

ORDINANCE NO. 284

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

THE CITY OF BESSEMER 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 Gogebic Range Solid Waste Management Authority.

"Board" means the Board of Commissioners of the Authority.

"Local Unit" means the City of Bessemer, County of Gogebic, Michigan.

"Operation Date" means the date to be announced by the Authority that the Transfer Station is 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, and animal waste generated within the Local 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, Source-Separated Waste, 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.

"Source-Separated Waste: means recyclable materials (including, but not limited to, bottles, cans, newspapers, corrugated containers, metals, grass, leaves, brush, and yard trimmings) that are separated from Solid Waste prior to the collection of the Solid Waste from a site of generation, and which will be recycled.

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

"Transfer Station" means the transfer station to be constructed by the Authority on behalf of and for the benefit of the Local Unit and other municipalities served by the Authority.

"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.

Section 3. Delivery of Solid Waste and Tipping Fee. Commencing on the Operation Date and at all times thereafter, each Waste Hauler shall (a) deliver to the Transfer Station 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 Transfer Station (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 Transfer Station.

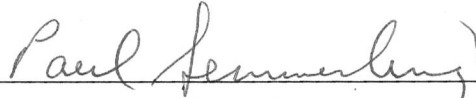
Section 4. Remedies. Upon a violation of any provision of this Ordinance, the Local Unit may seek criminal prosecution and may seek legal and/or equitable relief in a court of competent jurisdiction. In addition, a violation of any provision of this Ordinance shall be cause for suspension or revocation,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

Section 5. 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 shall be deemed a separate offense.

Section 6. 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 7. Effective Date. This Ordinance shall become immediately effective upon adoption.

Adopted and approved by the City Council of the City of Bessemer, Michigan, this 5th day of December, 1988.



Paul Semmerling, Mayor

ATTEST:



Bruce Carlson, City Clerk