

**VILLAGE OF PENTWATER
OCEANA COUNTY, MICHIGAN
SOLID WASTE ORDINANCE
Ordinance No. 1 of 2020**

AN ORDINANCE PURSUANT TO PUBLIC ACT NO. 3 OF 1895, MCL 67.1, AS AMENDED, TO REGULATE THE DISPOSAL OF SOLID WASTE WITHIN THE VILLAGE OF PENTWATER, TO INSURE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF.

THE VILLAGE OF PENTWATER ORDAINS:

Section 1. The Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to add Chapter 96, which shall be titled as follows:

CHAPTER 96: SOLID WASTE

Section 2. The Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to add Section 96.01, which shall provide as follows:

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

“Ashes” means the solid residue of combustion of fuel used in heating and cooking operations, as occurring in households, apartments, offices or other business places, but not to include residue from industrial plants or operations.

“Bulk items” means large items of furniture, bedsprings, refrigerators, stoves, large appliances and other large items incidental to housekeeping for and in single-family residences and condominiums as defined under the definition of premises. Such term does not include discarded appliances resulting from an appliance replacement program in a multiple-family residential building and/or multiple-family residential complex.

“Commercial rubbish” means miscellaneous waste and materials resulting from business and industrial operations of any kind but excludes construction and trade wastes which have been abandoned as worthless and having no property value or which would constitute a nuisance when allowed to accumulate.

“Compostables” or “yard waste” means garden, lawn, or tree trimmings, leaves and dead garden plants from the normal household. Such term shall not include rubbish from the work of landscape gardeners or private companies such as landscaping firms and nurseries.

“Construction waste” means miscellaneous waste and materials resulting from construction, alterations, repairs, demolition, and renovation, and includes fill dirt from excavation which has been abandoned as worthless and having no property value or which would constitute

a nuisance when allowed to accumulate.

“Domestic rubbish” means waste material and refuse of every character from normal household or living conditions, including but not limited to house dirt and trash, except garbage.

“Garbage” means rejected food waste and all refuse of animal, fruit or vegetable matter including that used or intended for food or that attends the preparation, use, cooking, handling, processing or storing of meat, fish, fowl, fruit and/or vegetables.

“Hazardous waste” means any material or substance which by reason of its composition or characteristics is:

(1) Hazardous waste as defined in the Solid Waste Disposal Act, 42 USC 6907 et seq., as amended, and the regulations implementing the same;

(2) Material, the disposal of which is regulated by the Toxic Substances Control Act, 15 USC 2601 et seq., as amended, and the regulations implementing the same;

(3) Special nuclear or byproducts material within the meaning of the Atomic Energy Act of 1954; or

(4) Hazardous waste as defined in Act No. 64 of the Public Acts of Michigan of 1979 (MCL 13.30(1) et seq.), as amended, and as identified in the reasonable rules and regulations promulgated by the Village Manager and/or by regulations adopted by the department of natural resources.

“Industrial special waste” means nonhazardous wastes generated by industrial users, which due to the size or composition of such waste require special handling and/or disposal procedures. Such term includes but is not limited to foundry sand, incinerator/boiler bottom ash, fly ash, sludge, scrap pallets and other wastes from manufacturing processes which require special handling and/or disposal procedures.

“Mixed waste” means a mixture of rubbish and garbage.

“Premises” means any property used for single-family residential purposes as defined in the Village zoning ordinance, to which a separate street address, postal address or box or tax roll description or other similar identification has been assigned.

“Recyclables” means presorted materials that are separated from solid waste prior to collection. Such materials may include, but are not limited to, newspaper, tin cans, glass bottles and jars, and plastic containers or any other materials designated in the reasonable rules and regulations promulgated and published by the Village Manager.

“Refuse” means refused or rejected items and materials, including garbage and solid waste

as defined in this Section.

“Rubbish” means miscellaneous rejected materials including, but not limited to, paper, magazines, ashes, glassware, dishes and other items, but not including dirt, gravel, sand or construction debris.

“Solid waste” means garbage, rubbish, compostables, yard wastes and recyclables, or any combination thereof. “Solid waste” does not include hazardous waste and/or industrial special waste.

Section 3. The Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to add Section 96.02, which shall provide as follows:

§ 96.02 Penalty for Violation of Chapter. Any person who violates or fails to comply with any provision of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be punished as prescribed in § 10.99(A) of this Code.

Section 4. The Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to add Section 96.03, which shall provide as follows:

§ 96.03 Enforcement of Chapter. Authorized police officers of the Village of Pentwater Police Department are hereby authorized to enforce this chapter and issue misdemeanor citations to any person violating the provisions of this chapter.

Section 5. The Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to add Section 96.04, which shall provide as follows:

§ 96.04 Unlawful Accumulations, Dumping, Disposal and Scavenging; Special Collection by Village.

A. Unlawful Accumulations. It shall be unlawful for any person to accumulate, permit or allow to be accumulated, to place, dump or permit to be placed or dumped, or to scatter, bury or permit to be scattered or buried, in or on property or premises owned by or under the control of such person, on private property, with or without the owner's permission, or in any public place, any garbage, domestic rubbish, commercial rubbish, or compostables/yard waste, ashes, construction waste, manure, or any other form of waste having no property value or constituting a nuisance when so accumulated. The following shall not constitute a violation of this subsection:

1. Where such substances are placed in proper receptacles for removal or composting;
2. Where such substances are dumped in a place designated by the Village Council for such purpose;

either two-yard containers or cans which will be placed in an accessible location designed for pickup. The size and weight of such containers shall be as further outlined in the rules and regulations promulgated by the Village Manager.

2. **Commercial Containers.** Every commercial establishment shall provide for the proper storage of solid waste in receptacles as provided in this section, and shall place such receptacles in a location approved by the Village. Commercial establishments shall be limited to four 30-gallon containers.

B. Commercial Premises. It shall be the duty of the owner or occupant of any lot or premises on which a commercial establishment is operated to keep the premises in a clean, neat and orderly condition, and provide for the weekly collection of all its refuse. Every commercial establishment shall be responsible for wind-blown solid waste and all other solid waste on its premises, and shall further be responsible for escaping solid waste emanating from its premises onto neighboring premises.

Section 7. The Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to add Section 96.06, which shall provide as follows:

§ 96.06 Unlawful Use of Dumpsters, Receptacles, and Containers. It shall be unlawful for any person to place or deposit, or permit another to place or deposit, any solid waste, either domestic or commercial, in any solid waste dumpster, receptacle, or container, either publicly or privately owned, within the Village unless the solid waste originates from the premises served by the solid waste dumpster, receptacle, or container, or with the express consent of the person or entity that owns or has authority over the premises served by such dumpster, receptacle, or container.

Section 8. The Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to add Section 96.07, which shall provide as follows:

§ 96.07 Contract for Collection. The Village may grant an exclusive contract to the Village contractor for the collection of garbage and rubbish from premises within the Village. The terms, provisions and conditions of such agreement or contract shall be within the discretion of the Village Council.

Section 9. The Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to add Section 96.08, which shall provide as follows:

§ 96.08 Disposal Fees. The fees to be charged for solid waste disposal and other services provided pursuant to this chapter shall be established by resolution of the Village Council. The fees shall be billed as provided in the rules and regulations to be promulgated by the Village Manager and adopted by resolution of the Village Council.

Section 10. The Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to add

Section 96.09, which shall provide as follows:

§ 96.09 Collection Charges Constitute Lien on Property. Charges for solid waste collection and disposal shall constitute a lien on the property served. On or before March 1 of each year, the officer in charge of collection of such charges shall prepare a statement of all charges then six months past due and unpaid. The Village Treasurer shall then place such charges on the next general tax roll and the same shall be collected as part of the general Village taxes.

Section 11. The Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to add Section 96.10, which shall provide as follows:

§ 96.10 Discontinuing Collection Service. The Village shall have the right to discontinue solid waste collection service to any customer.

Section 12. The Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to add Section 96.11, which shall provide as follows:

§ 96.11 Promulgation of Rules. The Village Manager shall have the authority to promulgate rules and regulations concerning the implementation of this chapter, which rules and regulations shall be adopted by resolution of the Village Council.

Section 13. The Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to add Section 96.12, which shall provide as follows:

§ 96.12 Authority to Delegate Administration of Collection Services. The Village may by resolution of the Village Council transfer, assign and/or delegate the administration and/or implementation of the collection and disposal of solid waste and the collection of fees and billings to a private company, contractor, or authority as deemed appropriate by the Village Council.

Section 14. Severability. If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance, which shall be given effect without the invalid portion or application.

Section 15. Effective Date. This Ordinance shall become effective twenty (20) days after notice of adoption is published in a newspaper of general circulation within the Village.

AYES: Members: Michelle Angell-Powell, Pam Burdick, Jared Griffis Dan Nugent Don
Palmer, Claudia Ressel-Hodan, Jeff Hodges. -

NAYS: Members: None

ABSENT: Members:

ORDINANCE DECLARED ADOPTED.

Jeffrey Hodges, Village President
Village of Pentwater

Rande S. Listerman, Village Clerk
Village of Pentwater

STATE OF MICHIGAN)
) ss.
COUNTY OF OCEANA)

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Village Council of the Village of Pentwater at a regular meeting held on July 13, 2020, and I , further certify that public notice of such meeting was given as provided by law.

Rande S. Listerman, Village Clerk
Village of Pentwater