

**CHARTER TOWNSHIP OF AUGUSTA
WASHTENAW COUNTY, MICHIGAN
ORDINANCE NO. 20-03**

SOLID WASTE COLLECTION AND DISPOSAL

EFFECTIVE DATE: June 29, 2020

An Ordinance to provide for the licensing of collectors and haulers of refuse, garbage and rubbish as defined herein, to provide operation and licensing requirements for such collectors and haulers, to establish the duties and responsibilities of owners and occupants of property in the Township to properly store and dispose of refuse, garbage and rubbish, and to provide penalties for violation.

THE CHARTER TOWNSHIP OF AUGUSTA, WASHTENAW COUNTY, MICHIGAN ORDAINS:

SECTION 1. TITLE.

This Ordinance shall be known and referred to as the Augusta Charter Township Waste Collection and Disposal Ordinance.

SECTION 2. DEFINITIONS.

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Garbage means rejected food wastes including waste accumulation of animal, fruit, or vegetable matter used or intended for food or that attends the preparation, use, cooking, dealing in, or storage of meat, fish, fowl, fruit, or vegetables.

Municipal refuse means the solid wastes of residential, professional, and business establishments in the township, as distinguished from liquid wastes (sewage) and gas wastes (smoke and industrial fumes). This term shall include garbage and rubbish but shall not be construed to include abandoned automobiles.

Private Collector means any person to whom a private collector's license has been issued under the terms of this Ordinance. This term shall not refer to the Township's Contractor.

Recyclable Materials means source separated materials, site separated materials, high grade paper, glass, metals, plastic, aluminum, newspaper, corrugated paper, yard clippings, and other materials that may be recycled or composted.

Rubbish means non-putrescible solid waste consisting of both combustible and noncombustible waste, including paper, cardboard, metal containers, wood, glass, bedding, crockery, demolished building materials, or litter or refuse of any kind.

Township Contractor means a private individual, firm, partnership or corporation collecting and disposing of municipal refuse pursuant to a duly authorized and executed agreement or contract with the Township.

SECTION 3. ADMINISTRATION OF ORDINANCE.

The operation and administration of this Ordinance shall be under the direction of the Township Board. It shall be the duty of the Supervisor of the Township, through his/her proper agents and officers, to enforce the provisions of this Ordinance, and to make rules and regulations for the administration of this Ordinance.

SECTION 4. PENALTY FOR VIOLATION OF ORDINANCE.

Any person, firm, or corporation which violates the provisions of this Ordinance shall be responsible for a municipal civil infraction. The penalty for this Ordinance shall be a civil fine of not less than one hundred dollars (\$100.00), plus costs and other sanctions as provided by statute. Increased fines shall be assessed for second and subsequent violations according to the following schedule:

First Offense	\$100.00
Second Offense	\$200.00
Third Offense	\$300.00
Fourth Offense	\$500.00

A second or subsequent violation occurs when a person, firm or corporation admits or is determined to be responsible for any violation hereof and then subsequently admits or is determined to be responsible for another violation of this Ordinance.

Any violation of this Ordinance is hereby declared to be a public nuisance per se. The Township Board may enforce the provisions of this Ordinance by seeking injunctive relief in a court of competent jurisdiction in addition to any other remedies which may be available under law or this Ordinance.

SECTION 5. AUTHORITY TO CONTRACT FOR REFUSE COLLECTION

Whenever in the judgment of the Township Board such action may be necessary or advisable, the Board may determine to have the Township enter into a contract and grant a license to such persons as it may deem best able to collect municipal refuse and/or provide recycling services in the Township. The contract shall be for such term as it may determine, and may be, but need not be, exclusive. The Township Board may authorize one or more contracts and, if they determine it necessary, may limit such contract to a

certain part of the Township or to certain types of premises such as residential, commercial, or industrial and the like.

SECTION 6. DUTY TO PROPERLY STORE AND REMOVE WASTE.

A. **CONSTRUCTION AND BUILDING REFUSE MATERIAL.** It shall be the duty of the owner, contractor or other person responsible for construction work to remove from the premises all surplus construction material and building refuse materials. Such surplus materials and refuse shall be removed within a reasonable time after completion of such construction not to exceed fifteen (15) days.

B. **COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS.** It shall be the duty of the owner, proprietor, operator, manager, or person in charge of every commercial establishment, manufacturing factory, plant, or enterprise to collect or cause to be collected and disposed of at his/her own expense, all commercial and industrial refuse, garbage and other waste at least once a week and more frequently if the Board determines that the volume of waste from the establishment may be detrimental to health, safety or welfare.

C. **DUMPING WITHIN TOWNSHIP PROHIBITED; EXCEPTION.** No person or company shall allow or permit the keeping of any municipal refuse, garbage, filth, refuse, waste, trash, debris, rubbish or refuse of any kind, including cans, bottles, waste paper, cartons, boxes or crates, or other offensive or obnoxious matter, in open containers or piled, placed, dumped or disposed on any land within the Township. Nothing contained in this Section shall prevent the Township from establishing or contracting for the use of a dump or sanitary landfill site for the exclusive use of the residents of the Township.

D. **SCATTERING OF GARBAGE OR RUBBISH.** It shall be unlawful for any person to scatter, deposit, spill, or leave any garbage, yard waste or rubbish on either public or private property, or cause the same to be done, which will result in or contribute toward any unsightly conditions within the Township or may result in injury or damage to persons, animals or property.

E. OWNER/OCCUPANT DUTIES AND RESPONSIBILITIES.

1. Every person producing or causing to be produced municipal waste or recyclable materials shall not allow such refuse or recyclable materials to remain exposed in any building or on any premises owned, occupied, or used by such persons for a longer time than shall be reasonably necessary to remove and deposit the refuse or recyclables in proper containers.

2. It shall be the duty of each owner, when the premises are unoccupied, to keep the premises free from garbage or rubbish, to make inquiry and be aware of the day, time, and place for collection of waste at the address, and to set out such garbage and rubbish that has accumulated at the premises on each and every collection day.

F. DISPOSAL OF GARAGE AND RUBBISH.

1. GARBAGE.

(a) *Disposition.* All garbage shall be placed in approved containers as provided for in this Ordinance and the containers placed out for collection as provided for in subsection (F)(3) below.

(b) *Storage.* No person shall permit garbage to be stored upon his/her premises except in containers as provided for in this Ordinance, and all such containers must be kept leak proof and tightly covered at all times.

(c) *Accumulation.* No person shall permit garbage to be accumulated on their premises beyond a regular collection day, and it shall be the duty of every person in charge of the premises to properly prepare all garbage and place it out for collection as required by this Ordinance for the next regular collection day.

2. RUBBISH.

(a) *Disposition.* All rubbish shall be placed in containers when size permits or bundled as provided in subsection (b) below and placed out for collection as provided in subsection (F)(3) below.

(b) *Bulk Rubbish.* Rubbish too large for containers shall be reduced to as near three-foot lengths as possible, collapsed or compressed and securely tied or fastened in bundles weighing not more than 50 pounds.

(c) *Storage.* No person shall permit rubbish to be accumulated on their premises beyond a regular collection day, and it shall be the duty of every person in charge of the premises to properly prepare all rubbish as provided in subsections (a) and (b) above and place it out as required for the next regular collection day.

3. PUTTING OUT AND REMOVING CONTAINERS

The occupants of a residential unit and of each unit in a multiple family dwelling place within the Township shall place or cause to be placed such containers, together with bundles and bushel baskets, pending collection, at the front curb line or, if there is no curb line, at the edge of the nearest public street fronting the dwelling unit, or in a community trash receptacle provided by a private collector for use by an established commercial, residential or industrial community for which it is provided.

G. INTERFERENCE WITH GARBAGE AND RUBBISH AND/OR CONTAINERS.

It shall be unlawful for any person other than a municipal street and alley cleaner, municipal refuse collector, or other authorized person to interfere with garbage and rubbish placed in the streets, alleys, and public places of the Township for collection, or to interfere in any way with garbage and rubbish containers in the Township.

H. TRANSPORTATION OF GARBAGE AND RUBBISH.

The transportation of all garbage, offal, rubbish, or other waste materials through the streets, alleys, or thoroughfares of the Township shall be conducted in such a manner as to create no nuisance. It shall be unlawful for any person to transport, cart, carry or convey through or over any of the streets, alleys, or public places of the Township any garbage, unwashed refuse, or unwashed food containers without the written consent of the Township Board. Whenever such permission is granted, the vehicle used for such purposes shall be watertight and provided with a suitable covering. It shall be unlawful for any firm or corporation to transport or to otherwise convey through or over any of the public streets or public places of the Township any rubbish or other waste materials except under written consent of the Township Board, except rubbish or waste material accumulating on property owned or controlled by him and then only by approved methods of conveyance.

SECTION 7. LICENSING REQUIREMENTS.

A. LICENSE REQUIRED. Except as otherwise provided in this Section, it shall be unlawful for any private collector to engage in the business of collecting private waste in the Township without first obtaining a license under this Ordinance. A private collector that operates and does business in the Township on the effective date of this Ordinance may continue to do so without a license as required herein for a period of one year.

B. APPLICATION Any person, firm, corporation, or legal entity who desires to engage in the business of collecting, hauling, or removing refuse or recyclables of another person in the Township shall apply to the Township for a license under this Ordinance. The application shall be filed with the Township Clerk and shall contain all pertinent information required under this Ordinance or such other information as shall be reasonably required by the Township from time to time. At a minimum, said information shall include:

- 1 The full name and business and residence address of all owners, officers and managers of the applicant's business, and phone numbers.
- 2 The name and address of the applicant's business and phone number.
- 3 The route, districts, or territories within which the applicant proposes to make such collection or removal of private residential waste, the day of the week, and the disposal site which should be designated at the time of application for a license.
- 4 A description of the vehicles and equipment the applicant proposes to use in such collection, removal and transportation.

- 5 A description of the recycling programs offered by the applicant.
- 6 A description of the services to be rendered.
- 7 The proposed rate to be charged to users of the service.
- 8 Copies of certificates of insurance and bond which comply with this Ordinance.
- 9 Such other information as may be required by the Township Board.

C. ISSUANCE OF LICENSE; TRANSFERABILITY.

1. A license shall not be issued nor renewed until the application has been referred to and approved by the Township Board, and until such applicant has paid to the Township Clerk a license fee of \$1200.00, and until the applicant has deposited with the Township Clerk a bond of \$10,000.00.

2. No license issued under the provisions of this Ordinance shall be assignable or sublet without the express written permission of the Township Board.

D. BOND AND INSURANCE.

1. **BOND.** Each application for a license shall be accompanied by evidence of a bond in the amount of \$10,000.00 to the Township Clerk. Any persons aggrieved by any action of any private collector licensee shall have a right of action on the bond for the recovery of damages. Such bond shall remain in full force and effect for a period of 90 days after the expiration or cancellation of any such private collector's license. Each licensee shall carry, for each vehicle, public liability and property damage insurance, as required by law, sufficient to pay at least \$1,000,000.00 for any one person injured in an accident, \$5,000,000.00 for all persons injured in an accident, and \$100,000.00 for property damage, and shall give evidence of insurance prior to the issuance of the license. In addition to vehicle coverage as provided for herein, a licensee shall carry general business liability insurance with minimum coverage of \$1,000,000.00 per occurrence for injuries including accidental death, and not less than \$5,000,000.00 in the aggregate, and minimum property damage and contractual liability insurance of \$500,000.00 per occurrence and \$1,000,000.00 in the aggregate.

2. **WORKERS COMPENSATION AND OTHER INSURANCE.** The Township may require of private collector licensees other bonds and insurance, including Workers Compensation Insurance, to assure the Township that obligations of the private collector licensees will be sufficiently performed and discharged, and the safety of the Township will be protected if they are not.

E. REFUSAL TO GRANT LICENSE AND REVOCATION.

Any application for a license may be refused, and any license issued under this Ordinance may be revoked by the Supervisor when the applicant or licensee has made a false or fraudulent statement in such application or in operation of his/her business; whenever such business is conducted in an unlawful manner or in such manner as to constitute a breach of the peace or a menace to the health and welfare of the public; or whenever such applicant or licensee is unable to satisfactorily meet or perform the

requirements and provisions of the Ordinance, and the approved rules and regulations of the Township Board. In the event of such refusal or revocation, the applicant or licensee shall be entitled to have a hearing before the Township Board by written request to the Clerk, and the Supervisor shall, in such case, give the applicant or licensee a written notice of such hearing not less than three (3) days prior thereto.

F. **COLLECTION---RATES.** A private collector preferred hauler licensee under this Ordinance shall charge only such rate as is approved by the Board. A rate schedule that is approved by the Board for a preferred hauler private collector shall not be increased except by subsequent resolution of the Board upon application. The Township Board hereby reserves the right to fix and determine, at any time, a schedule of reasonable rates to be charged by all other private collectors licensed for collection, transportation, and disposal of waste under this Ordinance. A person aggrieved by a private contractor's failure to comply with rates as approved by the Board may request review of the dispute and the Board may determine the rate to be charged in accordance with the approved rate schedule.

G. **LICENSEE REQUIREMENTS.**

1. **ANSWERING COMPLAINTS.** Any private collector licensee shall provide someone to regularly answer all complaints made, and to properly dispose of such complaints. Such person shall be made known to the Township by written designation filed with the Township Clerk.

2. **COLLECTION VEHICLE SPECIFICATIONS.** The private collector licensee shall make all collections of waste in enclosed, watertight, packer type trucks.

3. **PAYMENT OF JUDGMENTS; DEFENSE OF SUITS OR ACTIONS.** As a condition for issuing any license under this Ordinance, the applicant shall agree to indemnify and hold the Township harmless from any judgment which may be obtained against the Township, whether alone or with the applicant/licensee on account of any injury or damage to any person or property which may arise by reason of any license granted under this Ordinance, and upon demand of the Township after issuance of a license as provided for herein, a licensee shall intervene and defend the Township against any such claim or action upon written notice given by the Clerk of the Township to the licensee.

4. **MARKING OF COLLECTION VEHICLES.** All vehicles used by the licensee in the collection and disposal of waste under the provisions of this Ordinance shall have, on both sides, the name of the licensee and business in legible, unobscured letters of not less than four (4) inches in height.

5. **COLLECTION METHOD; HANDLING OF CONTAINERS.** The licensee shall collect waste by emptying the contents of the receptacle into the licensee's vehicle and returning the receptacle to the place on the customer's property from which it was removed, replacing the cover. All receptacles shall be so handled and emptied that no waste is spilled on the premises of the customer, nor in any street area.

6. **LOADING OF VEHICLE.** The licensee shall so load the vehicle that as soon as any compartment of the licensee's vehicle is filled, the compartment shall be immediately covered with a metal cover.

7. **CONTAINERS.**

(a) The licensee shall provide sufficient containers and with such capacity so that each customer will be able to properly store and handle all accumulations of refuse or recyclables that may occur on each premises or property between collection intervals.

(b) Such containers shall be watertight and secure.

(c) Such containers shall be maintained so that they will not be a nuisance to the health and safety of the citizens of the Township.

8. **WEEKLY COLLECTION** A licensee approved under this Ordinance shall provide a normal collection service of one collection per week for residents. The Supervisor may provide for a special pickup collection when he/she determines that such collection is warranted.

SECTION 8. SAME-CONDITIONS.

The collection of municipal refuse is conditioned upon the observance of all provisions of this Ordinance. Collection is also subject to weather and other conditions beyond control of the Township and residents.

SECTION 9. CONSTRUCTION.

The requirements of this Ordinance shall be in addition to any other laws, ordinances and regulations of the Charter Township of Augusta, Washtenaw County and State of Michigan.

SECTION 10. SEVERABILITY.

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any Court of competent jurisdiction, it shall not affect any portion of the Ordinance other than said part or portion thereof.

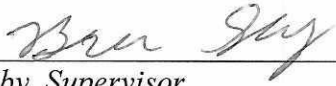
SECTION 11. REPEALER AND SAVINGS CLUSE.

All other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict. Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinances hereby repealed.


SECTION 12. PUBLICATION AND EFFECTIVE DATE.

This Ordinance shall be published in the manner as required by law. Except as otherwise provided by law, this Ordinance shall be effective on the day after final publication.

This Ordinance was duly adopted by the Charter Township of Augusta Board at its regular meeting called and held on the 23rd day of June 2020 and was ordered given publication in the manner required by law.



Brian Shelby, Supervisor
Charter Township of Augusta

 6/26/2020
Belynda Domas, Clerk
Charter Township of Augusta

CLERK'S CERTIFICATE

I, Belynda Domas, Clerk of the Charter Township of Augusta, Washtenaw County, Michigan hereby certify that the foregoing Ordinance No.20-03 was duly approved and adopted by the Board of Trustees for the Charter Township of Augusta, duly assembled in a regular meeting of said Board, held Tuesday, June 23, 2020 at 7 p.m. The complete text of Ordinance No. 20-03 was introduced at a regular meeting held June 9, 2020, and a notice was published in The Ann Arbor News on June 14, 2020.

I further certify that Member Domas moved the adoption of the ordinance, seconded by Member Shelby and that the vote upon the said ordinance was as follows:

YES: Adams, Burek, Chie, Domas, Howard, Ortiz, Shelby.

NO: None

ABSENT: None

ADOPTED: June 23, 2020

PUBLISHED: June 28, 2020

EFFECTIVE: June 29, 2020