

4/21/90

11/15/90

ORDINANCE NO. 131

AN ORDINANCE PERTAINING TO THE COLLECTION AND DELIVERY OF SOLID WASTE WITHIN THE \_\_\_\_\_ OF \_\_\_\_\_; PROVIDING FOR THE ENFORCEMENT THEREOF; AND PROVIDING FOR OTHER MATTERS RELATIVE THERETO.

THE \_\_\_\_\_ OF \_\_\_\_\_ ORDAINS:

Section 1. Definitions. The following words and terms used in this Ordinance shall have the meanings assigned in the preamble to this Ordinance and in this Section, unless the context clearly indicates otherwise.

"Authority" means the Superior Solid Waste Authority.

"Authority-Designated Location" means a landfill, recycling or materials recovery facility, or other disposal or transfer facility designated by the Authority as the location for the disposal of any load or loads of Solid Waste generated within the Local Units of the Authority.

"Board" means the Board of Trustees of the Authority.

"Local Unit" means the \_\_\_\_\_ of \_\_\_\_\_, County of \_\_\_\_\_, Michigan.

"Operation Date" means the date to be announced by the Authority that the System or any Authority-Designated Location, or any parts thereof, are to be operational.

"Solid Waste" means all garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludges, solid commercial and solid industrial waste, source-separated waste, and animal waste generated within, collected in or transported from the Local

via one of the following:

Unit, provided, however, that this definition shall not include hazardous waste as defined in Act No. 64 of the Public Acts of Michigan, 1979, as amended, human body waste, liquid or other waste regulated by statute, ferrous or nonferrous scrap directed to a scrap metal processor or to a reuser of ferrous or nonferrous products, and slag or slag products directed to a slag processor or to a reuser of slag or slag products.

"System" means the solid waste management system, including landfill, recycling and materials recovery facilities, to be acquired or constructed by the Authority on behalf of and for the benefit of the Local Unit and other municipalities served by the Authority.

"Tipping Fee" means the fee based on volume or tonnage of Solid Waste, established by the Board of the Authority to be charged upon delivery of the Solid Waste to the Authority-Designated Location, as the same may be revised from time to time.

"Waste Hauler" means any individual, firm, corporation, partnership, trust, or public or private agency or any other entity engaged, in whole or in part, in the business of collecting, transporting, delivering, or disposing of Solid Waste generated in the Local Unit and shall include any individual, firm, corporation, partnership trust, or public or private agency, collecting, transporting, delivering or disposing of Solid Waste which it generates.

Section 2. Necessity. It is hereby determined to be necessary for the public health and welfare of the Local Unit to regulate the collection and delivery of Solid Waste in accordance to the provisions of this Ordinance, and to delegate to the Authority the powers necessary to implement the provisions of this Ordinance.

Section 3. Delivery of Solid Waste and Tipping Fee. After the Operation Date and at all times thereafter, each Waste Hauler shall (a) deliver to the Authority-Designated Location all Solid Waste collected in or transported from the Local Unit, and (b) pay the Tipping Fee for delivery of such Solid Waste at the Authority-Designated Location (unless otherwise provided by contract between the Local Unit and the Waste Hauler, with notification to and approval of the Authority of the same). Commencing on the Operation Date and at all times thereafter, no Waste Hauler shall deliver Solid Waste collected in or transported from the Local Unit to any disposal site, transfer station or other location other than the Authority-Designated Location.

Section 4. Licenses Required for Waste Haulers. After the Operation Date, it shall be unlawful for any Waste Hauler to operate within the Local Unit without having obtained a license to conduct such business from the Authority. Such license may be obtained by any Person upon payment of a fee to be determined by resolution of the Board of the Authority. Licensed Waste Haulers are subject to any

other restrictions or requirements imposed in accordance with applicable laws by the Local Unit and the Authority.

Section 5. Remedies. Upon a violation of any provision of this Ordinance, the Local Unit may seek criminal prosecution and may seek legal and/or equitable relief in a court of competent jurisdiction. In addition, a violation of any provision of this Ordinance shall be cause for suspension or revocation, at the sole option of the Local Unit or Authority, of a Waste Hauler's license issued pursuant to Section 4 above or of a Waste Hauler's contract to pick-up and/or deliver Solid Waste on behalf of the Local Unit.

Section 6. Criminal Penalties. Any person who shall violate a provision of this Ordinance shall be guilty of a misdemeanor, punishable by a fine not exceeding Five

Hundred Dollars (\$500.00), or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment. Each day that a violation occurs or continues shall be deemed a separate offense.

Section 7. Severability of Ordinance Provisions.

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 8. Conflict. All ordinances, resolutions and orders or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

Section 9. Effective Date. This Ordinance shall become immediately effective upon adoption.

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