

TOWNSHIP RECYCLING ORDINANCE

TOWNSHIP OF Powell, COUNTY OF MARQUETTE, MICHIGAN

For the health, safety, and welfare of the general public, pursuant to the authority granted under the Constitution, Article VII, Section 34 and pursuant to the authority granted by Michigan Compiled Law 41.181, the Township of Powell adopts this ordinance, which upon the effective date shall be known as the Township Recycling Ordinance.

Date of Adoption: 7/18/2017

Ordinance No: N/A

SECTION 1: PURPOSE AND AUTHORITY

- 1.1 General Purpose. The intent of this ordinance is to promote recycling and thereby reduce the amount of solid waste that is deposited in the Marquette County Solid Waste Management Authority's landfill facility and prolong the effective life of the landfill facility, for the betterment of the citizens of Powell Township.
- 1.2 Legal Authority. The Township is authorized to adopt ordinances for the health, safety, and welfare of the citizens of the Township, pursuant to the Michigan Constitution Article VII, Section 34 and Michigan Compiled Laws 41.181. See also *Square Lake Hills Condominium Ass'n v Bloomfield Township*, 437 Mich 310, 471 NW2d 321 (1991).

SECTION 2: TITLE

- 2.1 Title. This Ordinance shall be known and may be cited as the Township Recycling Ordinance.

SECTION 3: PROHIBITIONS AND REQUIREMENTS OF THE ORDINANCE

- 3.1 General Prohibition. Companies and individuals that provide general refuse services to the citizens of the Township are prohibited from providing such services unless they pick up recyclables along with picking up regular solid waste, in compliance with the schedule established by the Township. If the companies and individuals that provide general refuse services intend to dispose of the recyclables at the Marquette County Landfill, then all rules of the Marquette County Solid Waste Management Authority recycling program shall be followed, whether that program requires single-stream recycling, dual-stream recycling, or any other method employed from time to time by the Marquette County Solid Waste Management Authority.

- 3.2 Acceptable Recyclables. Companies and individuals providing the recycling services as required by this Ordinance shall accept all recyclables allowed by the Marquette County Solid Waste Management Authority. Acceptable recyclables are as published on the Marquette County Solid Waste Management Authority website at: www.mcswma.com/dual-stream-recycling.html, which may change from time to time.
- 3.3 Containers. Companies and individuals providing the recycling services as required by this Ordinance shall be allowed to reasonably require citizens to provide recyclables in a certain type and size container, as long as it is a common type and size container being required. The Township shall have the sole-discretion to determine whether the common type and size container being required by the company or individual provider is reasonable.
- 3.4 Size, Weight, and Volume Restrictions. Companies and individuals providing the recycling services as required by this Ordinance shall be allowed to reasonably limit recyclables to those recyclables that fit within the container specified by the company or individual service provider in accordance with Section 3.3 of this Ordinance. Companies and individual service providers shall be allowed to limit a single recyclables container weight to a reasonable amount. The Township shall have the sole-discretion to determine whether the weight limit being required by the company or individual provider is reasonable. Companies and individual service providers shall be allowed to reasonably limit the number of recyclable containers that an individual person or business provides for pickup on a single day. The Township shall have the sole-discretion to determine whether the number of containers being allowed by the company or individual provider on a single day is reasonable.
- 3.5 Proper Disposition of Recyclables. Companies and individuals providing the recycling services as required by this Ordinance shall dispose of the recyclables collected either at the Marquette County Solid Waste Management Authority facility or with some other licensed and authorized recyclables company. Under no circumstances are collected recyclables allowed to be provided to, or placed in, a landfill facility as general solid waste.

SECTION 4: EXEMPTIONS

- 4.1 Exceeds Acceptable Size and Weight. If customers exceed the size and weight limits as established by the company or individual service provider in accordance with Section 3 of this Ordinance, then the company or individual service provider shall not be responsible to pick up those particular recyclables.
- 4.2 Exceeds Volume. If customers exceed the number of containers put curbside on a single day as established by the company or individual service provider in accordance with Section 3 of this Ordinance, then the company or individual service provider shall not be responsible to pick up those particular recyclables.

- 4.3 Bulk Solid Waste Collection. The scope of this Ordinance does not include bulk collection of solid waste, including via dumpsters, roll-offs, dump trucks, or other similar bulk collection.

SECTION 5: VIOLATIONS AND PENALTIES

- 5.1 Monetary Penalties. Any person, company, firm, or any other entity, that violates the provisions of this Ordinance shall be deemed responsible for a civil infraction and shall be subject to a civil penalty. The penalty for the first infraction is a fine of One Hundred Dollars (\$100.00). Subsequent infractions shall impose an additional One Hundred Dollars (\$100.00) fine per infraction respectively, up to a maximum of Five Hundred Dollars (\$500.00) fine for any individual infraction. Every day that a violation continues to exist shall constitute a separate infraction. This penalty provision shall not preclude any other civil action, including injunctive or other relief available under the law.

SECTION 6: SEVERABILITY

- 6.1 Severability Clause. The individual provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section, or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of the Ordinance other than said part or portion thereof.

SECTION 7: PUBLICATION, EFFECTIVE DATE, AND CONFLICTING ORDINANCES

- 7.1 Publication. This Ordinance in its entirety shall be published once in the Marquette Mining Journal within 30 days of its adoption (MCL 41.184).
- 7.2 Effective Date. The effective date of this Ordinance shall be 30 days after the publication in the Marquette Mining Journal.
- 7.3 Conflicting Ordinances Repealed. All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed.

Adopted at a regular meeting of the Powell Township Board on July 18, 2017, with a motion by Stanley, supported by Turner, that the Township Board adopt the proposed Township Recycling Ordinance as presented.

Ayes: 5

Nays: 0

Motion carried. The Township Recycling Ordinance is hereby adopted.



July 1

Marquette County Solid Waste Management Authority
600 COUNTY ROAD NP • MARQUETTE MI 49855
PHONE: (906) 249-4125 • FAX: (906) 249-9377

COPY

MEMORANDUM

TO: MCSWMA Constituents

FROM: Bradley A. Austin, Director

DATE: May 24, 2017

SUBJECT: Recycling Ordinance

BOARD OF TRUSTEES

Randall Yelle, Chairperson
Jorma Lankinen, Vice Chairperson
Brett Schwenke, Trustee
Carr Baldwin, Trustee
Amy Manning, Treasurer
Deborah Pellow, Secretary
Dennis Honch, Trustee

By motion, on May 17, 2017, the Marquette County Solid Waste Management Authority Board of Trustees adopted a general law recycling ordinance. The adopted recycling ordinance is attached.

The use of the ordinance is not mandatory. Rather, it provides a template for constituent municipalities to utilize if they desire.

I would like to thank you all for your support, and offer any assistance I can to help you in regards to the ordinance, solid waste disposal and/or recycling. If you have any questions, comments, or concerns please feel free to contact me @ 458-0893.

I invite all of you to visit the landfill for a tour of our operation.

Sincerely,
Bradley A. Austin
Brad Austin
Director
MCSWMA