

LENAWEE COUNTY SOLID WASTE ORDINANCE

An ordinance developed to control disposal of solid waste generated in Lenawee County and protect public health, safety and the environment.

ARTICLE I – SHORT TITLE

This ordinance shall be known and may be cited as the Lenawee County Solid Waste Ordinance.

ARTICLE II – AUTHORITY

Section 30(2) of the Solid Waste Management Act (“Act 641), P.A. 641 of 1978, as amended, requires Michigan counties to regulate the import and export flow of solid waste for disposal. Section 30(1)(f) of Act 641 mandates that a county enact enforcement mechanisms, such as ordinances, to implement such waste flow controls.

ARTICLE III – PURPOSE

The purpose of the Solid Waste Ordinance is to provide Lenawee County with an enforceable mechanism to meet its responsibilities outlined in the Lenawee County Solid Waste Management Plan under Act 641.

The Lenawee County Board of Commissioners find that the regulation of the import and export of waste, the licensing of waste haulers, and sanctions against those who handle waste illegally are necessary in order to protect public health and the environment for the citizens of Lenawee County. Specifically, the Lenawee County Board of Commissioners find that import and export regulations and licensing of waste haulers provide means by which sound data can be collected and waste haulers can be tracked in case of illegal disposal or dumping. The Lenawee County Board of Commissioners also find that a means to penalize violators, and the enforcement of safe solid waste disposal practices, may act as a deterrent, minimizing the potential for pollution and contributing to the safety and welfare of the citizens of Lenawee County.

The Lenawee County Board of Commissioners find that the regulation of waste flow and hauler licensing are necessary for the County to meet its Solid Waste Management Plan’s waste reduction goals and assure proper and safe waste disposal.

ARTICLE IV – DEFINITIONS

1) Commercial Waste Hauler

Any person or persons engaged in the business of collection, transportation, or delivery of solid waste into or out of Lenawee County for disposal. Commercial haulers only passing through Lenawee County shall be exempt from licensing requirements.

2) Composting

The technique of organic waste reduction.

3) Enforcing Authority

The designated agency authorized by the Lenawee County Board of Commissioners to carry out duties specified in this ordinance.

4) Garbage

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, fruit or vegetable.

5) Illegal Dumping

The disposal of solid waste, at a disposal facility not licensed by Act 641 and such disposal is not permitted by Act 641 or other applicable law.

6) New Facility

A new disposal area that is proposed for construction, or an expansion, enlargement or alteration of an existing disposal area beyond the horizontal or vertical boundaries of that facility prevailing as of the effective date of this Ordinance.

7) Lenawee County Solid Waste Coordinating Committee (LCSWCC)

A nine (9) member committee appointed by the Lenawee County Board of Commissioners responsible for the implementation of the Lenawee County Solid Waste Management Plan.

8) Recycling

The technique of removing selected materials from the solid waste stream for reprocessing to second-use.

9) Resource Recovery Activities

Any task performed that result in the prevention of disease and the control of environmental health hazards through the recouping of material or energy from solid waste, thus reducing the volume of solid waste.

10) Responsible Party

The owner, operator, transporter, generator, or any other person involved in illegal dumping or other illegal activities that pertains to this ordinance.

11) Rubbish

Non-putrescible solid waste, excluding ashes, consisting of both combustible and non-combustible waste, including paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials or litter of any kind that may be a detriment to the public health and safety.

12) Sanitary Land Fill

A tract of land developed, designed, and operated for the disposal of solid waste. Sanitary landfills shall be classified into one of the following types:

- a. "Type II" means an on-land disposal facility designed and operated to accommodate general types of solid waste including, but not limited to, garbage and rubbish, but excluding hazardous waste.
- b. "Type III" means an on-land disposal facility designed and operated to accommodate large volumes of certain solid waste having minimal potential for groundwater contamination.

13) Site Generated Waste

Solid waste generated that is disposed of at a solid waste disposal facility located on or contiguous to the site of generation.

14) Solid Waste

"Solid Waste" means garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludges, solid commercial and solid industrial waste and animal waste other than organic waste generated in the production of livestock and poultry. Solid waste does not include the following:

- a. Human body waste.
- b. Medical waste as it is defined in part 138 of the public health code, Act. No. 368 of the Public Acts of 1978, being section 333.13801 to 333.13831 of the Michigan Compiled Laws and regulated under part 138 of Act No. 368 of the Public Acts of 1978 and section 5a of the air pollution act, Act No. 348 of the Public Acts of 1965, being section 336.15a of the Michigan Compiled Laws.
- c. Organic waste generated in the production of livestock and poultry.
- d. Liquid waste.
- e. Ferrous or nonferrous scrap directed to a scrap metal processor or to a reuser of ferrous or nonferrous products.
- f. Slag or slag products directed to a slag processor or to a reuser of slag or slag products.
- g. Sludges and ashes managed as recycled or non-detrimental materials appropriate for agricultural or silvicultural use pursuant to a plan approved by the director.
- h. Materials approved for emergency disposal by the director.
- i. Source separated materials.
- j. Site separated material.
- k. Fly ash or any other ash produced from the combustion of coal.

15) Solid Waste Coordinator

A person charged with furthering the goals and objectives of the Lenawee County Solid Waste Management Plan and so designated by Resolution of the Lenawee County Board of Commissioners.

16) Solid Waste Department

The Lenawee County Solid Waste Department or the Solid Waste Coordinator or his or her designees.

17) Solid Waste Disposal Facility

A solid waste transfer facility, incinerator, sanitary landfill, processing plant or other solid waste handling or disposal facility utilized in the disposal of solid waste.

18) Solid Waste Incinerator

A tract of land, building, unit or appurtenance of a building or unit or a combination of land, buildings and units that is used for the combustion of solid waste.

19) Solid Waste Transfer Facility

A tract of land, building, unit or appurtenance of a building or unit or a combination of land, buildings and units that is used or intended for use in the re-handling or storage of solid waste incidental to the transportation of the solid waste. A solid waste transfer facility does not include a tract of land or the containers on the land, if the containers have a volume of 10 cubic yards or less, and does not include a tract of land and the containers on the land if the containers have a volume of 65 cubic yards or less, and are used only for the storage of solid waste generated on or near the site and incidental to the transportation of the solid waste.

- a. A type A facility designed and operated to receive solid waste primarily from mechanically unloaded vehicles.
- b. A Type B facility is a facility designed and operated to receive domestic and commercial solid waste from vehicles unloaded by hand.

20) Yard Waste

Leaves, grass clippings, vegetable or other garden debris, brush or tree trimmings less than four feet in length and two inches in diameter, or wood chips that can be converted to compost humus. Yard waste does not include stumps, agricultural wastes, animal waste roots, sewage sludge or garbage.

ARTICLE V – ADMINISTRATION

ADMINISTRATION

The provisions of this ordinance shall be administered by the Lenawee County Solid Waste Department or the Lenawee County Solid Waste Coordinator in accordance with Act 641 and the Lenawee County Solid Waste Management Plan.

- 1) Duties of the Lenawee County Board of Commissioners:
 - a. Appoint the LCSWCC and the Solid Waste Coordinator.
 - b. Approve inter-county agreements consistent with the Plan.
 - c. Annually review and approve the operating budget for the implementation of the plan.

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- 2) Duties of the LCSWCC:
 - a. Establish and maintain bylaws under which the LCSWCC will conduct its proceedings and carry out its responsibilities.
 - b. Oversee the implementation of the Lenawee County Solid Waste Management Plan and this ordinance.
 - c. Participate in the update of the Lenawee County Solid Waste Management Plan.
 - d. Conduct public hearings.
 - e. Oversee the activities and duties of the Solid Waste Coordinator.
 - f. Approve recycling and resource recovery projects developed by the Solid Waste Coordinator.

- 3) Duties of the Solid Waste Coordinator (SWC):
 - a. Implement and enforce the Lenawee County Solid Waste Management Plan.
 - b. Develop a data base on Lenawee County solid waste flow patterns.
 - c. Develop comprehensive public relations and public education programs and strategies.
 - d. Develop, propose, and implement recycling programs authorized by the LCSWCC.
 - e. Work with local units of government, service organizations and private haulers to expand recycling collection points in the County.
 - f. Inspect and monitor solid waste transportation and disposal facilities within Lenawee County for compliance with the Lenawee County Solid Waste Management Plan.
 - g. Enforcement of this ordinance specified by the Lenawee County Board of Commissioners
 - h. Respond to legitimate complaints involving solid waste.
 - i. Administer the waste hauler licensing program as described herein.

ARTICLE VI – ENFORCEMENT

The Lenawee County Board of Commissioners shall authorize the enforcement of the provisions of this ordinance as provided by the following procedures:

- 1) The Lenawee County Sheriff may authorize restricted enforcement authority, if appropriate, to the SWC to issue appearance tickets as provided;
- 2) The service of criminal warrants issued under provisions of this ordinance shall be served by the Lenawee County Sheriff or other duly authorized law enforcement agency.
- 3) All provision of the Michigan Vehicle Code as it pertains to this ordinance shall be enforced by the Lenawee County Sheriff or other duly authorized law enforcement agency.
- 4) Except as provided in sections 1, 2, 3, above, the SWC, by resolution of the Board of Commissioners may be authorized to enforce the provisions of this ordinance.

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5) Complaints Registered Against an Organization or Hauling Company

- a. Investigation: Within 10 working days of receipt of a signed, written complaint alleging a violation of this ordinance, the enforcing authority shall begin an investigation.
- b. Report Notification to Violator: The enforcing authority shall give notice to the alleged violators by certified mail. The notice shall specify the location and the nature of the violation, and shall indicate the owner, operator, or responsible party of the violation. The responsible party is required to abate the problem within 30 days of the notification.
- c. Pubic Hearing: If the violation is not corrected in that time period the enforcing authority shall notify the violator, in writing, of the time and place of a hearing to be held before the enforcing authority on the conditions causing the notice of violation. At the hearing the person to whom the notice is addressed shall have the opportunity to show cause why the said violation should not be ordered to be corrected.
- d. Failure to Appear: If the alleged violator fails to appear, or neglects to correct the violation within the time period specified by the enforcing authority, then the enforcing agency shall prepare a report of its findings for the

COMPLAINT AGAINST AN INDIVIDUAL ILLEGAL DUMPING INCIDENT OR FINDING OF ILLEGALLY DUMPED TRASH.

- 6) Investigation: Within 24 hours of receiving a phoned or written complaint, the enforcing authority or authorized personnel shall investigate the site of a complaint and determine if there is probable cause to believe that a violation exists. Should the enforcing authority determine that there is a violation and can readily identify the violator the enforcing authority shall:
 - a. Through certified mail, notify the violator, citing the location and nature of the violation and provide them with 15 days to correct the situation. Failure to correct the violation could result in action under VI.5.a-d; or
 - b. Issue and serve an Appearance Ticket upon the person or entity responsible; or
 - c. Present all evidence to the appropriate legal authority for the purpose of seeking either a criminal warrant or civil action against the person and/or entity responsible for the violation.

7) AUTHORIZED ACTIONS

- a. Appearance Summons: The designated agency is authorized to issue and serve an Appearance Ticket upon a person or entity violating the Plan or this Ordinance. The designated agency may designate other County employees as appearance ticket officers. The Appearance Ticket shall direct the recipient to appear in Lenawee County District Court on a specified date to respond to the alleged violation.
- b. Civil and Criminal Penalties: Enforcement may be accomplished by civil action or criminal prosecution, along with any other remedies provided by law. Civil penalties can include, but are not limited to, those authorized in Act 641. Any responsible party shall be guilty of a misdemeanor if proved to have violated the provision of this Ordinance and

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may, upon conviction, be punished by imprisonment in the County Jail for not more than ninety (90) days, or by fine of not more than (\$500) and the cost of prosecution, or by a fine and imprisonment at the discretion of the Court. The imposition of any sentence shall not exempt the Responsible Party from compliance with the requirements of the Plan nor from liability for civil penalties or other civil proceedings to enforce this Ordinance or abate the violation. Conviction for criminal violation of this Ordinance may result in a thirty (30) day suspension of a hauler's license under this Ordinance. Three convictions within a one (1) year period shall result in a revocation of the hauler's license for one year. Continued violation of this Ordinance is hereby declared a nuisance per se.

8) CONFIDENTIALITY

In deciding confidentiality and public disclosure issues regarding reports of suspected violations of this Ordinance (the Plan and Act 641), the designated agency shall be governed by Sec. 13(1)(b) of 1976 PA 442, as amended, being MCL 15.243(1)(b).

ARTICLE VII – WASTE DISPOSAL RESTRICTIONS

- 1) Hazardous Waste: No Type I waste (hazardous waste) shall be landfilled, buried or otherwise disposed of in Lenawee County. This prohibition shall not be interpreted as precluding the treatment of hazardous waste in accordance with acceptable industry standards and applicable laws, regulations and/or permits.
- 2) Yard Waste: Yard waste disposal and burning is permitted only in accordance with state law and local ordinances; whichever is more restrictive.
- 3) Scavenge Recyclables: Scavenger activity of source separated materials from recycling is prohibited.
- 4) Use Licensed Haulers: No person who generates solid waste may offer any remuneration or consideration to any commercial hauler to haul away his solid waste unless the hauler is licensed pursuant to this Ordinance.
- 5) Designated Disposal Facilities: No responsible party shall export, haul or dispose of solid waste generated within Lenawee County to a disposal facility that is not identified in the Plan as eligible for such export, transport or disposal.
- 6) Transportation/Handling Restrictions: Transportation, disposal, or handling of solid waste in any manner other than that which is authorized under Act 641, the Plan or this Ordinance is prohibited.

Any person who violates one of the above prohibitions shall be subject to the civil and criminal provisions of Article VI.7.B regardless of whether he or she has actual knowledge that he or she violated this Ordinance or a stop order.

ARTICLE VIII – PROGRAM DEVELOPMENT AND IMPLEMENTATION

- 1) Data Maintenance: Each county landfill owner or operator in Lenawee must record all solid waste volumes deposited at the landfill in estimated cubic yards or tons along with the county in which the waste was generated, the hauler and the date of disposal. Any person who knowingly falsifies or who participates in or encourages the falsification of this information shall be subject to the criminal and civil penalties.

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- 2) Monthly Reporting of Data: All landfills and other solid waste disposal facilities shall send a monthly report to the SWC summarizing the amount and type of solid waste handled during the operating period.
- 3) Licensing: No commercial hauler shall collect solid waste or recyclables with Lenawee County without a valid, annual license issued by the Lenawee County Solid Waste Department. Licenses may be obtained through the mail. Commercial haulers engaged solely in the business of hauling demolition debris or recyclable materials are exempt. Licensing policy and procedures may be obtained by contacting the Lenawee County Solid Waste Department.
- 4) The Solid Waste Department shall issue a temporary license which shall not exceed 60 days in duration. A temporary license may be obtained at the Lenawee County Solid Waste Department between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, or by written notification at least five (5) working days prior to operation. Applicants for temporary licenses should include the following:
 - a. Company name and address
 - b. Telephone number (please include area code)
 - c. A description of the project requiring the licensing
 - d. The approximate length of the project
 - e. Submit the required license fee

Criteria for the issuance or renewal of a hauling license shall include:

- a. Use of licensed vehicles approved as appropriate for transporting waste.
 - b. Timely and accurate submission of collection and disposal data.
 - c. Transportation and disposal activities that are in compliance with Act 641, the Lenawee County Solid Waste Management Plan and this Ordinance.
- 5) Vehicle Identification: Each approved vehicle must display the name of the hauler on the side of the vehicle.
 - 6) Vehicle Inspection: The enforcing authority may inspect vehicles to ensure compliance with the Lenawee County Solid Waste Plan, or this Ordinance and may revoke approval of a vehicle. The enforcing authority shall give a ten (10) day notice to the vehicle owner explaining the violation and the appeal process. The revocation of vehicle approval may be appealed to the enforcing authority if a written appeal is submitted within ten (10) days of the notification.
 - 7) Appeals: A hauler may appeal a license denial or revocation by filing an appeal with the designated agency.

ARTICLE IX – AMENDMENTS

Amendments, changes, or termination of this ordinance must be approved by the Lenawee County Board of Commissioners.

Adopted by the Lenawee County Board of Commissioners at a regular meeting of the Commission held the 23rd day of March, 1994.