

Village of Millington
Tuscola County, Michigan
Ordinance No. 91

AN ORDINANCE TO AMEND THE VILLAGE OF MILLINGTON CODE OF ORDINANCES TO ADD PROVISIONS PROVIDING FOR A WASTE HAULER CONTRACTED TO THE VILLAGE; ESTABLISHING DEFINITIONS; PRESCRIBING REGULATIONS FOR THE STORAGE AND COLLECTION AND REFUSE; PROVIDING FOR THE MAINTENANCE OF SANITARY CONDITIONS ON PUBLIC AND PRIVATE PREMISES; PROVIDING FOR THE IMPOSITION AND COLLECTION OF FEES FOR THE COLLECTION AND DISPOSAL OF REFUSE FROM RESIDENTIAL PREMISES; AND PRESCRIBING PENALTIES FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; AND TO REPEAL PRIOR ORDINANCE CHAPTER #6.

THE VILLAGE OF MILLINGTON ORDAINS:

Article I. In General

SECTION 6.1: SHORT TITLE

This Ordinance shall be known and may be cited as the "Garbage, Trash and Rubbish Ordinance".

SECTIONS 6.2 – 6.25 Reserved

Article II. Rubbish Control

SECTION 6.26. ENFORCEMENT

The police department shall be responsible for the enforcement of this article. Prior to any enforcement under the provisions of this article the police department shall give seven (7) days' written notification of violation to the owner, as shown on the village tax records, or to any adult occupant on the premises by mailing of the notice by certified mail to the owner or occupant with return receipt requested. (Ord. No. 32, Sec 3, 8-4-69)

SECTION 6-27. UNLAWFUL ACCUMULATIONS.

It shall be unlawful for any owner or possessor of land in the village to do any of the following:

(1) Permit such land to be covered with or contain brush weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, manure, trash, refuse or debris or any combination of those items which would either tend to start a fire or increase the intensity of a fire already started, when it shall reach the land, cause poisoning or irritation to human beings from the obnoxious growths or

cause or tend to cause an unhealthy or obnoxious condition on the land or tend to devalue adjacent property.

(2) Permit such land to be covered with or contain refuse or debris resulting from the construction, demolition or neglect of a building, which refuse or debris has remained on the land for more than thirty (30) days after completion of the construction work, the demolition or after the loose boards, shingles or other materials have fallen off a building and where such refuse or debris is detrimental to the preservation of the public health, safety or general welfare of the people of the village, or which refuse or debris may constitute a fire hazard.

(3) Permit on such land an abandoned unused or unprotected well, cellar or other unnatural declivity in which stagnant water or debris is retained or which is dangerous to a person, including a child being or coming upon the land.

(4) Permit to be stored or placed on such land old lumber, metal, machines or parts of machines, junk, paper, clothes, glass or refuse or any combination of them. Machines or parts of machines shall include automobiles or parts of automobiles in need of repair or unlicensed automobiles or automobiles which cannot be readily operated under their own power or which require substantial repair.

(Ord. No. 32, Sec. 2, 8-4-69)

Sections 6.28 – 6.45. Reserved.

Article III. Solid Waste Management **{Repeal Sec. 6.46 - }**

SECTION 6-46: DEFINITIONS

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:

Ashes: The residue from the burning of wood or coal.

Back Door: A prearranged approved area in the side or rear yard that is convenient for the Contractor and resident.

Bag: Plastic or paper sacks designed to store refuse with sufficient strength to maintain physical integrity when lifted by the top. Total weight of a bag and its contents shall not exceed thirty (30) pounds.

Brush: Tree trimmings and shrubbery trimmings not exceeding one (1) inch in diameter.

Bulky Waste: Stoves, refrigerators, water tanks, washing machines, furniture and other refuse of this nature which may not be in excess of fifty (50) pounds and cannot be bundled or bagged.

Chipper brush: Tree trimmings, cuttings, branches and limbs exceeding one (1) inch in diameter, but not more than four (4) inches in diameter with all stumps and roots removed for disposal by the chipper machine.

Compost material: Brush, grass clippings, sod, leaves, weeds, and garden and commercial refuse.

Commercial Refuse: The refuse resulting from the operation of a non-residential premises, business enterprise, industrial, church, school, or institutional premises.

Construction Waste: Refuse from building construction, alteration, demolition or repair, and dirt from excavation.

Contractor: A person, corporation or partnership performing refuse collection under contract with the Village.

Curbside: That portion of a street right-of-way adjacent to the paved or traveled portion of the street.

Dead Animals: Carcasses of small animals, fish and fowl.

Dwelling Unit: A building, or portion thereof, designated for occupancy by one (1) family for residential purposes.

Food Processing Waste: Food waste, discarded rather than consumed, generated while preparing food.

Garbage: All putrescent and non-putrescent animal, fruit or vegetable waste resulting from the handling, preparation and cooking of food.

Hazardous Waste: Waste or a combination of waste and other discarded material including solid, liquid, semi-solid or contained gaseous material which because of its quality, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or increase in irreversible illness or incapacitating, but reversible illness or pose a substantial present or potential hazard to human health or the environment, if improperly treated, stored, transported, disposed of, or otherwise managed, together with any other materials that cannot be lawfully disposed of in a Type 2 Landfill. Hazardous

waste also includes any such material defined as hazardous under Act No. 64 of the Public Acts of Michigan of 1979 (MCL 299.501 et seq., MSA 13.30 (1) et seq.).

Household Hazardous Waste: Waste containing hazardous materials in products purchased for use or stored at a residential premise.

Industrial Waste: All such trade waste related to industrial or manufacturing plants and processes waste.

Non-Residential Premises: Commercial, or multi-residential building containing more than 4 dwelling units, or industrial, churches or institutional premises.

Pathogenic Waste: Waste associated with medical facility discards.

Person: Any person, firm, partnership, occupant, tenant, association, corporation, company or organization of any kind in charge of premises.

Producer: An occupant of a dwelling unit who generates refuse.

Putrescent: Any matter able to decay or decompose including animal, fruit or vegetable matter, or others that attracts insects, rodents or flies.

Recyclable Material & Recyclables: Waste materials that can be converted to a useful product and for which there is a market. Examples of recyclable materials include corrugated cardboard, papers, clear glass and bottles, and certain plastics and metals.

Recycling Container: Receptacle approved by the Village for curbside recycling bearing a special recycling marking.

Refuse: All putrescent {decaying/rotting} and non-putrescent solid waste, except animal or human body wastes and hazardous waste, including garbage, rubbish and yard waste.

Resident: Any person or persons living inside the Village limits of the Village of Millington.

Residential Premise: A parcel of land containing four (4) or less dwelling units.

Residential Solid Waste Collection: Service provided to premises with four (4) or less dwelling units.

Rubbish: All non-putrescent solid waste consisting of both combustible and non-combustible wastes, including but not limited to paper, cardboard, box board, tin cans, wood, glass, metal, bedding, clothing, and similar materials, excluding

hazardous waste and yard waste, that may be a detriment to the public health and safety.

Solid Waste: All waste.

Special Pickups: The collection of household items including but not limited to refrigerators, water heaters, stoves, television sets, mufflers, bicycles, household furniture, plumbing fixtures, auto parts, rugs, washers, dryers, or similar items which may not be collected as part of the regular garbage and refuse service.

Yard Waste Recycling Bag: A biodegradable bag approved and sold by the contractor or authorized agent bearing a special marking to be solely used for holding yard waste.

Yard Waste: Leaves, grass, plants, garden trimmings and tree and shrub cuttings.

Section 6.47. REFUSE CONTAINERS

a) Suitable garbage and rubbish containers shall be provided by the owner, tenant, lessee or occupant of the premises as follows:

1) All containers must have appropriate handles for lifting. Trash cans shall not exceed a thirty-five-gallon capacity. Trash cans, bundles, or bags shall not exceed a weight of fifty (50) pounds.

2) Plastic rubbish can liners, with a maximum capacity of thirty (30) gallons, may be used either as lining for metal containers or independently for garbage and rubbish storage. These liners shall not exceed a weight of fifty (50) pounds.

b) All bulk *rubbish* accumulating on any premises, such as cardboard containers, wooden crates, and similar rubbish, shall be flattened and tied in bundles or packed in a suitable container. In no case shall any bundle be larger than two (2) feet by four (4) feet.

c) *Brush* shall be cut into four (4) foot lengths and tied into bundles no larger than twelve (12) inches in diameter, and weighing not more than fifty (50) pounds. Brush must be tied with twine or string. No wire shall be allowed.

d) Grass clippings, leaves and ***yard waste*** must be in biodegradable bags or in a garbage can or similar container marked with a sign stating "compost material only".

Section 6.48. WASTE NOT ELIGIBLE FOR COLLECTION; PROCEDURES.

Construction, Commercial and Industrial Waste: The owner, occupant, contractor or other person responsible for the construction work shall remove from the premises, within a reasonable time, but in no case longer than 30 days, after completion of such construction, all surplus construction materials and *construction waste* removed to a disposal area approved by the State of Michigan. Every owner, occupant or person in possession of a commercial establishment or industrial, manufacturing or processing plant is responsible for the storage; collection and disposal of refuse and shall contract with a solid waste hauler for disposal thereof.

Pathogenic Waste; Disposition of Medicines, Poisons, Etc.: All pathogenic materials which may be contagious from residential premises, hospitals, clinics, convalescent homes, nursing homes, care facilities, doctor offices, dental offices, or any other similar source, shall be disposed of in accordance with applicable local, State and Federal laws.

Section 6.49. REFUSE COLLECTION SCHEDULE

All residential refuse accumulated on any premises in the Village shall be collected, conveyed and disposed of as required herein. Collection service to all Village residential premises, as defined in this chapter, shall be provided one time each week. All qualified residential refuse described in this chapter shall be disposed of by the *Contractor* under contract to the Village. No person/people other than the Contractor shall collect, convey over the streets and alleys of the Village, or dispose of any refuse accumulated in the Village except as provided herein. A residential premise which is rented, leased, loaned or otherwise placed in the care of a non-owner shall not exempt the owner from responsibilities as prescribed herein. No owner of premises in the Village shall allow refuse not accumulated on the premises to be placed out for Refuse Service.

- a) Residential refuse shall be collected every Tuesday. When a legal holiday falls on the day before or the day of a designated collection day, refuse collection will take place on the day following normal collection.
- b) ***Compost material*** shall be collected bi-weekly May thru September on Tuesdays. During the months of April, October & November, compost will be picked up on a weekly basis on every Tuesday.
- c) Spring cleanup shall be held in May as set forth by the Village Council annually. A dumpster will be made available at the Village Department of Public Works. Call the Village Office at 989-871-2702 or the Department of Public Works at 989-871-2701 for further information.
(Ord. No. 52, Sec 4 or 8-6-90)

Section 6.50. COLLECTION PROCEDURES.

a) It shall be the duty of the owner, occupant or person in charge of any premises to place or cause to be placed on the day scheduled for the collection of solid waste from the premises the receptacles containing such solid waste at the curb line in front of the building. Such solid waste containers shall not be set out for collection prior to 5:00 p.m. preceding the day of collection or later than 7:00 a.m. on the day of collection. After such receptacles are emptied, they shall be removed from the street on the same day the collections are made. If any waste material is placed between the sidewalk and curb other than on collection day, it shall be picked up by the department of public works. The property owner will then be charged labor & equipment rental accordingly. Any unpaid charges will be assessed to the real property taxes of the property owner.

b) It shall be the duty of the owner, occupant or person in charge of any premises to see that no rubbish, either combustible or noncombustible, is placed or permitted to remain in any street, alley or other public place, or in any private place except a building or other suitable storage place. It shall also be unlawful for any such person to store any hazardous waste, flammable rubbish or other waste material where it would cause a fire hazard. When any such owner, occupant or person in charge of any premises permits any rubbish or combustible material to accumulate in any alley, street or other public place, or in any private place, outside of a storage or other approved building, after the last regular pickup day in any week, the village shall have the authority to have such rubbish or other material removed by special collection. The cost shall be charged to the owner or occupants of property permitting such rubbish or other material to accumulate. The Village Council shall establish a schedule of charges sufficient to cover the cost of such special collections. The respective occupants or owners requiring such special collections of rubbish and other waste material shall be billed for their respective cost of collection. Any unpaid charges will be assessed to their real property taxes.

c) It shall be the duty of the police department and the superintendent of public works to enforce the provisions of this article. They shall see that no rubbish or other combustible material is permitted to accumulate on any premises or in any public or private place except in accordance with the provisions of this article. The chief of police shall have the authority to enter any premises where rubbish or other waste material has accumulated and which creates a fire hazard, and order the removal of the same. The police chief shall have the authority and it shall be his duty to require the assistance of any member of the fire or police department on duty to assist him in determining where special collections of rubbish and other waste material are required and in enforcing the provisions of this article.

d) It shall be the duty of the owner, occupant or person in charge of any dwelling house, store or business to dispose of any tree limbs or tree trunks in excess of four (4) inches in diameter, tree stumps, roots or diseased trees.

e) No person shall place at the curb for village collection, any portion of a tree which has been removed by private contractor, homeowner or by act of God. It shall be the duty of the person to dispose of any tree removed in such manner.

f) Special pickups of **bulky waste** will be permitted at one (1) large item per week that will require forty-eight (48) hours advance notice to either the Contractor or the Village to ensure that Special items are collected as a separate waste stream. With no advance notice, the Contractor will attempt to remove such items during normally scheduled waste collection.

g) Handicap Stop List is a special service provided to the elderly or those with a specific handicap that prevents them from placing waste at the curb. Applications for this may be obtained at the Village office and then **approved by the Village Council**. This will allow residents that require assistance to establish a "back door" location (outside of the actual residence, porch or garage) to place their waste for pickup.

Section 6.51. PROHIBITED DISPOSAL

(a) The Contractor may refuse to collect any of the following, or material commingled with any of the following:

- 1) Tires
- 2) Used batteries
- 3) Liquid waste, used oil, gasoline, grease, used cooking oil
- 4) Hot **ashes** or other heated material
- 5) **Dead animals**, animal waste or human waste; however, small dead animals (mice, birds, hamsters, but not dogs or cats), animal waste, including kitty litter (when clearly labeled as such) and disposable diapers will be collected if placed in sealed double plastic bags and stored in trash cans.
- 6) Explosives, dangerous chemicals and other hazardous materials
- 7) Compostable and yard waste that are mixed with garbage or rubbish. Items that are compostable shall be separated in the manner required by the refuse regulations as approved by the Village Council.

(b) It shall be unlawful for any person to deposit, throw or bury any garbage, rubbish or other waste material, in or upon any street, alley, or other public place except in garbage and/or rubbish receptacles as provided in this article. It shall be

unlawful to deposit, throw or leave such material on the premises of any other person and it shall be unlawful to bury garbage anywhere in the village.

(c) It shall be unlawful for any person to place or cause to be placed any garbage or rubbish, or material which requires payment of a specific charge upon the property of another.
(Ord. No. 52 Sec.6 of 8-6-90)

Section 6.52. LOTS WITH RUBBISH OR DEBRIS

a) It shall be the duty of every owner of every lot or property within the Village limits to keep such lot or property free of rubbish and debris. The police chief or other duly authorized official shall notify by certified mail with return receipt requested, the owner of any such property on which rubbish or debris is found. Such notice shall be in the following form:

VILLAGE OF MILLINGTON
RUBBISH REMOVAL NOTICE

TO: (Name and address)
RE: (Location of property where rubbish is found)

Notice is hereby given that rubbish has been found upon the above described property in the Village of Millington. This rubbish must be removed within ten (10) days from the date of this notice. Failure to comply with this notice will result in Village appointed personal entering upon the property and removing the rubbish. The expense incurred by the Village in the removal of the rubbish will be assessed against and will constitute a lien against the property. This lien will be enforced as provided by law.

Dated: _____

Signature: _____

b) The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified of the amount of such cost by first class mail at the address shown on the records. If he fails to pay the same within thirty (30) days after mailing by the village clerk, the village clerk shall add the amount to the next village tax roll and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the village.
(Ord. No. 52, Sec 7 or 8-6-90)

Section 6.53. UNLAWFUL BURNING.

(a) The following words and terms shall have the corresponding meanings for the purpose of this article:

1) "Open burning" means any fire wherein the products of combustion are emitted into the open air are not directed through a state-permitted incinerator.

2) "Combustible waste material" means lawn trimmings, trees, shrubs, brush, boxes, paper, straw, leaves, sawdust, tires, plastics, solvents, flammable liquids, and all rubbish and refuse that will ignite through contact with flames or ordinary temperatures.

3) "Bonfire or campfire" means fire which is kindled for a civic, social or athletic event, made from wood, trees, branches, kindling, wood chips, compressed wood, or other wood product. The fire shall not contain plastics, leathers, rubber, or petroleum products, including gaseous and combustible liquids.

b) A person shall not kindle or maintain any bonfire or authorize any such fire to be kindled or maintained on any premises.

c) Bonfires shall be constantly attended by a competent person until such fire is extinguished. This person shall have fire extinguishing equipment readily available for use.

d) Open burning prohibited as follows:

(1) No person shall ignite or allow open burning unless permission has been issued for such open burning.

(2) During construction or demolition of buildings or structures, no waste materials or rubbish shall be disposed of by burning on the premises or in the immediate vicinity.

(3) The burning of leaves and brush is prohibited.

f) Exceptions:

(1) Fires may be used for the cooking of food, provided no smoke violation or other nuisance is created {Refer to Chapter 9.2 (15)}. Cooking fires shall not be less than fifty (50) feet away from any structure, and adequate

provision is made to prevent fire from spreading to within fifty (50) feet of any structure.

(2) Salamanders or other gaseous or liquid fired devices may be used for heating by construction or other workers, provided no smoke violation or other nuisance is created. Burning of tires is prohibited.

(3) Open burning, specifically permitted in writing by the fire chief for fire department and civil defense purposes, after determination by the fire chief that such open burning will occur under the following circumstances:

(a) For the prevention of fire hazards which cannot be abated by other means;

(b) For the instruction of public firefighters or industrial or commercial employees under proper supervision of a qualified instructor. Such a program shall be presented to the local fire chief for approval at least forty-eight (48) hours prior to the instruction program.

(Ord. No. 52 of 8-6-90, Sec. 8)

Section 6-54. ENFORCEMENT

Officers of the police department, the fire chief and the superintendent of public works are hereby authorized to issue ordinance violation notices to any person violating any provision of this article.

(Ord. No. 52 of 8-6-90, Sec. 9)

Section 6.55. MUNICIPAL CIVIL INFRACTION

A person who violates any provision of this chapter is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than fifty dollars (\$50.00), plus costs and other sanctions, for each infraction. Repeat offenses under this chapter shall be subject to increased fines as provided by section 1-9 (c) (2) of this Code.

(Ord. No. 52 of 8-6-90, Sec. 10; Ord. No. 62 of 8-12-96, Sec. 3)

Section 6.56. Repeal.

All regulatory provisions contained in other village ordinances which are inconsistent with the provisions of this ordinance, are repealed.

Section 6.57. Effective Date; Publication.

This ordinance shall become effective upon publication of a notice in a newspaper circulated in the village, stating the date of the enactment and the effective date of the ordinance, a brief notice as to the subject matter of this ordinance, and such other facts as the village clerk shall deem pertinent and that a copy of the ordinance is available for public use and inspection at the office of the village clerk.

MADE, PASSED AND ADOPTED BY THE VILLAGE COUNCIL OF THE VILLAGE OF MILLINGTON, MILLINGTON, MI, ON THIS 9th DAY OF February, 2015.

Gailan Reinert
VILLAGE PRESIDENT

Rebecca Kochenderfer
VILLAGE CLERK

Date of Adoption: February 9, 2015

Date of Publication: February 13, 2015