

VILLAGE OF CALUMET

County of Houghton

RESTATEMENT OF ORDINANCE NO. 132

AN ORDINANCE PURSUANT TO ACT 3 OF PUBLIC ACTS OF 1895, AS AMENDED, AND ACT 320 OF PUBLIC ACTS OF 1927, AS AMENDED; REGULATING THE COLLECTION, REMOVAL, AND DISPOSAL OF GARBAGE WITHIN THE VILLAGE OF CALUMET; AND PROVIDING PENALTIES FOR THE VIOLATION OF THE ORDINANCE.

The Village of Calumet ordains and restates Ordinance No. 132 of the village ordinances as follows:

SECTION 1

As used in this Ordinance, the words and phrases listed below shall have the meanings ascribed to them in this Section.

1.1 “Garbage” means putrescible and vegetable waste resulting from the handling, preparation, cooking and consumption of food and miscellaneous waste resulting from normal living, housekeeping, premises up-keep and ordinary mercantile enterprises and trades, including, but not limited to, ashes, paper, or plastic cartons, tin cans, packing boxes and papers, animal waste and other household residue, but specifically excluding human waste, hazardous waste as regulated by State or federal law, sheet metal, steel or white goods (excluding tin cans of one gallon or less capacity), building materials, industrial refuse, rubber parts, oils, solvents, paints, varnishes, lead acid batteries, and logs or sticks in excess of one inch diameter or three feet in length.

1.2 “Garbage collection or removal service” means a business operated to collect or remove garbage for a fee or other valuable compensation or consideration.

1.3 “Landfill” means any licensed facility for the final disposal of garbage.

1.4 “Person” means any individual, corporation, limited liability company, partnership, association, trust, municipality or other identifiable legal entity.

1.5 “Receptacle” means any container (can, barrel, box, bag, etc.) used for the temporary storage of garbage outside the structure which generates such garbage and intended to be handled by a commercial garbage collection or removal service.

1.6 “Transfer station” means any licensed facility for the collection of garbage immediately prior to its delivery to a landfill.

1.7 “Unit” means any identifiable residential living structure or quarters or commercial or industrial business or structure which generates garbage at any time during the calendar year.

1.8 “Village” means the Village of Calumet.

SECTION 2

2.1 No person shall operate a garbage collection or removal service within the Village unless such person complies with the following conditions:

A. Such person shall use for garbage collection only vehicles designed exclusively for such purpose and no other so as to avoid creating a nuisance on the public ways of the Village as a result of blowing of garbage, leakage, falling of garbage or other public nuisance.

B. Such person shall have a contract with or shall be able to dispose of all collected garbage at a facility (landfill or transfer station) licensed and approved by the State of Michigan.

C. Such person shall comply with, and be responsible for compliance with, all applicable laws and regulations of the County of Houghton, State of Michigan, government of the United States, and other applicable laws and regulations regarding the operation of a business for the collection or removal of garbage.

2.2 No person shall operate as a garbage collection service within the Village in contravention of the conditions and requirements of this Ordinance. No person shall knowingly deliver to, or leave for pick-up by, a commercial garbage collection or removal service if that service is in violation of this Ordinance. Any person and the principals and agents of any person who shall be a violation of this Section shall be subject to the penalties as hereinafter provided in this Ordinance.

SECTION 3

3.1 All persons within the Village shall personally comply with the requirements of this Ordinance in the collection, removal and disposal of garbage or shall contract independently for their own garbage collection and removal with a commercial garbage collection or removal service that complies with the requirements and conditions of Section 2 of this Ordinance.

3.2 The owner, occupant, lessee, or manager of every premises where garbage accumulates or is generated shall cause to be provided for the premises sufficient and proper receptacles for the storage and collection of all garbage generated thereon. The receptacles shall be kept on the premises, out of public view to the extent possible. If a contract exists with a

commercial garbage collection or removal service for the collection or removal of garbage, the receptacles for garbage shall be placed out for pick-up not earlier than 8:00 p.m. in the evening of the day before scheduled pick-up nor later than 7:00 a.m. on the morning of the day scheduled for pick-up. All such containers must be securely bound and closed. Receptacles shall be placed beside the premises driveway or on or near the sidewalk serving the premises at the edge of the street so as to be readily available to collectors. During the winter months when snow is plowed, all garbage containers and receptacles shall be placed at such times and in such locations as to be accessible for pick-up but so as not to interfere with or be damaged by municipal snow removal activities. The occupants of each unit shall be responsible for determining the time of anticipated pick-up and the time of snow removal activity and for coordinating the placing of all such garbage for pick-up so as not to interfere with or be damaged by normal, scheduled snow removal activities.

3.3 Persons using commercial garbage collection or removal services shall store all garbage for collection or removal in plastic bags, properly sealed and in good condition and at their sole expense. The size of garbage bags shall not exceed a capacity of 30 gallons. Containers in which garbage bags are stored shall weigh less than 50 pounds. Receptacles that are broken, leaking, without handles, or in such condition as to be unfit for use may be treated as garbage by the collection service and disposed of as garbage.

3.4 No ashes, garbage, rubbish, dirt or other refuse, waste or thing by which its decomposition could become offensive to human beings or detrimental to health, or create or tend to create a nuisance, shall be placed by any person upon any vacant lot or land, public or private, within the Village of Calumet, whether such lot be enclosed or otherwise, without the authorization of the Village President.

3.4 It shall be unlawful for any person or its employees, designees, or agents to deposit or place in any manner whatsoever in or upon any sidewalk, street, alley or public place in the Village of Calumet garbage of any kind whatsoever except as permitted by this Ordinance for scheduled pick-up by a commercial garbage collection or removal service.

SECTION 4

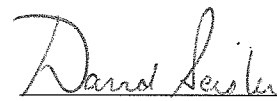
4.1 Any person who violates any of the provisions of this Ordinance shall, upon conviction, be guilty of a civil infraction punishable by a fine of not more than \$500.00. Any person so convicted shall be liable for the costs of prosecution.

4.2 The Village may establish and promulgate rules and regulations governing all aspects of the collection of garbage within the Village and the enforcement of this Ordinance as permitted by law and pass the same by resolution.

4.3 If any section or portion of this Ordinance is adjudged invalid or unenforceable, such section shall be severable from the remainder of this Ordinance and its invalidity shall not affect or impair the validity or the enforceability of the balance of this Ordinance.

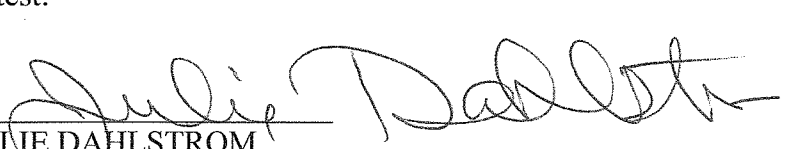
This amended and restated Ordinance shall be effective after publication and expiration of the time thereafter prescribed by law but not earlier than May 31, 2018.

Passed and adopted by the Village Council of the Village of Calumet, Houghton County, Michigan, on this 15th day of May, 2018.



DAVID GEISLER,
President

Attest:


JULIE DAHLSTROM,
Village Clerk

YEAS: Peggy Germain, Virginia Dwyer, Sandra
Johnson, David Geisler

NAYS: None

ABSENT: None

I hereby certify that the foregoing is a true and complete copy of Ordinance No. 132, as restated, duly adopted by the Village Council of the Village of Calumet, County of Houghton, State of Michigan, at a regular meeting held on May 15, 2018, and that this meeting was conducted and public notice of this meeting was given pursuant to and in full compliance with the Open Meeting Act, being Act No. 267, Public Acts of Michigan, 1976, and that the minutes of this meeting were kept and will be or have been made available as required by the Act.

I further certify that the following members of the village council were present at the meeting: Peggy Germain, Virginia Dwyer, Sandra Johnson, and David Geisler, and that the following members were absent: None.

I further certify that the following members voted for adoption of the restated ordinance: Peggy Germain, Virginia Dwyer, Sandra Johnson, and David Geisler and that the following members voted against the adoption of the restated ordinance: None.

I further certify that the ordinance has been recorded in the ordinance book of the Village of Calumet and that such recording has been authenticated by the signatures of the village president and the village clerk.

JULIE DAHLSTROM,
Village Clerk