

State of Michigan

County of Iosco

Charter Township of AuSable

Ordinance Number 101

REGULATE THE DISPOSAL OF GARBAGE AND RUBBISH

Adopted: November 5, 2007

Effective: December 5, 2007

(Replaces Ordinance Number 32)

AN ORDINANCE TO REGULATE THE DISPOSAL OF GARBAGE AND RUBBISH IN THE TOWNSHIP OF AUSABLE AND TO PROVIDE PENALTIES FOR VIOLATION THEREOF:

THE CHARTER TOWNSHIP OF AUSABLE DOES HEREBY ORDAIN:

SECTION 1: PURPOSE

1.00 Purpose.

This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Charter Township of AuSable by regulating the air pollution and fire hazards of burning or burying garbage or rubbish.

SECTION 2: PROBITIONS OF DISPOSAL OF GARBAGE AND RUBBISH

- A. That in the area of the Township of AuSable designated by said ordinance Number 101, no Rubbish, Trash or Garbage shall be disposed of, by burying in the ground.
- B. That is the area of the Township of AuSable designated by Ordinance Number 101, no rubbish or trash shall be disposed of by burning outside.

SECTION 3. ENFORCEMENT AND PENALTIES

- 3.1. Any person, firm or corporation who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$100.00, nor more than \$500.00 or by imprisonment in the County Jail for a period not to exceed ninety (90) days, or both such fine and imprisonment in the discretion of the judge imposing sentence, plus costs of prosecution and any court costs. Each day that a violation is continued or permitted to exist without compliance shall constitute a separate offense punishable by conviction in the same manner provided in this section, provided no person shall be imprisoned for a single but continuing violation of this Ordinance for a period longer than ninety (90) days.

- 3.2. The Township shall also, as an alternative to the penalties as provided above, as well as the method for enforcement of this ordinance, shall be able to enforce this ordinance pursuant to its current Civil Infraction Ordinance or may seek any other relief available at law, either in the District and/or Circuit Courts servicing Iosco County, State of Michigan, and/or in the appropriate court of Federal jurisdiction, all as the circumstances may jurisdictionally warrant.
- 3.3. Furthermore, any person found by the appropriate enforcement officer on behalf of the Charter Township of AuSable to be in violation of this ordinance, shall be obligated upon request, to provide documentation to satisfy the various provisions of this ordinance, or for failure to do so, same shall also constitute a violation of this ordinance. This documentation may include, but is not limited to appropriate licensure or any other information as required by this ordinance and/or as may be mandated by any other law.

SECTION 4. SEVERABILITY

The various sections, parts, and clauses of this ordinance are hereby declared to be severable. If any part, clause, sentence, paragraph or section is adjudged to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

SECTION 5. REPEALER

This ordinance shall repeal that Regulate the Disposal of Garbage and Rubbish Ordinance known as Ordinance Number 32.

SECTION 6. EFFECTIVE DATE

This Ordinance shall be effective thirty (30) days following adoption. At a regular meeting of the AuSable Township Board held on the 5th day of November 2007 adoption of the foregoing ordinance was moved by Kevin Beliveau and seconded by Lynn Mitchell.

Voting for: Lynn Mitchell, Mary Jo Samotis, Jan Baldwin, Alanda Barnes, Kevin Beliveau, Paul Mayville

Voting against: Dan Hayes

Absent: None

The Supervisor declared the Ordinance adopted.

CHARTER TOWNSHIP OF AUSABLE

November 5, 2007
Date

Albert D. Hayes, Jr.
By: Albert D. Hayes, Jr.
Its: Supervisor

November 5, 2007
Date

Lynn A. Mitchell
By: Lynn A. Mitchell
Its: Clerk

CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by the Township Board in a regular session held on November 5, 2007 and it was published in the Oscoda Press on November 14, 2007.

Lynn A. Mitchell
By: Lynn A. Mitchell
Its: Clerk