

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

**AMENDMENT TO ORDINANCE NO. 70  
GARBAGE AND RUBBISH**

**AN ORDINANCE TO PROVIDE FOR THE AMENDMENT TO ORDINANCE NO. 70 IN ITS  
ENTIRETY.**

**THE VILLAGE OF PORT AUSTIN ORDAINS:**

**Section 1. Definitions:**

- a.) "Garbage" means the putrescible and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.
- b.) "Rubbish" means the miscellaneous waste material resulting from housekeeping, including ashes, cartons, tin cans, small packing boxes, and waste papers; and excluding discarded materials from building construction and automobile bodies or component parts of any substantial weight or size.
- c.) "Sanitation Officer" means the Department of Public Works Superintendent or other duly appointed representatives of the Village Council.
- d.) "Inhabited Residential Dwelling" means any room or combination of rooms, in which one or more people are residing in any multiple dwelling intended to serve more than one family. Each unit thereof shall constitute an inhabited residential dwelling, and each unit shall be so assessed. Apartments and condominiums shall at all times be considered separate units, except in those cases where sleeping rooms are rented. It is the intent of this ordinance to assess all units within a multiple dwelling structure, except those that are serviced by a Commercial contractor as set forth in Section 5 of this ordinance. The Sanitation Officer may determine the number of units at any given address, and anyone considering himself aggrieved may, within twenty day following receipt of this first billing, protest his ruling to the Village Council, who shall have authority to make further determination, if necessary.

**Section 2. Purpose and Intent**

It is the intent of the Village Council that this ordinance be liberally construed for the purpose of providing a sanitary and satisfactory method of collecting and disposing of municipal wastes. The Sanitation Officer is authorized to make such rules and regulations as from time to time appear to him to be necessary to carry out this intent; provided, however, that such rules do not conflict with this ordinance.

**Section 3. Garbage and Rubbish Collection**

Garbage and rubbish shall be collected by Village approved contractors or Village personnel at such times and pursuant to rules and regulations established by the Sanitation Officer. Such rules and regulations shall be published in a newspaper in general circulation in the Village at least

once before such before such rules and regulation become effective, and as often as the Sanitation Officer shall deem necessary.

#### Section 4. Receptacles Required

- a.) The owner, occupant or lessor, or any agent thereof, of every premise 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.) Accumulation 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 5. Industrial and Commercial Rubbish and Trash

The Village shall designate approved contractors, or may provide Village personnel, and any fees for such service to industrial and commercial establishments by the contractor shall be subject to the review of the Village Council.

Section 6. Garbage, Rubbish; Deposition, Burning, etc; Prohibitions

- a.) No person shall bury or burn any garbage, or deposit garbage or rubbish upon any public way or upon any property owned by another or in any body of water within the Village, nor shall any person deposit or place any garbage upon any premises owned or occupied by him unless the garbage is enclosed in a suitable container as herein required.
- b.) No waste material or rubbish, excepting leaves on such days as shall be designated by the Sanitation Officer, shall be burned within the Village, contrary to the health or fire regulations, or in any manner as to cause offensive smoke, objectionable odors, or any fire hazard. In those cases where burning is carried on, not in conflict with these provisions, it shall be done within an incinerator of a design and construction approved by the Sanitation Officer. In no cases will burning of garbage be permitted within the Village without approval of the Village Council, excepting in duly installed, double chamber, incinerators located within buildings.

Section 7. Owners, Occupants, etc; Duty

Every owner, occupant or lessor, or any agent thereof, of any building where garbage or rubbish accumulate, shall arrange with the Sanitation Officer for garbage and rubbish collection.

Section 8. Rate, Charges; Penalty

- a.) The rates for garbage and rubbish collection shall be established by the Council resolution and amended at such times as deemed necessary by the Village Council to defray the cost of collection.
- b.) Statements shall be rendered quarterly on the first days of January, April, July, and October.
- c.) All charges for garbage and rubbish services shall be payable thirty days following date of billing. Charges not paid within thirty days after date of billing shall be subject to a collection charge of one (\$1.00) dollar for each month that the same may remain unpaid following the due date thereof.
- d.) The charges for garbage and rubbish services are hereby made a lien upon the premises served thereby. Whenever any such charge against any premises shall be delinquent as of February 28<sup>th</sup>, the Village Treasurer shall certify such delinquency to the Village Assessor, and such premises, and shall be collected and the lien thereof enforced in the same manner as special assessments against such premises.

Section 9. Village Approved Collectors.

In the interest of providing the services as contemplated herein, the Village Council shall have the right to enter into contracts with one or more contractors to provide the services required by this ordinance, and no person, firm or corporation shall undertake to dispose of garbage or rubbish for others without there being in existence a contract between the Village and the Licensee for such purpose.

Section 10. Violation and Penalty. (Amended September 13, 2004.)

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.

Section 11. Miscellaneous Provisions

- a.) Repeal: All Village ordinances or parts of ordinances previously made inconsistent with the provisions of this ordinance are hereby repealed.
- b.) Severability: The sections of this ordinance are declared to be severable and if any portion shall be found invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining portions or applications of this ordinance.
- c.) Publication: The ordinance shall be published in a newspaper of general circulation in the Village of Port Austin.
- d.) Effective Date: This ordinance shall become effective twenty (20) days after passage and publication.

Made and passed by the Village of Port Austin, Huron County, Michigan, at a special meeting thereof this 27 day of September, 1999.

William F. Hogan  
Village President

Judith K. Binkley  
Village Clerk

Dated: September 27, 1999

Amended: October 11, 2004

Amendment Effective: November 15, 2004