

**VILLAGE OF EDWARDSBURG**

**CASS COUNTY, MICHIGAN**

**SOLID WASTE DISPOSAL**

**ORDINANCE NO. 95-01**

An Ordinance to protect the public health, and to provide for sanitary and expeditious removal and disposal of solid waste materials, to provide for separation and recycling of certain identified recyclable materials in the Village of Edwardsburg to provide for standard regulations as to containers, separation of various types of solid wastes, the licensing of private solid waste haulers, and to provide penalties for violation thereof.

THE VILLAGE OF EDWARDSBURG ORDAINS:

**SECTION 1. PURPOSE**

The Ordinance is necessary to govern the storage, collection, transportation and disposal of refuse, garbage, rubbish and other rejected, unwanted or discarded waste materials within the limits of the Village of Edwardsburg in order that the public health, safety and welfare may be protected.

**SECTION 2. SCOPE OF ORDINANCE**

Every owner, occupant or person in possession of a residential premise in the Village of Edwardsburg shall be required to have accumulations of refuse removed and disposed of by a Private Solid Waste Hauler licensed by the Village of Edwardsburg. Every owner, occupant or person in possession of non-residential premise shall be responsible for storage, collection and disposal of his/her own refuse by any means authorized by law. As used in this Ordinance "residential premises" shall exclude mobile homes in a mobile home park where the mobile home park owners provide trash removal for the park residents, and shall further exclude apartment residents where apartment residents are provided trash removal by the apartment owners or managers, provided, that these exclusions shall not apply if trash removal is provided less often than weekly.

- A. **RULES AND REGULATIONS** - The Village Council Chairperson for the Solid Waste and Recycling Committee is hereby authorized to make such rules and regulations as from time to time appear to him/her to be necessary to carry out the intent of this Chapter; provided, that such rules are not in conflict with this or any other law of the Village or other appropriate governmental unit and provided that such rules shall be approved by the Village Council. Failure to observe any approved rule or regulation shall be a violation of this Ordinance. Said rules and regulations shall be published and available for distribution at the Village Clerk's office.

**SECTION 3. DEFINITIONS**

- (1) **GARBAGE** - shall be construed to mean putrescible animal, fish, fowl, fruit or vegetable wastes incidental to and resulting from the use, preparation, cooking and consumption of food. "Garbage" shall also include other solid wastes that are not classified as recyclable materials and are generated incidental to the use, preparation, cooking and consumption of food.
- (2) **RUBBISH** - shall be construed to mean the waste materials from normal household or living conditions and business operations, but not including any solid wastes identified as "recyclable materials". "Rubbish" includes by way of example, but not limitation: ashes, those plastic plastic materials not clothing, and other nonputrescible solid wastes.
- (2a) **RUBBISH** - shall not include used building materials and/or debris accumulated as the result of demolition of building or structures and the contents of said building or structures.
- (3) **YARD WASTES** - shall mean grass clippings, leaves, weeds, shrub clippings, small twigs or branches less than one-quarter inch in diameter and less than four feet in length, and other yard and garden wastes which can be disposed of in accordance with guidelines set forth by the Village of Edwardsburg for the collection and processing of yard wastes.
- (4) **BRUSH** - shall mean tree trimmings, limbs, small trees, and shrubbery trimmings greater than one-quarter inch in diameter but less than four inches in diameter, identified for curbside collection in accordance with policies of the Village of Edwardsburg. Christmas trees, stripped of ornamentation, shall be considered brush.
- (5) **RECYCLABLE MATERIALS** - shall be construed to mean those solid waste materials generated by households and businesses, identified by resolution of the Village Council for collection in designated recycling containers. The Village Council shall establish by resolution a listing of those solid wastes identified as "Recyclable Materials", which may be updated from time to time in response to available recycling technologies and market conditions. Such resolution shall also specify the manner in which these recyclable materials are to be prepared for collection.
- (6) **BULK ITEMS** - shall mean discarded home appliances, furniture, miscellaneous equipment and other large-sized items.
- (7) **PRIVATE SOLID WASTE HAULER** - shall mean any person engaged in the business of collecting, transporting, delivering or disposing of solid waste within the Village, but excluding those persons who collect, transport, deliver or dispose of solid waste in a manner incidental to their primary business, such as construction and renovation contractors, lawn services, and persons who haul away solid waste generated at their own residence or place of business.
- (8) **CONSTRUCTION WASTE** - it shall be the duty of the owner, contractor, occupant, or other person responsible for construction work to remove from the land within a reasonable time after the completion of such construction work, all surplus construction and all construction waste. Such materials shall be removed to approved disposal areas.

(9) **COMMERCIAL REFUSE** - Every owner, occupant or person in possession of a commercial establishment shall be responsible for storage, collection and disposal of his/her refuse by contracting with a person licensed by the village or by the use of an approved incinerator. Commercial establishments shall include establishments for group eating, such as clubs, restaurants and institutions, and establishments such as markets, commission houses, grocery stores, fruit and vegetable stands, bakeries, canneries, butcher shops and similar establishments. Garbage and food wastes need not be wrapped but shall be placed or stored in covered or closed containers. No garbage or food wastes of any description shall be burned in any container, receptacle or unapproved incinerator.

(10) **CONTAGIOUS MATERIALS - DISPOSITION OF MEDICINES, POISONS, ETC.,** - All materials which may be contagious, such as bandages, dressings, sputum cups, soiled tissues, etc., from hospitals, clinics, convalescent homes, nursing homes, doctor's offices or any other source, shall be burned in approved incinerators. Where incinerator approval cannot be granted, contagious materials shall be wrapped or otherwise disposed of in accordance with applicable local, State and Federal laws, rules and regulations.

Medicines or poisons from domestic sources, hospitals, clinics, convalescent homes, nursing homes and similar sources shall be disposed of in accordance with applicable law. The Hazardous Waste Management Act of Michigan, No. 64 of 1979, as amended from time to time, shall apply where appropriate.

(11) **HAZARDOUS WASTE** - Shall be the responsibility of the person who produced, used, or possessed the same, and shall not be disposed of within the Village, or allowed to be collected, stored, or transported within the Village without the written approval of the Village Council. The Hazardous Waste Management Act of Michigan, No. 64 of 1979, as amended from time to time, shall apply where appropriate.

(12) **INDUSTRIAL WASTE** - Shall be disposed of by the industrial, manufacturing or processing plant generating such waste under such methods and conditions as shall be approved by applicable law.

(13) **PATHOGENIC AND RADIOACTIVE WASTE** - Shall be disposed of by the hospital or institution generating such waste in compliance with The Hazardous Waste Management of Michigan, No. 64 of 1979, as amended from time to time, shall apply where appropriate.

(14) **OTHER REFUSE CATEGORIES** - A person wishing to collect, dispose of or transport any category of refuse not provided in this Ordinance or who wishes to dispose of any category of refuse in a manner not provided in this Ordinance must receive approval from the Village Council and then only in accordance with applicable law and the rules and regulations promulgated hereunder.

**SECTION (3a)** - "Solid Waste" shall be construed to include all of the waste types described above in (1) - (14).

(Ord. No. 95-01, eff. 9/2/95)

**SECTION 4. LICENSING OF PRIVATE SOLID WASTE HAULERS**

- A. LICENSE REQUIRED** - No person shall operate as a private solid waste hauler within the Village of Edwardsburg without first obtaining a license issued by the Village Clerk. A solid waste hauler license shall be valid from the date of issuance or renewal until the following March 31, unless revoked earlier.
- B. CONDITIONS FOR GRANTING OF LICENSE** - In order to be granted a license to operate as a private solid waste hauler in the Village of Edwardsburg, or to have such a license renewed, an applicant must:
1. Complete a license application on forms furnished by the Village Clerk's office.
  2. Pay an application fee as shall be set from time to time by resolution of the Villae Council.
  3. Require all of its customers to place solid waste materials in container, as a condition for pick-up.
  4. Furnish a schedule of pickup location and times for all customers located within the Village.
  5. Show evidence that the applicant's services include:
    - a. The collections, from all customers located within the Village, of all recyclable materials as identified by the Village, for recycling.
  6. Provide a listing of where recyclables are taken, after pickup in the Village.
  7. Meet any or all requirement of State Law.
- C. DENIAL OF LICENSE OR RENEWAL: RIGHT OF APPEAL** - The Village Council shall deny issuance of a Solid Waste Hauler license or a renewal of a Solid Waste Hauler license to any applicant who fails to meet the requirements set forth in subsection B above. Any such applicant who wishes to appeal the Village Council's denial of his/her application may request in writing a formal hearing before the Village Council. After which, shall schedule such a hearing before The Village Council within thirty (30) calendar days of the receipt of such a request. The Village Council shall the decide whether to approve or deny such application, based on its compliance with the conditions set forth in subsection B.

- D. REVOCATION OF LICENSE: RIGHT OF APPEAL** - The Village shall have the right to revoke the license of any private solid waste hauler found to be in violation of any of the conditions outlined in subsection B above. In such cases, notice of such revocation shall be sent to the licenses at the address indicated on his most recent license application, via certified mail, or shall be personally served on such licensee by a member of the Village Police Department. Such notice of revocation shall be signed by the Village Clerk, and shall identify the specific conditions of this ordinance which have been violated. Such revocation may be appealed to the Village Council, by directing a request in writing to the Village Clerk. Upon the receipt of such a written request, the Village Clerk shall schedule a formal hearing before the Village Council within thirty (30) calendar days. The Village Council shall then decide whether to uphold or overturn said revocation, based on its evaluation of the licensee's compliance with the conditions set forth in subsection B.  
(Ordinance No. \_\_\_\_\_ effective \_\_\_\_\_)
- E. LICENSE: RESIDENTIAL PREMISE** - The Village Council may, either by advertising for bids or otherwise, obtain an exclusive license with such person as the Council may deem best able to collect and dispose of residential refuse for the Village of Edwardsburg in accordance with the best interests of the Village and its citizens, or to extend the terms of such exclusive license. The Licensee shall be the only person allowed to provide residential refuse collection and disposal services within the Village or within the boundaries prescribed by the limitations of this Ordinance. The License shall contain provisions that the Village Licensee shall collect and dispose of refuse from all residential premise in the Village in full compliance with this Ordinance and applicable local, State and Federal laws, rules and regulations.
- F. EQUIPMENT INSPECTION** - Before any license is granted to any applicant under the Article, all equipment used or to be used by such applicant in the conduct of the business of refuse collection, transporting or disposal shall be inspected and approved by a member of the Village Council.
- G. IDEMNIFICATION** - A licensee shall pay any judgement which may be obtained against the Village, alone or jointly with such licensee, on account of any injury or damage to persons or to property by reason of any license granted under the Ordinance. The licensee shall intervene and defend any such suit or action upon written notice thereof given by the Village.
- H. VEHICLE REQUIREMENTS** - All vehicles of any licensee carrying refuse under this Ordinance shall have on both sides thereof a sign containing the name of the licensee, with the telephone number all of which shall be painted thereon in plain and unobscured letters not less than four inches in height.

- I. ISSUANCE OF LICENSE** - If the applicant has complied with all of the provisions of the Ordinance of the Village of Edwardsburg applicable to the applicant and business for which the license is made, the Village Clerk shall issue the license herein before provided for.
- J. FEE, BONDING AND INSURANCE REQUIREMENTS** - Every person who engages in the business of collection, transportation or disposal of refuse in the Village shall meet fee requirements of the Ordinance and, any bonding or insurance requirements imposed by the Village Council. The license year shall be from April 1 to the succeeding March 31 and the fee shall be payable in advance.
- K. COMPLIANCE OF LICENSEE** - The licensee shall at all times comply with all requirements of this Ordinance and all rules and regulations issued pursuant to this Ordinance, and all requirements of State Law.
- L. ORDINANCES REPEALED** - All sections or parts of sections of this ordinance and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

#### **SECTION 5. COLLECTION**

- A. TYPES OF COLLECTION** - Licensee shall provide, either curbside unlimited or backyard collection service as defined by this Ordinance to each residential premise one time per week. Curbside refers to that portion of right-of-way adjacent to paved or traveled Village roadways (including approved alleys). Backyard refers to a side or backyard or place both convenient for the Village Licensee and resident.
- B. REFUSE TO BE COLLECTED** - The Village Licensee shall collect garbage and rubbish on the designated collection day. If the collection days would differ, this would depend on the Licensee policies. The residents and the Village Council will be notified of such change. Each owner and or occupant of a residential premise may place for pickup only refuse generated by each residential unit owned, leased or occupied by him/her.
- C. COLLECTION TIME**- Collection of refuse shall be collected no earlier than 6:30 a.m. and no later than 5:00 p.m. on the designated collection day.
- D. COLLECTION CONTAINERS** - Collection containers shall be placed for collection no earlier than twelve (12) hours before normal pickup time, and removed from the curbside within twelve (12) hours after normal pickup time.

**SECTION 6. RESTRICTIONS**

**A. UNLAWFUL TO DEPOSIT CERTAIN MATERIALS** - No person shall place any hazardous materials, including but not limited to, poisons, drugs, acids, dangerous chemical, narcotics, radioactive wastes, or explosive substances, in any container for collection any materials identified by State law as illegal for disposal in Type 11 landfills. The carcasses of dead animals shall not be placed for collection. (Ordinance No. \_\_\_\_\_ effective \_\_\_\_\_)

**B. NUISANCES PROHIBITED** - Accumulations or deposits of refuse remaining on premises are hereby declared to be a nuisance. No owner or occupant of a residential unit or units shall permit the accumulation of refuse upon the residential premise for a period of more than seven (7) days. No person shall permit accumulations or deposits of refuse to remain upon premises occupied or owned by him/her except as permitted by this Ordinance.

The Village shall first investigate the existence of the alleged nuisance to determine whether or not a nuisance, as defined in this section, exists and to further determine the person who has created or is committing or maintaining such nuisance. The Village shall then give written notice to the person responsible for the creation, commission or maintenance of such nuisance, specifying in particular the nature thereof, the corrective action to be taken to abate the same and the time limit for abatement of such nuisance, which shall be a reasonable time. Such notice shall be served by prepaid mail upon the last known owner and occupant, and if such person cannot be found, posted prominently and securely upon said premises for at least seven (7) days before any abatement action is taken. If, at the expiration of the time limit in such notice, the person responsible for the commission, creation or maintenance thereof, the Village shall carry out the requirements of such notice. The cost of such abatement shall be a debt owed by the Village by the person responsible for the commission, creation or maintenance of such nuisance, and if the nuisance is attributable to the use, occupancy or ownership of any land or premise within the Village, shall be charged against such premises in the same manner as a special assessment.

The provisions contained in this subsection shall be in addition to the penalty provision of Section 6 (D) of this Ordinance.

**C. LITTERING; SCATTERING OF REFUSE** - No person shall cast, spill, place, sweep, or deposit anywhere within the Village any refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway, or other public place, or into any other premises within the Village.

**D. PENALTY** - The Village of Edwardsburg reserves the right to suspend solid waste collection services to any person who violates the provisions of this Ordinance, based on written documentation of such violation by the Village Council. A notice of such suspension of service shall be furnished to the Village Council. A notice of such suspension of service shall be furnished to the violating party via first class mail.

Further, any person, firm or corporation who shall violate any of the provisions of the Ordinance shall, upon conviction thereof, be deemed guilty of a misdemeanor and be punished by a fine of not more than One Hundred (\$100.00) Dollars and costs, or by imprisonment not exceeding ninety (90) days or by both fine and imprisonment, at the direction of the Court.

**SECTION 7. ESTABLISHING RATES**

**RESIDENTIAL** - The Village Council shall establish by resolution all rates and fees for residential premises refuse collection. Such rates shall be subject to revision by the Village Council from time to time.

**SECTION 8. RESPONSIBILITY FOR PAYMENT**

In the case of residential premises containing more than one dwelling unit which is billed separately for water by the Village Clerk, such fees shall be billed to the person who is the customer of the Village Clerk. In the case of residential premises containing more than one dwelling unit served by a single water bill, so that occupants or tenants cannot be billed separately by the Clerk's Office, such fees are prescribed by this Ordinance shall be billed to the customer of the single utility bill who shall be liable for the service fee for said premises. Owners and/or occupants of residential premises who are not water customers of the Village Clerk shall be billed individually.

Although the occupant or person in possession of the residential premises may make arrangements with the Village for payment of rates for the required refuse service, the owner of record, as title holder as reflected in the records of the Village Treasurer, shall be responsible for all refuse collection charges for service to owner's residential premises.

**SECTION 9. CONTINUING SERVICE**

**OCCUPANCY** - Residential premises refuse collection and appropriate charges for service shall continue, regardless of the customer's response to the billing procedure, so long as the residential unit is deemed occupied. It shall be the responsibility of the owner of the premises to advise the Village or its Contractor of any change in occupancy of the residential unit for purposes of service and billing.

**SECTION 10. EXCEPTIONS TO PAYMENT**

It shall be the duty of any owner and/or occupant of a residential premise to notify the Village Clerk's Office if said premises are being vacated between billing periods. It shall be the duty of any owner and/or occupant entering into any residential premise in the Village of Edwardsburg to notify the Village Clerk's Office immediately to avoid delay in billing and collection procedures.

No charge shall be levied on and no collection shall be rendered to the owner and/or occupant of a residential premise when said premises are temporarily vacated as established by the Village.

**SECTION 11. ELDERLY DISCOUNT**

All elderly persons as determined by the Village Council shall receive a discount for residential Solid Waste service by the Village Contractor.

**SECTION 12. BILLING OF SERVICE FEE**

The service fee for removal of refuse by the Village Contractor shall be established by the Village Council from time to time.



**SECTION 7. EFFECTIVE DATE** - The above and foregoing Ordinance No. 95-01 was duly adopted by the Village Council of the Village of Edwardsburg, at its regular meeting held on June 19, 1995, to become effective September 2, 1995, and is ordered to be given publication in the manner prescribed by law.

**MOTION TO ADOPT ORDINANCE**

Motion made by Valerie Weld and supported by Richard Cox that the foregoing Ordinance be adopted.

Votes:

Yes 6

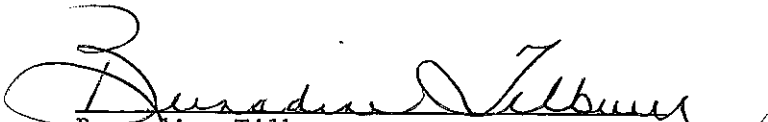
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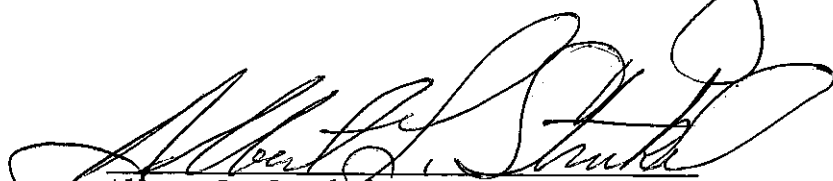
Absent 0

Abstained 0

**CERTIFICATION**

I hereby certify that the foregoing is a true copy of an Ordinance duly adopted by the Village Council of the Village of Edwardsburg, Cass County, Michigan on June 19, 1995, and published in the Edwardsburg Argus on August 3, 1995.

  
Bernadine Tilbury  
Village Clerk

  
Albert L. Strukel  
Village President

**SECTION 13. BILLING PROCEDURES**

The following billing procedures shall be controlling as to residential premises refuse collection service.

- a. Statements shall be rendered monthly and be payable to the Village at the Village Clerk's Office.
- b. The billing statement shall be payable on or before the due date shown on the statement. Payment date shall constitute the date upon which payment is received at the appropriate office.

**SECTION 14. LIEN ON RESIDENTIAL PREMISES; ASSESSMENT; PAYMENT**

The charges for residential premises refuse collection shall constitute a lien on all said premises.

In addition to the methods of collection and fees imposed is the Ordinance, the Village Treasurer shall, on June 30 and January 1 certify all unpaid charges for such service furnished to any premise which, as of these dates, have remained unpaid of six (6) months, to the Village Assessor who shall place the same on a special assessment roll of the Village, and shall be collected and enforced in the same manner as special assessments.

**SECTION 15. EFFECTIVE DATE**

The above and foregoing Ordinance No. 95-01 was duly adopted by the Village Council of the Village of Edwardsburg at the regular meeting held on June 19, 1995, to become effective September 2, 1995, and is ordered to be given publication in the manner prescribed by law.

MOTION TO ADOPT ORDINANCE

Motion made by Richard Cox and supported by JoAnn Mackling that the foregoing Amending Ordinance be adopted.

Vote:

Yes 4

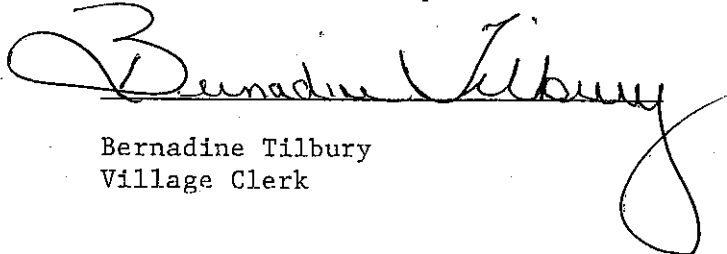
No 1

Absent 1

Amending Ordinance declared adopted at a special meeting of the Edwardsburg Village Council on Monday, March 15, 1996.

CERTIFICATION

I hereby certify that the foregoing is a true copy of an Amending Ordinance duly adopted by the Village of Edwardsburg, Cass County, Michigan on March 25, 1996, and published in the Edwardsburg Argus on April 4, 1996.



Bernadine Tilbury  
Village Clerk