

**CHARTER TOWNSHIP OF HARRISON
REGULAR BOARD MEETING
JUNE 25, 2007**

PRESENT: Jan P. Jorgensen, CMC, Clerk
Darrin S. York, Treasurer
Sharon Eineman, Trustee
Robert I. Garvin, Trustee
Michael H. Rice, Trustee

EXCUSED: Anthony G. Forlini, Supervisor
James A. Ulinski, Trustee

ALSO PRESENT: Robert Huth Jr., Township Attorney
Glenn Spencer, Finance Director
Dave Nummer, Township Engineer
Adam Wit, Deputy Supervisor
John Gabor, Deputy Treasurer

BOARD FORUM

Board Members addressed individual resident concerns.

The meeting opened at 7:30 p.m. with the Pledge of Allegiance.

Motion by Mr. York, seconded by Mr. Garvin to appoint Mrs. Eineman as Acting Chairperson for this evening meeting. **MOTION CARRIED.**

APPROVAL OF CONSENT AGENDA:

Motion by Mr. Garvin, and seconded by Mr. York to approve the consent agenda with the removal of the Bills and the Regular Board Meeting Minutes of 6/11/07 for discussion. **MOTION CARRIED.**

APPROVAL OF THE MAY, 2007 REVENUE AND EXPENDITURE REPORT

Motion by Mr. Garvin, and seconded by Mr. York to approve the May 2007 Revenue and Expenditure Reports as presented. **MOTION CARRIED.**

APPROVAL OF THE REGULAR AGENDA

Motion by Mrs. Jorgensen, to approve the Regular Agenda with the removal of the item E.1 Adopt Resolution Against a Macomb County Executive Form of Government, to place the Approval of the Bills as item A.1, Approval of the Regular Board Meeting Minutes of 6/11/07 as item A.2, to include addenda requests approval for Mrs. Eineman, Mr. Garvin and Mr.

Forlini to attend the ADC 2007 Annual Conference (Association of Defense Communities) in Miami Beach, July 28-31, 2007 as item E.3, and Approval to Participate in the Matching Phragmites Grant as item E.4 . MOTION FAILS FOR LACK OF SUPPORT.

Motion by Mr. Garvin, and seconded by Mr. Rice to approve the Regular Agenda with the removal of items E.1 Request the Township Attorney to Draft a New Ordinance and New Policy that Addresses Retirement and Benefits for Elected Officials and their Deputies and E.2 Adopt Resolution Against a Macomb County Executive Form of Government, to approve emergency addenda requests for; Phragmites Grant as item B.3, Nautical Mile Clean-up as item B.4, Approval for Mrs. Eineman, Mr. Garvin and Mr. Forlini to attend the ADC 2007 Annual Conference (Association of Defense Communities) in Miami Beach, July 28-31, 2007 as item B.5, and to place as item B.1 the Approval of the Bills and item B.2 the Approval of the 6/11/07 Regular Board Meeting Minutes. MOTION CARRIED.

Residents shared their comments to the approval of the agenda.

SUPERVISOR/BOARD ANNOUNCEMENTS

It was announced that the Parks & Recreations Committee is hosting a Kite Flying Event slated for August 18, 2007.

Motion by Mr. Garvin, and seconded by Mr. York to receive and file the Supervisor and Board Announcements as presented. MOTION CARRIED.

Y2006 AUDIT REPORT BY STEWART, BEAUVAIS & WHIPPLE

Mr. Bailey, Representative from Stewart, Beauvais & Whipple presented the Charter Township of Harrison's Audited Financial Statements of December 31, 2006. The Independent Auditor's Report reflects good accounting procedures and an Unqualified Opinion, which represents the best in audit findings a community can receive. Two types of accounting are reported, Commercial and Government Wide Fund as required by law, and statements are presented on the Modified Accrual or Accrual Basis of Accounting.

The General Fund Financial Statement as presented as of 2006 reflects an Asset balance of \$4,600,956, Liabilities of \$430,123, netting a Fund Balance of \$4,170,833.00 (undesignated), an increase in Fund Balance from 2005 of \$658,595.00. In 2006 Revenues were \$3,258,095, expenditures were \$2,598,049, \$25,759 was transferred from General Fund to other Funds leaving an excess of revenues and other sources over expenditures and other uses of \$634,287. Two pie charts were presented, one representing the breakdown of General Fund Revenues and from where they were received and the second chart representing the breakdown of General Fund Expenditures. A graph was also presented illustrating the continual increase to the total fund balance from December 31, 2003 through December 31, 2006. Other Special Funds, such as Fire, Police, Grant, Parks & Recreation, Building Inspection, Debt Service, Capital Projects reflects an excess of revenue and other sources over expenditures and other uses in 2006. The Proprietary Fund Financial Statements/Water & Sewer Funds increased in Y2006 by approximately \$57,396, noting an

operating transfer out of \$650,052 for public works protection. The Unrestricted working capital balance for water and sewer is \$4,172,216 and a restricted working capital replacement fund balance of \$2,953,794.

Mr. Bailey spoke to the management letter which addresses ways to improve the Township internal controls, such as considering clothing allowances for the fire department to be paid through payroll, that Bank Certificates should be obtained from each financial institution where the Township maintains deposits to ensure investments are in compliances with PA 20, to adopt a Electronic Fund Transfer Policy, to hold required escrow balances in interesting bearing accounts, to adopt a policy regarding personal use of Township Vehicles, to establish an up to date administration charge between township funds, and to adopt future budgets at department levels. The Clerk and Treasurer responded to the appropriate management letter comments that affected their departments and to instituting the recommended internal controls. Board members offered comment to the audit findings. Mr. Rice requested that the auditor look into establishing a means to account for the Township's petroleum use. A resident shared his comment.

Motion by Mr. York, and seconded by Mr. Rice to Receive and File the Y2006 Audit Report as presented by Stewart, Beauvais & Whipple. MOTION CARRIED.

APPROVAL OF THE BILLS IN THE AMOUNT OF \$974,068.76

It was requested that the three (3) AEW bills totaling \$4,192.83 not be approved for payment until the Board of Trustees had an opportunity to see what the charges are for. A copy of each bill would be copied for the Board members for their review to be brought back at the next board meeting for consideration.

Motion by Mr. York, and seconded by Mr. Garvin to approve the Bills in the amount of \$969,875.93, removing the three (3) AEW bills totaling \$4,192.83. MOTION CARRIED.

APPROVAL OF THE REGULAR BOARD MEETING MINUTES OF 06/11/07

It was requested by Mr. Rice to correct his comments in the minutes on page 7 of 8 to read..... He also offered his suggestions that **a portion of** the 155 acres be used as a camp ground. Mrs. Eineman requested that her comment in the minutes on page 7 of 8 be corrected to read ... that she will not respond to Mr. Rapp's comments because she did not know the answer to his questions **other than the \$800.00 that was paid out for copies of depositions.**

Motion by Mr. York, and seconded by Mr. Rice to approve the Regular Board Meeting Minutes of 6/11/07 as corrected. MOTION CARRIED.

EMERGENCY ADDENDUM APPROVAL TO PARTICIPATE IN THE MATCHING PHRAGMITES GRANT THROUGH THE US FISH AND WILDLIFE SERVICES NATIONAL COSTAL WETLANDS CONSERVATION PROGRAM IN THE AMOUNT OF \$1,519.00

The Township was approached by SEMCOG to participate in a grant to fund for the eradication of Phragmites. The money for this project comes from the US Fish and Wildlife Service's National Coastal Wetlands Conservation Program. The cost to the Township if approved will be half of the treatment amount \$1,519.00. At this time the MDNR is looking for a letter of commitment that states if the program is approved, the Township will participate in the match. A resident offered his comment.

Motion by Mr. York, and seconded by Mr. Rice to commit to the matching Phragmites grant program and earmark \$1,600 in the Y2008 budget, and direct the Supervisor's Office to send the letter of commitment, dated for June 26, 2007. MOTION CARRIED.

EMERGENCY ADDENDUM NAUTICAL DAY CLEAN UP

Mr. Garvin and Mrs. Landis spoke to the efforts of the Environmental Committee and other volunteers that participated in the Nautical Mile Cleanup efforts. The Township removed 45 yards from the shorelines, and along with St. Clair Shores, broke record in the amount that was removed at the waters edge. A list of individuals and business were read aloud, recognizing those that participated. It was stated that everyone was willing to do in again it the future.

Motion by Mr. Garvin, and seconded by Mr. York to receive and file the Environmental Committees report. MOTION CARRIED.

EMERGENCY ADDENDUM APPROVAL FOR MRS. EINEMAN, MR. GARVIN AND MR. FORLINI TO ATTEND THE ADC 2007 ANNUAL CONFERENCE (ASSOCIATION OF DEFENSE COMMUNITES) IN MIAMI BEACH, JULY 28-31, 2007

It was requested that Mrs. Eineman, Mr. Garvin and Mr. Forlini be allowed to attend the ADC 2007 Annual Conference (Association of Defense Communities) in Miami Beach , July 28-31, 2007, to attend over 40 educational sessions, bootcamps, workshops and briefings, as they relate to base redevelopment/environmental management, mission growth, enhanced use leasing, and defense real estate issues. Mr. Garvin read from a memo, that the event will bring together leaders from communities, states, the military services and the private sector for a comprehensive look at the issues associates with BRAC implementation, public-private partnerships and real estate management. Mr. Garvin also stated that he has emailed Senator Levin's Office to get the registration fees waived. It was stated that the estimated cost to attend for each member will be under \$2,000, which includes accommodations, conference fees, and air fare. Board members offered comment, such as, if there was a true need for three members need to go, if other local, state, or federal representatives were attending, who was sponsoring the conference and if their was any information regarding the sponsors of the conference to determine if the conference would offer merit to those attending. Residents offered comment.

Motion by Mr. Rice, and seconded by Mr. Garvin to send up to three board members to attend the ADC 2007 Annual Conference (Association of Defense Communities) in Miami Beach, July 28-31, 2007 and that the cost to send those members to be expended from General Fund 999 Account. MOTION CARRIED.

BUILDING DEPARTMENT

INTRODUCTION TO AMEND SOLID WASTE ORDINANCE CHAPTER 74, ARTICLE 1 (GENERAL) AND ARTICLE II (COLLECTION AND DISPOSAL)

INTRODUCTION

**CHARTER TOWNSHIP OF HARRISON
MACOMB COUNTY, MICHIGAN**

ORDINANCE NO. 356

AN ORDINANCE amending the Charter Township of Harrison Code of Ordinances, Chapter 74, Articles 1 and 2 and creating Article 3 by providing for the adoption of new licensing requirements for contractors engaging the business of collecting waste within the Township; to provide further regulations regarding the collection, storage and disposal of waste within the Township; to prohibit littering within the Township; to provide the Building Official authority to establish rules and regulations regarding the collection and disposal of waste within the Township and to provide for certain appeals to the Township Board regarding the enforcement and administration of Chapter 74.

IT IS HEREBY ORDAINED BY THE CHARTER TOWNSHIP OF HARRISON:

Section 1. Article 1, Section 74-1 of the Code of Ordinances, Charter Township of Harrison, Michigan is hereby amended to read as follows:

Sec. 74-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Combustible any refuse acceptable for incineration, a partial list of which is:

- (1) Garbage waste resulting from the handling, preparation, cooking or spoiling of food. The term shall not include such wastes from food processing plants, large quantities of condemned food products, or large quantities of wind fallen fruit subject to rapid decomposition.
- (2) *Rubbish* wastepaper, house hold plastic, empty tin cans, and glass containers if cleaned of contents, wood or wood products if under three inches in diameter and three feet in length, and paper products except magazines and books.
- (3) *Dead animals* carcasses of small animals, fish and fowl. The term shall not include carcasses from large animals or from veterinary hospitals or clinics.

Construction refuse all unwanted, rejected, discarded or abandoned materials resulting from

the alteration, repair or construction of buildings.

Hazardous refuse anything dangerous to the public health, safety or welfare and shall include drugs, volatile or radioactive materials, poisons, explosives, and diseased or contaminated materials. Any substance defined as a “hazardous substance” or “hazardous waste” under federal or state law or regulation.

Industrial refuse the rejected, unwanted, discarded or abandoned materials resulting from industrial operations such as is generally identified with manufacturing, assembling, processing and distributing plants, large office buildings, hospitals and clinics, and other producers of quantities of refuse in excess amounts.

Noncombustible any refuse not acceptable for incineration, a partial list of which is:

- (1) *Metal* includes all metal or metal products except tin can containers.
- (2) *Rubbish and bulk items*, includes books, magazines, glass except small food containers, crockery, stones, concrete, refrigerators, stoves, televisions and other such appliances not conforming to weight and dimension limitation and all other such materials not defined in this section.
- (3) *Ashes* includes residue from fires used for household heating or cooking, or domestic incinerators. The term shall not include ashes produced by factories or plants, hotels, or apartment houses.
- (4) *Yard wastes* includes large tree or shrub branches, clippings, weeds, leaves, sod, dirt, manure and other wastes resulting from yard care of the premises excluding lawn debris.
- (5) *Toxic waste*. Any waste pollutant or combination of pollutants designated as toxic in regulations promulgated by the administrator of the U.S. Environmental Protection Agency under the provisions of section 307(a) of the Clean Water Act, (33 USC 1317) or included in the critical materials register promulgated by the state department of natural resources, or other federal or state laws, rules or regulations.
- (6) *Lawn debris*. Residential grass clippings, leaves, weeds, twigs, pruning, shrub clippings, garden waste, old potting soil and dirt incidental to minor yard work. Twigs, pruning’s and shrub clippings shall not exceed pencil –thin.

Nuisance an offensive, annoying, unpleasant, or obnoxious thing or practice or a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, such as but not limited to dust, smoke, odor, fumes, flashes or objectionable effluent.

Refuse all solid waste including garbage, rubbish, yard waste.

Special Collection. Any collection of waste at a time other than the regularly scheduled collection provided by a licensed contractor whether requested by the owner or occupant or requested by the Township to eliminate a violation of the township ordinances.

(Comp. Ords. 1988, § 35.052)

Cross references: Definitions generally, § 1-2.

Section 2. Article 1 Section 74-2 of the Code of Ordinances, Charter Township of Harrison, Michigan, is hereby amended to read as follows:

Sec. 74-2. Purpose and intent.

(a) It is the intent of the township board that this article be liberally construed for the purpose of providing a sanitary and satisfactory method of preparation, collection and disposition of municipal waste. The building official is authorized to make such rules and regulations as from time to time appear to him to be necessary to carry out this intent provided such rules are not in conflict with this article or any other ordinance of the township.

(b) The Township of Harrison finds that the reduction of the amount of solid waste and conservation of recyclable materials is an important purpose. The separation and collection of paper, cardboard, glass, cans and vegetative yard waste for recycling from the residential establishments in this municipality will minimize the adverse environmental effects of landfilling by reducing the need for landfills and conserving existing landfill capacity, facilitate the implementation and operation of other forms of resource recovery, conserve natural resources and reduce the cost of solid waste disposal in general. The promotion and use of recyclable materials, goods produced from recyclable materials and goods which facilitate recycling will further serve the same purposes by encouraging and facilitating recycling.

(c) The collection and removal of waste shall be under the supervision of the building official or his authorized representative, and it shall be the duty of the building official or his authorized representative and the fire department to enforce the provisions of this article.

(Comp. Ords. 1988, § 35.053)

Section 3. Article 1, Sec 74-3 of the Code of Ordinances, Charter Township of Harrison, Michigan, is hereby amended to read as follows:

Sec. 74-3. Civil infraction fine.

A person found to be in violation of the regulations or prohibitions of this chapter shall be held responsible for a municipal civil infraction. The municipal civil infraction fine for a violation of this chapter is \$500.00. Furthermore, all violations of this chapter are declared to be a public nuisance per se and may be abated by order of a court of competent jurisdiction.

(Comp. Ords. 1988, § 35.069)

Section 4. Article 1, Sec. 74-10 of the Code of Ordinances, Charter Township of Harrison,

Michigan, is hereby amended to read as follows:

Sec. 74-10. Duties of owners, occupants.

(a) It shall be the duty of every owner, tenant or occupant of any building, amusement or picnic park or gathering place for people for any purpose to provide receptacles of sufficient size to hold the accumulated refuse between scheduled refuse collections.

(b) No person shall burn refuse within the corporate limits of the township in any manner that may create a nuisance.

(c) No person shall bury refuse within the corporate limits of the township if it would create a nuisance, or tend to endanger the general health and welfare of the public.

(d) No person may bury any dead animal except in accordance with federal and state law.

(Comp. Ords. 1988, § 35.059)

Section 5. Article 1, Sec. 74-11 of the Code of Ordinances, Charter Township of Harrison, Michigan, is hereby created to read as follows:

Sec. 74-11. Responsibility for Compliance.

The owner or occupant of property abutting a right of way shall be presumed to have generated any waste placed for collection in the right of way. For purposes of determining ownership of property, it shall be presumed that the person whose name appears on the most recent tax assessment roll of the Township is the owner of the property.

Section 6. Article 1, Sec. 74-12 of the Code of Ordinances, Charter Township of Harrison, Michigan, is hereby created to read as follows:

Sec. 74-12. Construction and Enforcement of Chapter.

(a) The Building Official is authorized to make such rules and regulations as from time to time appear to be necessary to carry out the intent of this chapter, provided that such rules are not in conflict with this chapter or any other provision of the Township Code.

(b) It is the intent of the Township Board that this chapter be liberally construed for the purpose of providing a sanitary and satisfactory method of preparation, collection and disposition of township waste.

(c) The collection of waste shall be under the supervision of the Building Official and it shall be the duty of the Building Official to enforce the provisions of this article. The Building Official may call upon the Macomb County Sheriff's Office to assist with the enforcement of this chapter.

Section 7. Article 1, Sec 74-13 of the Code of Ordinances, Charter Township of Harrison, Michigan is hereby created to read as follows:

Sec. 74-13. Appeals

The Township Board shall hear and decide appeals from and review any order, decision or determination made by any administrative official charged with enforcing or administering the terms of this chapter.

The Township Board shall have the power upon appeal in specific cases to modify the provisions of the chapter, imposing such conditions and safeguards as it may reasonably determine may be in harmony with the spirit of this chapter and so that public safety and welfare are secured and substantial justice done.

Sec. 74-14-74-40 are hereby Reserved.

Section 8. Article 2, Sec. 74-42 of the Code of Ordinances, Charter Township of Harrison, Michigan is hereby amended to read as follows:

Sec. 74-42. License.

(a) No person shall engage in the business of collecting, transporting or disposing of refuse in the township without first obtaining a license.

(b) Applications for such licenses shall be obtained from the building official and be made only on forms provided by him. No license shall be issued except upon payment of the fee required by resolution of the township and upon posting of a \$3,000.00 surety bond or cash, guaranteeing the faithful and prompt discharge of all obligations of the licensee to the township.

(c) A Township license shall be issued for a period of one year to each licensed waste hauler upon the submission of a completed application and the qualification of vehicles and equipment following inspection, the execution of an indemnification agreement and the provision and verification of insurance. Such license shall be subject to renewal each year upon provision of the same information and re-inspection of each vehicle and equipment as required for an original application.

(d) No such license shall be issued except upon certification by the building official or his authorized representative that the equipment and the ability of the licensee is such that the licensee is able to conduct a refuse collection business in accordance with the terms of this article and rules and regulations adopted by the building official or his authorized representative.

(e) The building official or his authorized representative shall make rules and regulations governing the operation of the business of rubbish collection, transportation and disposition as he may deem necessary.

(f) The building official or his authorized representative may deny, suspend or revoke any license for violation of any provisions of this article or for such other cause as he deems reasonable. Prior revocation of a license shall be sufficient grounds for the refusal by the building official or his authorized representative to certify any future application by such licensee.

(g) The licensee shall have the right to a hearing before the township board on any such action provided a written request is filed with the township clerk within five days after issuance of notice of suspension. The township board may confirm such denial, suspension or revocation or may authorize and reinstate such license. The action of the township board shall be final.

(h) Such license shall be carried on the person at all times during the operation for which it was issued and produced for examination when requested.

(i) Upon issuance of the license, the Township shall issue an identification sticker for each waste collection vehicle to be used in collection to show compliance with this chapter. The sticker shall be affixed to the waste refuse collection vehicle in the place designated by the township for easy identification.

(j) Such license shall not be transferable.

(k) Any license issued under the provisions of this article may be revoked by the building official for any violation of any law or ordinance pertaining to the operation or maintenance of such establishment.

(Comp. Ords. 1988, §§ 35.064, 35.070)

Section 9. Article 2, Sec. 74-43 of the Code of Ordinances, Charter Township of Harrison, Michigan is hereby amended to read as follows:

Sec. 74-43. Receptacles.

(a) The owner, occupant, lessee, or their agents, of every building where wastes accumulate, including multiple dwellings as defined in section 2 of Public Act No. 167 of 1917 (MCL 125.402), shall cause to be provided for such building proper receptacles as required in this article. Receptacles that are broken or otherwise fail to meet the requirements of this article may be deemed to be rubbish and ordered to be collected as such by the building official.

(b) For garbage, receptacles shall be portable, so maintained as to be watertight and vermin proof, and all approved containers shall be securely tied, and weigh no more than 50 pounds each and be free of cuts and tears. Receptacles shall be of substantial construction provided with handles or bails and a tight fitting cover.

(c) Receptacles shall be portable, of substantial construction, and of a size not to exceed 50 pounds when full.

- (d) Plastic bags, or portable weather tight containers, may be collected as rubbish without notice, but must be of a size not to exceed 40 pounds in weight when full.
- (e) Rubbish that cannot be contained in receptacles may be securely tied in compact bundles, not to exceed 50 pounds in weight, or exceed four feet in length or three feet in girth to be acceptable for scheduled pick up and disposal.
- (f) No person shall disturb the contents of any portable waste receptacle or bundle, nor leave the receptacles or contents in a condition other than this article provides. All receptacles shall be maintained in a sanitary condition.
- (g) In every case where the owner, occupant or user of any premises shall accumulate more than one cubic yard of refuse in any one-week period, it shall be mandatory to provide a container of the type designed to be handled mechanically by refuse collection trucks in place of the normal receptacles provided in this section. Such container shall be of substantial construction having a capacity not exceeding two cubic yards, having castor wheels, tight fitting covers and handles so that such container may be unloaded into the refuse collection truck by mechanical means provided by the truck. Such container shall be kept clean and in good condition at all times. Such container shall be kept only on a concrete pad on the premises of the owner, occupant or user of the premises.
- (h) All commercial, industrial, institutional and multi-family dwellings shall arrange for the delivery and use of an approved trash receptacle.
- (i) No person, other than the owner of refuse receptacles or his or her agents or employees or licensees of the Township shall disturb or remove or attempt to remove any refuse not in containers whether the same is on public or private property.

(Comp. Ords. 1988, § 35.060)

Section 10. Article 2, Sec. 74-44 of the Code of Ordinances, Charter Township of Harrison, is hereby amended to read as follows:

Sec. 74-44. Preparation of refuse.

- (a) Garbage must be thoroughly drained of liquids and be wrapped in several thicknesses of paper before being placed in receptacles for collection. Refuse classified and described in this article as combustible may be placed in the same containers as garbage if all the other requirements of this section are adhered to. Other combustible refuse must be tied in bundles with nonmetallic materials or placed in proper receptacles.
- (b) Noncombustible refuse shall be placed in proper containers or tied in bundles to facilitate handling wherever possible. In the case of articles not conforming to weight or dimension limitations, the licensee will arrange for pickup and disposal if notified of the necessity for doing so; but such pickups shall be done for a fee to be established by the licensee.

(c) It shall be the duty of the owner, contractor, occupant or other person responsible for construction work to remove from the premises within a reasonable time after the completion of such construction work all surplus construction material and all refuse building material and all construction refuse. Such materials shall be removed outside the township limits or disposed of within the township in accordance with the directions of the building official. Such construction refuse may be handled through the township as an unscheduled refuse collection and a fee to be established by the building official.

(d) Hazardous refuse shall be the responsibility of the producer or owner and shall not be disposed of within the township, or allowed to be stored or transported within the township without the written approval of the building official or his authorized agent, and then only under the supervision of someone appointed by him who has knowledge of the safety measures necessary to protect the public health and safety during such storing, transporting or disposing of hazardous refuse.

(e) No person may place for collection any materials which could ignite waste in a receptacle or waste collection vehicle.

(Comp. Ords. 1988, § 35.061)

Section 11. Article 2, Sec. 74-45 of the Code of Ordinances, Charter Township of Harrison, Michigan, is hereby amended to read as follows:

Sec. 74-45. Placing at curb.

(a) No refuse shall be placed at the curb or street for collection more than 18 hours prior to the morning of the time schedule for collection or after 3:00 p.m. on Fridays unless arrangements have been made for pickup within 18 hours after being placed for collection.

(b) After the collection of container contents have been made, the empty containers shall be removed from the curb or street and replaced on the owner's storage area as soon as possible, but in no case later than ten hours after collection of refuse has been made.

(c) No solid waste, recycling or composting shall be picked up prior to 7:00 a.m. nor later than 7:00 p.m.

(Comp. Ords. 1988, § 35.062)

Section 12. Article 2, Sec. 74-47 of the Code of Ordinances, Charter Township of Harrison, Michigan, is hereby amended to read as follows:

Sec. 74-47. Routes to be designated.

Upon license issuance and prior to commencement of service, the township shall designate the route to be taken by trucks of haulers of refuse through the township, which shall be organized by the nature of pick-up locations, including multi-family, commercial and industrial, and by the nature of

the pick-up, including dumpsters or bag pick-up, setting forth the number and size of dumpsters, and providing the name and address for each pick-up location.

(Comp. Ords. 1988, § 35.067)

Section 13. Article 2, Sec. 74-50 of the Code of Ordinances, Charter Township of Harrison, Michigan, is hereby created to read as follows:

Sec. 74-50. Vehicle and equipment inspection.

Each vehicle may be inspected by the Township or its designee at a location designated by the Township. No vehicle, including chassis and major components, shall be older than five years. All vehicles shall be painted, and no vehicle shall have primer or undercoating visible. Each vehicle shall bear the name, address and telephone number of the hauler and a truck number of not less than six inches in size in three locations, on both sides of the fender and on the back of the dumpbody. All vehicles shall be demonstrated, at the time of inspection, to be in good working order and shall be maintained in good working order pursuant to regulations issued by the building official. All dumpsters shall have operable covers and be in good condition without dents or loose parts and shall be fully painted, covering all bare metal, primer and rust. Any other equipment that is provided by licensee shall be in good condition and good working order and shall be maintained in such condition. Dumpsters and receptacles shall be placed in properly designated and authorized areas for receptacles as determined by the approved site plan for the location or, in the event no site plan is required to be file, at locations as determined by the Building Official.

Section 14. Article 2, Sec. 74-51 of the Code of Ordinances, Charter Township of Harrison, Michigan, is hereby created to read as follows:

Section 74-51. Insurance.

Each licensee shall have the following minimum levels of insurance:

General Liability Limits, not less than \$1,000,000.00 per occurrence and \$2,000,000.00 aggregate. Insurance coverage shall include products liability and contractual liability.

Automobile Liability Limits, not less than \$1,000,000.00 combined single limit.

Umbrella, \$1,000,000.00 per occurrence.

Worker's Compensation Limits, not less than \$500,000.00. Coverage shall include statutory coverages and employer's liability. The Township shall be named as an additional insured. Certificates of insurance and insurance policies shall be delivered to the building official with the application for license or renewal. Such coverage shall provide that coverage shall not be subject to cancellation prior to 30 days' written notice to the township.

Section 15. Article 2, Sec. 74-52 of the Code of Ordinances, Charter Township of Harrison, Michigan is hereby created to read as follows:

Section 74-52. Indemnification.

Each licensee shall execute an indemnification agreement on a form provided by the Township in favor of the Township and its residents against claims arising from the manner in which waste is hauled and/or disposed of.

Section 16. Article 2, Sec. 74-53 of the Code of Ordinances, Charter Township of Harrison, Michigan, is hereby created to read as follows:

Sec. 74-53. Storage of lawn debris.

(a) Storage. Lawn debris may be stored in accordance with the following:

- 1) Lawn debris may be stored on the premises which generated the lawn debris in approved bags or containers for less than one week prior to a scheduled collection.
- 2) Lawn debris may be stored in a compost pile or compost bin in compliance with any township or state regulations regulating composting.

(b) Disposal. Lawn debris shall be placed in approved bags or containers for collection.

- 1) Lawn debris may be placed in approved bags or containers for collection on a regularly scheduled collection day. Lawn debris may not be mixed with other refuse.
- 2) Lawn debris may not be disposed of in a receptacle which is not owned, leased or authorized for use by the person generating and disposing of the lawn debris.
- 3) Lawn debris may not be disposed of in any public right-of- way or private place except as provided in this section.
- 4) Lawn debris placed for collection which does not conform to the requirements of this section shall be tagged as rejected waste in accordance with §*** of this chapter.
- 5) No person shall deposit lawn debris for curbside collection that was not generated from his or her premises.

Secs. 74-54 -74-63. Reserved

Section 17. Article 3. Sections 74-64 through 74-74, of the Code of Ordinances, Charter Township of Harrison, Michigan is hereby created to read as follows:

ARTICLE III. ANTI-LITTER ORDINANCE

Section 74.64. Title

This article shall be known and may be cited as the “Anti-Litter Ordinance”

Section 74.65. Definitions.

For purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTHORIZED PRIVATE RECEPTACLE. A litter storage and collection receptacle as set forth in Article 2 of this Chapter.

LITTER. All rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, debris or other foreign substances.

PARK. A park, reservation, playground, beach recreation center or any other public area in the township owned or used by the Township and devoted to active or passive recreation.

PRIVATE PREMISES. Any dwelling, house, building or other structure designed or used, either wholly or in part, for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

PUBLIC PLACE. Any and all streets, sidewalks, boulevards, alleys or other public ways and any all public parks, squares spaces, grounds and buildings.

VEHICLE. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks

Sec. 74-66. Deposit of Litter in Public Places.

(a) No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the Township, except in public receptacles or in authorized private receptacles for collection or in official Township dumps.

(b) No person shall sweep into or deposit in any gutter, street or other public place within the Township the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

(c) No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the Township the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the Township shall keep the sidewalk in front of their business premises free of

litter.

Sec. 74-67. Littering by persons in vehicles.

No person, while a driver or passenger in any vehicle, shall throw or deposit litter upon any street or other public place within the Township.

Sec. 74-68. Truck loads causing litter.

No person shall drive or move any truck or other vehicle within the Township unless such vehicle is so constructed or loaded as to prevent any load or contents of litter from being blown or deposited upon any street, alley or other public place, nor shall any person drive or move any vehicle or truck within the Township, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances or foreign matter of any kind.

Sec. 74-69. Deposit of Litter in Parks.

No person shall throw or deposit litter in any park within the Township, except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

Sec. 74-70. Littering on Private Property.

No person shall throw or deposit litter on any private property (vacant or occupied) within the Township, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street sidewalk or other public place or upon any private property.

Sec. 74-71. Owner Responsibility.

The owner or person in control of private property shall, at all times, maintain the premises free of litter, provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

Sec. 74-72. Removal of Litter from Vacant Private Property.

(a) The Building Official is authorized and empowered to notify the owner of any open or vacant private property within the Township, or the agent of the owner, to properly dispose of litter located on the owner's property which is dangerous to public health, safety or welfare. Such notice shall be by registered mail, addressed to the owner at his or her last known address as determined from the tax assessment roll.

(b) If the owner or his or her agent so notified fails to properly dispose of litter dangerous to the public health, safety or welfare within ten days after receipt of written notice provided for in subsection (a), or within 30 days after date of such notice in the event the same is returned to the Township post office because of its inability to make delivery of the notice, provided the same was properly addressed to the last known address of such owner or agent, the Building Official may make a special collection of the litter. When the Township makes a special collection of litter the owner or occupant shall be charged a fee equal to the special collection charge incurred by the Township plus an administrative fee established by the Township Board.

Sec. 74-73. Removal of Debris from Highway.

A person who removes a vehicle that is wrecked or damaged in an accident on a highway, road or street shall remove all glass and other injurious substances dropped on the highway, road or street as a result of the accident.

A person who violates this section is responsible for a civil infraction and is subject to a civil fine of not more than \$500.

Sec. 74-74. Additional Fines.

A person found to be in violation of the regulations or prohibitions of this article shall be held responsible for a municipal civil infraction. The municipal civil infraction fine for a violation of this article is \$500.00.

In addition to any other penalty or sanction provided for in this article for a civil action brought under this article, the court may require the defendant to pay the cost of removing all litter which is the subject of the violation and the cost of damages to any land, water, wildlife, vegetation or other natural resource or to any facility damaged by the violation of this article. Money collected under this subdivision shall be distributed to the Township.

Section 20. SEVERABILITY

If any subsection, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent portion of this Ordinance and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 21. REPEAL

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

Section 22. EFFECTIVE DATE

This Ordinance shall be effective thirty (30) days from the date of publication hereof.

It was moved by Mr. Garvin, seconded by Mrs. Jorgensen, to Introduce Ordinance 356, to amend the Code of Ordinances of the Charter Township of Harrison, Chapter 74 and to publish for the first time with the intent to adopt at the next regularly scheduled Board Meeting of July 9, 2007 the Solid Waste Ordinance. That a copy of the ordinance as Introduced may be reviewed in the Clerk's Office 8:00 a.m. – 4:30 p.m., Monday through Friday, closing for lunch between the hours of 12:30 -1:30 p.m.

A resident offered his comment.

**Roll Call: Ayes: Garvin, Jorgensen, Eineman, Rice, York
 Nays: None
 Excused: Ulinski, Forlini
 MOTION CARRIED.**

TREASURER'S OFFICE

APPROVE FOR POSTAGE FOR PRINTING OF TAX BILLS

The cost to print and mail the 2007 tax bills is \$11,200.00. In 2006 the cost to print the summer and winter bills were \$8,000.00 each. Matrix Printing has been contacted to ensure that the Township printing costs are comparable with other municipalities that use the same type of tax bills. The total costs of printing and mailing of the Summer Tax Bills will be reimbursed by the County and Schools Districts.

Motion by Mr. Garvin, and seconded by Mr. Rice, to approve to expend not to exceed \$11,200.00 to print and mail the 2007 Tax Bills as recommended by the Treasurer Office and those costs will be submitted to the County and L'Anse Creuse School District for reimbursement. MOTION CARRIED.

PUBLIC COMMENTS

1. Resident, Jim Senstock commends Mrs. Eineman in drafting a resolution opposing the County Executive form of Government, and expresses to the Board how he thinks the format for the Townhall meeting discussing same should be conducted. He tells the Board that they need to deal with the board member and deputy benefits. He questions when the findings of the tree cutting investigation will be brought back to the board from that committee appointed to investigate the matter. He also put the Board on notice that he wants a copy of the contract the board approved regarding The Fishman Group handling 1103 union negotiations that was requested under FOIA and denied because a copy of the contract was not available at the time he asks for it.
2. Resident, Terry Landis asks the Board when residents on Rivera can expect the clean up to begin on the part of the Murdock Ballard Drain that affects their property. She states that she's appeared before this board for the past three summers asking for help. She states that Mr. Morocco's Office has pledged \$50,000.00 and the County Commissioners have

approved \$12,000 for the clean up. She is concerned that the project will lose funding if the Township does not move forward with project soon.

3. Resident, Chuck Pierce, thanked the Board for approving the 800 MHz radio system, and hopes the board will put away funding for future capital projects. He responds to a prior resident comment regarding FIOA stating that it is an erroneous complaint, because under the law, the definition of document on file is specific to where it exist.
4. Resident, Shawn Mullin, requests to be placed on the next agenda to discuss, when will the clean up on the part of the Murdock Ballard Drain that affects their property begin?
5. Resident, Sharon Mullin, states that her children cannot go out to play because of the environmental concerns that exist regarding that part of the Murdock Ballard Drain that affects her property, and too asks that this item be placed on the agenda for action.
6. Resident, Sally Roseberg, states she was walking her dog when the dog got in the drain and she could not wash the smell away. She states she is concerned that the situation may be a health hazard and would like the item to be placed on the agenda, when will the clean up on the part of the Murdock Ballard Drain that affects her property begin.

Mrs. Eineman ask if the Deputy Supervisor could respond to the residents question. It was stated that the Supervisor's Office has been looking into a fix for the situation and is in the process of formulating a plan to be brought back to the Board that would not only address this area of concern but a plan to rehabilitate all drains in the Township. The Township Engineer spoke to the specific's of putting together a formal plan for the township regarding drain issues. Board Members responded to resident comments.

7. Resident, Terry Landis requested to speak again to the topic of when the clean up will begin on the part of the Murdock Ballard Drain that affects their property because she was told by other government agencies that the Township was dropping the ball in the efforts for any clean up in that area.

BOARD COMMENTS

1. Mr. Rice responds to residents comments regarding the Murdock Ballard Drain clean up efforts and puts the responsibility of cleaning the drains to the County.
2. Mr. Garvin too responds to the residents comments regarding the Murdock Ballard Drain, to clean up efforts from those affected residents and others on Nautical Clean Up Day, and the success of the work accomplished that day. He comments to the work needed to be done for the upcoming union negotiations and that he has still not received information requested regarding the unfair labor charge. He concludes by stating that he hopes that board members do not lose site of what needs to be done in the Township, regardless of who is running for what office.
3. Mrs. Jorgensen provided an update on the Venice Shores dredging project stating that the Township is waiting permit approval from the DEQ which will allow the contractor back to that area to address high points identified by the Township Engineer and contractor. She informed residents that they may contact her office with questions and concerns at 466-1406. She also spoke of her concern with the Board's decision this evening in placing four emergency addenda requests on this agenda that did not meet the policies and procedures as

adopted by the Board of Trustees yet at the last Board meeting when a department head made a request for an emergency addendum to take care of Township business, that it was denied even though the request met the submittal definition for an emergency addendum. She recommended that the Board review the policy and bring back amendments that they would like to see to make the policy and procedure one that could be followed.

4. Mr. York wished a good evening.
5. Mrs. Eineman responds to the Clerk's comments regarding emergency addendum requests items and also responds to the resident's question that the investigative committee will be bringing their findings relative to the tree cutting issue to the next board meeting. She states that she is disappointed that the resolution that she drafted opposing the County Executive form of Government was removed and explains why she opposes that form of government. She also stated that she will not be at the Townhall meeting to discuss the County Executive form of Government and would like it to be rescheduled so that everyone can be there. She wishes a good and safe 4th of July.

ADJOURNMENT

Motion by Mr. York, and seconded by Mr. Garvin to adjourn. Meeting adjourned at 10:40 p.m. MOTION CARRIED.

Prepared & Submitted by,

Approved by,

**Jan P. Jorgensen, CMC, Clerk
Charter Township of Harrison**

**Anthony G. Forlini, Supervisor
Charter Township of Harrison**