

ORDINANCE NO.151

AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT OF GARBAGE AND SOLID WASTE COLLECTION AND DISPOSAL AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

THE VILLAGE OF DECATUR, MICHIGAN ORDAINS:

Section 1- Purpose. The purpose of this Ordinance is to establish the mandatory collection and disposal of garbage and solid waste in order to protect the public health, safety and welfare of the residents of the Village of Decatur, Michigan.

Section 2- Authority. This Ordinance is adopted pursuant to the authority granted the Village Council in MCL 67.1 (c) and (z) and as further provided in MCL 324.4306.

Section 3- Definitions. As used in this Ordinance the following terms shall be defined as follows:

A. “Garbage” shall mean the organic waste from fish, animal, fowl, fruit, vegetable or plant waste resulting from the handling, preparation, cooking and consumption of food.

B. “Solid Waste” shall mean all non-organic waste matter which is not otherwise specifically exempted from collection by contractor.

C. “Village” shall mean the Village of Decatur, Michigan.

D. “Contractor” shall mean the person, firm, corporation or other business organization with whom the Village has entered into a contract for the collection and disposal of garbage and solid waste within the corporate limits of the Village.

Section 4- Accumulation of Garbage and Solid Waste. It shall be unlawful for the owner of any premises within the Village to allow the accumulation of any garbage or solid waste upon said premises.

Section 5- Deposit of Garbage and Solid Waste.

A. It shall be unlawful for any person, firm or corporation to place garbage or solid waste along any public way, street, sidewalk, alley or other public property, or any private property, unless the same shall be placed in an enclosed roll-a-way waste cart, container or other suitable vessel which shall be watertight, covered and suitable for handling by the contractor engaged by the Village to collect and dispose of such garbage and solid waste.

B. It shall be the responsibility of each owner, occupant, tenant or lessee using or occupying any building, house, structure or grounds within the village limits of the Village where

garbage and solid waste is to be collected and removed by the contractor to place a container along the street or road so that same can be accessed by the contracted service.

C. It shall be unlawful for any owner, occupant or tenant or lessee using or occupying any building, house, structure or grounds within the village limits of the Village to utilize the trash containers or receptacles of any other owner, occupant, tenant or lessee for the disposal of their own garbage and solid waste.

Section 6- Storage of Containers. It shall be unlawful for any person, firm or corporation to leave their roll-a-way carts or other containers along any public way, street, alley, sidewalk or other public property except for the day of garbage and solid waste removal and the evening before such day. All roll-a-way carts, and other containers, shall be located at the rear or side of the dwelling, apartment house or other building, except for the day of and evening before the removal of same, in such a manner that said containers are not in the open view of front yards of such premises.

Section 7- Collection and Disposal. The Village through its private contractor will collect, transport and dispose of all garbage and solid waste from all single family premises, multi-family premises and such other premises within the Village that can utilize one or more 96 gallon roll-a-way disposal cart. Said collection shall be at least once each week. The cost, day of collection, holiday policy, inclement weather or other emergency provisions shall be determined in the contract between the Village and its contractor.

Section 8- Mandatory removal and payment for service. It shall be mandatory for every single family premises, multi-family premises and such other mixed use premises that can utilize one or more 96 gallon roll-a-way cart, to participate in the Village garbage and solid waste removal service. Each dwelling unit or premises which can utilize this mandatory service shall be billed by the contractor for such service.

Section 9- Authority to Contract. The Village shall enter into an exclusive contract with a private contractor to collect, transport and dispose of all garbage and solid waste from all premises located within the village limits of the Village which can utilize one or more 96 gallon roll-a-way carts. Such contract shall be for such term, cost, and conditions which the Village deems to be in the best interest of its residents. No other contractor will be authorized to collect garbage and solid waste within the corporate limits of the village, except for those premises which cannot use the aforesaid roll-a-way carts.

Section 10- Delinquent Charges. Any delinquent charges for premises required to participate in the Village garbage and solid waste removal service shall be assessed against the premises so served, and collected or returned in the same manner as Village taxes are certified, assessed, collected and returned.

Section 11- Repeal. Ordinance No. 36 and Ordinance No. 132 are hereby repealed. All other Ordinances or parts thereof of the Village in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 12- Severability. Sections of this Ordinance shall be deemed severable and should any Section, clause or provision of this Ordinance be declared to be invalid, the same shall not effect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 13- Violation. A violation of this Ordinance is a Municipal Civil Infraction and any person, firm or corporation who shall violate this Ordinance shall be responsible for a Civil Infraction subject to a Civil Fine not exceeding \$500.00, plus any costs, damages, expenses or other sanctions as authorized under Chapters 83 and 87 of Act 236 of the Michigan Public Acts of 1961 as amended, being MCL 600.8302 and MCL 600.8701 et seq. Each day that a violation continues shall be deemed a separate violation of this Ordinance.

Section 14- Effective Date. This Ordinance shall become effective the first day of September, 2002.

Adopted by the Village Council of the Village of Decatur, Michigan on this 5th day of August, 2002.