

Chapter 6

Garbage, Trash and Rubbish*

- Art. I. In General, §§ 6-1 – 6-25**
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Article I. In General

Secs. 6-1 – 6-25. Reserved

Article II. Rubbish Control

Sec. 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, § 3, 8-4-69)

Sec. 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 inimical 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.

* Cross reference – Nuisances, Ch. 9

State law reference – Authority to abate nuisances and preserve the public health, MCL 67.1, MSA 5.1285.

- (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, § 2, 8-4-69)

Secs. 6-28 – 6-45. Reserved.

Article III. Solid Waste Management

Sec. 6-46. Definitions.

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

Brush means tress trimmings and shrubbery trimmings not exceeding one (1) inch in diameter.

Chipper brush means 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 means brush, grass clippings, sod, leaves, weeds, and garden and hedge trimmings.

Garbage means rejected food waste, including waste accumulations of animal, fruit or vegetable matter used or intended for food or that is used in the preparation of cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetable.

Hazardous waste means waste or other discarded material including solid, liquid or gaseous material, which because of its quality, concentration, physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or increase in serious irreversible 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. 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.).

Person means any individual, firm, owner, occupant, tenant, corporation, partnership, or person in charge of premises.

Rubbish means nonputrescent solid waste consisting of both combustible and noncombustible waste, including paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, or litter of any kind that may be a detriment to the public health and safety.

Special pickup means 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, but may be picked up and disposed of by the village.

(Ord. of 8-6-90, § 1)

Cross reference – Definitions and rules of construction generally, § 1-2.

Sec. 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-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 clear biodegradable bags or in a garbage can or similar container marked with a sign stating "compost material only." Yard waste includes garden debris, tree pruning or vegetative food waste.

(e) No newspapers will be picked up. All newspapers should be tied in bundles or put in paper sacks for recycling. Millington Boy Scouts will pick up all bundled or sacked newspapers on a regular schedule. Residents may take newspapers to the Boy Scouts drop-off area.

(Ord. of S-6-90, § 2)

Sec. 6.48. Building materials.

It shall be the duty of the owner, contractor or other person responsible for construction work to remove from the premises within a reasonable time after the completion of such construction work all surplus construction material and all refuse building material. This material will not be picked up by the village.

(Ord. of 8-6-90, § 3)

Sec. 6.49. Collection schedule.

(a) Garbage and rubbish shall be collected every Tuesday. If collection is interrupted because a holiday falls on Tuesday, the collection shall be postponed one (1) day.

(b) Compost material shall be collected the first and third Tuesdays of every month. During fall leaf season, leaves will be picked up weekly if required.

(c) Spring cleanup is April fifteenth to May fifteenth. Fall cleanup is October first to October thirtieth. Stoves, washers, dryers, etc., will be picked up during spring and fall cleanup only. Call the department of public works at 871-2701 for details.

(d) Special pickup items and refuse shall be collected by the village upon payment of a specific charge as determined by the village council. These items include the following:

(1) Chipper brush in excess of one (1) inch, but less than four (4) inches in diameter;

(2) Those items defined in section 6-46 as "special pickup;"

(3) Other items as may from time to time be necessary.

(Ord. of 8-6-90, § 4)

Sec. 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 curblin 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 8:00 a.m. on the day of collection. After such receptacles are emptied, they shall be removed from the street on the same day 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 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 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) The village will collect up to five (5) bags or containers of rubbish or garbage per dwelling per week. Any necessary additional disposal will be the owner's, occupant's or lessee's expense.

(g) The village will not be responsible for the collection of hazardous waste. .
(Ord. of 8-6-90, § 5)

Sec. 6.51. Prohibited disposal.

(a) The village 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) Compostables and yard waste that are mixed with garbage or rubbish. Compostables 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. of 8-6-90, § 6)

Sec. 6.52. Lots with rubbish or debris.

(a) It shall be the duty of every owner of every lot or property 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 days from the date of this notice. In case of failure to comply with this notice, the Village will enter

upon the property and remove 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. of 8-6-90, § 7)

Sec. 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 and 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 of 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 without having obtained a permit or other proper authorization from the fire official.

(c) A person shall not kindle or maintain any bonfire or authorize any such fire to be kindled or maintained unless the location is approved by the fire official and is not less than fifty (50) feet from any structure, and adequate provision is made to prevent fire from spreading to within fifty (50) feet of any structure.

(d) 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 as deemed necessary by the fire official.

(e) 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.
- (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. of 8-6-90, § 8)

Sec. 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. of 8-6-90, § 9)

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