

ORDINANCE NO. 1-2023
CHARTER TOWNSHIP OF BREITUNG, DICKINSON COUNTY, MICHIGAN
ORDINANCE AMENDING TOWNSHIP CODE OF ORDINANCES
CHAPTER 50, GARBAGE

At a meeting of the Township Board of the Charter Township of Breitung (“Breitung Township”), Dickinson County, Michigan, held at the Breitung Township Hall on April 24th, 2023, at 6:00 p.m., Township Board Member Trustee Ben Peterson moved to introduce for publication and subsequent final adoption the following proposed Ordinance, which motion was seconded by Township Board Member Trustee Paul Taff:

An Ordinance to amend Sections 50.02, 50.16, 50.19, 50.20, 50.22, 50.23 of the Breitung Township Code of Ordinances to incorporate a new way of collecting refuse and garbage. and repealing all ordinances or parts of ordinances in conflict with this Ordinance.

THE CHARTER TOWNSHIP OF BREITUNG, DICKINSON COUNTY, MICHIGAN,
ORDAINS:

SECTION 1. AMENDMENT TO BREITUNG TOWNSHIP CODE OF ORDINANCES,
SECTION 50.02: Breitung Township Code of Ordinances, Section 50.02, shall be amended to read as follows:

§ 50.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPROVED CONTAINER. A container of noncorrosive metal or plastic that is rodent and fly proof, durable and leak proof, of the type commonly sold as garbage cans of a suitable material, gauge, weight and construction to ensure durability, which conforms to the size and type of container suitable for automated loading of garbage trucks as prescribed and provided by the garbage collection. Containers used for recycling shall be the size, color, and type compatible with auto loading with accepted colors and labeling associated with recycling programs as determined by the collection contractor.

CHARITABLE ORGANIZATION. A nonprofit organization that is qualified as a charitable organization under federal tax law and exempt from property taxes under state law.

DEBRIS. Any waste from trees and structures, or concrete, lumber, bricks, stumps, rocks, vehicle parts, machinery, appliances, furniture and tires.

GARBAGE. All waste from food used or intended for food for human consumption.

HAZARDOUS WASTES. Hot ashes, coal, oil, gasoline, poisons, solvents, lacquers, paint, automobile batteries, batteries, defoliants, infectious medical wastes, explosive materials, and any material defined as hazardous under M.C.L.A. § 324.11103.

PERSON. Individual, firm, partnership, association, corporation or unincorporated joint venture existing under the laws of the state or any other state.

PREMISES. Real property, including all improvements, buildings, and structures located thereon.

PRUNINGS. Wood wastes such as tree or shrub trunks, roots and branches.

REFUSE. General household waste materials not associated with food preparation including cans, bottles, papers, and miscellaneous discarded household.

RESIDENTIAL HOUSING UNIT. A habitable single-family dwelling, duplex, mobile home, or a commercial structure with a homestead exemption or portion of a homestead exemption under state property tax law.

TOWNSHIP. Township of Breitung, a Charter Township located in Dickinson County, State of Michigan.

YARD WASTES. Grass clippings, sod, leaves, weeds and garden and hedge trimmings.

SECTION 2. AMENDMENT TO BREITUNG TOWNSHIP CODE OF ORDINANCES, SECTION 50.16: Breitung Township Code of Ordinances, Section 50.16, shall be amended to read as follows:

§ 50.16 EXCEPTION TO COLLECTION SERVICE.

(A) Garbage and refuse collection and disposal service shall be provided by the township only to owners and occupants of single-family residential units, residential duplexes, mobile home parks and charitable organizations located in the township.

(B) The refuse committee may approve to provide collection and disposal services to a commercial location that generates at or below the gallon limit as stated in 50.19(C) (96 gallons) provided the contractor also approves the location and it has safe access for autoloading and conforms with 50.17 ACCEPTABLE MATERIALS FOR COLLECTION.

SECTION 3. AMENDMENT TO BREITUNG TOWNSHIP CODE OF ORDINANCES, SECTION 50.17: Breitung Township Code of Ordinances, Section 50.17, shall be amended to read as follows:

§ 50.17 ACCEPTABLE MATERIALS FOR COLLECTION.

(A) Garbage and refuse as herein defined shall be collected and disposed of by the township. The township shall not collect and dispose of debris and hazardous wastes and animal or human excretion.

(B) Medical waste shall be disposed of in accordance with part 138 of the Michigan Public Health Code being Public Act 368 of 1978 as amended, M.C.L.A. §§ 333.13801, et seq.

(C) Packaging of sharps (needles). Sharps, as defined in M.C.L.A. § 333.13807, shall not be placed in garbage bags or cans but shall be contained for disposal in leak proof, rigid, puncture-resistant containers that are secured to prevent the loss of contents. The container shall be labeled with the word "sharps".

SECTION 4. AMENDMENT TO BREITUNG TOWNSHIP CODE OF ORDINANCES, SECTION 50.19: Breitung Township Code of Ordinances, Section 50.19, shall be amended to read as follows:

§ 50.19 FRANCHISE COLLECTION; SCHEDULE.

(A) All garbage and refuse shall be collected from single-family residential dwellings, residential duplexes and charitable organizations within the township by a franchisee authorized by the township to do business in the township, unless the waste is otherwise properly transported and deposited at a state authorized and duly licensed waste disposal site.

(B) The township shall provide for a systematic waste collection and disposal system, which shall provide for the collection of garbage and refuse from suitable roadside locations at least once each week.

(C) The township shall collect once every week from each residence, the garbage and refuse generated by the owner or occupant. Each residence shall be limited to a total of 96 gallons of refuse per week. The refuse shall be placed in approved containers to a maximum of 150 pounds each. All garbage and refuse containers shall be placed within three (3) feet of the roadside and at least three (3) feet away from all objects including: a second cart, mailbox, car or tree. The lid opening should face the street with the wheels of the cart facing your house in approved containers and shall not exceed 96 gallons per residence per week. A second cart is available for an additional fee of \$6.00 per month which provides an additional 96 gallons of refuse collected. Fees are subject to change per contract.

(D) The schedule of routes and days for the weekly garbage and refuse collection service created by this chapter shall be determined by the township.

SECTION 5. AMENDMENT TO BREITUNG TOWNSHIP CODE OF ORDINANCES, SECTION 50.20: Breitung Township Code of Ordinances, Section 50.20, shall be enacted to read as follows:

§ 50.20 HOLIDAY COLLECTION.

(A) Garbage and refuse collections shall not be made on the following holidays:

- (1) January 1 (New Year's Day);
- (2) The last Monday in May (Memorial Day or Decoration Day).
- (3) July 4 (Independence Day);
- (4) The first Monday in September (Labor Day);
- (5) The fourth Thursday of November (Thanksgiving Day); and
- (6) December 25 (Christmas Day).

(B) Whenever collections are interrupted because of one of the foregoing holidays, the collection of refuse from residential units shall be postponed one day.

SECTION 6. AMENDMENT TO BREITUNG TOWNSHIP CODE OF ORDINANCES, SECTION 50.22: Breitung Township Code of Ordinances, Section 50.22, shall be enacted to read as follows:

§ 50.22 COLLECTION CONDITIONS AND RESPONSIBILITY.

(A) The owner or occupant of a residential unit shall not permit the accumulation of garbage and refuse upon any premises under his or her control for a period of more than 14 days.

(B) The owner or occupant of a residential unit or charitable organization intending to use the garbage and refuse collection service shall place accumulated garbage and refuse in approved containers which shall be tightly sealed. The approved containers shall be placed by the owner or occupant of the residential unit or charitable organization at the roadside in front of the unit no more than one day prior to the scheduled collection date and no later than 6:00 a.m. on the day of collection. If the residence is on a private road, the collection point will be at the nearest public road, or at a location designated by the township.

(C) The approved containers intended for collection shall not be broken or left open. The user of this service shall not place or cause to be placed at roadside, for township collection and disposal, any unacceptable materials for collection in a garbage and refuse bag or a container used for collection of garbage and refuse.

(D) The owner or occupant of a residential unit shall clean up and remove from the roadside and premises any scattered garbage and refuse resulting from the breakage or opening of any container used for garbage and refuse collection disposal within 24 hours after the same has been scattered. Any garbage container contents not accepted for collection shall be removed from the roadside within 24 hours of the regularly scheduled collection day.

SECTION 7. AMENDMENT TO BREITUNG TOWNSHIP CODE OF ORDINANCES, SECTION 50.23: Breitung Township Code of Ordinances, Section 50.23, shall be enacted to read as follows:

§ 50.23 RATES, CHARGES, SOLID WASTE FEES.

(A) (1) The rates, including late fees, to be charged for garbage and refuse collection and disposal service shall be established periodically by resolution of the Township Board, which charges may be enacted apart from the published ordinance, and the solid waste fee shall be in an amount as the Township Board shall deem necessary to be sufficient revenues to pay all or part of the garbage and refuse collection and disposal costs as shall be deemed necessary by the Township Board. A solid waste service charge shall be charged to the owners of all residential housing units for the services, and the charges shall be made against each lot, parcel or premises to which garbage and refuse collection services are supplied by the township, and the service charge shall be paid to the township by the owners thereof. In the event a commercial location is approved for garbage and refuse collection and disposal service, the same solid waste service charge shall be charged to the business itself operating out of the commercial location, and the service charge shall be paid to the township by the business thereof.

(2) The solid waste service charge for waste collection services to the single-family residential premises shall be a uniform rate.

(3) The solid waste service charge for waste collection services to a residential duplex shall be twice the sum charged to a single-family residential premise.

(4) No free service shall be allowed for any user of the waste disposal and collection system, except for charitable organizations.

(5) The Township may charge a late fee to owners of real estate for failure of an owner to make timely payment of the charges for garbage and refuse collection.

(B) (1) If payment for waste collection and disposal service is not made within 30 days of the due date specified on the bill, a penalty will be added one day after the due date. Interest will be added on the first day of each month after the due date and every month thereafter until paid. Notice of late payment or outstanding balances due and owing shall be sent by first class mail to the premises receiving garbage and refuse collection and disposal service notifying the owner of occupant of the premises that service may be discontinued. After notice is provided, the township may discontinue garbage and refuse collection service from the premises against which the lien created by this chapter has accrued if a person fails to pay the charges, and the township may institute a civil action for the collection of the same against the owners of the premises. The township's attempt to collect these charges by civil process shall not invalidate or waive the lien upon the premises.

(2) The township shall have, as security for payment of waste collection and disposal service charges, for charges to any customer, a lien upon the premises to which the waste collection and disposal service was supplied. The lien shall become effective immediately upon billing for the service to the premises. The lien may be enforced and collected by the general laws of the state providing for the enforcement and collection of delinquent property taxes. Any delinquent amount remaining past due for more than six months shall be certified to the Township Assessor, to be entered against the premises to which the services were rendered and placed on the next winter tax roll of the township for collection. The lien created by this chapter shall have priority over all other liens except taxes or special assessments, and shall have equal priority with other liens imposed for township-supplied municipal services.

(3) A committee shall be created and referred to as the Refuse Committee. The Refuse Committee shall consist of three members of the Township Board and the Township Superintendent who shall do the following:

(a) Evaluate any written request or application, including any supporting documents, of a waiver or reduction of a service charge submitted by the owner or occupant of a premise entitled to receive service. The Refuse Committee shall determine based on the written request or application, and any supporting documents, whether a waiver or reduction in charge is warranted or if certain commercial properties qualify for residential type pickup;

(b) Recommend to the Township Board the interest rate applicable to unpaid service charge balances;

(c) Recommend to the Township Board the penalty applicable to unpaid service charge balances; and

(d) Recommend to the Township Board the billing procedures applicable to charging owners and occupants of premises receiving service.

(4) The interest, penalties, and billing procedures are to be approved by the Township Board and listed in the schedule of fees.

SECTION 8. EFFECTIVE DATE. This Ordinance shall take effect upon its publication following final adoption as required by law.

AYES: Trustee Wales, Trustee Rochon, Supervisor Olson, Clerk Larson, Trustee Taff, and Trustee Peterson

NAYS: None.

ABSENT: Treasurer Taylor

ORDINANCE DECLARED ADOPTED.

Denny Olson, Breitung Township Supervisor

STATE OF MICHIGAN)
) ss
COUNTY OF DICKINSON)

I, the undersigned, the duly qualified and acting Clerk of Breitung Township, Dickinson County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of an Ordinance proposed for publication and subsequent final adoption at a regular meeting of the Township Board on the 24th day of April, 2023, and that a summary of such proposed Ordinance was duly published in the Iron Mountain Daily News on the 19th day of April , 2023.

Wendy Larson, Township Clerk