

ABG-119

ORDINANCE NO. 305

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF BESSEMER BY ADDING A NEW CHAPTER TO TITLE II, WHICH SHALL BE DESIGNATED AS CHAPTER 28.

THE CITY OF BESSEMER HEREBY ORDAINS:

The Code of the City of Bessemer is hereby amended to add the following Chapter 28 of Title II of the Bessemer City Code.

2.341 Short Title. This Ordinance shall be known and may be cited and referred to as the City of Bessemer Ordinance prohibiting the landfilling or burning of yard clippings and to encourage the composting of such material by establishing a penalty for violation thereof.

2.351 Definition. "Yard Clippings" shall be consistent with and as defined within P.A. No. 264 of 1990, which states that yard clippings means **leaves, grass clippings, vegetable or other garden debris, shrubbery, or brush or tree trimmings less than 4 feet in length and 2 inches in diameter** that can be converted to compost humus. This term does not include stumps, animal waste, roots, sewage sludge or garbage.

2.361 Ban on Yard Clippings Disposal in Landfills. Commencing on the effective date of this Ordinance and at all times thereafter, if the owner or operator of a Disposal Site that is a sanitary landfill, as defined in Act 641, or of a transfer stations processing solid waste ultimately destined for a sanitary landfill, knows or should know that solid waste to be disposed of includes yard clippings, that owner or operator shall not accept said solid waste for disposal. Yard clippings may be accepted for disposal in a Composting Area consistent with the Gogebic County Solid Waste Management Plan.

This section shall not apply to yard clippings that are diseased or infected.

2.371 Ban on Burning of Yard Clippings. Commencing on the effective date of this ordinance and at all times thereafter, no person shall kindle or burn any yard clippings or permit the kindling or burning of yard clippings within the City boundaries.

2.381 Penalties. Upon a violation of any section of this Ordinance, the City may seek criminal prosecution and may seek legal and/or equitable relief in a court of competent jurisdiction.

Any person who violates this Ordinance shall be guilty of a misdemeanor punishable by a fine of not more than five dollars (\$5.00) for the first offense and not more than ten dollars (\$10.00) for subsequent offenses. Each day that a violation occurs or continues shall be deemed a separate offense.

2.391 Effective Date. This ordinance shall become effective ninety (90) days after the Notice of Adoption has been published in a newspaper of general circulation in the City of Bessemer.

Adopted and approved by the City Council for the City of Bessemer, Michigan, this 3rd day of January, 1995.

Vivian M. Coleman, Mayor

ATTEST:



Bruce Carlson, Clerk