

ORDINANCE NO. 11-4

AN ORDINANCE TO AMEND ORDINANCE NO. 99-40, AN ORDINANCE TO REGULATE THE COLLECTION, TRANSPORTATION, DELIVERY AND DISPOSAL OF SOLID WASTE AND RECYCLABLE MATERIAL; TO REQUIRE THE LICENSING OF WASTE HAULERS; TO ESTABLISH PRE-COLLECTION REQUIREMENTS; TO PROHIBIT ROADSIDE DUMPING OF REFUSE; AND TO PROVIDE FINES AND REMEDIES FOR VIOLATIONS THEREOF

THE COUNTY OF EMMET ORDAINS:

Section 1. Amendment of Ordinance No. 99-40. Ordinance No. 99-40, the Emmet County Solid Waste Ordinance, is hereby amended to read as follows:

SECTION 1

SHORT TITLE AND LEGISLATIVE INTENT

- 1.1 This Ordinance may be referred to as the "Solid Waste Ordinance" of the County of Emmet.
- 1.2 The purpose of the Ordinance is to protect the health, safety and general well-being of the citizens of Emmet County, enhance and maintain the quality of the environment, conserve natural resources and to prevent water and air pollution by providing for a comprehensive, rational and effective means of regulating the disposal of solid waste in the County consistent with the provisions of the Michigan Constitution of 1963, and Michigan law, including Act 185, Public Acts of Michigan, 1957, as amended to implement, administer, enforce, and develop a certain solid waste disposal system to service the residents of the County in accordance with the provisions of the County's solid waste management plan as amended, as required by MCL 324.11538(8).
- 1.3 The management of solid waste is the inherent responsibility of local government, whose authority in this area is derived from its police powers. County-wide collection and disposition of municipal solid waste, more commonly referred to as "flow control", will allow for more effective and environmentally responsible waste planning and management, and more effective implementation of the County's solid waste management plan.
- 1.4 Flow control allows environmentally beneficial management options such as source reduction, reuse, recycling, composting and alternative solid waste processing technologies, to be implemented. Flow control will further the goals of protecting the public health, safety and welfare of the citizens of Emmet County from offensive materials by regulating the removal, transportation and disposal of solid waste and reducing the amount of infected and contaminated solid waste that would require processing.
- 1.5 The County desires to further increase its rate of recycling and waste diversion with the goal of eliminating, or severely reducing the amount of County-generated waste that needs to be disposed. Flow control guarantees the quantity of waste to make the implementation of this goal viable and serve important environmental and public health, welfare and safety

objectives.

SECTION 2

DEFINITIONS

- 2.1 Definitions. For purposes of this Ordinance, the words and phrases listed below shall have the following meanings:
- 1) "Administrative Rules" means, except as otherwise expressly provided herein, those administrative rules promulgated under Section 9 of this Ordinance.
 - 2) "Administrator" means the Director of the Department of Public Works of the County of Emmet or other person appointed by the County Board to administer or enforce this Ordinance.
 - 3) "Commercial Recycling Services" means the recycling services provided to collect Source Separated Recyclables and any recyclables prohibited from being disposed of with refuse, as generated by all commercial, institutional and industrial buildings, service specifications as set forth in the Administrative Rules including, but not limited to, the types of commercial, institutional and industrial buildings to which such services are provided, the materials to be collected, requirements for preparation of the materials, and other appropriate requirements.
 - 4) "Commercial Composting Services" means the compost services provided to collect Yard Waste and/or Source Separated Organics and any compostables prohibited from being disposed of with refuse, as generated by all commercial, institutional and industrial buildings, service specifications as set forth in the Administrative Rules including, but not limited to, the types of commercial, institutional and industrial buildings to which such services are provided, the materials to be collected, requirements for preparation of the materials, and other appropriate requirements.
 - 5) "Construction and Demolition Debris" means a type of solid waste consisting of waste building material and rubble resulting from construction, remodeling, repair and demolition operations on houses, commercial buildings and other structures, including trees, stumps and brush removed from property during demolition, construction, remodeling, maintenance or repair. Construction and demolition debris does not include any of the following, which is subject to the Ordinance even if it results from construction, remodeling, repair and demolition of structures: (a) garbage, (b) furniture and (c) solid waste resulting from a processing technique that renders individual waste components unrecognizable, such as pulverizing or shredding. It also does not include any of the following which may require special disposal considerations: (a) asbestos waste, (b) drums and containers, (c) fuel tanks, (d) corrugated container board, and (e) appliances.
 - 6) "Construction and Demolition Debris Recycling Services" means the recycling services provided to collect Source Separated Construction and Demolition Recyclables and any recyclables prohibited from being disposed of with refuse, as generated by all residential,

commercial, institutional and industrial construction and demolition projects, service specifications as set forth in the Administrative Rules including, but not limited to, the types of residential, commercial, institutional and industrial construction and demolition projects to which such services are provided, the materials to be collected, requirements for preparation of the materials, and other appropriate requirements.

- 7) "Container Pick Up" means the collection of refuse from one container on one day.
- 8) "County" means the County of Emmet, Michigan, acting through the County Board.
- 9) "County Board" means the Board of Commissioners of the County of Emmet.
- 10) "County-Approved Refuse Container" means a container meeting all the specifications set forth in this Ordinance.
- 11) "County-Designated Facility" means any publicly owned facility(ies) identified by the County in the Administrative Rules and designated for acceptance, processing and/or disposal of solid waste, construction and demolition debris, recyclables, source separated organic waste (including yard waste) including, but not limited to, any of the following: (1) a solid waste transfer facility, (2) a sanitary landfill, (3) a solid waste processing plant, or (4) any other solid waste handling facility utilized in the transfer or disposal of solid waste. The County-Designated Facility for solid waste to be utilized by all licensed solid waste haulers is the publicly owned Emmet County Transfer Station located at the Emmet County Drop-off Center at 7363 Pleasantview Road, Harbor Springs, Michigan.
- 12) "County Refuse Bag" means a bag which is suitable for use as a residential refuse container.
- 13) "County Refuse Sticker" means a self adhering label which is suitable for use with residential refuse containers.
- 14) "County Refuse Tag" means a tag or ticket which is suitable for use with residential refuse containers.
- 15) "Curbside Composting Services" means the compost services provided to collect Yard Waste and/or Source Separated Organics and any compostables prohibited from being disposed of with refuse, as generated by all single and multiple family households, service specifications as set forth in the Administrative Rules including, but not limited to, the types of households to which such services are provided, the materials to be collected, requirements for preparation of the materials, and other appropriate requirements.
- 16) "Curbside Recycling Services" means the recycling services provided to collect Source Separated Recyclables and any recyclables prohibited (determined to be appropriate for curbside collection) from being disposed of with refuse, as generated by all single and multiple family households, service specifications as set forth in the Administrative Rules including, but not limited to, the types of households to which such services are provided, the materials to be collected, requirements for preparation of the materials, and other

appropriate requirements.

- 17) "DPW Board" means the Department of Public Works Board of the County.
- 18) "Drop-off Services" means the drop-off services provided to collect certain waste, recyclables and compostables and Special Wastes, as generated by all commercial, institutional and industrial buildings, service specifications as set forth in the Administrative Rules including, but not limited to, the materials to be collected, requirements for preparation of the materials, and other appropriate requirements.
- 19) "Hazardous Waste" means hazardous waste as defined in the NREPA, as amended, and as identified in administrative rules promulgated pursuant to the NREPA by the Director of the Michigan Department of Environmental Quality. See Attachment A.
- 20) "Individual" means any person who transports solid waste who is not a licensed waste hauler.
- 21) "Local Unit of Government" means a city, village, general law township or charter township within the County.
- 22) "NREPA" means Part 115, Solid Waste Management, of the Michigan Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.
- 23) "Person" means an individual, firm, public or private corporation, partnership, trust, public or private agency or any other entity or any group of persons.
- 24) "Premises" means a parcel of land, including any building or structures located thereon, within the County, which is being used for residential, commercial, industrial or institutional purposes, either separately or in combination, and to which a separate street address, postal address or box, tax roll description, or other similar identification has been assigned, or is being used by a person having control of the area.
- 25) "Prohibited Materials List" means the list, to be maintained by the County, of materials designated via Administrative Rule, that are not allowed to be set out with refuse, collected with refuse, or disposed with refuse as provided for in this Ordinance, including those materials prohibited due to their potential harm to collection staff and/or the environment and those materials prohibited due to the availability of convenient recycling and/or composting services that allow diversion of that material from disposal.
- 26) "Prohibited Materials List Trigger" means the following conditions under which the County may add, via Administrative Rule, a material to the Prohibited Materials List, should any of the following be demonstrated: a) identification of the material as being prohibited from disposal by state law, rule or regulation; b) identification of the material as endangering collection personnel or a material which would be detrimental to the normal operation of collection, including, but not limited to, gaseous, solid or liquid poisons, dead animals, ammunition, explosives, or any material that possesses heat sufficient to ignite other collected materials; and c) identification of the material as being easily recyclable and/or compostable with convenient collection and/or drop-off services

available throughout the County.

- 27) "Recyclable Material" means material or articles separated for the express purpose of preparation and delivery to a secondary market or other legitimate end use, including, but not limited to, newspaper, corrugated cardboard, magazines, computer print-out paper, office paper, glass containers, high density and low density polyethylene (HDPE and LDPE) containers, polyethylene terephthalate (PET) containers, tin cans, ferrous metal and nonferrous metal.
- 28) "Refuse" means solid waste.
- 29) "Rural" means a unit of local government which is a general law township.
- 30) "Solid Waste" means useless, unwanted, or discarded solid material with insufficient liquid content to be free flowing, which is generated within the County, including by way of example, all solid waste as defined in the NREPA, as amended (See Attachment B). It shall include, but not be limited to, materials or substances discarded as being spent, useless, worthless, or in excess to the owners at the time of such discard or rejection, or that are being accumulated, stored, or physically, chemically or biologically treated prior to being discarded or rejected, having served their intended use, or as a manufacturing by-product. The fact that a Solid Waste or constituent of the waste may have value or other use or may be sold or exchanged does not exclude it from this definition.
- 31) "Source Separated Construction and Demolition Recyclables" means construction and demolition recyclables which have been kept separate from refuse and have been prepared for recovery according to the Administrative Rules regarding participation in County Construction and Demolition Recycling programs.
- 32) "Source Separated Organics" means compostable material, including Yard Waste, which has been kept separate from refuse and has been prepared for recovery according to the Administrative Rules regarding participation in County composting programs.
- 33) "Source Separated Recyclables" means recyclable material which has been kept separate from refuse and has been prepared for recycling/recovery according to the Administrative Rules regarding participation in County recycling programs.
- 34) "Special Refuse" means furniture, household appliances, large tree limbs and other bulky refuse items, as may be further defined in the Administrative Rules, with the exception of construction and demolition debris.
- 34) "Tipping Fee" means a fee established by the County to be charged upon delivery of solid waste or recyclable material to a County-Designated Disposal Facility.
- 35) "Urban" means any unit of local government which is a city, village or charter township.

- 36) "Waste Hauler" or "Hauler" means any person engaged, in whole or in part, in the business of collecting, transporting, delivering, or disposing of solid waste within the County, other than the refuse generated by the person so hauling.
- 37) "Yard Waste" means leaves, grass clippings, vegetable or other garden debris, shrubbery or brush or tree trimmings that can be converted to compost humus or wood chip mulch. Yard waste does not include stumps, agricultural wastes, animal waste, roots, sewage sludge or garbage.

SECTION 3

LICENSING OF HAULERS

- 3.1 Hauler License. It shall be unlawful for any person to engage in the business of collecting, transporting, delivering or disposing of solid waste or recyclable material generated within the County, without first obtaining a hauler license.
- 3.2 License Application. Every person desiring to engage in the business of collecting, transporting, delivering or disposing of solid waste or recyclables generated within the County shall make written application to the Administrator on forms provided by or prescribed by the DPW Board. The application shall require such information as will enable the DPW Board to determine whether the applicant, if licensed, will serve the public in compliance with requirements of this Ordinance, and all other applicable laws, statutes, ordinances, rules, and regulations.
- 3.3 Approval or Denial of License. Upon receipt of an administratively complete application and payment of the licensing fee, the Administrator shall grant or deny the hauler license. If denied, a letter to the hauler explaining the reasons for the denial will be provided within ten (10) working days. If a license is denied, the applicant shall be provided with the opportunity for a hearing before the DPW Board within ten (10) working days of receipt of a written request for same from the applicant. The request for a hearing must be filed by the applicant with the Administrator within ten (10) working days of receipt of the denial. The DPW Board may affirm the denial of the issuance of the license for any of the following reasons:
- a) Failure of the applicant to comply with this Ordinance.
 - b) A violation of this Ordinance or other applicable laws, statutes, ordinances, rules, and regulations.
 - c) A prior criminal conviction, other than minor traffic offenses, or prior license revocation, when such criminal conviction or license revocation bears on the ability of the applicant to serve the public as a refuse hauler in a safe and lawful manner.
 - d) A misrepresentation of a material fact in the application for the license.
- 3.4 License Fee. An annual hauler licensing fee must be paid by the applicant upon submittal of a license application to the Administrator. A license fee schedule shall be adopted by resolution of the County Board and shall reasonably cover the cost and administration of the licensing. A fee schedule shall continue in full force and effect until amended by the County Board.
- 3.5 License Expiration and Renewal. A license issued under this Section shall expire on the first day of January of each year. A license shall be renewed annually, and the license fee paid, in the manner set forth in this Section, unless the applicant's license has been revoked in accordance with the terms of this Ordinance.

- 3.6 License Scope and Restrictions. A license issued under this Section may restrict the scope of services of the hauler based on the services defined in the hauler's license application. Restrictions may include (1) the geographic area to be served, (2) the class of waste generator to be served (such as residential, commercial or institutional), (3) the type of material to be collected (such as construction and demolition debris or recyclable material), (4) the points of collection (such as curb, alley, roadside, or drop station), and/or the schedule of such collections and (5) the vehicles the hauler may use to make collections. The scope of services provided by a hauler shall be limited as expressly stated in the hauler license.
- 3.7 Non-transferability of Licenses. A hauler license shall be non-transferable.

SECTION 4

CONDITIONS OF HAULER LICENSE

- 4.1 General License Conditions. It shall be a condition of each hauler license that the hauler shall comply with all the following:
- a) All provisions of this Ordinance, and any amendments thereto.
 - b) All applicable federal, state, county, and local laws, statutes, rules and regulations, including, but not limited to, those pertaining to the collecting, transporting, delivering or disposal of solid waste and recyclable material generated within the County.
 - c) All applicable provisions of the Emmet County Solid Waste Plan as required under the NREPA and any agreements regarding inter-county transport of solid waste authorized or restricted through that Plan.
 - d) All applicable provisions of the Administrative Rules promulgated under Section 9 of this Ordinance.
 - e) The hauler shall arrange for the delivery of all solid waste collected under the provisions of this Ordinance to a County-Designated Facility.
 - f) Administrative Rules may be promulgated in accordance with Section 9 of this Ordinance requiring that each hauler shall provide, or arrange to provide through subcontract, pick up services for recyclables and/or compostables generated by residential, commercial, institutional and industrial establishments receiving solid waste collection services from the hauler. The pick up services shall be at a degree of frequency to meet reasonable demands based on volume of material generated and be consistent with the Services identified for the customer type as provided for in this Ordinance. Materials to be collected, specifications for their preparation, and other appropriate service specifications shall be developed by the County, or its designated agent, based on generally accepted

industry standards, and described by the Administrative Rules.

- g) The hauler shall not knowingly allow materials in solid waste collected by the hauler that have been banned by the County, or it's designated agent, as described by the Administrative Rules.
- h) The hauler shall not knowingly remove County-generated solid waste collected by the hauler from the legal boundaries of the County prior to delivery to the County-Designated Facility, even for temporary or overnight storage, without first obtaining an exemption, as provided for in the Administrative Rules.

4.2 Specific License Conditions. As a condition of a hauler license issued pursuant to this Ordinance, the hauler shall:

- a) File in writing with the Administrator by the first (1st) day of January annually each of the following:
 - 1) A description of the methods and equipment the applicant will use for collecting refuse and/or recyclable material within the County.
 - 2) A description of the type of collection to be provided and the geographic area of the County to be served.
 - 3) A plan for meeting all collection and disposal requirements outlined in the Ordinance and in other local, state and federal regulations, as appropriate.
 - 4) Proof of liability insurance.
 - 5) A schedule of basic rates for collection, the services provided to customers and all fees associated with those services.
 - 6) A list of all collection trucks to be used in the County, including the capacity, license plate number, and identifying markers of each.
 - 7) An inventory of all Collection Containers types to be used in the County broken down by type (waste, recycling, C&D, organics, other) and size, estimated/current total unit count for each, and representative photos showing the color scheme, container identification number locations and any other key identifying markers for that container type.
- b) Notify the Administrator in writing ten (10) days prior to any substantive change in the information filed under subsection (a) above.
- c) File with the Administrator by the twentieth (20th) day of January, April, July and October of each year, operations information from the last full three (3) month period. This information shall include the segregated quantities, in yards and tons, of solid waste, including construction and demolition debris, and source separated yard waste and recyclable material collected by the hauler within the County.

- d) Establish any fee for service as a volume-based fee system, as may be further defined in the Administrative Rules, in which any fixed service fee includes a schedule of fee increases tied to the volume of solid waste that the customer places out for collection by the hauler that results in a clear financial benefit for the customer to recycle.
- e) Administrative Rules regarding County Refuse Tags, Stickers and/or Bags may be promulgated in accordance with Section 9 of this Ordinance requiring that each hauler shall assure that each refuse container for which the hauler provides a pick up is either affixed with a County Refuse Tag or Sticker or is contained in a County Refuse Bag.

SECTION 5

PROPER DISPOSAL OF REFUSE

- 5.1 Unlawful Dumping. No person shall deposit or cause to be deposited, sort, scatter, throw, drop or leave any solid waste, hazardous waste, special refuse, construction and demolition debris, yard waste or recyclable material upon or into any street, right-of-way, alley, container or other property, public or private, within the County without the prior permission of the owner, proprietor, occupant, or agent in charge of the premises.
- 5.2 Accumulation of Refuse. No owner and/or occupant of a residential dwelling unit or commercial establishment shall permit the accumulation of refuse upon any urban residential or commercial premises for a period in excess of fifteen (15) days. No owner or occupant of a residential dwelling unit shall permit the accumulation of refuse upon any rural residential premises for a period in excess of thirty (30) days.
- 5.3 Composting and Recycling. Yard waste may be accumulated on residential property for composting purposes in a manner which will not create odor, harbor rodents or become a public nuisance. Yard waste which has been collected commercially may only be accumulated if actively managed as compost in a manner which will not create odor, harbor rodents or become a public nuisance. Any yard waste accumulated commercially must comply with all state regulations and be appropriately registered with/certified by the state.

An individual's source separated recyclable material may be accumulated in a manner which will not create odor, harbor rodents or become a public nuisance, for the express purpose of transport and delivery to a recycling facility.

- 5.4 Collection Restrictions. No person shall place in any refuse container any of the following material:
 - a) Material that might endanger collection personnel or which would be detrimental to the normal operation of collection, including, but not limited to, gaseous, solid or liquid poisons, dead animals, ammunition, explosives, or any material that possesses heat sufficient to ignite other collected materials.
 - b) Material that is banned from disposal as provided for by state laws, rules and regulations.

- c) Material that is listed on the Prohibitive Materials List via the Administrative Rules, due to their ability to be easily kept separate from other materials and that are easily recyclable and/or compostable potentially including, but not limited to Yard Waste, cardboard, newspaper, bottles and cans, source separated organics and source separated recyclables.

5.5 Anti-Scavenging. No person shall take, collect or transport any refuse, yard waste, or recyclable material from any street right-of-way, alley or dumpster which has been designated for collection by a public agency or licensed hauler. This includes materials that have been placed at a drop-off location, at the edge of a curb, road or alley, or other designated collection site. Materials so restricted shall be placed in a well-marked container, stating the name of the authorized collection agent. An exception to this provision shall be annual bulk clean-ups sponsored by a local unit of government whereby scavenging of materials set out for refuse pick up reduces the volume of reusable material being land filled.

SECTION 6

REFUSE CONTAINER SPECIFICATIONS

- 6.1 Approved Residential Refuse Containers. For the purposes of residential refuse collection, an approved residential refuse container shall be a plastic bag or can liner closed by drawstring or twist tie, or a container constructed of a permanent material such as steel, aluminum or plastic with a tight fitting cover, which, if lifted manually shall have a capacity of no less than five or more than thirty (30) gallons and the gross weight not exceeding fifty (50) pounds. Administrative Rules may be promulgated under Section 9 of this Ordinance requiring that an approved residential refuse container shall be affixed with a valid County Refuse Tag or Sticker or shall itself be a County Refuse Bag.
- 6.2 Approved Commercial Refuse Containers. For the purposes of commercial refuse collection, an approved refuse container shall consist of a durable, water-tight metal container or dumpster with tight-fitting cover meeting the National Solid Waste Management Association, American National Standards Institute, and Consumer Products Safety Commission Standards for design, application and safety. A copy of the Standards shall be available for review in the Department of Public Works office. The lid and side doors of all commercial refuse collection containers shall be kept closed. The net volume of commercial refuse container places for refuse shall not exceed the specified capacity of the container. Administrative Rules may be promulgated under Section 9 of this Ordinance requiring that an approved commercial refuse container shall be affixed with the appropriate number of valid County Refuse Stickers as set forth in the rate schedule.
- 6.3 Approved Containers for Special, Construction and Demolition Wastes. For the purposes of special waste collection and construction and demolition debris collection, there shall be no special container requirements, and containers shall not be required to be affixed with County Refuse Stickers.
- 6.4 Condition of Containers. The owner and/or occupant of each residential and commercial

premises shall keep all refuse containers clean and in good repair, and shall maintain sanitary conditions in and around each refuse container.

SECTION 7

BAG, TAG AND STICKER SPECIFICATIONS AND USES

Administrative Rules may be promulgated under Section 9 of this Ordinance requiring the use of County Refuse Bags, County Refuse Tags, and/or County Refuse Stickers. Written notice of said Rules shall be provided to licensed haulers at least three (3) months before the effective date of the Rules. Section 7 of the Ordinance shall not take effect unless such Administrative Rules are promulgated.

- 7.1 General Specifications. Refuse placed for collection shall be placed in a valid County Refuse Bag unless a valid County Refuse Tag or Sticker has been adhered to each refuse container placed for collection within the County. A bag with a capacity of thirty (30) gallons or less shall be valid for a single residential container pick up. A new bag shall be used for each subsequent container pick up.

A valid County Refuse Tag or Sticker shall be adhered to any refuse container which is placed for collection within the County unless placed in a valid County Refuse Bag. A sticker shall be valid for a period of time specified by the DPW Board. A tag shall be valid for a single residential container pick up with a capacity of 30 gallons or less. A new tag shall be attached to each additional 30 gallons of capacity and each subsequent container pick up.

- 7.2 County Refuse Bags. County Refuse Bags shall be of a distinctive color, printed with the County seal, an expiration date and other appropriate words which indicate to refuse collectors that when the bag is placed for collection that it is intended for a refuse collection service. A County Refuse Bag shall be used as a residential refuse container and shall be valid for a single container pick up prior to the expiration date printed on the bag. A County Refuse Bag may be used instead of a County Refuse Tag.
- 7.3 County Refuse Tags. County Refuse Tags shall be of a distinctive color, printed with the County seal, an expiration date and other appropriate words which indicate to refuse collectors that when a tag is affixed to a refuse container it is intended for a refuse collection service. A tag shall be used on residential refuse containers only and shall be valid for a single container pick up prior to the expiration date printed on the tag.
- 7.4 County Refuse Stickers. County Refuse Stickers shall be of a distinctive color or material and printed with the County seal, an expiration date and other appropriate words which indicate to refuse collectors that when the sticker is affixed to a refuse container it is intended for refuse collection service. A sticker shall be used on residential refuse containers. Each sticker shall be valid for a period of time established by the DPW Board. The number of stickers required per container shall be set forth in a rate schedule by the DPW Board based on the size of the container and the number of pick ups per week.

- 7.5 Bag, Tag and Sticker Sale. A fee schedule shall be adopted by resolution of the County Board identifying the price at which County Refuse Bags, Tags and Stickers shall be sold. The Administrator shall sell, upon request, County Refuse Bags, Tags and Stickers to individuals, retail stores, and/or licensed waste haulers. Designated sales outlets may be determined by the DPW Board. Participating sales establishments shall sell County Refuse Bags, Tags or Stickers for not more than the maximum price set forth in the fee schedule, except that the appropriate sales tax may be charged by the retail establishment as required by State or Federal law.

SECTION 8

DISPOSAL OF SOLID WASTE

- 8.1 Disposal of Solid Waste. It shall be unlawful for any person to dispose of solid waste generated in Emmet County other than by delivering or causing the delivery of such solid waste to the County-Designated Facility in accordance with this Ordinance.
- 8.2 Approved Collection Methods. The owner or occupant of each residential, commercial, institutional and industrial property in the County shall be responsible for securing an approved method of solid waste collection. Approved methods shall be limited to: (1) arrangements with a licensed waste hauler, or (2) transport of a person's own solid waste to a County-Designated Facility.
- 8.3 Approved Refuse Container. Any person setting out refuse other than special refuse for collection by a waste hauler shall place all accumulated refuse in an approved refuse container as provided in Section 6 of this Ordinance. A hauler shall not pick up refuse from any residential or commercial location within the County unless it has been placed in a County-Approved Refuse Container.
- 8.4 Delivery of Solid Waste by Waste Haulers. Waste haulers shall (a) deliver all solid waste collected or transported from a site of generation within the County, except construction and demolition debris, to the County-Designated Facility set forth in the hauler's valid hauler license, and (b) pay the tipping fee for delivery thereof.
- 8.5 Delivery of Solid Waste by Individuals. An Individual transporting solid waste, except construction and demolition debris from his or her premises shall (a) deliver such waste to a County-Designated Facility and (b) pay the tipping fee for delivery thereof.
- 8.6 Open Burning of Refuse. Nothing in this Ordinance shall be construed to conflict with any ban imposed by the State of Michigan or other governmental agency with jurisdiction on the open burning of refuse, including, but not limited to, the open burning of household trash that may include such items as plastics, rubber, furniture, electronics, chemicals and other materials that release harmful emissions when burned, while still allowing for the burning of grass clippings, leaves, trees and yard waste.

SECTION 9

ADMINISTRATIVE RULES

- 9.1 Promulgation by DPW Board; Approval by County Board. The DPW Board may promulgate Administrative Rules to carry out the provisions of this Ordinance. The Administrative Rules shall be subject to approval by resolution of the County Board following the same procedures as are required for the adoption of ordinances.

SECTION 10

ENFORCEMENT

- 10.1 Authorized County Officials. The following personnel of the County of Emmet shall have the authority to enforce this Ordinance and to issue and serve municipal civil infraction notices and citations for violations of this Ordinance:
- a) The Director of Public Works, or his/her designee.
 - b) The County Ordinance Enforcement Officer.
 - c) The Emmet County Sheriff or his/her deputies.

SECTION 11

VIOLATIONS AND REMEDIES

- 11.1 General Violations. Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any license issued pursuant to this Ordinance shall be responsible for a municipal civil infraction.
- 11.2 Violations of Hauler Licensing Requirements and Penalties. In addition to any responsibility for general violations, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of Section 3, Licensing of Haulers, and/or Section 4, Provisions of Hauler License, shall be responsible for a municipal civil infraction and subject to a fine of not less than One Thousand Dollars (\$1,000) for a first violation, not less than Two Thousand Five Hundred Dollars (\$2,500) for a second violation, and not less than Five Thousand Dollars (\$5,000) for a third violation and for each subsequent violation, which fines shall be recovered on complaint for the use of the County. All other costs and sanctions for a violation of this Ordinance shall be as stated in Ordinance 97-10, as amended, which is adopted by reference.
- 11.3 License Suspension or Revocation. In addition to the provisions of Section 11.2 above, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of Section 3, Licensing of Haulers, and/or Section 4, Provisions of Hauler License, may be subject to suspension or revocation of any Hauler License held by such person, via court order as requested by the County.
- 11.4 Penalties for General Violations. Except as provided in Section 11.2 above, the civil fine, costs and other sanctions for a violation of this Ordinance shall be as stated in Ordinance 97-

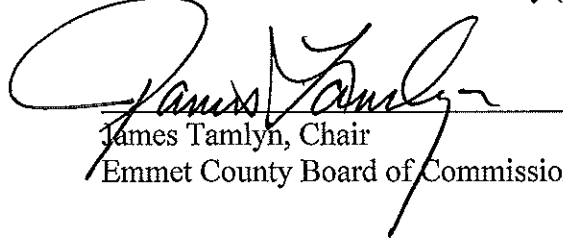
10, as amended, which is adopted by reference.

- 11.5 **Separate Violations.** Each day and each event upon which any continued violation of any provision of this Ordinance shall occur shall constitute a separate violation, and each incident of disposal of Solid Waste in violation of this Ordinance shall constitute a separate violation of this Ordinance.
- 11.6 **Additional Remedies.** In addition to the other remedies stated herein, the County may initiate proceedings in a court of competent jurisdiction to abate or eliminate a violation via an order to cease and desist, or similar mechanism, or to seek other equitable and/or legal relief, including, but not limited to, suspension or revocation of a hauler's license and/or recovery of attorney's fees and costs to ensure compliance with this Ordinance.

Section 2. Severability. The invalidity of any clause, sentence, paragraph or part of this Ordinance shall not affect the validity of the remaining parts of the Ordinance.

Section 3. Repeal. Any ordinances or parts of ordinances, including, but not limited to parts of Ordinance No. 99-40, inconsistent with this amendment are repealed.

Section 4. Effective Date of Ordinance. The Ordinance amendment shall take effect sixty (60) days after its adoption.


James Tamlyn, Chair
Emmet County Board of Commissioners

State of Michigan)
) ss
County of Emmet)

I, Gail Martin, Clerk of the County of Emmet and of the Emmet County Board of Commissioners, do hereby certify that the foregoing Ordinance was adopted by a majority vote of the Board on December 15, 2011.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County of Emmet this 15th day of December, 2011, at Petoskey, Michigan.


Gail Martin, Clerk

ATTACHMENT A

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)

Act 451 of 1994

324.11103 Definitions; G to O.

Sec. 11103.

“Hazardous waste” means waste or a combination of waste and other discarded material including solid, liquid, semisolid, or contained gaseous material that because of its quantity, quality, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible illness or serious incapacitating but reversible illness, or may pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed of, or otherwise managed. Hazardous waste does not include material that is solid or dissolved material in domestic sewage discharge, solid or dissolved material in an irrigation return flow discharge, industrial discharge that is a point source subject to permits under section 402 of title IV of the federal water pollution control act, chapter 758, 86 Stat. 880, 33 U.S.C. 1342, or is a source, special nuclear, or by-product material as defined by the atomic energy act of 1954, chapter 1073, 68 Stat. 919.

ATTACHMENT B

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)

Act 451 of 1994
Part 115
Solid Waste Management

324.11506 Definitions; S to Y.

Sec. 11506.

“Solid waste” means garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludges, solid commercial and solid industrial waste, and animal waste other than organic waste generated in the production of livestock and poultry. Solid waste does not include the following:

- (a) Human body waste.
- (b) Medical waste as it is defined in part 138 of the public health code, 1978 PA 368, MCL 333.13801 to 333.13831, and regulated under that part and part 55.
- (c) Organic waste generated in the production of livestock and poultry.
- (d) Liquid waste.
- (e) Ferrous or nonferrous scrap directed to a scrap metal processor or to a reuser of ferrous or nonferrous products.
- (f) Slag or slag products directed to a slag processor or to a reuser of slag or slag products.
- (g) Sludges and ashes managed as recycled, or nondetrimental materials appropriate for agricultural or silvicultural use pursuant to a plan approved by the department. Food processing residuals; wood ashes resulting solely from a source that burns only wood that is untreated and inert; lime from kraft pulping processes generated prior to bleaching; or aquatic plants may be applied on, or composted and applied on, farmland or forestland for an agricultural or silvicultural purpose, or used as animal feed, as appropriate, and such an application or use does not require a plan described in this subdivision or a permit or license under this part. In addition, source separated materials approved by the department for land application for agricultural and silvicultural purposes and compost produced from those materials may be applied to the land for agricultural and silvicultural purposes and such an application does not require a plan described in this subdivision or permit or license under this part. Land application authorized under this subdivision for an agricultural or silvicultural purpose, or use as animal feed, as provided for in this subdivision shall occur in a manner that prevents losses from runoff and leaching, and if applied to land, the land application shall be at an agronomic rate consistent with generally accepted agricultural and management practices under the Michigan right to farm act, 1981 PA 93, MCL 286.471 to 286.474.
- (h) Materials approved for emergency disposal by the department.
- (i) Source separated materials.
- (j) Site separated material.
- (k) Fly ash or any other ash produced from the combustion of coal, when used in the following instances:
 - (i) With a maximum of 6% of unburned carbon as a component of concrete, grout, mortar, or casting molds.
 - (ii) With a maximum of 12% unburned carbon passing M.D.O.T. test method MTM 101 when used as a raw material in asphalt for road construction.

“ATTACHMENT B” CONTINUED

- (iii) As aggregate, road, or building material which in ultimate use will be stabilized or bonded by cement, limes, or asphalt.
- (iv) As a road base or construction fill that is covered with asphalt, concrete, or other material approved by the department and which is placed at least 4 feet above the seasonal groundwater table.
- (v) As the sole material in a depository designed to reclaim, develop, or otherwise enhance land, subject to the approval of the department. In evaluating the site, the department shall consider the physical and chemical properties of the ash including leachability, and the engineering of the depository, including, but not limited to, the compaction, control of surface water and groundwater that may threaten to infiltrate the site, and evidence that the depository is designed to prevent water percolation through the material.
- (l) Other wastes regulated by statute.