

**JACKSON COUNTY ORDINANCE NO. 6
PROVIDING FOR CONTROL OF THE DISPOSAL OF SOLID WASTE
GENERATED WITHIN THE COUNTY OF JACKSON**

AN ORDINANCE to control disposal of Solid Waste generated within the County of Jackson:

WHEREAS, the State of Michigan has, through Act 641, Public Acts of Michigan, 1978 (“Act 641”) mandated that cities, townships, villages, and counties shall assure that all Solid Waste (as hereinafter defined) is delivered to licensed solid waste disposal areas or otherwise legally disposed of; and

WHEREAS, the County has adopted a solid waste management plan (the “Plan”) and received approval of same by the State of Michigan Department of Natural Resources (the “Department”), as required by Act 641; and

WHEREAS, the County, in order to comply with the mandate of Act 641 and the provisions of the Plan, and to secure the health, safety, and general welfare of citizens of the County, has issued its 1985 Unlimited Tax General Obligation Bonds for the purpose of, among other things, providing the Resource Recovery Facility (as hereinafter defined) for the use of municipalities in the County and their citizens; and

WHEREAS, the Plan provides that the structure for management of the Resource Recovery Facility and the flow of Solid Waste will be determined pursuant to the Feasibility Study for the Resource Recovery Facility (the “Feasibility Study”); and

WHEREAS, the Feasibility Study recommends that the County ordain that all Solid Waste be delivered to the Resource Recovery Facility, and that all such waste be delivered by haulers licensed nonexclusively by the County; and

WHEREAS, such a license is intended to be a necessary prerequisite to entry into the business of hauling of Solid Waste in the County, but the right to haul Solid Waste within any municipality in the County is subject to any additional restrictions or requirements imposed by such municipality in accordance with law.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE PEOPLE OF THE COUNTY:

Sec. 1. Definitions:

“**County**” means the County of Jackson.

“**County-Designated Location**” means, in the first instance, the weigh station on the premises of the Resource Recovery Facility, at which point employees of the County may designate either the Landfill or the Resource Recovery Facility as the County-Designated Location for disposal of any load or loads of Solid Waste.

“Effective Date” means the effective date of this Ordinance, i.e., October 1, 1987.

“Hauler” means any Person engaged in the business of collection, transportation or delivery of Solid Waste.

“Hazardous Waste” means hazardous waste as defined in Act No. 64 of the Public Acts of Michigan, 1979, as amended from time to time, and as identified in administrative rules promulgated from time to time pursuant to said Act by the Director of the Department.

“Landfill” means the landfill operated by the County as of the date of this Ordinance, which landfill is duly licensed by the Department.

“Person” means any individual, proprietorship, firm, public or private corporation, partnership, trust, public, or private agency or any other entity, or any group of such persons.

“Resource Recovery Facility” means the facility financed in part with proceeds of the County’s 1985 Unlimited Tax General Obligation Bonds located at 1990 Elm Road, Jackson, Michigan.

“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, but does not include demolition materials permitted to be disposed of at a Class III Landfill as provided in the Department’s rules, hazardous 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.

“Tipping Fee” shall mean the charge payable by Haulers disposing of Solid Waste at the County-Designated Location, the amount of such fee to be determined by resolution of this Board of Commissioners.

Sec. 2. Timely Disposal of Solid Waste Required.

All Solid Waste generated in the County shall be disposed of frequently enough to protect the public health.

Sec. 3. Solid Waste to be Delivered to County-Designated Location.

After the Effective Date, it shall be unlawful for any person to dispose of Solid Waste picked up in Jackson County, except waste which is permitted under state law or rules promulgated by the Department to be disposed of at the site of generation and newspapers and other materials delivered to facilities for the recycling of such materials,

other than by delivering or causing the delivery of such Solid Waste to the County-Designated Location in accordance with this Ordinance, any applicable laws and rules of the Department, and such delivery instructions and procedures as the County may from time to time prescribe, and payment of the Tipping Fee.

Each Hauler shall be responsible for the transportation of waste to the County-Designated Location. All costs of such transportation and disposal shall be borne by the Hauler.

Sec. 4. Licenses Required for Solid Waste Haulers.

After the Effective Date, it shall be unlawful for any Hauler to operate within the County without having obtained a license to conduct such business from the County pursuant to this Ordinance. Such a license may be obtained by any Person upon payment of a fee to be determined by resolution of this Board of Commissioners. Licensed Haulers are subject to any restrictions or requirements imposed in accordance with applicable laws by municipalities in which such Haulers operate.

Sec. 5. Penalties and County Remedies for Violations of Ordinance

Any person who shall violate a provision of this Ordinance shall be guilty of a misdemeanor, punishable by a fine not to exceed \$100.00 or by imprisonment not exceeding ninety days, or both such fine and imprisonment or suspension or revocation of a license issued pursuant to Section 4 above. Each day that a violation occurs or continues shall be deemed a separate offense.

Sec. 6. Severability of Ordinance Provisions.

If any section, subsection, sentence, clause or phrase of the within Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Commissioners of the County hereby declares that it would have passed this Ordinance, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Sec. 7 Inconsistent Provisions Repealed.

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Sec. 8. Publication and Governor's Approval of Ordinance.

This Ordinance shall be in full force and effect as of the Effective Date upon notice of the adoption of this Ordinance published once in a newspaper of general publication in Jackson County and approval of the governor of the State of Michigan.

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Board of Commissioners of the County of Jackson, State of Michigan at a regular meeting held on March 24, 1987, and as amended on July 11, 1989, that said meetings were conducted and public notice of said meetings were given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meetings were kept and will be or have been made available as required by said Act.

Jean S. Kahn, County Clerk