

ORDINANCE NO. 2022-__

CHARTER TOWNSHIP OF FILER
MANISTEE COUNTY, MICHIGAN

AN ORDINANCE TO AMEND CHAPTER 45 OF THE CHARTER TOWNSHIP OF FILER CODE OF ORDINANCES TO REGULATE THE MANNER IN WHICH GARBAGE AND RUBBISH IS DISPOSED; TO DESIGNATE TIMES FOR GARBAGE AND RUBBISH PICK-UP AND CURB-SIDE PLACEMENTS; TO PRESCRIBE SPECIFICATIONS FOR DUMPSTERS, CONTAINERS, AND RECEPTACLES; TO REQUIRE A WRITTEN AGREEMENT FOR GARBAGE COLLECTORS; TO PROVIDE FOR PENALTIES FOR THE VIOLATION HEREOF; AND TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH

THE CHARTER TOWNSHIP OF FILER ORDAINS:

Section 1. Amendment to Code of Ordinances. Chapter 45 of the Charter Township of Filer Code of Ordinances is hereby amended to read, in its entirety, as follows:

CHAPTER 45 – GARBAGE AND RUBBISH COLLECTION

45.01 Definitions.

As used in this ordinance, the following terms shall have the meanings hereinafter stated:

- a. “Bulk Refuse” means appliances, furniture, or other bulky items that the owner of which intends to discard and that cannot readily be placed in a suitable dumpster, container, or receptacle.
- 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. “Mil” means one thousandth of an inch.
- d. “Non-Portable Receptacle” means a stationary enclosure affixed to or located at a premises and used for the temporary storage of bags containing garbage or rubbish to be picked up for collection by the garbage collector servicing the premises.
- e. “Rubbish” means rejected or unwanted non-putrescible material from residential, commercial, or institutional property, such as ashes, paper, cartons, wrappers, boxes, barrels, wood excelsior, yard trimmings, bedding, furniture, metal, tin cans, dirt, glass, crockery, plastic, and miscellaneous mineral refuse, not including gravel, sand, leaves, tree branches, tree stumps, or building materials.
- f. “Township” means the Charter Township of Filer.

45.02 General Provisions.

- a. It shall be unlawful for any person to deposit or place any garbage or rubbish in any alley, street, river, park, or other public place within the Township.
- b. It shall be unlawful for any person to deposit or place any garbage or rubbish, except for bulk refuse and yard waste, upon the person's own private property within the limits of the Township, unless the garbage or rubbish is enclosed in a suitable dumpster, container, or receptacle in accordance with this chapter.
- c. It shall be unlawful for any person to deposit or place any garbage or rubbish upon public property or the private property of another person in the Township except with the express permission of the owner or lessee of such property and only if the garbage or rubbish is enclosed in a suitable dumpster, container, or receptacle in accordance with this chapter.
- d. No person shall deposit or place any garbage or rubbish upon or into any dumpster, container, or receptacle in the Township, whether public or private, without the express permission of the owner or lessee of such dumpster, container, or receptacle.
- e. The fact that garbage or rubbish remains on any premises in the Township that is not enclosed in a suitable dumpster, container, or receptacle in violation of this chapter shall be prima facie evidence that the owner or occupant of such premises is responsible for the violation.

45.03 Suitable Dumpsters, Containers, or Receptacles for Pick-Up.

- a. With the exception of plastic bags that comply with Subsection (b) of this section, all dumpsters, containers, and receptacles storing garbage or rubbish in the Township shall be:
 1. Of sufficient weight and durability so as to reasonably protect against potential scattering of garbage and rubbish;
 2. Constructed of material that is impenetrable to water and animals; and
 3. Fitted with a cover or lid suitable to keep out water, bugs, and animals, and to keep odors and potentially harmful materials from escaping.
- b. Plastic bags with a thickness of no less than 1.5 mils shall be suitable in lieu of rigid containers to store garbage or rubbish.
- c. Except for those described in Subsections (d) and (e) of this section, dumpsters, containers, and receptacles shall be of suitable and convenient size to be handled by a garbage collector.

- d. Business establishments may have and maintain a suitable dumpster or receptacle of such size as may be necessary to properly take care of all garbage and rubbish from such establishments.
- e. In addition to the requirements set forth in Subsection (b) of this section, all of the following apply to non-portable receptacles:
 - 1. Non-portable receptacles are an accessory structure under the Township's Zoning Ordinance. The owner of a premises shall comply with the Zoning Ordinance's permit requirements for an accessory structure prior to any construction, affixture, placement, or utilization of a non-portable receptacle on the premises.
 - 2. Non-portable receptacles shall be located no greater than 25 feet from the edge of a public road right of way, and shall not be located in or upon public property, an easement, or an area designated for a public right of way. The owner of the premises shall check the records pertaining to the premises recorded at the Manistee County Register of Deeds prior to submitting any necessary permit application for a non-portable receptacle to the Township.
 - 3. There shall be no more than one non-portable receptacle per premises.
 - 4. The owner, tenant, or occupant of a premises where a non-portable receptacle is located shall be responsible for maintaining the non-portable receptacle and the immediate vicinity thereof to be free of odors, scattered or overflowing debris, and any other nuisances in connection to the non-portable receptacle.
 - 5. The Township may, at any time, order the relocation or removal of a non-portable receptacle if it is deemed to be interfering with the health, safety, or well-being of others.
- f. A garbage collector may impose additional requirements on the type of dumpsters, containers, and receptacles its customers may use if such requirements do not conflict with those provided in this section.

45.04 Garbage and Rubbish Pick-Up.

- a. Except as otherwise provided in Subsections (b), (c) and (d) of this section, dumpsters, containers, and receptacles containing garbage or rubbish, and any bulk refuse to be disposed of, shall be placed at the nearest curb-side or the edge of the nearest public road right of way for collection no earlier than the previous day before the day of collection. Dumpsters, containers, and receptacles shall be removed from the curb-side or edge of the right of way by the end of the next day after the day of collection. In the event that collection occurs after sunset, then the following day shall be considered the day of collection for purposes of this subsection.

- b. Plastic bags used in lieu of a rigid container in accordance with Section 45.03(b) shall be placed at the nearest curb-side or the edge of the nearest public road right of way for collection and removal by a garbage collector servicing the premises no earlier than the day of collection. All plastic bags placed for collection and removal in accordance with this section shall not be broken or punctured, and shall be properly tied and secured to prevent the contents within the bag from spilling, leaking, or otherwise leaving the confines of the bag before collection.
- c. Business establishments that have and maintain a dumpster, container, or receptacle that is not of a suitable and convenient size to be handled by a garbage collector shall keep such dumpster, container, or receptacle upon the premises at a place readily accessible for collection of garbage and rubbish.
- d. If a non-portable receptacle is maintained on a premises in accordance with Section 45.03(e), then the non-portable receptacle may be used to temporarily store garbage or rubbish to be picked up for the next collection, in accordance with the following:
 - 1. All garbage or rubbish must be in a closed plastic bag before being placed in the non-portable receptacle.
 - 2. There must be a clear and direct path between the public road and the non-portable receptacle for a garbage collector to access the receptacle.
 - 3. The owner of a premises utilizing a non-portable receptacle shall execute a written agreement with the garbage collector servicing the premises that grants permission to the garbage collector to enter the property for the purpose of removing bagged garbage and rubbish from the receptacle. The garbage collector may require a fee from the owner of the premises as a requirement of the written agreement.
 - 4. The garbage collector servicing a premises utilizing a non-portable receptacle may impose additional requirements pertaining to the collection of garbage or rubbish from a non-portable receptacle.
- e. The day of collection for any premises in the Township may be set by the garbage collector servicing the premises, provided, however, that the time elapsing between two successive collections shall not exceed a seven-day period by more than 12 hours, except that an extra day shall be allowed for collection if the day of collection would otherwise fall on a state or nationally recognized holiday.
- f. Nothing in this chapter shall be construed as prohibiting private garbage or rubbish collection agreements for the disposal of construction or demolition waste or other waste not suitable or permitted to be disposed of by the garbage collector.

45.05 Written Agreement Required for Garbage Collectors.

No person shall engage in the business of collecting and disposing or transporting of garbage or rubbish, removing same for hire, or hauling same through the streets, alleys, or other public places in the Township, unless the person has either of the following:

- a. A written agreement to engage in such business with the Township, approved by the Board of Trustees; or
- b. A written agreement to provide such services with the owner or occupant of the premises to be served.

45.06 Penalty.

Any person who shall violate any provision of this ordinance shall be responsible for a municipal civil infraction. There is hereby imposed a civil fine of \$100.00 upon each violation of this ordinance. The Township Zoning Administrator or any police officer having jurisdiction to act within the Township may enforce this ordinance as an authorized local official.

Section 2. Severability. The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section, or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of this ordinance, which shall continue in full force and effect.

Section 3. Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Section 4. Effective Date. This ordinance shall be effective on the day following its publication as required by law.

THOSE VOTING IN FAVOR:

THOSE VOTING AGAINST:

THOSE ABSENT OR ABSTAINING:

Shirley Ball
Township Clerk

CERTIFICATION

I, Shirley Ball, Clerk of the Charter Township of Filer, Manistee County, Michigan, do hereby CERTIFY that the foregoing is a true and correct copy of the Ordinance adopted by the Township Board at a regular meeting held on the ___ day of _____, 2022.

Shirley Ball
Township Clerk