

**STATE OF MICHIGAN
COUNTY OF HURON
VILLAGE OF PORT AUSTIN**

ORDINANCE NO. 102 - 04

**AN AMENDMENT TO VILLAGE OF PORT AUSTIN ORDINANCE NO. 70
PERTAINING TO THE REGULATION AND COLLECTION OF GARBAGE
AND RUBBISH.**

THE VILLAGE OF PORT AUSTIN ORDAINS:

AMENDMENT TO ORDINANCE NO. 70

Section 4, Receptacles Required is amended to provide as follows:

- a.) 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 which 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.
- b.) The receptacles for garbage shall be kept on the premises in the rear thereof within an approved distance of the rear entrance to the dwelling or premises. Containers shall be placed at the curb on pick-up days and readily accessible to the collectors. Where approved liners are used, it will only be necessary to place the liner and contents at the curb securely bound at the top.
- c.) Garbage receptacles shall be substantial approved construction, free of holes, with proper handles and a tightfitting cover and shall have a capacity of not less than ten gallons nor more than twenty gallons, and no single receptacle shall weigh more than 100 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.
- d.) Rubbish receptacles shall be metal, plastic, or wooden bushel baskets with handles, in good condition, and shall weigh not to exceed 100 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.
- e.) Accumulations of rubbish larger than can be contained in a receptacle shall be securely tied in compact bundles not to exceed 100 pounds in weight and placed in a location designated by the Sanitation Officer.
- f.) Containers and bundles shall be placed at the front curb or at the edge of the public street not earlier than 4:00 p.m. of the day before collection and the

empty containers must be removed therefrom no later than noon of the day following collection.

- g.) Ashes will be removed only when placed in rubbish containers as herein specified, and shall not contain live coals.
- h.) No person shall disturb the contents of any garbage or rubbish receptacle or bundle, or leave the receptacles or contents in a condition other than this ordinance provides.

Section 10, Violation and Penalty is amended to provide as follows:

Any person, firm, entity, or corporation violating this ordinance shall be responsible for a Grade B (Level 2) civil infraction. Each and every day of noncompliance is a separate offense.

Savings Clause. If any subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Repealer Clause. All ordinances and or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Motion by: Radlinski

Seconded by: Hogan

Yeas: Hogan, Loewe, Preston, Kasper, Radlinski, Ruth

Nays: None

Absent: Bruce

Abstain: None

Ordinance Adopted on the 11th day of October, 2004.

Clerk's Certification

Judy Binkley, Clerk of the Village of Port Austin, certifies that:

- 1.) A regular meeting on the ordinance was conducted in the Village Hall on the 11th day of October, 2004 at 7:30 p.m.
- 2.) The ordinance was adopted on the 11th day of October, 2004.
- 3.) The ordinance or a synopsis thereof was published on the 26th day of October, 2004.
- 4.) The ordinance is effective 20 days thereafter, on the 15th day of November, 2004.