AN ORDINANCE TO PROVIDE FOR THE COLLECTION AND DISPOSAL OF GARBAGE AND TRASH AND THE MANNER OF ASSESSING THE COSTS THEREOF:

THE COUNTY OF GRAND TRAVERSE ORDAIN:

ARTICLE I

Definitions. In this Ordinance:

(1) "Garbage means the putrescible and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

(2) "Rubbish" means the miscellaneous waste material resulting from housekeeping and ordinary mercantile enterprises, trades manufacturers, offices and stores, including ashes, cartons, tin cans, metal, small packing boxes and waste papers, excluding discarded materials from building construction or repair or refusals from industrial plants. The term "Rubbish" shall not be deemed to include discarded refrigerators, household furniture, large tree limbs or other similar articles not readily handled by a rubbish or garbage truck.

(3) "Enforcement Officer" means the County Sheriff or such other person or persons so authorized by the County Board of Commissioners.

(4) "County Board" means County Board of Public Works.

ARTICLE II

PURPOSE AND INTENT. It is the intent of the County Board that this ordinance be liberally construed for the purpose of providing a sanitary and satisfactory method of collecting and disposing of solid wastes. The rules of procedure and regulations necessary to carry out this intent shall be those established by the County Board, a copy of which shall be kept available for examination at the County House by the County Clerk.

ARTICLE III

GARBAGE AND RUBBISH: Collection.

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

ARTICLE IV

Receptacles required:

(1) The owner, occupant or lessor, or any agent thereof, of every premises where garbage and rubbish accumulate, shall cause to be provided for said premises sufficient and proper receptacles as herein prescribed. Receptacles that are broken, without handles, or otherwise fail to comply with the requirements of this ordinance, may be classed as "rubbish" and, after due notice to the user may be collected as rubbish.

(2) The receptacle for garbage shall be kept on the premises in the rear thereof, to the dwelling or premises. Containers shall be placed at the roadside on pick up days and readily accessible to the collector. Where approved liners are used, it will only be necessary to place the liner and contents at the roadside securely bound at the top.

(3) Garbage receptacles shall be of substantial approved construction, free of holes, with proper handles and tight fitting cover, and, except as hereafter provided for mechanical emptying, shall have a capacity of not less than ten gallons nor more than twenty gallons, and no single receptacle shall weigh more than 75
pounds when full. Garbage receptacles shall be adequate in size and number to hold one week's accumulation. All garbage receptacles shall be maintained in a sanitary condition.

(4) Rubbish receptacles shall be metal, plastic, or wooden bushel baskets with handles, in good condition, and shall weigh not to exceed 75 pounds when full. Rubbish containers, other than metal, plastic, or wooden baskets with handles in good condition, as herein specified, may be collected as rubbish without notice, except that garbage receptacles may be used as rubbish containers.

(5) Accumulations of rubbish larger than can be contained in a receptacle shall be securely tied in compact bundles not to exceed 75 pounds in weight and placed in a location designated by the Contractor.

(6) Empty containers shall not be left at the roadside more than 24 hours.

(7) Ashes will be removed only when placed in rubbish containers as herein specified.

(8) No person shall disturb the contents of any garbage or rubbish receptacle or bundle, or leave the receptacle or contents in a condition other than this ordinance provides.

(9) Fixed or stationary garbage or rubbish receptacles may be used only upon the approval of the County Board as to size, and location.

(10) In the case of multiple or group dwellings other than motel, or hotels, there shall be at least one container for each dwelling unit or the alternative; a total equivalent volume in an approved container or container designed for mechanical emptying, all as described above.

ARTICLE V

Industrial, Building Waste.

(1) Industrial waste from manufacturing plants may be removed upon agreement between the operator of such plants and the contractor.

(2) Other waste materials resulting from building construction or repair may be removed by agreement between the Contractor and Owner.

(3) It shall be the responsibility of the Industrial user or Constructor to remove industrial wastes from the plant and/or waste material resulting from building construction or repair either by agreement with the contractor or by private means, provided that all regulations of this County Ordinance are followed.

(4) Any establishment other than residential may make separate agreement with the Contractor pertaining to the removal of waste, provided, however, that such agreements shall be subject to the approval of the Board.

ARTICLE VI

Garbage, Rubbish, depositing, burning, etc; prohibitions.

(1) No persons shall bury or burn any garbage, or deposit garbage or rubbish upon any public way or upon any property owned by another or in any body of water within the County, nor shall any person deposit or place any garbage or rubbish upon any premises owned or occupied by him, unless the garbage or rubbish be enclosed in a suitable container as herein required.

(2) Suitable space will be provided by the County for the burning of waste material and other refuse. No waste material shall be burned except in receptacles provided for such purpose within the County, contrary to the health or fire regulations, or in any manner as to cause offensive smoke, objectionable odors or any fire hazard.

(3) Special arrangements may be made with the Contractor by individuals relating to the removal of refrigerators, household furniture, large tree limbs or other similar articles excluded herein under the definition of "Rubbish".

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(4) The provisions of Sections (1) and (2) shall not apply to the
burning of brush or similar material pursuant to a Conservation Department
permit.

ARTICLE VII

Owners, occupants, etc.: duty.

Every owner, occupant or lessor, or any agent thereof, desiring
service of any building where garbage or rubbish accumulates, shall
arrange with the Contractor or the County Board for garbage and rubbish
collection.

ARTICLE VIII

Rates, charges: penalty.

(1) The rates for garbage and rubbish collection shall be established
by the County Board by resolution and amended at such times as deemed
necessary by the County Board with approval of County Board of Commissioners
to defray the cost of collection.

(2) Statements shall be rendered monthly or quarterly at the
discretion of the County Board.

(3) All charges for garbage and rubbish services shall be payable
on or before the due date shown on the statement. If any garbage or
rubbish charges shall not be paid on or before the due date shown on
the statement, there shall be added to the amount shown on such statement
a collection fee of ten per cent. Such collection fee shall be charged
to the account of the customer and added to the next succeeding statement,
and payment shall be enforced in the same manner as the original charges.

(4) The charges for garbage and rubbish service are hereby made a
lien on all premises served thereby. Whenever any such charge against
any premises shall be delinquent for six months, the County official
in charge of collection thereof shall certify such delinquency to the
Township assessor and such charges shall be entered upon the next tax
roll as a charge against such premises and shall be collected and the
lien thereof enforced in the same manner as special assessments against
such premises.

ARTICLE IX

Violation and Penalty.

(1) Any person, firm or corporation violating any of the provisions
of this ordinance shall be guilty of a misdemeanor and shall be punish-
able by a fine of not more than One Hundred ($100.00) Dollars, or
sentenced in the County Jail for a period of not more than ninety (90)
days, or both such fine and imprisonment in the discretion of the Court.

ARTICLE X

Miscellaneous Provision.

(1) Repeal. All county ordinances or parts of ordinances previously
made inconsistent with the provisions of this Ordinance are hereby
repealed.

(2) Severability. The Sections of this Ordinance are declared to
be severable and if any portion shall be found invalid by a Court of
competent jurisdiction, such invalidity shall not effect the remaining
portions for applications of this Ordinance.

(3) Publication. This Ordinance shall be published in the Traverse
City Record-Eagle, a newspaper of general circulation in the County of
Grand Traverse.

(4) In accordance with Act 191 of the Michigan Public Acts of 1939,
MSA 5.6 (1) the Grand Traverse County Board, declared that this Ordinance
shall become effective on the 1st day of January, 1971.

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Adopted at a regular meeting of the County Board of Commissioners for the County of Grand Traverse on the 20th day of May 1970.

Edward M. Seabrook /s/ Edward M. Seabrook, Chairman


I, Anita Kucera, Clerk of the Board of Commissioners, hereby certify that the foregoing Ordinance was introduced and adopted at a session of said Board convened in the City of Traverse City on May 20, 1970, by a unanimous vote of the members present.

Anita Kucera /s/ Anita Kucera, Clerk

Dated: May 20, 1970

I, WILLIAM G. MILLIKEN, governor of the State of Michigan, hereby approved this Ordinance to Provide for the Collection and Disposal of Garbage and Trash and the Manner of Assessing the Costs thereof in the County of Grand Traverse.

Dated: June 29, 1970

Approved by letter dated June 29, 1970
William G. Milliken, Governor
STATE OF MICHIGAN
Office of the Governor
LANSing

WILLIAM G. MILLIKEN
Governor

June 29, 1970

Mrs. Anita Kucera, County Clerk
Office of the County Clerk
Traverse City, Michigan 49684

Proposed County Ordinance
Grand Traverse County

Dear Mrs. Kucera:

Notice is hereby given of my approval of the Proposed County Ordinance for Grand Traverse County.

However, approval is made subject to the caveat suggested in Mrs. Virtue's letter of June 23, 1970, a copy of which is enclosed.

Sincerely,

WILLIAM G. MILLIKEN /s/
Governor

cc: Mrs. Virtue
Honorable William Milliken  
Governor of Michigan  
The Capitol  
Lansing, Michigan  

Attention: Mr. Joseph Thibodeau  
Legal Advisor  

My dear Governor Milliken:  

Re: Proposed County Ordinance  
Grand Traverse County  

This office has examined a certified copy of a proposed ordinance adopted by the board of commissioners of Grand Traverse County at its regular meeting on May 20, 1970, certified to have been adopted by unanimous vote of the commissioners. It proposes to adopt an ordinance to provide for a sanitary and satisfactory method of collecting and disposing of solid waste. 

The county appears to be authorized to engage in the activity of establishing water, sewer and sewage disposal systems and garbage and rubbish collection facilities and services pursuant to Act 342, PA 1939, as amended, being MCLA #46.171 et seq; MSA 1969 Rev Vol #5.2767 (1) et seq.  

The county is authorized by the subject statute to provide such services within, as well as between, city, village, township and township improvement districts.  

It appears therefore that the subject matter of the proposed ordinance is within the power of the county and approval of the proposed ordinance is recommended subject to the caveat that in the cities which already established rubbish collection and disposal systems the authority of the county would appear to be ineffective except by contract with such municipality.  

It is suggested that the Governor's letter of approval make mention of the necessity of working out a harmonious relationship as to enforcement of the county ordinance in areas already covered by municipal establishments.  

Yours sincerely,  
FRANK J. KELLEY  
Attorney General  

MAXINE BOORD VIRTUE /s/  
(Mrs.) Maxine Boord Virtue  
Attorney Attorney General