

SAVE

**BLOOMER TOWNSHIP
MONTCALM COUNTY, MICHIGAN
THE BLOOMER TOWNSHIP REFUSE ORDINANCE**

Ordinance Number 93-2

SECTION I - PURPOSE

An ordinance to secure the public health, safety and general welfare by providing standards and regulations for the storage, placement and accumulation of refuse on premises not properly designated as a disposal area or solid waste transfer facility under the provisions of P.A. 641 of 1978; to prevent, reduce, and eliminate blight, blighting factors and causes of blight serving to adversely influence the scenic beauty and attractiveness of neighborhoods; to exercise a valid and reasonable interest in the preservation of property values and the reasonable use and enjoyment of property; and to provide penalties for violations of this ordinance.

The Board of Trustees has deemed this ordinance to be in the public interest because the storage, placement, and accumulation of refuse is determined to be;

A blighting factor adversely influencing the attractiveness and scenic beauty of neighborhoods within the township;

Not conducive to the reasonable use and enjoyment of adjoining lands and property when viewed from those lands and property;

Adverse to the preservation of property values because of their blighting influence;

An attractive nuisance to children, thus endangering their health, safety, and general welfare;

Attractive to thieves and vandals, thus endangering the safety and welfare of neighborhoods;

Capable of providing harborage for waste materials and vermin that may be destructive, annoying or injurious to the health, safety and general welfare of neighborhood residents, and;

Capable of creating or enhancing fire and explosion hazards.

SECTION II - TITLE

This ordinance shall be known and may be cited as the "Bloomer Township Refuse Ordinance".

SECTION III - LEGAL BASIS AND SCOPE

This ordinance has been adopted under authority of P.A. 246 of 1945 and shall apply to all land in Bloomer Township except a premise property designated as a disposal area or solid waste transfer facility established under the provisions of P.A. 641 of 1978. This ordinance shall not be construed to prohibit the establishment and maintenance of customary and incidental residential compost heaps for gardening purposes.

SECTION IV - DEFINITIONS

4.1 REFUSE, Refuse means all items of garbage and rubbish as defined herein.

4.2 GARBAGE Garbage means any putrescible food wastes, including, but not limited to accumulations of animal, fruit or vegetable matter used, intended to be used, or resulting from the preparation, handling and consumption of foods, excluding farm animal manure.

4.3 RUBBISH Rubbish means any nonputrescible solid waste, consisting of both combustible and noncombustible waste, including, but not limited to paper, cardboard, metal and plastic containers, metal, plastic, wood, glass, ceramic materials, crockery, bedding, furniture, appliances, fabric, demolished building materials, waste resulting from the construction, alteration or repair of buildings and structures, vehicle and motor vehicle tires and component parts, and litter of any kind.

4.4 PERSON A human being, association, firm, corporation or organization having legal rights and duties.

SECTION V - ACCUMULATION, PLACEMENT AND STORAGE OF REFUSE

It shall be unlawful for any person to accumulate, place, store or permit the accumulation, placement or storage of refuse on any premises in Bloomer Township for a period of time exceeding seven (7) consecutive calendar days except on a premises properly designated as a disposal area or solid waste transfer facility established under the provisions of P.A. 641 of 1978.

SECTION VI - NUISANCE

The accumulation, placement and storage of refuse in violation of this ordinance shall constitute a nuisance per se.

SECTION VII - ABATEMENT

It is the duty of any person who creates, causes, allows, suffers, or permits the unlawful accumulation of refuse as presented in this Ordinance to abate the same. The term "abate" or "abatement" shall include removal and/or proper disposal.

SECTION VIII - VIOLATION AND PENALTY

Any person who violates any provisions of this Ordinance shall receive a written notice of the violation. The violation shall be abated within 30 days from the date of the written notice of violation. If cause for hardship can be proven, an additional period of up to 30 days may be granted to abate the violation. Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than \$500.00, or imprisonment in the County Jail for 90 days, or both, such fine or imprisonment, together with court costs, in the discretion of the court.

SECTION IX - ENFORCEMENT

The Supervisor is hereby authorized to enforce this ordinance, and may delegate the enforcement to any administrative official, or employee of the township. The township may seek abatement of a nuisance and such relief as may be obtained by civil proceedings in court. This is in addition to and not in derogation of prosecutions for violations of this ordinance under Section VIII hereof.

SECTION X - SEVERABILITY

The various parts, sections, subsections, sentences and paragraphs of this ordinance are severable. If any part, section, subsection, sentence and paragraph of this ordinance is judged unconstitutional or invalid, then the remainder of the ordinance shall not be affected by such judgement.

SECTION XI - REPEAL

This ordinance shall repeal and supersede all other Bloomer Township Ordinances and parts of ordinances that duplicate or conflict with the provisions of this ordinance.

Adopted 10/12/93