a Principal Residence or taking the PRE will be charged fees pursuant to the User Fee Charge Schedule year round. If service cannot be provided, whether curbside or roadside on the County road to a residential premise, there will be no user's fee charge.

B. Commercial. The owners or occupants of non-serviced residential premises will be required to dispose of their solid waste by delivering it to a licensed solid waste hauler or transfer facility. The determination as to which residential premises fall within the provisions of this subsection shall be made by the Township Supervisor.

Section 4. Collection Procedures for Areas Served by a Contractor.

A. Residential. 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.

B. Commercial. Each business, commercial establishment/rental complex, apartment house, restaurant, institution, and premises in the Township of Ishpeming which generates solid waste shall contract for collection with a commercial hauler as often as is reasonable and necessary in order to protect the public health.

C. Bins. 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. All garbage, after having been placed in a plastic bag, shall be placed in either a metal or plastic garbage receptacle, which container shall have two (2) handles and a tight fitting cover. No garbage container shall exceed a weight of sixty (60) pounds.

D. Recyclables. All recyclables (as identified on Marquette County Landfill website and available at <https://mcswma.com/>) of solid waste other than garbage may be placed in an Ishpeming Township recycling bin or receptacle, provided; however, glass cannot be put in recycling bins, Ishpeming Township has glass collection once per month on the first Wednesday of each month from 1:00 p.m. – 6:00 p.m. behind the Township Hall building.

E. Prohibited Items. No person shall place at curbside, roadside, or anywhere else any white goods (refrigerators, stoves, water heaters, etc.), 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), yard wastes, or any other type of material required to be disposed of at a Type III landfill, for collection by the solid waste hauler, and these types of materials shall not be accepted for collection by the solid waste hauler.

F. Disposal of Prohibited Items. Any person or user wishing to dispose of these types of materials in item "4(E)" shall be required to make private arrangements with a properly licensed solid waste hauler, solid waste processing plant, solid waste transfer facility, or disposal area, as these terms are defined in Act 641, P.A. 1978 (M.S.A. 13.29 (1) et. seq.; M.C.L.A. § 229.401 et. seq.) for the proper and legal disposal thereof.

G. Collection Times. Solid waste shall be placed out prior to the scheduled collection time to ensure pick-up.

H. Collection Location. 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 within the Township of Ishpeming, except the placement thereof for collection by a licensed solid waste hauler in accordance with the provisions of this Ordinance.

I. Special Materials. Any user wishing to dispose of demolished building materials, building materials, and any other non-toxic 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 or Marquette County Landfill with permit from Ishpeming Township.

J. Complaints. Any user having a complaint against the solid waste hauler engaged by the Township of Ishpeming shall communicate such complaint to the Township Office.

Section 5. Collection Procedures for Areas Served by a Township Employee.

A. Residential. Each single and duplex family residence will receive curbside or roadside on the County road collection of residential solid waste in accordance with a schedule approved by the Township Board.

B. Commercial. Each business, commercial establishment/rental complex, apartment house, restaurant, institution, and premises in the Township of Ishpeming which generates solid waste shall contract for collection with a commercial hauler as often as is reasonable and necessary in order to protect the public health.

C. Bins. 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. All garbage, after having been placed in a plastic bag, shall be placed in either a metal or plastic garbage receptacle, which container shall have two (2) handles and a tight fitting cover. No garbage container shall exceed a weight of sixty (60) pounds.

D. Recyclables. Areas serviced by Township Employees do not have curbside recycling available to them at this time. All recyclables (as identified on Marquette County Landfill website and available at <https://mcswwa.com/>) of solid waste other than garbage may be delivered to the Marquette County Landfill by residents; however, Ishpeming Township has glass collection once per month on the first Wednesday of each month from 1:00 p.m. - 6p.m. in the back of the Township Hall.

E. Prohibited Items. No person shall place at curbside, roadside, or anywhere else any white goods (refrigerators, stoves, water heaters, etc.), 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), yard wastes, or any other type of material required to be disposed of at a Type III landfill, for collection by the solid waste hauler, and these types of materials shall not be accepted for collection by the solid waste hauler.

F. Disposal of Prohibited Items. Any person or user wishing to dispose of these types of materials in item "5(F)" shall be required to make private arrangements with a properly licensed solid waste hauler, solid waste processing plant, solid waste transfer facility, or disposal area, as these terms are defined in Act 641, P.A. 1978 (M.S.A. 13.29 (1) *et. seq.*; M.C.L.A. § 229.401 *et. seq.*) for the proper and legal disposal thereof.

G. Collection Times. Solid waste shall be placed out prior to the scheduled collection time to ensure pick-up.

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I. Special Materials. Any user wishing to dispose of demolished building materials, building materials, and any other non-toxic 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 or Marquette County Landfill with permit from Ishpeming Township.

J. Complaints. Any user having a complaint against the solid waste hauler engaged by the Township of Ishpeming shall communicate such complaint to the Township Office,

Section 6. Collection of User Fees and Administration of Ordinance.

A. Solid Waste Disposal Fund. There is hereby created a "Solid Waste Disposal Fund" which is established as a separate fund to be maintained by the Township of Ishpeming.

B. User Fee Charge Schedule. The Ishpeming Township Board shall adopt a "User Fee Charge Schedule" which shall provide sufficient revenues so the Solid Waste Disposal Fund shall be adequate to finance all contract payments and other expenses incurred by the Township in operating the solid waste disposal system. If the rates and charges collected from users of the system are inadequate to meet all such expenses, funds may be transferred, on a loan basis, from the Ishpeming 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 the solid waste disposal system is not self-supporting, then the Ishpeming Township Board shall adjust the rates and charges to users of the system to establish a rate structure which will cover all costs and expenses incurred by the Township in operating the system.

C. Collection of User Fees. All user fee charges assessed against users and commercial haulers pursuant to the terms of this Ordinance shall be collected by the Township of Ishpeming, and shall be deposited into the Solid Waste Disposal Fund.

D. Residential Fees. Residential user fee charges as established in the "User Fee Charge Schedule" attached hereto shall be billed to each user on the first (1st) day of each bi-month billing cycle, and shall be payable without penalty on or before the twentieth (20th) day of the same month. Thereafter, late payment charges shall be imposed on all delinquent payments in accordance with the "User Fee Charge Schedule." User fees may differ from contractor pickup and Township employee's pickup.

E. Solid Waste Haulers. Since the Marquette County Solid Waste Management Authority (the "Authority") has restricted the use of the landfill located in Sands Township, Michigan, solid waste haulers shall be preauthorized to use the landfill by the Authority through the issuance of a license. Solid waste haulers doing business in Ishpeming Township must apply through Ishpeming Township, the municipality in which the solid waste is generated and collected, for the license. The solid waste hauler, at time of issuance or renewal of the license, shall either post a bond with or pay a deposit to the Township. This bond or deposit shall be equal to one (1) month's estimated tippage fees plus charges for landfill debt retirement as specified in the "User Fee Charges Schedule." Interest at the prevailing average annual rate will be paid on all cash deposits. Commercial hauler fee charges, as established in the "User Fee Charge Schedule" attached hereto, shall be billed to each solid waste hauler monthly and shall be payable without penalty within thirty (30) days of the billing date. Late payment charges shall be imposed on all delinquent payments in accordance with the "User Fee Charge Schedule."

F. Liens and Enforcement. The rates and charges to residential users of the system shall be a lien on the premises for which the services have been provided, and amounts delinquent for six (6) months or more shall be certified annually to the Township Assessor, to be entered upon the next tax roll against the premises to which the services have been rendered. The charges shall be collected, and the lien enforced, in the same procedure established by law for the enforcement and collection of delinquent real property taxes against the premises, and may be utilized notwithstanding the fact that there are or may be no delinquent real property taxes outstanding against the premises.

Section 7. Unlawful Collection or Disposal of Solid Waste.

A. Authorization Required to Collect/Transport. It shall be unlawful for any person within the Township of Ishpeming to collect and/or transport for a fee 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 Ishpeming.

B. Disposal Prohibited. It shall be unlawful for any person within the Township of Ishpeming 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. Transportation Prohibited. It shall be unlawful for any person within the Township of Ishpeming 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 (Act 451 of 1994) (the "Act") and the rules promulgated pursuant to said Act.

Section 8. 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 Ishpeming for payment of rates and charges for services furnished to such person under the provisions of this Ordinance, and the Township of Ishpeming 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 9. 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 10. 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 11. 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 Ishpeming.

Adopted by the Township Board of the Township of Ishpeming on the 12TH day of MARCH, 2024.


By: James Nankervis, Township Supervisor
Township of Ishpeming

Attest: 
Aaron Yunker, Township Clerk
Township of Ishpeming

