

**TOWNSHIP OF ARMADA**  
**MACOMB COUNTY, MICHIGAN**  
**ORDINANCE NO. R2022-01**  
**WASTE COLLECTION AND DISPOSAL ORDINANCE**

**TITLE**

**AN ORDINANCE** securing the public health, safety and general welfare of the residents and property owners of Armada Township through the establishment and implementation of a program for refuse collection and disposal by a single waste hauler for all single-family generation sites; to provide for the selection of a waste hauler; to provide for services to be rendered by the waste hauler; to establish collection schedules and procedures; to authorize special collections; to prohibit the unlawful transportation of refuse; to provide penalties for the violation thereof and to repeal any ordinances and/or resolutions in conflict therewith.

**THE TOWNSHIP BOARD OF THE TOWNSHIP OF ARMADA, MACOMB COUNTY, MICHIGAN, ORDAINS:**

**SECTION 1.    SHORT TITLE**

This Ordinance shall be known and cited as the "Armada Township Waste Collection and Disposal Ordinance."

**SECTION 2.    FINDINGS AND PURPOSE**

The Township Board has determined that a single hauler waste collection and disposal program for single-family generation sites will protect the public health and be in the best interest of the Township. In order to facilitate the single hauler waste collection and disposal program, the Township shall select a waste hauler on a sealed competitive bid basis and award the selected waste hauler the exclusive designation of "Township of Armada Waste Hauler" for the single hauler waste collection and disposal program. The waste hauler shall have the demonstrated ability and capacity to provide a high level of quality service to single family dwellings within the Township.

**SECTION 3.    ENABLING AUTHORITY**

This Ordinance is adopted in accordance with and pursuant to Act 451, Public Acts of 1994, as amended.

#### **SECTION 4. DEFINITIONS**

For the purpose of construction and application of this Ordinance, the following definitions shall apply:

- A. "Container" means a vermin proof, watertight, wooden, metallic, plastic or masonry receptacle for the storage and placement of solid waste.
- B. "Curbside" means a location as near as possible to the main-traveled portion of the roadway used for the collection of solid waste or recyclable materials.
- C. "Designated waste hauler" means any person awarded a contract by the Township to engage in the business of collecting solid waste and recyclable materials—from single-family generation sites within the Township and hauling, transporting or disposing of such materials.
- D. "Enforcement Officer" means any officer of the Township who has the responsibility to enforce ordinances of the Township.
- E. "Garbage" means rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruits or vegetables.
- F. "Generators of solid waste" means any person who has acquired or stored any solid waste garbage and recyclable materials at a site of generation.
- G. "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 Waste Pollution Control Act, chapter 758, 86 Stat. 880, 33 USC 1342, or is a source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, chapter 1073, 68 Stat. 919.

- H. "Owner/Occupant" shall mean, unless the Township is notified in writing to the contrary, the person whose name appears on the most recent tax assessment roll of the Township.
- I. "Person" shall mean any individual, firm, owner, occupant, tenant, corporation, partnership, limited liability company, association or joint venture responsible for the premises.
- J. "Recyclable materials" means source-separated materials, site-separated materials, high-grade paper, glass, metal, plastic, aluminum, newspaper, corrugated paper, and other material deemed to be recyclable materials by duly adopted resolution of the Township Board.
- K. "Rubbish" means non-putrescible solid waste, excluding ashes, consisting of both combustible and noncombustible waste, including paper, cardboard, metal containers, wood, glass, bedding, crockery, demolished building materials, or litter of any kind that may be a detriment to the public health and safety.
- L. "Single-family generation site" means a single-family dwelling unit which generates garbage, recyclable materials, rubbish, and solid waste that is not attached to any other dwelling unit by any means, excluding dwelling units in mobile home parks. Two-family dwellings, commonly referred to as duplexes, shall be included in this definition.
- M. "Solid waste" means solid waste as the term is defined in Act 451, MCL 324.11506.
- N. "Special collection" shall mean any collection of refuse at a time other than the regularly scheduled once per week collection, or of a volume or quantity of refuse exceeding the limitations of this Ordinance whether requested by an owner or occupant or done by the Township to eliminate a violation of Township Ordinances.
- O. "Supervisor" shall mean the Supervisor of the Township of Armada or his/her duly appointed agent or representative.
- P. "Township" shall mean the Township of Armada.

**SECTION 5. PROHIBITED CONDUCT**

- A. It shall be unlawful for any person to dispose of, store, collect, haul or transport solid waste or recyclable materials in the Township except as expressly authorized by this Ordinance.
- B. All solid waste and recyclable materials shall become the property of the designated waste hauler at the time the material is placed at curbside or other designated collection location. It shall be unlawful for any person other than a designated waste hauler or the generator of the solid waste or recyclable materials to collect or cause to be collected any such waste after it has been placed at curbside or other designed collection location.
- C. It shall be unlawful for any person to place or cause to be placed waste which requires payment of a specific charge for disposal upon the premises of another person or with the waste of another person placed at curbside.

**SECTION 6. AUTHORIZED WASTE HAULER**

- A. It shall be unlawful for any owner/occupant of a single-family generation site to utilize a waste hauler for collection and disposal of solid waste or recyclables except through the use of the authorized waste hauler designated by the Township Board. This Section does not prohibit an owner/occupant of a single-family generation site from disposing of his/her own garbage, rubbish, refuse, recyclables or mixed waste by means other than utilizing a third-party waste hauler.

**SECTION 7. EXISTING CONTRACTS**

- A. In the event an owner/occupant of a single-family generation site has in existence a written contract with a company other than the designated waste hauler as of the effective date of this Ordinance, the owner/occupant may continue to dispose of mixed waste and recyclables pursuant to the existing contract until the date the contract expires. The Township shall have the right to require the owner/occupant to submit written verification concerning the terms and condition of the existing contract with the third-party waste hauler. It is the express intent of this Section to permit an owner/occupant to complete the terms and conditions of an existing

contract with a third-party waste hauler that is in effect as of the date of this Ordinance.

**SECTION 8. INDEMNIFICATION**

- A. The authorized waste hauler shall, at its sole cost and expense, fully indemnify, defend, and hold harmless the Township, its Board Members, officers, boards, commissions, and employees against any and all claims, demands, suits, judgments, executions, liabilities, expenses, debts, damages, or penalties whatsoever, or any amount paid in compromise thereof (including, but not limited to , expenses for reasonable legal fees and disbursements and liabilities assumed by Township in connection therewith), arising out of or connected with the performance of waste hauling activities.

**SECTION 9. CONTAINMENT OF REFUSE**

- A. *Storage Regulations.* All solid waste at any single-family generation site shall be stored in the following manner:

(1) *Solid waste.* All solid waste shall:

- a. Be gathered, stored and placed in a closed container or containers sufficient in number and size to store such waste; and
- b. Not be commingled with yard clippings.

(2) *Recyclable materials.* All recyclable materials not commingled with solid waste shall be:

- a. Site-separated from other waste and stored and placed in a recycling collection container suitable for such purpose; or if newspapers or other recyclable paper products are included, they shall be stored and placed in recycling collection containers, paper bags or tied into bundles weighing not more than 50 pounds; and
- b. Rinsed and cleaned before storage if metal, glass or plastic.

## B. *Approved Containers*

- (1) Containers for refuse shall be a galvanized metal or hard plastic type of garbage container not exceeding 96 gallons in capacity, or shall be plastic bags not less than two mils in thickness. Containers over 32 gallons are required to have wheels. All such containers shall be tightly secured by a watertight top and plastic bag containers shall be securely tied, in such manner as to prevent contents from being spilled, blown or strewn by the forces of nature, animals, insects, or persons. Waste haulers shall not remove from the premises any refuse not properly located and secured as provided in this article. The township assumes no responsibility for damage to any containers.
- (2) The maximum weight of any container when filled with rubbish and located for pick-up shall be 50 pounds, including the weight of the container for 32 gallon containers, and 150 pounds for 96 gallon wheeled containers. Containers shall be maintained in good condition without holes or cracks and shall be of a durable quality for the purpose intended.
- (3) All refuse containing sharp objects such as broken glass, can lids and similar materials which are to be enclosed in plastic bags permitted under this article shall be first placed within another container or otherwise sufficiently wrapped in a manner to prevent injury to the waste hauler which would otherwise result from such objects protruding or cutting through plastic rubbish bags.
- (4) Containers for recyclables shall be a galvanized metal or hard plastic type of garbage container not exceeding 64 gallons in capacity clearly marked for recyclables only.

## **SECTION 10. DISPOSAL REGULATIONS**

All solid waste at any single-family generation site shall be disposed of in the following manner:

- A. *Solid waste.* All solid waste shall be removed from single-family generation sites at least weekly by a designated waste hauler.

- B. *Recyclable materials.* All recyclable materials not commingled with solid waste shall be removed from single-family generation sites at least weekly by a designated waste hauler.
- C. *Other waste.* All other waste at any single-family generation site shall be disposed of in accordance with Act 451.
- D. *Curbside placement.*
- (1) No solid waste or recyclable materials shall be placed at curbside for collection by a designated waste hauler prior to 5:30 p.m. on the day immediately preceding a scheduled collection. All containers and other storage devices and waste not removed by the designated waste hauler shall be removed from curbside by 8:00 p.m. of the day the solid waste or recyclable materials are collected by the waste hauler.
  - (2) It shall be presumed that the owner, lessee or occupant in physical possession of a single-family generation site abutting a curbside where solid waste or recyclable materials are located is the person who placed such solid waste or recyclable materials at the curbside; and
  - (3) The presumption of placement may be rebutted by competent evidence.
- E. *Collection refusal by designated waste hauler.* A designated waste hauler may refuse to collect solid waste and recyclable materials from any single-family generation site if such solid waste or recyclable materials are not prepared for disposal in accordance with the provisions of this Ordinance.

## **SECTION 11. LARGE BULK ITEMS**

An owner/occupant of a single-family generation site unit who has large bulky items for disposal, such as washing machines, dryers, water heaters and similar refuse, may have such items picked up in accordance with special arrangements being made in advance with the designated waste hauler, which arrangements shall include the time and place of pick-up. It shall be the responsibility of the owner/occupant to have the refuse at the location designated by the waste hauler prior to the time of collection. Waste haulers shall not enter buildings or structures for collection of large bulky items or related

refuse. Collection of large bulky items may be subject to additional charges. Such charges shall be the responsibility of the owner/occupant and billed in accordance with procedures as established by resolution of the Township Board.

## **SECTION 12. HAZARDOUS WASTE**

Hazardous waste shall not be collected by the designated waste hauler on the normal, regular weekly pick-up. Lawful and proper disposal of hazardous waste shall be the responsibility of the owner/occupant of the single-family generation site.

## **SECTION 13. COLLECTION SCHEDULE**

Every single-family generation site within the Township shall have its refuse collected according to the district in which they are located and in accordance with collection schedule established by the Township Board. Such schedule may be modified by resolution of the Township Board. In event the Township or the designated waste hauler has a legal holiday within any calendar week, the refuse will be collected the following day excluding holidays and Sundays, unless published to the contrary.

## **SECTION 14. RATES; BILLING FOR COLLECTION**

The owner/occupant of a single-family generation site shall be charged at a rate per quarter for collection and disposal as established by resolution of the Township Board from time to time.

- A. Rates - The designated waste hauler shall charge fees for collection and disposal of refuse placed for collection as established and set forth in the contract between the waste hauler and the Township. Rates for collection and disposal of refuse shall be set forth in a resolution adopted by the Township Board of Trustees and published in a newspaper of general circulation throughout the Township and on the Township website.
- B. Billing - The designated waste hauler shall send a quarterly invoice, in advance, to each single-family generation site for which services are provided in the Township. The invoice shall represent charges for services to be rendered in the following quarter. Unless otherwise specified by the Township, the invoice shall be delivered



by regular mail at least two (2) weeks prior to the beginning of the quarter for which charges are imposed. The due date for payment shall be the last day of the month prior to the beginning of the quarter for which the charges are imposed. If the last day falls on a Saturday, Sunday or legal holiday, the due date shall be the next business day. Payment for the charges to the single-family generation site shall be made to the designated waste hauler directly by the owner/occupant.

- C. Delinquent Accounts - If the owner/occupant of a single-family generation site within the Township does not remit payment upon receipt of the charges for refuse collection and disposal prior to or on the due date as stated on the bill, an additional five (5%) percent charge shall be added to the amount due.
- D. It shall be the duty of any owner/occupant to notify the waste hauler if the premises is being vacated between billing periods and to pay for all services rendered based upon the number of collections and to pay for all charges for any other type of collection within a portion of a month being billed for the entire month. It shall be the duty of any owner/occupant entering into any premises within the Township to contact the waste hauler immediately in order that the new name of the person to be billed will be immediately registered and to avoid delays in collection. No charge shall be levied on any owner/occupant for a calendar month in which the premises are vacated for the entire month.

**SECTION 15. SELECTION OF DESIGNATED WASTE HAULER**

A sealed competitive bid procedure shall be utilized for the selection of a designated waste hauler. The Township Board shall develop and approve the bid specifications. The Board may include in the bid specifications those requirements, conditions and specifications determined by the Board to be reasonably related to:

- A. promoting and protecting the public health, safety and welfare;
- B. providing appropriate services to single-family generation sites within the Township;
- C. the collection and disposal of solid waste and recyclable material from all single-family generation sites;

- D. a household hazardous waste collection and disposal program;
- E. the rates and charges for the services of the designated waste hauler for single-family generation sites within the Township;
- F. procedures for the collection of rates and charges for services rendered or to be rendered to each single-family generation site by the designated waste hauler;
- G. a contractual obligation to provide collection and disposal service to single-family generation sites as requested at the rates and charges specified;
- H. the submission of reports describing the volume of solid waste and recyclable materials generated in the Township and the location of sites of generation, as well as other reports required by the Board to determine the efficiency and effectiveness of the proposed waste hauler collection and disposal program;
- I. provisions for the termination by the Township of the waste hauler in the event of the failure of the performance of the waste hauler;
- J. the rights of the Township in the event of a breach of contract by the waste hauler;
- K. operational specifications for collection trucks and equipment, number of employees, maintenance facilities, container handling, schedules and routes, and citizens' complaints;
- L. a requirement that the waste hauler comply with applicable federal and state laws, ordinances, as well as rules and regulations related thereto;
- M. a requirement that the waste hauler secure and maintain in good standing all permits and licenses required by federal and state law, local ordinance, as well as rules and regulations related thereto;
- N. other miscellaneous requirements and provisions as may be specified by the Township Board, including but not limited to, dumpster service at municipal buildings and facilities, a recyclable material drop-off center and spring clean-up assistance.

**SECTION 16. ENFORCEMENT**

This Ordinance shall be enforced by the Armada Township Ordinance Enforcement Officer or other individual duly appointed by resolution of the Township Board.

**SECTION 17. VIOLATION; PENALTY**

Any person, firm or corporation who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a penalty of not to exceed Five Hundred and 00/100 (\$500.00) Dollars, or imprisonment in the Macomb County Jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment.

**SECTION 18. REPEAL OF CONFLICTING PROVISIONS**

All resolutions, ordinances or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

**SECTION 19. SEVERABILITY**

If any section, paragraph, clause or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

**SECTION 20. PUBLICATION**

A true copy of this Ordinance or a summary thereof shall be published in full in a newspaper of general circulation in the Township of Armada, thirty (30) days after its adoption.

**SECTION 21. EFFECTIVE DATE**

This Ordinance shall take effect thirty (30) days from and after publication of a true copy or summary thereof in a newspaper circulated within the Township of Armada.

**CERTIFICATE OF TOWNSHIP CLERK**

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of the Township of Armada, Macomb County, Michigan, at a meeting held on the 10th day of August, 2022.

I hereby further certify that the following Township Board Members were present at the meeting: Paterek, Murray, Swiacki and Goetzinger

and the following Township Board members were absent: Grembi

I further certify that Member Swiacki moved for the adoption of the Ordinance, and that motion was supported by Member Paterek.

I further certify that the following Township Board Members voted for the adoption of the Ordinance:

Paterek, Murray, Swiacki and Goetzinger and that the following Township Board Members voted against adoption of the Ordinance:

Mary K. Swiacki

Mary K. Swiacki, CMMC, MiPMC  
Armada Township Clerk

**CERTIFICATE OF PUBLICATION**

I, the undersigned Township Clerk of the Township of Armada, do hereby certify that on August 24th, 2022, a true copy or summary of the foregoing Ordinance was duly published in a newspaper having general circulation within Armada Township.

Mary K. Swiacki

Mary K. Swiacki, CMMC, MiPMC  
Armada Township Clerk