

**Coldwater Township
Branch County, Michigan
Ordinance No. 16-03
Municipal Recycling Program Ordinance**

At a meeting of the Township Board of Coldwater Township, Branch County, Michigan, held at the Coldwater Township Hall on August 8, 2016, at 5:30 p.m., Township Board Member Trustee Daniels moved to enact the following Ordinance for final adoption, which motion was seconded by Township Board Member Treasurer Sowles:

An Ordinance to secure the public health, safety and welfare of the residents and property owners of the Township of Coldwater, Branch County, Michigan, providing a service for the collection and disposition of recyclable materials; defining those recyclable materials that fall within the Township recyclable program; establishing prohibitions and fines and penalties for violation; and to repeal all ordinances or parts of ordinances in conflict therewith.

COLDWATER TOWNSHIP, BRANCH COUNTY, MICHIGAN, ORDAINS:

SECTION 1: Purpose and Intent. It is the general intent and purpose of the Township to provide a comprehensive municipal recyclable collection system for recyclable materials generated by all residents of the Township. The purpose of this Ordinance is to reduce the amount of recyclable materials deposited in landfills from the Township, to assist the Township and its residents in being environmentally sustainable, and provide a municipal recyclable program to achieve these goals and objectives.

SECTION 2: Definitions.

- A. **Municipal Recycling Services:** means a collection program for recycling recyclable materials as established by the Township. The services may include a designated collection facility for recyclable materials that is operated by or on behalf of the Township, as the Township Board designates.
- B. **Recyclable Materials:** means those materials determined by the Township Board and its recyclable service provider as recyclable materials.

SECTION 3: Township Municipal Recyclable Services. The Township hereby establishes a Municipal Recycling Service as set forth in this Ordinance to collect recyclable materials generated by all residents of the Township.

- A. Recyclable Services are available for use by Township residents, business owners and property owners.

B. Only recyclable materials used or generated by Township residents, business owners and property owners may be collected or disposed at a Township facility or through the service provided on behalf of the Township.

C. It shall be unlawful for any person; business owner or property owner who is not a resident of the Township to engage in the disposal or disposition of any recyclable materials through the Township's municipal recycling service without authorization to do so.

D. The Township Board shall have the authority to adopt, amend, implement and administer such policies, procedures and forms as it deems necessary to effectuate the municipal recycling program.

SECTION 4: Enforcement; Civil Infraction Sanctions.

A. Enforcement. The Township Board shall designate the person(s) to be responsible for administering and enforcing this Ordinance as it deems appropriate.

B. Civil Infraction Sanctions. In addition to any other civil penalties or remedies provided for in this Ordinance or under Michigan law, any person, business owner, property owner or governmental entity who fails or refuses to comply with this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute, which shall be punishable by a civil fine determined in accordance with the following schedule:

	Fine
1 st Offense within 3-year period	\$50.00
2 nd Offense within 3-year period	\$100.00
3 rd Offense within 3-year period	\$250.00
4 th Offense with 3-year period	\$500.00

The 3-year period shall be determined based on the date of the offense.

The violator shall also pay costs incurred by Coldwater Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9 or more than \$500 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

SECTION 5: Severability. The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section, or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

SECTION 6: Repeal. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

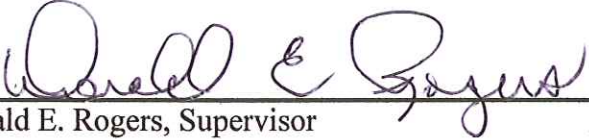
SECTION 7: Effective Date. This Ordinance shall take effect thirty (30) days following publication or posting after adoption by the Township Board.

Roll Call:


YEAS: Trustee Kellogg, Trustee Daniels, Supervisor Rogers, Treasurer Sowles, Clerk Morrison

NAYS: None

ABSENT/ABSTAIN: None



Donald E. Rogers, Supervisor



Diane Morrison, Coldwater Township Clerk