

CHAPTER 9 HEALTH AND SANITATION

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ARTICLE I IN GENERAL

Secs. 9-001--9-025. Reserved.

ARTICLE II ABANDONED AIRTIGHT CONTAINERS

Sec. 9-026. Definitions.

In addition to those rules of construction and definitions contained in Section 1-002, the following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned Means leaving outside of any building in a place accessible to a person.

Airtight Container Means any abandoned, unattended or discarded icebox, refrigerator, deep freeze or other device with an airtight door of a kind and size sufficient to permit the entrapment and suffocation of a person.

Accessible means available to a person whether such person is upon the land of another as a matter of right or as a trespasser.

Children or Child mean any person(s) under the age of twelve (12) years.

Owner means any person who possesses all or a portion of the fee title to any zoning lot, or any tenant who occupies any buildings upon such zoning lot under the provisions of any lease, regardless of the duration of such lease.

(Comp. Ords. 1986, § 20.621)

Sec. 9-027. Removal of lids required.

Any individual who knowingly abandons any airtight container as defined in this Article without first physically removing the lid or cover thereof so as to remove the airtight locking condition, shall be guilty of a violation of this Article.

(Comp. Ords. 1986, § 20.622)

State law references: Similar provisions, MCL 750.493d).

(CHAPTER 9, ARTICLE II, SECTION 9-028 cont.)

Sec. 9-028. Responsibility of landowner.

Any owner of land who knowingly abandons any airtight container without first physically removing the lid or cover thereof so as to remove the airtight locking condition, shall be guilty of a violation of this Article.

(Comp. Ords. 1986, § 20.623)

Sec. 9-029. Storage.

Any individual desiring to keep or maintain any airtight container who does not desire to physically remove the lid or cover thereof, shall at all times keep such containers in a building to which all entrances are securely locked and to which the means of ingress and egress thereto shall be prohibited to children.

(Comp. Ords. 1986, § 20.626)

Sec. 9-030. Violations; Misdemeanor.

Violation of this Article is a misdemeanor punishable as provided in Section 1-010(a).

Secs. 9-031--9-050. Reserved.

ARTICLE III WASTE MATERIALS CONTROL*

**Editor's note: The 2014 ordinance recodification amended the Code transferring the weed control provisions from this Article, formerly §§ 9-051—9-064, to Article V of this Chapter and expanding upon the existing litter control provisions to incorporate a broader scope of waste materials controls that are pertaining to similar subject matter and derived from the same historical ordinance sources.*

Division 1. Generally

Sec. 9-051. Title.

This article shall be known and cited as the "Waste Materials Control Ordinance," and it shall be deemed sufficient in any action for enforcement of the provisions hereof to define the same by such title and reference to the number hereof.

(Comp. Ords. 1986, § 35.051)

Sec. 9-052. Purpose.

The intent and purpose of this article is declared as follows:

- (a) To establish ordinance provisions that supplement the Waterford Code of Ordinances, Existing Structure Code through specific requirements intended to prevent the storage or accumulation of waste materials, upon any private or public property or water resources within the Township, that are a cause of blight and deterioration in neighborhoods and in the spread of vermin and disease, and, therefore, is contrary to the public peace, health, safety and general welfare of the community.
- (b) To provide for methods of enforcement and penalties for the violations of such provisions.

(Comp. Ords. 1986, § 35.052)

Sec. 9-053. Definitions.

In addition to those rules of construction and definitions contained in Section 1-002, the following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act. Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, Public Act No. 451 of 1994, MCL 324.11501 et seq., as amended.

(CHAPTER 9, ARTICLE III, DIVISION 1, SECTION 9-053 cont.)

Bulk item. Large pieces of furniture, bed springs, mattresses, bed frames, large appliances, washers, dryers, air conditioners, microwave ovens, humidifiers, de-humidifiers, furnaces, stoves, refrigerators, freezers, water heaters and softeners, water closets, toilets, bathtubs, sinks, carpet and pad, doors, windows, shelving, siding, lawn and yard furniture and equipment, exercise and playground equipment, grills, bicycles, tool and file cabinets, small quantities of building debris resulting from repair or remodeling personally done by the occupant of the residential premises and tied or bundled in lengths of not more than five (5) feet, fence parts or sections no larger than three (3) feet by four (4) feet, railroad ties and fence posts no larger than four (4) inches in diameter and eight (8) feet long, and other similar large household items.

County waste management plan. The Oakland County Solid Waste Management Plan and any amendments thereto.

Curbside. A location as near as possible to and within six (6') feet of the main-traveled portion of the roadway for the placement of residential solid waste, recyclable materials, or yard waste for collection.

Designated waste hauler. A licensed waste hauler awarded a contract by the township to collect, transport, and dispose of the residential solid waste, recyclable materials, and yard waste generated from residential premises in the township as provided in Division 1A.

Hazardous waste. As defined by the Natural Resources and Environmental Protection Act, Part 111 of Public Act No. 451 of 1994, MCL 324.11103(3) et seq., as amended.

Licensed waste hauler. A waste hauler that has applied for and been issued a waste hauler license as provided in Division 11 of Article III in Chapter 10 of this Code.

Litter Any accumulation of waste materials in the open areas of a zoning lot.

Litter Receptacle A container designed and used for the deposit of garbage and trash items by pedestrians.

Private Property The exterior locations of zoning lots owned by persons, including but not limited to: yards, grounds, driveways, parking areas, and areas not contained within a building.

Residential premises. A parcel or lot that contains a single-family residential dwelling or multiple-family residential dwelling unit.

Public Property The exterior locations of publicly-owned land, including but not limited to: public rights-of-way, catch basins, and public parking lots.

Recyclable Materials Materials that are separated from solid waste prior to the collection from the site of generation, including high grade paper, glass, all metals, plastic, newspaper, corrugated paper, and other materials that may be recycled or composted. Recyclable materials shall not include hazardous waste.

Recycling Bin A container used to temporarily store generally accepted recyclable paper, glass, plastic, and metal waste materials generated by the daily uses on a zoning lot until a waste hauler removes the recyclable waste material on its regularly scheduled rounds.

Site of generation Any property in or on which solid waste, recyclable material, or yard waste is generated.

Solid waste. All categories of waste materials as defined in this Section but excluding liquid waste, medical waste, wastewater, hazardous waste, and other materials excluded from the definition of solid waste in the Act.

Waste Hauler Any person that collects or removes and transports solid waste, recyclable materials, or yard waste from a site of generation for transportation to and disposal at a different location.

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(CHAPTER 9, ARTICLE III, DIVISION 1, SECTION 9-053 cont.)

Waste Materials Materials that are unused, unproductive, not utilized for the purpose for which it was produced, left over, superfluous, and/or rejected as useless or worthless, and shall include these specific categories:

Construction Waste Materials including but not limited to lumber, brick, drywall, pipe, wire, and hardware that are leftover scraps from a construction project.

Debris Any accumulation of broken or detached matter, including but not limited to fragments of stone, brick, cement and plaster.

Garbage Putrescent solid and semi-solid animal, fish, fowl, or vegetable matter resulting from the production, handling, preparation, cooking, service, or consumption of food or food materials for human consumption, spoiled food, dead animals, animal manure, and fowl manures.

Junk Any reclaimable material from motor vehicles, machinery, equipment, household appliances or contrivances, or waste material which cannot be used for the purpose for which the product was originally manufactured.

Liquid Waste Any waste oils, septic tank pumpings, industrial wastes and other similar materials.

Medical Waste That portion of potentially-infectious biomedical waste that is generated from the operation of medical programs, offices or facilities.

Refuse Any putrescent or non-putrescent solid waste, except human excreta, but including garbage, rubbish, ashes, street cleaning, dead animals, offal and solid agricultural, contaminated or processed soil, commercial, industrial, hazardous and institutional wastes and construction waste.

Rubbish Means any non-putrescible solid waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing, and office, including other waste matter such as slag, stone, broken concrete, fly ash, ashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals, or any similar or related combinations thereof.

Solid Waste. *All categories of waste materials as defined in this Section but excluding liquid waste, medical waste, wastewater, hazardous waste, and other materials excluded from the definition of solid waste in the Act.*

Trash Any non-putrescent manufactured product, including but not limited to furniture and appliances, that is broken, unusable, and/or not utilized for the purpose for which it was produced.

Wastewater Liquid waste discharged from any use source, or from associated treatment facilities, except greywater, specifically such water used in the cleaning of clothing or dishes.

Yard Waste Leaves, grass clippings, lake weeds, vegetable or other garden debris, shrubbery, or brush, tree, plant and/or vegetation trimmings, not more than four (4) feet in length and three (3) inches in diameter, that can be converted to compost humus, also commonly referred to as compostable(s) and yard waste. Yard waste shall not include stumps, agricultural wastes, animal waste, roots, sewage sludge or garbage.

Waste Material Container A lidded bin used to temporarily store garbage, refuse, rubbish, and trash generated by the daily uses on a zoning lot until a waste hauler removes the waste material on its regularly scheduled rounds. Waste material containers are designed and intended to eliminate the safety hazard of attracting animals to open containers and accumulations of waste materials as a food source, to reduce the health risks created by the accumulation of waste material through its decomposition and its attractiveness for harboring rodents, and to provide for the general welfare by removal of the unsightly conditions created by accumulated waste material. The terms “trash can”, “rubbish can”, “garbage can”, and “lidded dumpster”, and similar such terms shall all be considered synonymous with waste material container in the context of this Article.

(Comp. Ords. 1986, § 35.053; Ord. of 8-10-1987, § 1.00)

Sec. 9-054. Enforcing agencies.

- (a) The Building Official is authorized to enforce the sections of this Article involving the maintenance and condition of buildings and structures as provided in the General Provisions Buildings and Building Regulations in this Code.
- (b) The Zoning Official is authorized to enforce the sections of this Article involving the exterior maintenance and condition of the exterior areas of zoning lots as provided in the General Provisions of this Code.

(CHAPTER 9, ARTICLE III, DIVISION I cont.)

Sec. 9-055. Prohibited storage, collection, transportation, and disposal.

It shall be unlawful for any person to store, collect, transport, or dispose of waste or recyclable materials except in the manner required and authorized in this Article.

Sec. 9-056. Waste hauler licensing.

No person shall act or be engaged in business as a waste hauler without first obtaining all licenses required by the State of Michigan and other governmental entities, and a business license from the Township under Division 11 of Article III in Chapter 10 of this Code.

Sec. 9-057. Waste collection vehicles and equipment.

Solid waste, yard waste, and recyclable materials shall only be collected and transported in and with vehicles and equipment that have been licensed or registered with the Township as provided in Division 11 of Article III in Chapter 10 of this Code.

Sec. 9-058. Rules and Regulations.

By resolution, the township board may adopt rules and regulations for the implementation of the regulations in this Article, which may include collection schedules, approved recyclable materials and container lists, and any other matter related to the storage, collection, transportation, and disposal of solid waste, yard waste, and recyclable materials that are consistent with this Article, any Township contract with a designated residential waste hauler, and in compliance with applicable provisions of the Act.

Secs. 9-059 -- 9-060. Reserved. *(Comp. Ords. 1986, § 35.053; Ord. of 8-10-1987, § 1.00, Ord of 08-27-2019)*

Division 1A. Designated Residential Waste Hauler

Sec. 9-061 - Authority and purpose.

- (a) The Act provides that a municipality shall ensure that all solid waste is removed from sites of generation frequently enough to protect the public health, and that it shall be disposed of at a licensed solid waste disposal area.
- (b) Because the current process of solid waste, recyclable material, and yard waste collection, transportation and disposal in the township directly and negatively affects public health, safety and welfare by the operation of multiple heavy trucks by multiple waste haulers on residential streets on different days of the week resulting in unnecessary traffic and public safety risks, wear and tear, and unsightly conditions on those streets, the township has determined that the curbside collection of those materials from residential properties shall be undertaken by the township through a contract with a single designated waste hauler.

Sec. 9-062. - Designated waste hauler use, prohibitions, and exclusions.

- (a) Commencing on March 30, 2020, all solid waste, recyclable materials, and yard waste from every residential premises site of generation in the township shall be collected, transported, and disposed of by a waste hauler designated by the Township Board as provided in this Division and no person shall dispose of any such materials through any means or waste hauler other than a township designated residential waste hauler.
- (b) As of the effective date in subsection (a) no person except a township designated waste hauler shall engage in the business of collection, transporting, delivery, or disposal of solid waste, recyclable materials, or yard waste for a residential premises site of generation.
- (c) The following are excluded from the application of this Division:

(CHAPTER 9, ARTICLE III, DIVISION IA cont.)

- (1) A person in the business of providing landscaping services may remove the yard waste from its residential customers' premises for disposal by the landscaper in accordance with all regulations of the Act.
- (2) Multiple-family residential units that have dumpster or other type of non-curbside solid waste collection.
- (3) Multiple-family commercial uses such as apartments and hotels.
- (4) Residential property that is undeveloped.
- (5) Services by a timely licensed waste hauler under Division 11 of Article III in Chapter 10 of this Code that were paid for prior to June 10, 2019, through the documented date the services were paid for or June 10, 2020, whichever is earlier.
- (6) Residential premises sites of generation that are excluded by law or its contract with the Township from being serviced by a township designated waste hauler.

Sec. 9-063. - Selection of designated waste hauler.

The award of a contract to a designated waste hauler shall be in the sole discretion of the township board and be made at a regular or special meeting of the township board.

Sec. 9-064. - Designated waste hauler services and requirements.

The contract awarded by the township to a designated waste hauler shall provide for the following:

- (a) Compliance with the regulations in Division 2.
- (b) Compliance with all requirements, terms, and conditions of the waste hauler's license, including the licensing or registration and proper maintenance of vehicles and equipment used.
- (c) For collected materials to be transported and delivered to licensed disposal facilities under the Act and for the payment of all disposal fees charged by the facilities.
- (d) Compliance with all applicable federal, state and county laws, statutes, ordinances, rules and regulations and the County waste management plan in the collection, transportation, and delivery of solid waste, recyclable materials and yard waste.
- (e) Weekly curbside collection on designated days of solid waste, recyclable materials, and yard waste from residential premises for transport and disposal at a licensed disposal site.
- (f) Separate collection, transportation, and disposal of recyclable materials that have been separated at the site of generation prior to placement for collection.
- (g) Collection of some or all types of bulk items as defined in Section 9-053 on terms and conditions to be established.
- (h) For the designated waste hauler to be responsible for billing for services, and for the payment, collection, and enforcement of billings.
- (i) For a condominium or subdivision association to assume the responsibility to pay for the services to be provided by the designated waste hauler to the residential premises in the condominium or subdivision.

Sec. 9-065. - Rates to be established by township.

After awarding a contract to a designated waste hauler, the township board shall adopt a resolution that specifies the rates that shall be charged by the designated waste hauler for the services to be provided. The rates to be charged shall be based upon the awarded contract and upon adoption, the approved rate resolution shall be published in order to provide notice to the public of the rates approved. The designated solid waste hauler shall not charge a rate in excess of the rates approved by resolution of the township board.

(CHAPTER 9, ARTICLE III, DIVISION IA cont.)

Sec. 9-066. - Responsibility and invoices for services and delinquencies.

- (a) The designated solid waste hauler shall bill for services in advance by sending an invoice directly to each residential premises for which services are to be provided. The invoices shall be in accordance with the rates established by the township board under Section 9-065.
- (b) Invoices shall be in writing and transmitted to customers prior to the beginning of the billing period for which the charges are imposed and shall conspicuously note the due date for payment and any late penalty that will apply and be payable after that date.
- (c) The due date for payment of invoices shall be at least 45 days after the transmittal date of the invoice and 30 days after the start of the billing period for which the charges are imposed.
- (d) If an invoice is not paid by the due date, a late payment penalty in an amount approved by the township board under Section 9-065 shall accrue on the unpaid invoice amount and be payable, collectable, and enforceable as provided in this Section.
- (e) If an invoice is not paid by the due date, it shall be considered delinquent and the designated waste hauler shall send a written notice of delinquency and the late payment penalty to the customer. The notice of delinquency shall include written notice that if the delinquent charges and late payment penalty are not paid, they will be added to the township tax bill for the property as provided in Section 9-067, and how the notice of delinquency may be disputed with the designated waste hauler.
- (f) The payment of all invoices and late payment penalties shall be a personal obligation of the owner of the residential premises for which the services are provided and shall be secured by a lien on that residential premises until paid in full.

Sec. 9-067. - Delinquent charges inclusion on tax bills and tax roll.

- (a) The designated waste hauler shall maintain a list and written records by address and customer name of delinquent invoices, late payment penalties, and notice of delinquencies for possible placement on the township tax roll and December tax bill as provided in Section 1-014 of this Code.
- (b) Prior to September 1 of each year, the designated waste hauler may submit a written request to the Township Treasurer that the township place the amount of any delinquent invoices and late payment penalties for each residential premises that have not been paid, on the tax roll and December tax bill as provided in Section 1-014 of this Code. The written request shall include an affidavit, signed by the designated waste hauler's authorized representative, that the charges on the delinquent list are accurate, shall include the due date for payment of the delinquent invoice, shall state the amount that is delinquent and any late payment penalties that have accrued, and the date notice of the delinquency was given as required under Section 9-066. The designated waste hauler shall also provide a text file in a format prescribed by the township assessor that includes the parcel identification number and address of the premises serviced, and the amounts of delinquent invoices and late payment penalties to be placed on the tax roll and December tax bill.
- (c) Upon the timely submission of the designated waste hauler's request under subsection (b), at a meeting in September, the township board will review the request and by adoption of a resolution, approve the residential premises and amounts of delinquent invoice and late payment penalties to be placed on the tax roll and December tax bill for collection.
- (d) The designated waste hauler's invoices and late payment penalties approved by the Township Board under subsection (c) shall be entered on the tax roll by the township assessor for the December tax bill with a six (6%) percent penalty on those amounts, for collection as any other real property tax.

(CHAPTER 9, ARTICLE III, DIVISION IA cont.)

- (e) If a residential condominium or subdivision association has assumed responsibility to pay for the designated waste hauler's services, the provisions for collection of delinquent invoices as set forth herein shall not apply to the residential premises within that condominium or subdivision.

Sec. 9-068. - Violations and sanctions.

(a) Violation of this Division is a municipal civil infraction punishable as provided in Section 1- 010(b).

(b) Nuisance and abatement. Any disposal or collection of solid waste, recyclable materials, or yard waste from a residential premises site of generation in violation of this Division is declared to be a nuisance per se, and the township board may institute any appropriate action or proceedings in law or equity to prevent, restrain, correct, or abate any such nuisance by any court of competent jurisdiction.

Secs. 9-069 -- 9-070. Reserved. (*Comp. Ords. 1986, § 35.053; Ord of 08-27-2019*)

Division 2. Waste Materials Regulations

Sec. 9-071. Toxic, poisonous, highly combustible, and medical waste materials.

- (a) No person shall deposit in any waste material container or recycling bin any toxic, poisonous, or highly explosive liquid, gas or solid materials, including but not limited to gasoline, kerosene, fuel oil, ammunition or explosives.
- (b) No person shall deposit in any waste material container or recycling bin any battery, cell phone, computer component, or other electronic item where prohibited by federal or state law.
- (c) No person shall store, deposit, throw, or place for waste material collection any medical waste except in accordance with an approved "medical waste management plan" as required of such person pursuant to the Medical Waste Regulatory Act, Public Act No. 18 of 1990 (MCL 333.13801 et seq.).

Sec. 9-072. Littering of public lands or waters prohibited.

No person shall knowingly cause, allow or permit the dumping, depositing, placing, throwing or leaving of litter on any public property or water resources other than within waste material containers or property lawfully designated and set aside for such purpose.

Sec. 9-073. Duty to maintain a litter free environment on private property.

Every person who owns, possesses, controls, supervises or occupies private property in the Township shall be responsible for maintaining such premises free of litter.

Sec. 9-074. Duty to prevent handbills and newspapers from becoming litter.

- (a) *Duties of persons publishing and/or distributing handbills.* It shall be the duty of every person publishing and distributing commercial handbills, leaflets, flyers or any other advertising and information material to take whatever measures that may be necessary to keep such materials from littering public or private property.
- (b) *Duties of persons publishing and/or distributing newspapers.* It shall be the duty of every person publishing and distributing newspapers to take whatever measures that may be necessary to keep such materials from littering public or private property, including refraining

(CHAPTER 9, ARTICLE III, DIVISION 2 cont.)

from the placing or depositing of free newspapers or advertising materials on the open areas or driveways of zoning lots.

Sec. 9-075. Litter control at construction sites.

At any construction site, building under construction and area adjacent thereto, construction waste and debris shall be placed within the confines of a roll-off disposal container, as defined in the Waterford Township Zoning Ordinance, and maintained so as to prevent the blowing or scattering of such waste and debris by the wind. The transfer of construction waste and debris from one construction site to another is specifically prohibited.

Sec. 9-076. Litter receptacles, policy and use.

It is the legislative policy to encourage all persons charged with the maintenance of zoning lots open to the general public to provide litter receptacles for the deposit of waste materials. Persons depositing waste materials in such receptacles shall do so in such a manner as to prevent littering by the careful depositing of waste materials therein. Litter receptacles shall be emptied and cleaned at intervals frequent enough so as to prevent development of a food source for animals and to prevent an overflow of items that will cause litter, or create a nuisance.

Sec. 9-077. Duty to remove vehicle debris.

All persons responsible for, or engaged in the removal of wrecked vehicles and debris from any public or private street roadway, shall collect and remove all glass and other injurious debris from such street roadway and associated right-of-way.

Sec. 9-078. Storing of waste materials on private properties prior to waste hauler removal.

- (a) On residential premises, all waste material except yard waste shall be stored in rodent-proof metal or hardened plastic waste material containers. Yard waste shall not be commingled with other waste materials. Waste material containers containing waste materials other than yard waste shall be covered tightly at all times to prevent the harboring of rodents and the scattering of debris. Except as provided in the following sentence, stored waste materials shall be shielded from public view. Placement of waste material containers, yard waste, and recycling bins beyond the front building line of any principal residential building shall be restricted to the time period beginning at 6:00 p.m. the day before a scheduled collection day through 8:00 p.m. of the scheduled collection day.
- (b) On non-residential premises, all waste material stored outside of the building must be stored in waste material containers that are emptied by a licensed waste hauler at intervals frequent enough to prevent development of a food source for animals as well as prevent an overflow of items that will cause litter. The waste material containers shall be kept in rear or side yards at all times, unless another location has been approved in accordance with the Waterford Township Zoning Ordinance. Waste material containers containing waste materials shall be covered tightly at all times to prevent the harboring of rodents and the scattering of debris.
- (c) The separation of recyclable materials from solid waste at the site of generation is encouraged but not required. Recyclable materials that are separated from solid waste for collection shall be stored in the following manner:
 - (1) Metal, glass or plastic materials shall be rinsed and cleaned before storage.
 - (2) Recyclables shall be site-separated from other waste and stored in a recycling collection container.
 - (3) Newspapers or other recyclable paper products shall be stored and placed in recycling collection containers, paper bags, or tied into bundles weighing not more than fifty (50) pounds.

(CHAPTER 9, ARTICLE III, DIVISION 2 cont.)

Sec. 9-079. Responsibility for timely waste materials and recyclable materials removal.

Every person who owns, possesses, controls, supervises or occupies private property in the Township shall be responsible for ensuring that all solid waste, yard waste, and recyclable materials from such private property, including from within buildings and structures, are stored in accordance with Section 9-078 and placed for collection and disposal as provided in this Article.

Sec. 9-080. Removal by the Township.

At any private property where the failure to comply with the requirements of Section 9-079 results in the outdoor storage of solid waste or recyclable materials for more than one (1) week, after seven (7) days written notice by the Township to the owner and any known occupant or lessee of the property, to place the materials at curbside or other designated location for collection, upon a failure to do so the Zoning Official is hereby authorized and empowered to engage the services of a waste hauler to remove and dispose of the solid waste and recyclable materials from the exterior of the premises in order to eliminate the hazard to public health, safety, and welfare. The Zoning Official is further authorized to add to the Township's removal and disposal costs, a ten percent administrative charge to cover the expense of administering the removal and disposal. Such notification to the owner, occupant, or lessee shall further inform the owner that any such removal, disposal, and administrative costs shall be the responsibility of the owner and the Township shall place a lien against the land for such expense to be enforced in the manner provided for enforcement of tax liens under the general property tax law.

Sec. 9-081. - Burning of waste materials prohibited.

Unless allowed and permitted under the Fire Prevention Code Ordinance in Chapter 7 of this Code for wood yard waste, the outdoor and indoor burning of any kind of waste or recyclable materials is prohibited.

Sec. 9-082. - Hazardous waste.

No person shall knowingly place hazardous waste at the curbside or other designated location for collection and a waste hauler shall not knowingly collect or deliver hazardous waste to a processing or disposal site. In view of this prohibition, the township shall provide a program for legal household hazardous waste recycling, recovery, and disposal for residents.

Sec. 9-083. - Yard waste.

Yard waste in the form of twigs, brush and branches shall not exceed three (3) inches in diameter and when placed at curbside for collection shall be placed in paper yard waste bags, containers clearly identifiable as containing yard waste, or tied in bundles not more than four (4) feet in length and eighteen (18) inches in diameter. All other yard waste shall be placed in containers clearly identifiable as containing yard waste or paper yard waste bags.

Yard waste may only be placed or left at curbside for collection from April 1 through December 1 of each calendar year, or such later date in December as provided in a Township contract with a designated residential waste hauler or as allowed by the Act or county waste management plan and approved by Township Board resolution and the Township's designated residential waste hauler. Any yard waste at a site of generation after the December cutoff date shall be stored in an area shielded from public view as required in Section 9-078(a) and placed at curbside for collection by April 10 of the following year.

Except during the period from the December cutoff date in subsection (b) through April 10 of the following year, yard waste shall not be stored on the site of generation for more than 30 days.

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The storage of yard waste shall only be on the site of generation and be in compliance with the Act, MCL 324.11521(2), as amended.

(CHAPTER 9, ARTICLE III, DIVISION 2 cont.)

Sec. 9-084. Curbside placement and presumption.

Solid waste, yard waste, and recyclable materials shall be placed at curbside on the scheduled collection day by 7:00 a.m., and it shall be presumed that the owner, lessee, or occupant in physical possession of a site of generation abutting a curbside where waste or recyclable materials are placed is the person who placed such materials curbside for collection

Sec. 9-085. Prohibited placement of waste and recyclable materials.

Waste materials from a site of generation shall not be placed on another premises for disposal.

Sec. 9-086. - Prohibited collection of solid waste, yard waste, and recyclable materials.

Solid waste, yard waste, and recyclable materials placed at curbside or other designated location for collection shall become the property of the licensed and authorized waste hauler at the time the material is collected.

Sec. 9-087. Waste materials disposal.

Solid waste, yard waste, and recyclable materials shall only be disposed of at a location licensed by the State of Michigan to accept the type of materials being disposed of.

Sec. 9-088. Violations and sanctions.

- (a) Violation of this Division is a municipal civil infraction punishable as provided in Section 1-010(b).
- (b) Nuisance and abatement. Any disposal or collection of solid waste, recyclable materials, or yard waste from a residential premises site of generation in violation of this Division is declared to be a nuisance per se, and the township board may institute any appropriate action or proceedings in law or equity to prevent, restrain, correct, or abate any such nuisance by any court of competent jurisdiction.

Secs. 9-089--9-100. Reserved. (*Comp. Ords. 1986, § 35.053; Ord of 08-27-2019*)

Division 3. Liquid Waste

Sec. 9-101. Wastewater dumping prohibited.

- (a) No person shall discharge any wastewater upon any public or private property or upon or into water resources within the Township.
- (b) No person shall drain any internal fluids, which are defined as all substances required to make a vehicle operable and mobile, including but not limited to: gasoline, oil, transmission fluid, anti-freeze fluid, and windshield washer solvent, from vehicles upon the ground, or into any storm or sanitary sewer inlets, or upon any paved area.

Sec. 9-102. Violations; Civil Infraction.

Violation of this Division is a civil infraction punishable as provided in Section 1-010(b).

Secs. 9-103--9-110. Reserved.

Division 4. Distressed and Junk Vehicles

**Editor's note: The 2014 ordinance recodification amended the Code repealing the Waterford Township Abandoned, Junked and Distressed Vehicle Ordinance in Article III of Chapter 10, formerly §§ 10-066 – 10-090, and adopting the provisions under this Division for similar subject matter pertaining to distressed and junk vehicles and derived from the same historical ordinance sources.*

Sec. 9-111. Purpose.

The intent and purpose of this Division is declared as follows:

- (a) To establish ordinance provisions that supplement the Waterford Code of Ordinances, Existing Structure Code through specific requirements intended to eliminate exterior storage of distressed, junk, salvage, and scrap vehicles, on public and private property within the Township, that are a cause of blight and deterioration in neighborhoods and in creating harborage of vermin, and, therefore, is contrary to the public peace, health, safety and general welfare of the community.
- (b) To provide for methods of enforcement and penalties for the violations of such provisions.

Sec. 9-112. Definitions.

In addition to those rules of construction and definitions contained in Section 1-002, the following words, terms and phrases, when used in this Division, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Distressed Vehicle As defined in the Michigan Vehicle Code, Public Act 300 of 1949, as amended.

Good Repair Means the vehicle is operable and equipped to be legally driven on the roadways under the State of Michigan Public Act 300 of 1949, Michigan Vehicle Code, as amended.

Junk Vehicle Means any form of vehicle that is inoperable or not in good repair due to missing or visibly damaged parts and which has been stored on a zoning lot or parcel in either of those conditions for 45 or more days, and a vehicle that is infested by insects or rodents, used for the storage of waste material as defined in Section 9-053, being stored for scrap, salvage, automotive recycling, and/or parts stripping, or unlicensed and stored outside of a fully enclosed building on a zoning lot or parcel for more than six (6) consecutive months.

Salvage Vehicle As defined in the Michigan Vehicle Code, Public Act 300 of 1949, as amended.

Scrap Vehicle As defined in the Michigan Vehicle Code, Public Act 300 of 1949, as amended.

Sec. 9-113. Prohibition; keeping of distressed, junked, salvage, and scrap vehicles.

It shall be unlawful and a violation of this Division for any person to store, or permit the storage or accumulation of one (1) or more distressed, junk, salvage, or scrap vehicles on any private property within the Township, except within a completely enclosed building or upon the premises of a properly zoned, licensed, and approved establishment in accordance with the Distressed Vehicle, Junk, Salvage, and Dismantling Yards regulations in Chapter 10 of this Code.

Sec. 9-114. Violations; Civil Infraction.

Violation of this Division is a civil infraction punishable as provided in Section 1-010(b).

Secs. 9-115--9-130. Reserved.

ARTICLE IV RODENT AND PEST CONTROL

Division 1. Generally

Sec. 9-131. Short title.

This division shall be known and cited as the "Rodent and Pest Control Ordinance."
(Comp. Ords. 1986, § 35.001)

(CHAPTER 9, ARTICLE IV, DIVISION 1 cont.)

Sec. 9-132. Purpose.

The intent and purpose of this chapter is declared as follows:

- (a) To establish ordinance provisions that supplement the Property Maintenance Code and other regulations in this Code through specific requirements intended to prevent rodent harborage and insect infestations in buildings within the Township.
- (b) To provide for methods of enforcement and penalties for the violations of such provisions.
(Comp. Ords. 1986, § 35.002)

Secs. 9-133--9-140. Reserved.

Division 2. Rodent Control

Sec. 9-141. Duty to keep premises rodent free.

Owners and occupants of zoning lots and parcels shall comply with the waste materials storage and removal regulations in Article III of this Chapter and take all other actions necessary to prevent such premises from being a home or harborage for rodents.

Sec. 9-142. Exterior storage of materials prone to rodent harborage.

- (a) Where the Zoning Ordinance allows for exterior storage, all building material, lumber, boxes, barrels, fabricated goods and similar items which may afford rodent harborage shall be stored or stacked upon rodent proof paved areas or shall be elevated at least twelve (12) inches above the ground and so separated into storage units as to minimize the possibility of rodent harborage and to facilitate inspection and extermination.
- (b) Storage of firewood for use on a residential zoning lot upon which the firewood is stored is permitted in accordance with the following requirements:
 - (1) Storage of firewood is prohibited on vacant zoning lots.
 - (2) Firewood storage shall be elevated at least twelve (12) inches above the ground.
 - (3) Firewood storage is limited to an area not to exceed five (5) feet in height, fifteen (15) feet in length, and two (2) feet in depth.
 - (4) Firewood must be stacked in a regular, orderly arrangement that is stable and reasonably resistant to collapse.
 - (5) Storage of firewood is prohibited in the front yard as defined in the Zoning Ordinance.
 - (6) Firewood storage areas shall be located no closer than five (5) feet to any side and rear lot lines.
 - (7) Firewood storage areas shall be screened from adjoining properties in accordance with the requirements of the Zoning Ordinance, unless such firewood storage areas are more than two hundred (200) ft. from any habitable building on any adjoining zoning lot.

Sec. 9-143. Composting on residential properties.

All composting done on residential properties within the Township shall be done in accordance with the following standards and conditions:

- (a) All compost piles/bins shall be maintained so as to prevent the attraction or harborage of rodents by composting only yard waste and household compostables placed within, and it shall be violation of this Division to deposit garbage or refuse in compost piles/bins.
- (b) All compost piles/bins shall be maintained so as to prevent anaerobic conditions which lead to unpleasant odors.
- (c) All composting shall be done in accordance with any process that has been determined in writing to be an acceptable composting process by either the Oakland County Cooperative Extension Service or the Michigan Department of Natural Resources.
- (d) Compost piles/bins are prohibited in the front yard as defined in the Waterford Township Zoning Ordinance.
- (e) Compost piles/bins shall be located no closer than five (5) feet to any side and rear lot lines.
- (f) Compost piles/bins shall be screened from adjoining properties in accordance with the requirements of the Waterford Township Zoning Ordinance, unless such compost piles/bins are more than two hundred (200) ft. from any habitable building on any adjoining zoning lot.

(CHAPTER 9, ARTICLE IV, DIVISION 2 cont.)

Sec. 9-144. Violations; Civil Infraction.

Violation of this Division is a civil infraction punishable as provided in Section 1-010(b).

Secs. 9-145--9-150. Reserved.

Division 3. Insect Control

Sec. 9-151. Purpose.

The intent and purpose of this Division is to establish ordinance provisions that supplement the Property Maintenance Code and other regulations in this Code through specific requirements intended to eliminate infestation of disease-carrying insects in buildings on public and private property within the Township in order to provide for public health, safety, and general welfare of the community.

Sec. 9-152. Insect Screens.

During the period from April 15th to November 1st, every door, window and other outside opening used or required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging/hinged screen door shall have a self-closing device in good working condition.

Sec. 9-153. Violations; Civil Infraction.

Violation of this Division is a civil infraction punishable as provided in Section 1-010(b).

Secs. 9-154--9-170. Reserved.

ARTICLE V VEGETATION CONTROL

**Editor's note: The 2014 ordinance recodification amended the Code transferring the weed control provisions from Article III of this Chapter, formerly §§ 9-051—9-064, and inserting such provisions into Divisions 1 and 2 of this Article. Such provisions are pertaining to similar subject matter and derived from the same historical ordinance sources.*

Division 1. Generally

Sec. 9-171. Title.

This Article shall be known and cited as the "Vegetation Control Ordinance," and it shall be deemed sufficient in any action for enforcement of the provisions hereof to define the same by such title and reference to the number hereof.

Sec. 9-172. Purpose.

The intent and purpose of this Article is declared as follows:

- (a) To define and prohibit the dangerous and nuisance growth of vegetation within the Township.
- (b) To provide methods of enforcement and violations for the provisions hereof.

Sec. 9-173. Definitions.

In addition to those rules of construction and definitions contained in Section 1-002, the following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(CHAPTER 9, ARTICLE V, DIVISION 1 cont.)

Mechanical cutting means the use of any sharp cutting instrument, float sickle-bar type mower; dragger with pipe and appurtenances; raking with any type of rake; and the dredging of organic matter from the bottom of any waterway.

Noxious Weeds Include, but not limited to, Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (Charlock, black mustard, Indian mustard, and species of *Brassica* or *Sinapis*), wild carrot, (*Daucus carota*), Bindweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), ragweed (*Ambrosia artemisiifolia* and *Ambrosia elatior*), poison ivy (*Rhus toxicodendron*), poison sumac (*Toxicodendron vernix*), oxeye daisies (*Chrysanthemum leucanthemum*) and goldenrod (*Solidago canadensis*), or any other plant that is recognized by the Township Board as a threat to health, safety, or the public welfare shall be regarded as a noxious weed.

Seed-bearing means exceeding a height of eight (8) inches.

Subdivided Land Means all platted subdivisions and approved condominium developments in the Township.

Turf Grass means grass commonly used in regularly-cut lawns or play areas, such as, but not limited to bermudagrass, fescue, St. Augustine, zoysia, and ryegrass blends.

Uncontrolled Growth A height greater than eight (8) inches.

Weeds And Grasses Include, but not limited to, turf grasses and upland vegetation that, because of its height and density is prone to harborage of rodents. Weeds and grasses does not include shrubs, bushes, trees, cultivated flowers and gardens including but not limited to wildflowers, and wetland vegetation.

(Comp. Ords. 1986, § 21.001)

Secs. 9-174--9-180. Reserved.

Division 2. Noxious Weeds

Sec. 9-181. Purpose.

The intent and purpose of this Division is declared as follows:

- (a) To establish ordinance provisions that provide for controlling and eradicating certain noxious weeds in accordance with Public Act 359 of 1941, as amended, Noxious Weeds.
- (b) To establish ordinance provisions that supplement the Property Maintenance Code and other regulations in this Code through specific requirements intended to eliminate weeds and prevent the nuisance conditions created by uncontrolled growth of weeds and grasses within the Township.
- (c) To provide for methods of enforcement and penalties for the violations of such provisions.

Sec. 9-182. Duty to control weeds and grasses.

- (a) It shall be unlawful for the owner, agent or occupant of lands to permit the growth of noxious weeds of any height upon any property in the Township.
- (b) It shall be unlawful for an owner, occupant, or agent with rights or responsibilities for maintenance of a zoning lot or parcel to permit the uncontrolled growth of weeds and grasses to a height greater than eight (8) inches when such uncontrolled growth occurs on any of the following lands:
 - (1) Subdivided land on which buildings have been erected on at least sixty (60) percent of the zoning lots within the boundaries of the subdivided land.
 - (2) Zoning lots along improved streets in common usage, to a depth of one hundred sixty five (165) feet or the depth of the zoning lot, whichever is the lesser.

Sec. 9-183. Exempt areas.

The following types of areas are exempt from the provisions of this Division:

(CHAPTER 9, ARTICLE V, DIVISION 2 cont.)

- (a) All areas containing agricultural crops cultivated for harvesting.
- (b) All areas planted with vegetation designed to prevent erosion of steep slopes.
- (c) All areas identified by the S.E.A. or Township to be wetlands.
- (d) All stormwater management areas maintained as natural areas.

Sec. 9-184. Notice to eradicate.

During the month of March of each calendar year, the Township shall publish a notice in a newspaper of general circulation within the Township stating the duty of every property owner in the Township to destroy all noxious weeds on their property before they reach a seed-bearing stage and to prevent their re-growth throughout the growing season. The notice shall state the methods of treatment and eradication of noxious weeds, the method to prevent noxious weeds from perpetuating themselves and to prevent such noxious weeds from becoming a detriment to the public health. The notice shall also state the duty of every property owner in the Township to prevent the uncontrolled growth of weeds and grasses on properties meeting the criteria of Section 9-182(b) between May 15 and October 15 of each calendar year. The notice shall further include all the provisions described in Section 9-185.

Sec. 9-185. Action by Township upon failure to comply.

- (a) In the event a property owner has failed to eliminate the growth and prevent the re-growth of noxious weeds, the Township shall be empowered to enter upon the property to cut and eliminate the re-growth of noxious weeds as many times as is necessary during the growing season of each calendar year to protect the public health, safety and welfare.
- (b) In the event a property owner has failed to prevent the uncontrolled growth of weeds and grasses, the Township shall mail a warning notice that if the owner fails to eliminate the uncontrolled growth within seven (7) calendar days of the date of such notice, the Township shall be empowered to enter upon the property to cut and eliminate the uncontrolled growth.
- (c) All costs incurred by the Township under subsections (a) and (b) above, including such administrative fee established in accordance with Sec. 9-186 shall be paid by the property owner and the Township shall have a lien against the land for such expense which may be enforced in the manner provided by law for enforcement of tax liens or construction liens as provided in Chapter 1 of this Code.

Sec. 9-186. Administrative fee.

The Township Board may establish by resolution an administrative fee to recover the costs of all administrative actions associated with the Township's efforts to eliminate noxious weeds and the uncontrolled growth of weeds and grasses under Section 9-185.

Sec. 9-187. Enforcing agency.

The Zoning Official is authorized to enforce this Division as provided in the General Provisions of this Code, and for purposes of Public Act 359 of 1941, as amended, shall be considered as the commissioner of noxious weeds.

Sec. 9-188. Hiring of vegetation cutting contractor.

Upon the approval of the Township Board, the Zoning Official is authorized to engage the services of a vegetation cutting contractor to act as the Township's agent in the elimination of noxious weeds and uncontrolled growth of weeds and grasses under Sec. 9-185.

Sec. 9-189. Violations ; Civil Infraction.

Violation of this Division is a civil infraction punishable as provided in Section 1-010(b).

Secs. 9-190--9-220. Reserved.

(CHAPTER 9, ARTICLE V, cont.)

Division 3. Control of Trees, Shrubs, and Plants in Public Ways

Sec. 9-221. Purpose.

The intent and purpose of this Division is declared as follows:

- (a) To establish ordinance provisions to protect the health, safety and general welfare of the public from hazards created through the overgrowth of trees, shrubs, and plants into public ways within the Township. For the purpose of this Division, public ways shall mean non-motorized pathways and streets in the Township.
- (b) To provide for methods of enforcement and penalties for the violations of such provisions.

Sec. 9-222. Duty to remove overhanging or encroaching vegetation.

It shall be unlawful for the owner, occupant, or agent with rights or responsibility for maintenance of a zoning lot or parcel to permit the growth of a tree, shrub, or plant located on their property such that it interferes with the free passage of persons or motor vehicles by overhanging into or encroaching upon public ways.

Sec. 9-223. Action by Township upon failure to comply.

If Section 9-222 is not being complied with, the Township shall mail a warning notice to all responsible persons (owner and occupant and agent if known) that if the uncontrolled growth is not eliminated within fifteen (15) calendar days of the date of such notice, the Township shall issue a citation and seek sanctions in accordance with Section 9-228 in order to eliminate such condition.

Sec. 9-224. Hiring of contractors.

The Zoning Official is authorized to engage the services of a certified arborist, tree contractor, or landscape contractor to act as the Township's agent in the elimination of the conditions specified in Section 9-223.

Sec. 9-225. Emergency removal.

When a tree, shrub or plant, constitutes an immediate hazard to the health, safety and welfare of the public along public ways, and where the delay of notification would serve to further endanger the public, the Township may enter upon such zoning lot without notification to the owner and perform the work required. Such events include, but are not limited to storm damage where a tree is endangering a public way.

Sec. 9-226. Administrative fee.

The Township Board may establish by resolution an administrative fee to recover the costs of all administrative actions associated with the Township's efforts to eliminate the conditions specified in Section 9-225.

Sec. 9-227. Enforcing agency.

The Zoning Official is authorized to enforce this Division as provided in the General Provisions of this Code.

Sec. 9-228. Violations ; Civil Infraction.

Violation of this Division is a civil infraction punishable as provided in Section 1-010(b).

Secs. 9-229--9-250. Reserved.