

**ARTICLE R 45**

**SECTION R 45.01 STORAGE, TRANSPORTATION AND DISPOSAL OF GARBAGE, RUBBISH AND TRASH**

AN ORDINANCE TO REGULATE THE STORAGE, TRANSPORTATION AND DISPOSAL OF GARBAGE, RUBBISH AND TRASH, AND TO PROVIDE FOR PENALTIES FOR THE VIOLATION OF SUCH REGULATIONS

THE TOWNSHIP OF FRUITLAND ORDAINS:

**SECTION R 45.02 DEFINITIONS**

- A. GARBAGE The term garbage within the meaning of this Ordinance, shall be construed to mean all putrescible waste including animal, fruit and vegetable wastes and discarded food of any type or any filthy or offensive substances.
  
- B. RUBBISH The term rubbish shall include all tin cans, bottles, paper cartons, discarded clothing, discarded utensils, discarded containers, sweepings, glass, crockery, nails, tin, wire, light bulbs, signs, advertising matter, and such other materials as are normally discarded from a household.
  
- C. TRASH The term trash shall include BUT NOT BE LIMITED TO such items of discard which are normally associated with residential usage, also discarded household appliances, dismantled vehicles or their parts, discarded or dismantled machinery or tools and such other items that shall constitute a health or safety hazard or a menace OR NUISANCE OR BE VISUALLY REPUGNANT to persons residing in the neighborhood OR SURROUNDING AREA, AND SHALL INCLUDE BUT NOT BE LIMITED TO DISCARDED HOUSEHOLD FURNITURE, HOUSEHOLD EQUIPMENT AND HOUSEHOLD APPLICANCES, BUILDING WASTES, UNUSED, USED OR UNUSEABLE BUILDING MATERIALS, INCLUDING LUMBER AND BUILDING MATERIALS SALVAGED FROM DEMOLISHED BUILDINGS OR DEMOLISHED STRUCTURES.

**SECTION R 45.03 GARBAGE AND RUBBISH STORAGE**

No person, firm or corporation, INCLUDING THE OCCUPIER OR OWNER OF ANY PREMISES IN FRUITLAND TOWNSHIP, shall store garbage or rubbish on any premises in Fruitland Township, unless such materials be completely contained within water-tight, metal containers with tight fitting metal covers. Putrescible wastes shall not be stored more than four (4) days.

- A. The owner of every multiple dwelling, and in the case of private and two family dwellings, the occupant or occupants thereof, shall provide for said dwelling, keep clean and in place, proper water-tight metal containers, with tight fitting metal covers, in sufficient number and of a capacity of ten (10) gallons or more for storing garbage, refuse, ashes, and other waste matter.

- B. Metal containers used for the storage of garbage or rubbish shall be maintained in a clean and sanitary condition, and shall be tightly covered except at such times as material is being placed within or removed from containers.

**SECTION R 45.04 GARBAGE, TRASH AND RUBBISH:  
UNLAWFUL ACCUMLATION OR OPENED DISPLAY**

THE OCCUPIER OR REAL PROPERTY PREMISES IN FRUITLAND TOWNSHIP OR the owner of any parcel of real property in the Township of Fruitland shall not allow the OPEN accumulation OR open display of garbage, rubbish or trash upon any such property, regardless of whether the title holder occupies said parcel. Written notice by Building Inspector, CONSTABLE or other ordinance enforcement official to the owner OR OCCUPIER of the premise OR OPEN DISPLAY OR accumulation of garbage, rubbish or trash and failure to remove the same within ten (10) days of such notice shall constitute prima facie evidence of the intent of the owner to allow the OPEN accumulation OR OPEN DISPLAY of such rubbish, trash or garbage as notified, regardless of whether the owner occupies said parcel OR IN THE CASE OF AN OCCUPIER WITHOUT THE TITLE OF THE INTENT OF THE OCCUPIER TO ALLOW THE OPEN ACCUMULATION OR OPEN DISPLAY OF SUCH RUBBISH, TRASH OR GARBAGE.

**SECTION R 45.05 TRANSPORTATION**

- A. No person, firm or corporation shall transport garbage, rubbish or other waste materials upon any street, alleys, roads, rights of way or highways in Fruitland Township in any vehicle unless such vehicle is so constructed and maintained as to prevent offensive odors or exhalations therefrom, and leaking, sifting, dropping, spilling or blowing of the contents thereof upon any street, alley, road, right-of-way, highways, public or private property.
- B. Any person, firm or corporation, other than the actual producer or owner of premises upon which garbage, rubbish or refuse is accumulated, desiring to collect or dispose of such waste materials shall first obtain a permit in writing to do so from the Township Board of Fruitland Township.

**SECTION R 45.06 DISPOSAL**

No person, firm or corporation shall deposit any garbage, rubbish, trash or other waste matter upon any road, street, alley, highway, right-of-way, or within any park, stream, lake or river in Fruitland Township, Muskegon County, Michigan.

- A. Disposal or deposit of garbage, rubbish, trash and other waste material shall be permitted upon a site approved for such use by the Township Board of Fruitland Township and the Muskegon County Health Officer; and a copy of such written approval shall be delivered to the person, firm or corporation desiring to dispose or deposit such waste materials upon such sites.
- B. Garbage dumped or deposited upon such site shall be dumped or deposited in a trench or natural depression above the ground water level. The materials dumped or deposited shall be compacted and completely covered with at least one (1) foot of earth within depression upon the completion of dumping in such trench or depression.

- C. Combustible rubbish may be burned within the confines of a trench or natural depression upon approval of the Fruitland Township Building Inspector.
- D. The disposal of garbage, rubbish and trash, of individual households upon the premises by burial to a depth to at least two (2) feet or by such other method as is approved by the Building Inspector or Health Officer of Fruitland Township shall not be prohibited.

**SECTION R 45.07 ADMINISTRATION**

It shall be the duty of the Building Inspector or Health Officer of the Township of Fruitland to enforce the provisions of this Ordinance.

**SECTION R 45.08 VIOLATION AND PENALTY**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or resist the enforcement of the provisions of this ordinance, or any person who knowingly or intentionally aids or abets another person in violation of this ordinance, shall be responsible for a civil infraction and subject to fines as published by the Township from time to time. Each day's continued violation shall constitute a separate and distinct offense.

**SECTION R 45.09 VALIDITY**

Should any section, clause or provision of this Ordinance be declared by the Courts to be invalid, the same shall not effect the validity of the Ordinance as a whole or any part thereof other than the part declared to be invalid.

**SECTION R 45.10 EFFECTIVE DATE**

This Ordinance is hereby declared to be immediately necessary for the preservation of the public peace, health and safety and shall take effect thirty (30) days after publication.

- Published: June 28, 1957
- Amended: April 17, 1989
- Published: April 24, 1989
- Amended: April 18, 2005 to amend numbering, article and section identification
- Published: April 24, 2005
- Effective: May 01, 2005
  
- Amended: July 16, 2012
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