

GARBAGE AND REFUSE DISPOSAL ORDINANCE
TOWNSHIP OF ALAMO
KALAMAZOO COUNTY, MICHIGAN

Ordinance 1-M

An Ordinance regulating the disposal of garbage, rubbish and refuse in the Township of Alamo, providing for the location, regulations and operation of dumps or refuse disposal sites, and imposing penalties for the violation of the Ordinance.

THE TOWNSHIP OF ALAMO ORDAINS:

ARTICLE I – TITLE

This Ordinance shall be known as the “Garbage Disposal Ordinance of the Township of Alamo” and will be referred to herein as “this Ordinance”.

ARTICLE 2 – DEFINITIONS AND PURPOSE

Section 1. Definitions

For the purpose of this Ordinance, certain terms and words are herewith defined as follows:

Collector of Refuse: The term “Collector of Refuse” shall mean any person, corporation, firm, agency, public body or employee or agent thereof, other than an individual householder, with respect to disposal of his or her own garbage and refuse, “who is or intends to be engaged in the business of collection and/or transportation of refuse,” including garbage, rubbish or other waste.

Disposal Area: The term “Disposal Area” shall mean any site, location, tract of land, area, building, structure or premises used or intended to be used for refuse or garbage disposal.

Garbage: The term “Garbage” shall mean and include all food wastes of animal, fruit or vegetable matter that attends the preparation, use, cooking, dealing in, or storing of meats, fish, fowl, birds, fruit, or vegetables, including cans, containers and wrappers wasted therewith, and also kitchen and table wastes of every kind except dishwater or waste water, and all other refuse or waste matter of any nature or kind, “mixed, handled or included therewith.”

Nuisance: The term “Nuisance” shall mean anything which is injurious to health, offensive to the senses, obstructs the reasonable and comfortable use of property, or cause inconvenience or discomfort to the community or neighborhood.

Refuse: The terms “Refuse” wherever used herein, except when the context clearly indicates otherwise, shall mean and include any waste product composed wholly or partly of such materials as garbage, rubbish, sweepings, domestic solid waste, organic waste, industrial waste and septic tank materials and/or fluids, and such other substances as might become a nuisance is not properly regulated.

Industrial Wastes: The term “Industrial Wastes” shall mean all solids and liquids resulting from the manufacture, fabrication or production of products or materials which solids and liquids may contain drugs, acids or chemicals.

Section 2. Purpose

The purpose of the Ordinance is the regulation of the disposal of garbage and refuse by collectors of refuse as herein defined in order to assure to the public and persons residing in said township a freedom from conditions which would be injurious to health, offensive to the senses, objectionable as interfering with the reasonable and comfortable use of property, or causes inconvenience or discomfort to the community of neighborhood.

ARTICLE 3 – DISPOSAL OF GARBAGE AND REFUSE

Section 1.

No Collector of Refuse as herein defined shall dispose of any garbage or refuse within the Township of Alamo unless such Collector of Refuse shall have complied with and been duly licensed as a Collector of Refuse by the County of Kalamazoo under the terms and provisions of, the Garbage Collection and Disposal Ordinance of said county as adopted July 17, 1956, as amended November 21, 1957.

Section 2.

No Collector of Refuse under this Ordinance shall dump or dispose of any garbage or refuse in or upon any dump or other premises within the Township of Alamo except in or upon that sanitary landfill site as shall be designated by the Township Board of Health acting with the advice and approval of the Kalamazoo County Health Officer. Any such sanitary landfill site so designated shall be known as the Township Disposal Area.

Section 3.

No person, firm or corporation owning lands or premises in the Township of Alamo shall permit such lands or premises to be used as a garbage or refuse disposal area by Collectors of Refuse until and unless such site has been designated and approved by the Township Board of Health and County Health Officer as set forth above, and a contract relative to the operation of such disposal area has been duly executed between such owner and the Township of Alamo. In the event the person, firm or corporation owning the disposal area is not the party actually in charge of the operation of said disposal area, such other person, firm or corporation who shall be in charge of the operation of the disposal area, shall enter into the same or a similar contract with the Township of Alamo.

ARTICLE 4 – REGULATIONS REGARDING OPERATION OF DISPOSAL AREA

Section 1.

The work on the sanitary landfill at the Township Disposal Area shall be performed by a contractor who shall enter into a contract with the Township of Alamo as set forth above, which contract shall provide for the operation of the Township Disposal Area in accordance with the provisions of this Ordinance. Whether or not specifically set forth in said contract, said contractor shall:

a. Furnish all labor, materials, tools, plant, equipment, supplies and all incidental items to complete the contract in accordance with the obvious and expressed intent thereof.

b. Receive and dispose of garbage and refuse from all Collectors of Refuse in accordance with the requirements of this Ordinance, and shall charge therefore a uniform rate to each such Collector as may be agreeable with the contractor and such Collectors.

c. Furnish to the Township of Alamo a bond in the amount of not less than Ten Thousand Dollars (\$10,000.00) to secure the faithful performance of the operation of the Township Disposal Area in accordance with the provisions of this Ordinance. Such bond shall be approved by the Alamo Township Board as to form and sufficiency.

d. Receive and dispose of garbage and refuse from individuals, not Collectors of Refuse as herein defined, who wish to dispose of such garbage and refuse from their own home and shall charge therefore a uniform fee to be agreed upon in the terms of the aforementioned contract.

e. Be directly responsible to the Township of Alamo for the faithful performance of his duties as prescribed by this Ordinance.

Section 2. Default by Contractor

Upon refusal or inability of said contractor to carry on the stipulated operations in accordance with the terms of this Ordinance, the Township Board of Health shall have the right to enter upon the premises and carry out the operations of the Township Disposal Area should it appear to the Township Board of Health that such action would be necessary to protect the public health and welfare and, to the extent necessary, to effectuate the foregoing provision of this Ordinance, the Township Board of Health, if it so elects, or its duly designated representative, shall be substituted for, and acquire all the rights of, the contractor as to any lease of said premises between such contractor and said owner and the owner of such premises, as a condition to the approval of any such site by the Township of Alamo, agrees to permit the operation of such disposal site by said Township under such lease.

Section 3. Minimum Standards for the Operation of Township Disposal Area

The minimum standard for the operation of any such Township Disposal Area shall be as follows:

a. Land. No garbage shall be disposed of within two hundred yards of a public highway or gathering place, unless approved by the Township Board of Health.

The working area within the parcel of land designated as a Township Disposal Areas shall be enclosed in an approved fencing to control blowing of light refuse as designated by the Township Board of Health. At the entrance to the disposal area from a public highway a suitable gate shall be installed which shall be kept locked at night and at all times when refuse is not being delivered, or an attendant is not present.

b. Toilet Facilities and Water Supply. Necessary housing accommodations shall be provided for workmen for changing clothes and for protection during inclement weather. Toilet accommodations shall also be maintained for the use of employees while working. The accommodations shall be in approved locations and maintained in a sanitary manner.

An ample supply of water for personal washing purposes shall be maintained at all times. Adequate facilities for washing trucks shall be maintained at the Township Disposal Area to meet standards set by the Township Board of Health.

c. Disposal on relatively level ground – trench method. Whenever the area designated by the Township Board of Health as a Township Disposal Area shall be upon relatively level ground the trench method of sanitary landfill shall be used.

The garbage deposited in the trenches shall be continually “worked” by a bulldozer, or front-end loader, thoroughly compacting it. After receipt of each days deposit, the slope of the refuse fill shall be covered with not less than six inches of earth. After completion of the refuse fill to its maximum height, the entire fill shall be covered with earth to a compacted depth of not less than two feet. The total compacted fill shall not be over eight feet in depth, unless authorized by the Township Board of Health. In no case shall garbage or refuse remain uncovered after 8:00 p.m. each evening.

As new trenches are cut, a space of not less than five feet shall be left between the top of the slopes of the trenches.

d. Disposal along sloping ground – progressive slope method. Whenever the site approved by the Township Board of Health for a Township Disposal Area shall be upon sloping ground the following method known as the progressive slope method of sanitary landfill shall be followed. At the beginning of operations, refuse shall be deposited on the slope either by dumping from the top or by dumping at the foot. In the latter case the refuse shall be pushed up the slope by a bulldozer to a height approved by the Township Board of Health above the foot of the slope. In either case the refuse shall be thoroughly compacted by bulldozer, or front-end loader. After receipt of each days deposit, the slope of the fill shall be covered with a layer of not less than six inches of earth. In no case shall refuse or garbage remain uncovered after 8:00 p.m. each evening.

By continuation of this process the slope of the fill shall be progressively carried out across flat ground at the base of the slope. The top of the fill shall be kept relatively level and after the fill has reached its maximum height it shall be covered with earth to a compacted depth of not less than two feet.

e. General Provisions.

A suitable road shall be maintained to the dumping stations.

The operations of landfills as described above shall be repeated as required for disposal of refuse. Adequate drainage shall be maintained at all times to prevent accumulation of surface water at any point in the disposal area. No scavenging shall be allowed at the disposal site.

The parcel or tract of land within which is located the Township Disposal Area shall be enclosed in a perimeter fence which shall be approved by the Township Board and shall consist of at least a four foot woven wire fence with a strand of barbed wire at the top thereof making a total height of not less than 54 inches. The perimeter fencing required by this paragraph is in addition to, and should be

distinguished from, any temporary fencing, such a snow fencing, located at the immediate site of the Disposal Area, for the purpose of preventing the blowing or scattering of light rubbish. The fences and premises shall be kept clean and free from garbage or rubbish which might become scattered or blown by wind; no refuse or garbage shall be allowed to accumulate and remain uncovered after 8:00 p.m. each evening.

No garbage or refuse shall be burned at the Township Disposal Area at any time.

The dumping of industrial wastes, stumps, broken concrete, radioactive and toxic wastes and other refuse not suitable for disposal in the sanitary landfill shall be prohibited unless specifically and expressly approved by the Township Board of Health.

The dumping or disposal of garbage or refuse in said Township by any Collector of Refuse shall be prohibited on Sundays.

Except as hereinafter provided in Article 5, Sections 1 and 2, referring to the use of commercial incinerators and/or sewage plants, no garbage, refuse and/or industrial wastes as herein defined shall be dumped or otherwise disposed of in the Township of Alamo by Collectors of Refuse by any other method than the sanitary landfill unless such other method shall be specifically and expressly approved by the Township Board of Health after consideration by such Board of such special facilities and/or methods and a determination that such special facilities and/or methods of disposing of such wastes are in conformance with the standards set forth in and contemplated by this Ordinance assuring that such methods of disposal will not create a nuisance.

ARTICLE 5 – COMMERCIAL INCINERATORS AND SEWAGE PLANTS

Section 1. Commercial Incinerators.

Nothing in the preceding sections shall be construed to prevent the disposal of garbage by the use of commercial sized incinerators if they are under the direction and supervision of some responsible individual qualified by training and experience to operate such incinerator equipment. Such commercial

incinerators shall not be installed prior to acceptance of said proposal by the Township Board of Health who shall first determine that the operation of said incinerator can be accomplished without creation of a nuisance.

Section 2. Sewage Plants.

Nothing in the preceding sections shall be construed to prevent the disposal of garbage grinding methods and final disposal by adequate sewage treatment methods, providing a sewage treatment plant designed for the purpose of handling garbage is made available.

ARTICLE 6 – EXCEPTION TO OPERATION OF ORDINANCE

The foregoing provisions are not intended to restrict an individual from disposing of garbage or refuse from his own dwelling when done in such a manner as not to create either a nuisance or a menace to the public health and welfare.

ARTICLE 7 – INJUNCTIVE RELIEF

The violation of any of the rules, regulations or provisions as set forth herein is hereby deemed a nuisance and such violation, in addition to the other means of enforcement of this Ordinance as set forth herein, shall constitute a basis for injunctive relief and, at the option of the Township Board, said Board may proceed to obtain an injunction requiring any person to cease and desist from the activity claimed to be in violation of the rules, regulations and provisions hereof, and may enjoin the continuance of operations at the Township Disposal Area until such time as the violation has been remedied.

The Township Board may delegate to the Township Board of Health or to any committee or department it deems advisable the enforcement of these rules, regulations and conditions, and the provisions herein with respect to the obtaining of the injunctive relief shall be enforced in addition to the penalty provisions as hereinafter set forth at the option of the Township Board or any committee to whom the enforcement of these rules, regulations and conditions has been delegated.

ARTICLE 8 – PENALTIES

Any person, persons, firm or corporation who shall violate any provision or provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not to exceed \$100.00 or by imprisonment in the County Jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment, in the discretion of the court; and provided, further, that each days violation of this Ordinance shall constitute a separate offense.

ARTICLE 9 – UNCONSTITUTIONALITY CLAUSE

Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

ARTICLE 10 – EFFECTIVE DATE

This Ordinance shall become effective on the 4th day of February, 1959.