

## ORDINANCE NO. 14

### AN ORDINANCE TO REGULATE THE BURNING OR ACCUMULATION OF TRASH AND GARBAGE AND TO REGULATE THE PLACEMENT OF TRASH AND GARBAGE CONTAINERS WITHIN THE TOWNSHIP OF GRAND RAPIDS AND PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF.

#### THE CHARTER TOWNSHIP OF GRAND RAPIDS ORDAINS:

##### Section 1. Definitions.

(a) “Garbage” means waste resulting from the processing, handling, preparation, sale or consumption of food.

(b) “Approved Incinerator” shall mean an incinerator which has received a “Certificate of Approval” pursuant to Section 5 of this Ordinance. **[Section 1(b) amended 11/10/94 by Ord. No. 320]**

(c) “Person” shall mean any legal entity, including an individual, corporation, partnership or association.

(d) “Trash” is all waste material, except garbage, including grass and leaves, twigs and branches of trees or shrubs, and any discarded material no longer used for its intended purpose. **[Section 1(d) amended 11/10/94 by Ord. No. 320]**

Section 2. Burning Prohibited. No person shall burn or allow the burning of any trash or garbage upon any premises within the Township unless such burning shall take [place] in a fire place, furnace, approved incinerator or other receptacle constructed for that purpose inside a dwelling or other building, except as hereinafter provided. **[Section 2 amended 11/10/94 by Ord. No. 320]**

Section 3. Accumulation of Trash or Garbage. No person shall allow trash or garbage to accumulate unreasonably upon any premises which he owns or occupies, and it shall be the responsibility of each owner or occupant to provide for the periodic removal of trash and garbage to an area where it may be lawfully placed and which is licensed to receive it.

Section 4. Placement of Trash and Garbage Containers. No can, barrel, or other device used or intended to be used to contain, store or receive trash or garbage shall be kept in the front of any premises within the Township except for such brief periods of time (which shall not exceed twenty-four (24) hours) as may be necessary to allow for the pick-up and removal of the trash or garbage contained therein; provided, however that it shall be lawful to keep such containers within any

garage or other building regardless of the location of such garage or building upon the premises.

Section 5. Approved Incinerators

(a) Upon application therefor, the Fire Chief or the Deputy Fire Chief may issue a certificate approving certain incinerators. Such approval shall be issued only upon a satisfactory showing by the applicant that: (i) the combustion chamber of the incinerator is completely enclosed and vented through a chimney or stack; (ii) the incinerator is designed and constructed to prevent the emission of noxious odors; and (iii) the incinerator will not emit smoke, fly-ash or other air contaminants in unreasonable quantities or to such an extent as to be detrimental to the health or welfare of the community. **[Section 5(a) amended 10/31/85 by Ord. No. 233]**

(b) Any Certificate of Approval issued pursuant to this Ordinance may be revoked upon thirty (30) days written notice to the applicant whenever it appears that the requirements of subsection (a) of this section are not being met.

(c) Trash or garbage may be burned in an incinerator with respect to which an effective Certificate of Approval has been issued.

Section 6. Burning on Large Tracts. It shall be lawful for a person, after first obtaining a burning permit issued by the fire department, to burn trash upon premises owned or occupied by such person if such premises are of such size and so situated that the burning take place at least 300 feet from the nearest public street or highway, at least 500 feet from the nearest building owned or occupied by any other person, and at least 100 feet from any building located on the premises; provided, however, that this section shall not be construed to permit the operation of a dump upon premises which meet the above specifications. **[Section 6 amended 10/31/85 by Ord. No. 233; amended 11/10/94 by Ord. No. 320]**

Section 7. Special Exceptions. Whenever it shall appear that a large amount of trash has accumulated upon certain premises, that the disposal of such trash is necessary to the health and welfare of the Township, that the premises are such that trash will not continue to accumulate after it is once disposed of and that it is unreasonable to require the disposal of the trash by some method other than burning, the Fire Department may issue a permit for the burning of such trash; provided, however, that such permit shall not be issued unless the burning meets all of the distance requirements set forth under Section 6 of the Ordinance. **[Section 7 amended 10/31/85 by Ord. No. 233; amended 11/10/94 by Ord. No. 320]**

Section 8. Penalty.

(a) Any person who violates any provision of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50.00, plus costs and other sanctions, for each violation (as authorized by Section 21 of Act No. 359 of the Public Acts of

1947, as amended, and the Grand Rapids Charter Township Municipal Civil Infraction Ordinance).

(b) Repeat offenses under this Ordinance shall be subject to increased fines as provided by this Section, below. As used in this Section, “repeat offense” means a second (or any subsequent) violation of the same requirement or provision of this Ordinance (i) committed by a person within any 90 day period and (ii) for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under this Ordinance shall be as follows:

(1) The fine for any offense which is a first repeat offense shall be not less than \$250.00, plus costs.

(2) The fine for any offense which is a second repeat offense, or any subsequent repeat offense, shall be not less than \$500.00 each, plus costs.

(c) Each day on which any violation of this Ordinance occurs or continues constitutes a separate offense subject to separate sanctions.

(d) The Building Inspector is hereby designated as the authorized township official to issue municipal civil infraction citations for violations of this Ordinance, as provided by the Grand Rapids Charter Township Municipal Civil Infraction Ordinance. As used in this Ordinance, “Building Inspector” means the township official, employee, agent or other entity appointed by resolution of the Township Board to perform the functions and tasks assigned by this Ordinance to be “Building Inspector.”

(e) In addition to any remedies available at law, the township may bring an action for an injunction or other process against any person to restrain, prevent or abate any violation of this Ordinance. **[Section 8 amended 10/31/85 by Ord. No. 233; amended 11/10/94 by Ord. No. 320; repealed and replaced 5/3/95 by Ord. No. 325]**

Section 8A. Cost Recovery; Imposition of Lien; Other Remedies.

(a) Cost Recovery. Any person, partnership, corporation, or other legal entity who burns or allows burning in violation of this Ordinance or any condition imposed on any permit issued pursuant to this Ordinance (“Responsible Party”) is responsible for the reimbursement to the Township of the expenses of suppressing such a fire. Expenses incurred by the Township may include, but are not limited to, hourly charges for fire department equipment and vehicles as established from time to time by the Township Board, the wages, salaries, fringe benefits and insurance of those fire fighters responding to the fire, and the costs of billing and collecting those expenses, including actual attorneys fees. The Township Fire Chief shall submit to the Township Board a detailed listing of all expenses incurred by the Township in suppressing such a fire. The Township Board, by motion, may direct that an invoice for such expense, or any portion thereof, shall be forwarded to the Responsible Party. The Responsible Party shall pay such invoice within thirty (30) days of receipt of the bill. For any amounts due that remain unpaid after ninety (90) days,

the Township may place the invoiced amount, including a late charge of one percent (1%) per month, or fraction thereof, as a lien on property owned by the Responsible Party. The lien shall be placed on the Township's next tax roll.

(b) Other Remedies. The Township may pursue any other remedy, or may institute any appropriate action or proceeding, in a court of competent jurisdiction to collect charges imposed under this Ordinance. The recovery of charges imposed under this ordinance does not limit liability of responsible parties under local Ordinance or state or federal law, rule or regulation. **[New Section 8A added 1/29/98 by Ord. No. 359; amended 1/27/99 by Ord. No. 376]**

Section 9. State Statutes. This Ordinance shall not be construed to prevent the disposal of trash or garbage pursuant to any statutes enacted by the State of Michigan by those licensed thereunder.

Section 10. Effective Date. This Ordinance shall be in full force and effect from and after the fifteenth (15<sup>th</sup>) day of May 1971.

