

CHARTER TOWNSHIP OF WASHINGTON

MACOMB COUNTY, MICHIGAN

ORDINANCE NO. 139-B

AMENDMENT OF GARBAGE COLLECTION AND DISPOSAL ORDINANCE

TITLE

AN ORDINANCE amending the provisions of the Washington Township Garbage Collection and Disposal Ordinance adopted February 6, 2008 and providing amendatory provisions allowing condominium associations to opt-out of the single waste hauler program for the disposal of yard waste, allowing residential dwelling unit to participate in a program for the disposal of recyclables and providing for the suspension of waste hauling services when a residential dwelling unit is temporarily or permanently vacant, and to repeal any Ordinance or Resolutions in conflict therewith.

THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF WASHINGTON, MACOMB COUNTY, MICHIGAN, ORDAINS:

SECTION 1. AMENDMENTS

Section 1.1 Section 105.005 of the Washington Township Garbage Collection and Disposal Ordinance ("Ordinance") is hereby repealed in its entirety and replaced with the following amendatory provision:

105.005 - PROHIBITED CONDUCT

Section 5. The owner/occupant of a residential dwelling unit shall not dispose of any mixed waste, recyclables or yard waste generated from a residential dwelling unit within the Township other than by means of the designated waste hauler awarded the contract by the Township except as otherwise provided for in this Ordinance.

A. The Township shall solicit bids from qualified bidders for the disposal of (1) mixed waste and yard waste and (2) mixed waste, yard waste and recyclables. In the event the Township awards a bid to a qualified bidder for one of the two disposal options, the owner/occupant of a residential dwelling unit must utilize the approved waste hauler for the disposal of such designated waste.

B. No person except the designated waste hauler shall engage in the business of collection, transporting, delivery or disposal of mixed waste, recyclables or yard waste generated by a residential dwelling unit with the Township and designated by the Township for collection under the terms of this Ordinance.

C. It shall be unlawful for any person, or the owner, occupant, tenant or lessee of any residential dwelling unit within the Township to dispose of or attempt to dispose of mixed waste, recyclables or yard waste in contravention to this Ordinance.

D. It shall be unlawful to mix refuse in any container with construction debris, commercial refuse, hazardous waste, non-burnable materials or with hazardous and flammable materials.

E. This Section does not prohibit an owner/occupant of a residential dwelling unit who is the owner of a business from disposing of his/her own mixed waste, recyclables or yard waste at his/her business. The owner/occupant must notify the authorized waste hauler that the owner/occupant will dispose of mixed waste, recyclables or yard waste at his/her business and provide the hauler with the name and address of the business.

F. Condominium associations may opt-out of the single waste hauler program for the disposal of yard waste only if the association notifies the authorized waste hauler, in writing, that the association will dispose of yard waste within the development by means other than utilizing the single waste hauler.

G. The owner/occupant of a residential dwelling unit may elect to participate in a recycling program offered by the authorized waste hauler.

Section 1.2 Section 105.012(D) of the Ordinance is hereby repealed in its entirety and replaced with the following amendatory provision:

105.012(D) - VACANT RESIDENTIAL DWELLING UNITS

The owner/occupant of a resident dwelling unit that is, or will be, temporarily or permanently vacant may notify the single waste hauler, in writing, that the dwelling unit will be vacant. Upon receipt of written notice of a vacancy, the single waste hauler will discontinue service until such time as the residential dwelling unit is occupied. The owner/occupant must comply with the terms of this Section (D) in order to be eligible for a temporary or permanent discontinuance of service by the single waste hauler:

1. Temporarily Vacant Residential Dwelling Units.

An owner/occupant of a residential dwelling unit that intends to temporarily vacate the dwelling unit for a period of at least thirty (30) days shall notify the single waste hauler before the service is to be discontinued. To be eligible under the terms of this Section, the owner/occupant must discontinue service for a minimum of thirty (30) days. If the residential dwelling unit will be vacant for more than thirty (30) days, the owner/occupant must provide the authorized waste hauler with adequate documentation verifying the vacancy. The monthly collection charge shall not be pro-rated during a temporary vacancy. The owner/occupant must provide the authorized waste hauler with adequate documentation verifying any additional temporary vacancy.

2. Permanently Vacant Residential Dwelling Unit.

An owner/occupant of a residential dwelling unit that will be permanently vacant shall notify the single waste hauler, in writing, of the effective date of the vacancy. Upon receipt of the notice, the waste hauler will discontinue all service to the dwelling unit and not resume service until it is notified, in writing, that the dwelling unit will be occupied.

SECTION 2. REPEAL OF CONFLICTING PROVISIONS

All resolutions, ordinances or parts thereof in conflict with the provisions of this Ordinance Amendment are to the extent of such conflict hereby repealed.

SECTION 3. SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance Amendment is for

any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance Amendment.

SECTION 4. PUBLICATION

A true copy of this Ordinance Amendment shall be posted in the Office of the Township Clerk and on the Washington Township website in accordance with MCL 42.8(3)(b) and 42.22.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect immediately upon the second publication and adoption by the Washington Township Board in accordance with MCL 42.22.

CERTIFICATE OF TOWNSHIP CLERK

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance Amendment duly adopted by the Charter Township Board of Washington, Macomb County, Michigan, at a meeting held on the 5th day of October, 2011.

I hereby further certify that the following Township Board members were present at said meeting: Bosheers, Grimes, Jacobson, O'Leary, Richardson, Verellen and the following Township Board Members were absent: Rapp

I further certify that Member Bosheers moved for the adoption of said Ordinance Amendment and that motion was supported by Member Jacobson.

I further certify that the following Washington Township Board Members voted for the adoption of said Ordinance Amendment: Bosheers, Jacobson, Grimes, O'Leary, Richardson, Verellen.

and that the following Washington Township Board members voted against adoption of said Ordinance Amendment: None.

Kathy Bosheers, Clerk
Charter Twp of Washington

CERTIFICATE OF PUBLICATION

I, Kathy Bosheers, the Township Clerk of the Charter Township of Washington do hereby certify that on 09/21/ 2011 and 10/07/2011 the foregoing Ordinance was posted in the office of the Township Clerk and on the Charter Township of Washington's website as authorized by MCL 42.8(3)(b).

Kathy Bosheers, Clerk
Charter Township of Washington