

CITY OF MUNISING
GARBAGE ORDINANCE
ORDINANCE 2023-2

An ordinance to prohibit certain acts with respect to garbage and rubbish and to provide for an exclusive contractor for collection of residential solid waste and to facilitate the collection of garbage and rubbish within the City.

THE CITY OF MUNISING ORDAINS:

SECTION 1. DEFINITIONS.

(A) "Garbage" shall be deemed to include all animal and vegetable refuse from kitchens and household waste that shall have been prepared for or intended to be used as food, or shall have resulted from the preparation of food, and all animal and vegetable refuse from private premises, public food establishments and institutions where foodstuffs intended for human consumption have been prepared, used, offered for sale, or stored.

(B) "Rubbish" shall be deemed to include miscellaneous waste material resulting from housekeeping and ordinary mercantile enterprises, and includes packing boxes, cartons, excelsior paper, cold ashes, cold cinders, tin cans, bottles, metals, plastic, rubber and the like.

(C) "Frequency of collection". Collection of domestic garbage and rubbish shall be made at least once per week during the year. Collections from hotels, apartment houses, stores, office buildings, restaurants, institutions, and commercial establishments shall be made not less than once per week or more often in accordance with the needs as determined by the discretion of the City Manager.

(D) "Dwelling" shall mean any structure that people stay at, whether temporarily or permanently. Including residential, commercial, or other types of property.

(E) "Residential dwellings" means single-family dwellings, to include primary residences, seasonal residences, short-term and long-term rental units, and other types of single-family dwellings.

(F) "City Hauler" shall mean the third-party commercial hauler that is contracted with the City to collect solid waste and recyclables. Currently the City Hauler is GFL Environmental.

(G) "Recyclables" means the materials acceptable by the City Hauler as recyclables.

(H) "Citizens" shall mean any individuals that occupy any lot, building, or premises in the City of Munising.

SECTION 2. REGULATIONS.

(A) No person, firm, or corporation owning or occupying any lot, building or premises in the City of Munising shall allow any garbage or rubbish to accumulate and/or remain upon said lot or premises for a period of time in excess of that stated herein as "frequency of collection".

(B) No person shall deposit, or cause to be deposited, scatter or abandon garbage or rubbish on any public or private place in the City of Munising.

(C) No garbage or rubbish shall be burned in the open air within the City of Munising.

(D) Every tenant, lessee, or occupant of any premises where garbage or rubbish is created shall provide such premises one or more garbage or rubbish containers in sufficient numbers to receive and hold all garbage and rubbish created upon such premises between the time of collection and removal. All such containers shall not be filled above the top edge thereof or in a manner likely to spill their contents either from bottom, sides or top when being picked up and dumped into the collecting conveyance. Receptacles for garbage and rubbish shall be kept clean and sanitary by the owner or occupants of the premises upon which they are located. Receptacles that are in a condition as to no longer be usable in accord with this ordinance may be deemed at the discretion of the City Manager to be rubbish, and after due notice to the users, be collected as rubbish by the City of Munising or the City Hauler.

Garbage and rubbish containers shall be of durable construction and be leak proof with tight fitting covers and outside handles by which they may be lifted; and be otherwise in accordance with the requirements of this Ordinance.

Containers for residential dwellings shall be in accordance with City Hauler's requirements, that may change from time to time, and shall be promulgated by the City Hauler.

"Dumpsters" may also be used, at the sole-discretion and requirements of the City Hauler.

(E) No person shall place, or allow to stay, any garbage receptacle in front of any dwelling, hotel, restaurant, store, or other premises other than on the day of collection.

(F) No person shall interfere with the use of, or disturb the contents of, or remove the contents of, the garbage or rubbish being stored in any receptacle described in this ordinance.

(G) No person shall use the garbage receptacle of another person.

SECTION 3. City Hauler as Exclusive Hauler for Residential Solid Waste Collection.

(A) All residential dwellings in the City of Munising shall use the City Hauler for collection of residential solid waste.

(B) The City Hauler shall contract directly with the citizens of the City of Munising for collection of residential solid waste, in accordance with the contract between the City Hauler and the City of Munising.

(C) All citizens shall abide by the rules and conditions of the City Hauler, as long as the City Hauler is operating in accordance with the contract between the City Hauler and the City of Munising.

(D) The City Hauler shall provide for the collection of recyclables from residential dwellings in the City of Munising. The City Hauler may reasonably determine what items are considered recyclables and inform the citizens of same.

SECTION 4. COMMERCIAL AND OTHER SOLID WASTE COLLECTION.

Citizens of the City of Munising may contract with a commercial contractor for collection of non-residential solid waste, as long as both the citizen and the contractor abide by this Ordinance.

Dwellings other than residential single-family dwellings may contract with a commercial contractor for collection of solid waste, as long as both the citizen and the contractor abide by this Ordinance. This includes multi-family apartment buildings, hotels, and other dwellings that are not residential single-family dwellings.

SECTION 5. PENALTY-CIVIL INFRACTION/MISDEMEANOR.

A person responsible for an activity that violates this Ordinance shall be guilty of a civil infraction or a misdemeanor, as provided below. If the person responsible for an activity which violates this Ordinance cannot be determined, the owner, lessee or occupant of the property on which the activity is located shall be deemed responsible for the violation.

A person found responsible hereunder shall be guilty of a civil infraction as defined in RJA Section 113, MCLA 600.113, punishable by civil fine according to the following schedule:

First offense within one year \$50.00;

Second offense within one year \$100.00.

Any person who commits three or more violations of this Ordinance shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than \$500.00, and/or imprisoned for not more than 90 days.

For purposes of computing the one year period, time shall run from the date the first civil infraction was issued.

SECTION 6. SAVINGS CLAUSE.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct, and independent provision, and such holdings shall not affect the validity of the remaining portion.

SECTION 7. NOTICE TO BE PUBLISHED.

The City Clerk shall publish this ordinance in the manner required by law.

SECTION 8. WHEN EFFECTIVE.

This ordinance shall be in full force and effect in this governmental unit ten (10) days after the date of publication.

Mike Nettleton

Mike Nettleton, Mayor

Sue Roberts

Sue Roberts, City Clerk

Date introduced: August 21st, 2023

Date adopted: September 18th, 2023

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