

CITY OF MUNISING
GARBAGE ORDINANCE
ORDINANCE NO. 18

AS AMENDED

An ordinance to prohibit certain acts with respect to garbage and rubbish and to provide for the sale of items by the City 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 City Commission.

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 caused 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 to be rubbish, and after due notice to the users, be collected as rubbish by the City of Munising.

Garbage and rubbish containers shall be of durable metal or plastic construction and be leak proof with tight fitting covers and outside handles by which they may be lifted. Single family residential containers shall be not less than 20 gallon capacity and not more than 30 gallon capacity and shall not weigh more than 40 pounds when filled. "Dumpsters" may also be used but shall not be larger than 2 cubic yards and must be compatible with the collecting conveyance.

(E) No person shall place 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 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. SALE OF CITY REFUSE BAGS, CONTAINERS, AND TAGS.

(A) Unless authorized by the City Commission, no person shall possess for sale, sell, or offer for sale any plastic bags, containers, cardboard tags, or other material or substance which shall imitate bags, containers, or tags sold by the City.

(B) The City Commission shall provide a means for sale and distribution of City refuse bags, containers, or tags, for collection in the City of garbage and rubbish, and no person shall attempt to dispose of garbage or rubbish without utilizing those bags, containers, or tags.

SECTION 4. PENALTY-CIVIL INFRACTION/MISDEMEANOR. A person responsible for activity that violates Section 1 shall be guilty of a civil infraction or a misdemeanor, as provided below. If the person responsible for an activity which violates Section 1 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 Section 1 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 ticket was issued.

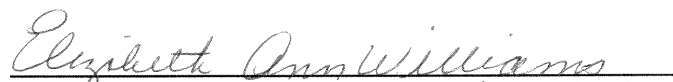
SECTION 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct, and independent provision, and such holdings shall not affect the validity of the remaining portion.

SECTION 6. NOTICE TO BE PUBLISHED. The City Clerk shall publish this ordinance in the manner required by law.

SECTION 7. WHEN EFFECTIVE. This ordinance shall be in full force and effect in this governmental unit ten (10) days after the date of publication.



ROD DESJARDINS, MAYOR



ELIZABETH ANN WILLIAMS, City Clerk

Date Introduced:	OCTOBER 16, 1995
Date Adopted:	NOVEMBER 20, 1995
Date Published:	NOVEMBER 22, 1995
Date Effective:	DECEMBER 4, 1995