

Negaunee Township  
ORDINANCE NO. GRB - 01

**AN ORDINANCE TO PROVIDE FOR THE COLLECTION AND DISPOSAL OF SOLID  
WASTE WITHIN THE TOWNSHIP OF NEGAUNEE**

The Township of Negaunee **ORDAINS:**

That by authority of Public Act 345 of 1978 and all elements thereto, as follows:

Section 1. 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 Negaunee Township, hereafter referred to as “the System”, which shall conform to the Marquette County Solid Waste Authority User Agreement.
- b.) Negaunee Township shall provide, or arrange by contract with another person, for the regular collection, curbside or roadside pickup and disposal of solid waste generated within the Township, and each and every residential premises within the Township shall be served by such pickup and disposal service, and shall be assessed a reasonable charge for the service as determined by the Township Board.
- c.) No inhabitants of residential premises in the Township shall be allowed dispose of their solid waste except in accordance with this ordinance, through the Township or its contractor, nor shall any such residential inhabitants be exempt from the prescribed user fees.
- d.) Non-residential premises in the Township, such as commercial properties, shall be required to dispose of all solid wastes generated on their premises according to law, but may elect to utilize pickup and disposal services apart from the system, provided that they establish that their alternate services adequately protect the public health upon request by the township supervisor.

Section 2. Definitions.

As used in the ordinance, the following words and phrases are hereby defined:

- a.) “ashes” means the residue from burning wood, coal, coke, refuse wastewater sludge, or other combustible materials.
- b.) “garbage” means rejected food wastes, including 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 this state or any other state, including 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 and shall include seasonal dwellings.
- e.) “rubbish” means nonputrescible solid waste, consisting of both combustible and noncombustible waste, including paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, and litter of any kind, that may be detrimental to the public health and safety, but excluding ashes, excluding demolished building material, and excluding building materials.
- f.) “solid waste” means garbage, all non-hazardous and non-toxic type II and type III materials regulated by Public Act 641 of 1978.
- g.) “user” means a person receiving solid waste pickup service.
- h.) “residential premise” is a dwelling place or residence, including a rental unit which is intended for year round habitation.
- i.) “seasonal residential premise” is a temporary dwelling, residence or camp which is inhabited for less than six (6) months.
- j.) Terms or words used in this Ordinance and not defined herein shall have the meaning as defined in Public Act 641 of 1978, as amended, and the rules and regulations issued thereunder, or as commonly understood and used if not so defined.

### Section 3. Procedure for Pick up of Solid Waste

- a.) The Township Board shall establish a schedule for the pick up of solid waste at least once weekly for all residential premises within the township year-round, and for all seasonal residential premises within the township from May 1 through November 1.
- b.) All non-residential premises shall arrange for the pick up of solid waste generated onsite as often as is necessary for the protection of the public health. The Township Board shall have the right to determine the frequency of pick ups necessary for such protection.
- c.) Inhabitants of residential premises shall place their solid waste for pick up at a roadside or curbside adjacent to their premises as scheduled, however, inhabitants of multiple family residential premises may use approved large solid waste containers at other sites on their premise so long as pick up may be made safely and conveniently.
- d.) Occupiers of non-residential premises shall place their solid waste for pick up at roadside or curbside adjacent to their premises as schedule, or in approved large solid waste containers, such as dumpsters, at other sites at their premises so long as pick up may be made safely and conveniently.
- e.) All solid waste shall be placed in plastic bags which are properly sealed to prevent leakage or spillage. No plastic bags shall be filled in excess of thirty (30) pounds. Such plastic bags may be placed in durable, smaller container at the pick up site so long as the container is convenient to lift and is not filled in excess of sixty (60) lbs.

- f.) Except for solid waste which is properly bagged and placed in approved large solid waste containers such as dumpsters, no solid waste in plastic bags or durable smaller containers shall be place for pickup more than (12) hours before the scheduled pick up time.
- g.) No person shall dispose of solid waste in the township except as provided in this ordinance.
- h.) No person shall dispose of substances which are not solid waste as defined in Public Act 641 of 1978 through “the System”, such as household appliances, machinery, vehicle parts, human body waste, toxic or hazardous waste, or any other substances which are excluded from the definition of solid waste as set forth in Public Act 641 of 1978 as amended, except as is otherwise provided by law for the disposal of such substances.

#### 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 by the township.
- b.) All fees and charges assessed against persons pursuant to this Ordinance shall be collected and deposited into the Solid Waste Disposal Fund.
- c.) User fee charges as established by the Township Board from time to time shall be billed to each user once per month or as otherwise determined by the Township Board. Bills shall be payable within twenty (20) days, and thereafter, if not paid shall become delinquent and subject to a service charge as the Township Board may determine.
- d.) The rates and charges to uses 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 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 whether or not there are any delinquent real property taxes outstanding against the premises.
- e.) The Township Board shall establish and maintain a user fee charge schedule which will provide sufficient revenues to operate the System. If the income generated from the schedule is not sufficient to operate the System, then funds may be transferred, as a loan, from the general fund or any other fund which may be validly used for such purpose to meet the deficiency in the Solid Waste Disposal Fund.
- f.) The current user fee charges and service charge as established by the Township Board shall be posted at the township offices and copies shall be made available upon request. Notice of any changes in such fee schedule or service charges shall be sent to all users with a regular bill in advance.

#### Section 5. Unlawful Collection or Disposal of Solid Waste

- a.) It shall be unlawful for any person to pick up or transport solid waste from residential premises in Negaunee Township unless that person has been authorized to do so by the Township Board.
- b.) It shall be unlawful for any person to dispose of solid waste at any location except a duly licensed disposal area which is acknowledged as such by the Michigan Department of Natural Resources, and except in a manner consistent with the Marquette County Solid Waste Authority User Agreement.
- c.) It shall be unlawful for any person to transport within the township or arrange for the transportation within the township of any solid waste except by a person who is qualified as a solid waste hauler pursuant to Public Act 641 of 1978, as amended and the rules promulgated thereunder, or as otherwise authorized by the Township Board.

Section 6. Penalties

A person who violates the provisions of this Ordinance shall be subject to a fine of not more than \$100.00 for each day of violation. Prosecution of offenders shall not preclude the Township from pursuing any and all civil remedies for violation of this Ordinance, including the enforcement of any lien against premises for non-payment of fees and charges as provided in this Ordinance.

Section 7. Severability

In the event that any provision or part of provision of this Ordinance is declared invalid by a Court of competent jurisdiction, then the remaining provisions of this Ordinance shall remain effective.

Section 8. Effective Date

This Ordinance shall become effective

**ADOPTED:** \_\_\_\_\_

**PUBLISHED:** \_\_\_\_\_

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Clerk