

TOWNSHIP OF BARODA
Ordinance No. 33 of 2009
GARBAGE COLLECTION AND DISPOSAL

An Ordinance to protect and secure the Public Health, Safety, and General Welfare by the regulation of Garbage and Rubbish Collection and Disposal within the Township of Baroda, Berrien County, Michigan. Further, to provide penalties for the violation of the terms or provisions of this Ordinance

THE TOWNSHIP OF BARODA HEREBY ORDAINS:

Section 1. Intent: Rules and Regulations,

It is the intent of the Township Board that this Ordinance be liberally constructed for the purpose of providing a sanitary and satisfactory way of collecting and disposing of Township wastes. The Township Board may make such rules and regulations as from time to time appear to the Board to be necessary to carry out this intent, provided that such rules and regulations do not conflict with this Ordinance.

Section 2. Definitions. As used in this Ordinance,

(a) "Garbage" shall mean the putrescible and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

(b) "Inhabitable residential dwelling" shall mean any room or combination of rooms in which one or more persons are residing in, any multiple dwelling intended to serve more than one family. Each unit thereof shall constitute an inhabitable residential dwelling, and each unit shall be assessed for one (1) container. Apartments shall be considered separate units, except in those cases where sleeping rooms are rented. It is the intent of this section to assess all structures (used as multiple dwellings on a unit basis), except those structures which are serviced by a commercial contractor which complies with section 5. The Township may determine the number of units at any given address, and anyone considering himself or herself aggrieved may, within 20 days following receipt of the first billing, protest his or her ruling to the Township Assessor which may make a further determination, if necessary.

(c) "Rubbish" shall mean the miscellaneous waste matter resulting from housekeeping including ashes, cartons, tin cans, metals, small packing boxes and waste papers, and similar items but excluding loose residential yard waste consisting of grass clippings and/or leaves, discarded materials from building construction, trees, brush consisting of branches and sticks, automobiles and their component parts exceeding 35 pounds in weight or 6 feet in length, as well as tires of any type.

Section 3. Manner of Collection/Rules and Regulations.

Garbage and rubbish shall be collected by Township approved contractors or Township personnel at such times and pursuant to such rules and regulations as established by the Township Board. Such rules and regulations shall be published in a newspaper of general circulation in the Township at least once before such rules and regulations become effective and as often as the Township deems it necessary.

Section 4. Containers Required

- (a) Multi-use containers used for the storage of refuse shall be made of durable watertight, rust-resistant materials, shall be equipped with handles and wheels. One container per inhabitable residential dwelling shall be provided by the refuse hauling company.
- (b) Single-use containers shall be disposed of with the refuse contained therein and shall be of sufficiently sturdy material as to prevent breaking or tearing of the contents prior to its collection.
- (c) Business and Manufacturing establishments may use other containers subject to the approval of the Township Board.
- (d) Loose residential yard waste shall be stored in plastic bags conforming to the provisions of Section 4(b) of this Ordinance, the bags shall be purchased by the Owner from the Township.
- (e) Loose recyclables shall be stored in plastic bags conforming to the provisions of Section 4(b) of this Ordinance, the bags shall be provided by the refuse hauling company at no additional cost to the Owner.

Section 5. Collection from Industrial and Commercial Premises

Collection from Industrial and Commercial Premises are not required as part of this Ordinance. However, if an Industrial or Commercial Premise wishes to retain the Township to collect the garbage or rubbish they shall be given that right and shall pay the same fees as a “residential unit” for each container provided by the Township.

Section 6. Responsibility of Owners for Collection

Every Owner, Occupant or Lessor, or any agent thereof, of any residential dwelling, apartment complex, duplexes, condominium development, or manufactured home park or similar properties where garbage and rubbish accumulates from multiple households shall arrange with the Township for garbage and rubbish collection under this ordinance. It shall be the responsibility of the property owner to contract with the refuse hauling company for any additional receptacle(s). Every Owner, Occupant or Lessor, or any agent thereof, of any Industrial or Commercial Premise where garbage and rubbish accumulates shall arrange with the Township or another contractor for garbage and rubbish collection.

Section 7. Collection by Refuse Hauling Company

- (a) The refuse hauling company shall collect residential refuse on the days established by resolution of the Township Board if placed in approved containers, which shall be placed at the side of the street or other approved location no sooner than 12:00 noon of the day preceding the scheduled collection. Empty containers, excess containers and unacceptable items shall be removed from the side of the street or other approved location the same day that collection is made.
- (b) The refuse hauling company shall not collect hot ashes, hazardous waste, garbage which has not been drained of excess amounts of liquid, animal

excrement, excepting properly bagged used cat litter and animal bedding, commercial waste, construction waste, residential yard waste, or any loose material not properly bagged.

Section 8. Rates, charges; penalty

- (a) The rates for refuse collection shall be established by Board Resolution and amended at such times as deemed necessary by the Township Board to defray the cost of collection.
- (b) All charges for refuse collection & disposal shall be placed or included on Township Tax Bills, where possible, and payable per the terms outlined on the Tax billing. If tax bills are not normally sent to a property owner a separate bill shall be sent to the property owner, the terms, conditions & collection authority shall be identical to the other bills sent.
- (c) Charges for loose recyclables shall be included in the monthly residential unit rate, charges for yard waste recycling shall be born by the individual property owner, at their discretion. The additional charges shall be collected by the Township from the property owner by selling dedicated bags for such use.

Section 9. Penalty/Civil Infraction

Any person who shall violate any provision of this Ordinance shall be guilty of a municipal civil infraction as defined in Public Act 12 of 1994, amended Public Act 236 of 1961, being sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more then Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation.

Section 10. Enforcement

The Township Ordinance Enforcement Officer is hereby designated as the authorized Township official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in Court.

Section 11. Nuisance

A violation of this Ordinance is hereby declared to be a public nuisance or a nuisance per se and is declared to be offensive to the Public Health, Safety and Welfare.

Section 12. Injunctive Relief

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 13. Severability.

Should any section, clause, paragraph or provision of this Ordinance be declared by any court to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so determined to be invalid.

Section 14. Effective Date.

This Ordinance shall become effective thirty (30) days after its adoption and publication in a newspaper of general circulation in the Township of Baroda, Berrien County, Michigan. By order of the Baroda Township Board. July 20, 2009. A true copy has been added to the official Baroda Township Ordinance book and is available at the Baroda Township Office at 9091 First St., Baroda MI 49101 (269) 422-2300

This document is the first amended version of the original.
First Amendment January 18, 2010

Amended May 17, 2010