

CHAPTER 20 YARD WASTE

AN ORDINANCE TO AMEND THE CENTRAL LAKE VILLAGE CODE BY MAKING SOME CHANGES TO CHAPTER 20 CONCERNING DUMPING YARD WASTE AT THE VILLAGE YARD WASTE AREA AND TO PROVIDE PENEALTIES FOR VIOLATIONS THEREOF

THE VILLAGE OF CENTRAL LAKE ORDAINS:

Section 1. Amendment of Village Code.

The Central Lake Village Code is hereby amended to making changes to Chapter 20, which shall read in its entirety as follows:

CHAPTER 20 YARD WASTE

20.1 Title: This Chapter shall be known as the Village of Central Lake Yard Waste Ordinance.

20.2 Definitions: As used in this Chapter.

- (a) **Ashes:** means the residue from burning of wood, coal, coke or other combustible material.
- (b) **Building materials:** means by way of example but is not limited to scrap wood, treated wood, lumber, pallets, bricks, concrete or cinder blocks, plumbing or heating materials, electrical wiring or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in construction of any structure.
- (c) **Commercial lawn service:** means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity who provides lawn services, including but not limited to the removal of yard clippings and wood, as defined herein, for economic gain to property owners within the Village.
- (d) **Garbage:** means rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that result from preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables.
- (e) **Junk:** shall include but not limited to parts of machinery or motor vehicles, tires, vehicle parts, unused stoves or other appliances stored in open, remnants of wood, metal or any other material or other cast of material of any kind whether or not the same could be put to an y immediate reasonable use.
- (f) **Person:** means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity.
- (g) **Rubbish:** means nonputrescible solid waste, including ashes, consisting of both combustible and noncombustible waste, including paper, cardboard, metal

containers, glass, bedding, crockery, demolished building materials, or litter of any kind that may be a detriment to the public health and safety.

- (h) **Scrap wood:** means wood or wood product that is 1 or more of the following:
- a. Plywood, pressed board, oriented strand board, or any other wood or wood product mixed with glue or filler.
 - b. Wood or wood product treated with creosote or pentachlorophenol.
 - c. Any other wood or wood product designated as scrap wood in rules promulgated by the department.
- (i) **Treated wood:** means wood or wood product that has been treated with 1 or more of the following:
- a. Chromated copper arsenate (CCA)
 - b. Ammoniacal copper quat (ACQ)
 - c. Ammoniacal copper zinc arsenate (ACZA)
 - d. Any other chemical designated in rules promulgated by the department.
- (j) **Village:** means the Village of Central Lake
- (k) **Wood:** means trees, branches, bark, wood chips, and sawdust, but does not include scrap wood, treated wood, painted wood or painted wood product, or any wood or wood product that has been contaminated during manufactured or use.
- (l) **Yard clippings:** means leaves, grass clippings, vegetable or other garden debris,
- (m) **Yard waste area:** means the parcel of land situated in the Village of Central Lake, Antrim County, Michigan and described as follows:
- Parcel 1
COM AT THE INTER OF THE S LINE OF GOV LOT 8 AND THE E LINE OF R/W OF C&O RR, TH NLY ALG THE R/W 312.6 FT TO THE POB, TH CONT NLY 141.26 FT ALG SD E LINE OF R/W, TH W PARA WITH THE N LINE OF SD GOV LOT 8 TO THE W R/W OF SD RR, TH NLY ALG SD W R/W 100 FT, TH W 174.26 FT, TH S 239.06 FT, TH E 300 FT TO POB. SEC 26 T31N R8W
- Parcel 2
COM AT NW COR, TH S ALG W LINE OF SEC 1003.82 FT. TH E 264 FT TO POB, TH N 304 FT M/L, TH E TO RR R/W, TH SLY ALG SD R/W TO PT 553.92 FT FROM S LINE OF GOV LOT 8, TH W 174.26 FT, TH S 239.06 FT, TH W 281.12 FT TO THE POB, BEING PART OF GOVERNMENT LOT 8 SEC 26 T31N R8W

20.3 Prohibited Conduct:

- (a) Except as provided in subsections (b) and (c) below and Sections 20.4 of this Chapter, no person shall deposit, dump, or leave or cause another person to deposit, dump, or leave within the Village yard waste area garbage, rubbish, junk, building materials, wood, stumps, roots, yard clippings, and animal waste.
- (b) A person other than a commercial lawn service may deposit, dump or leave within the Village yard waste area yard clippings ~~and wood~~, as defined herein, that were collected or removed from property within the Village.
- (c) A commercial lawn service, after obtaining a permit from the Village DPW, may deposit, dump, or leave within the Village yard waste area yard clippings ~~and wood~~, as defined herein, that were collected or removed from property located within the Village.

20.4 Exempt Activities:

Section 20.3 (a) of this Chapter shall not apply to employees of the Village when engaged in the scope of their employment with the Village and when the items(s) to be deposited, dumped, or left within the Village yard waste area were collected or generated as a result of official Village duties.

20.5 Violations & Penalties:

Any person who violates any provision of this chapter shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Each day this Chapter is violated shall be considered as a separate violation.

- (a) The Village Code Enforcement Officer is hereby designated as the authorized official to issue municipal civil infraction citations directing alleged violators of this Chapter to appear in court.
- (b) A violation of this Chapter is hereby declared to be a public nuisance or a nuisance per se and is declared to be offensive to the public health, safety and welfare.
- (c) In addition to enforcing this Chapter through the use of municipal civil infraction proceedings, the Village may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Chapter.

Section 2. Severability.

If any provision or section of this Chapter be held invalid for any reason, such holdings will not affect the validity of the remaining provisions of this Chapter. It is the legislative intent that this Chapter shall remain valid despite the invalidity of any such provisions or section.

Section 3. Effective Date.

This Ordinance shall become effective twenty (20) days after its enactment.