

WASTE ORDINANCE

An Ordinance prohibiting unauthorized dumping, establishing powers and duties in connection therewith, establishing standards for regulating dumping within the Township of Grand Lake, providing for enforcement of these requirements, and imposing penalties for failure to comply with these provisions. The purpose and object of this Ordinance is to promote the health, welfare and safety of the public and protect the resources of water, air and land.

The Board of Supervisors of Grand Lake Township ordains:

Section 1. Definitions

1. "Garbage" means material resulting from the handling, processing, storage, preparation, serving and consumption of food.
2. "Person" means any human being, any municipality or any other governmental or political subdivision or public agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, or any other legal entity.
3. "Putrescible materials" means solid waste which is capable of becoming rotten or which may reach a foul state of decay or decomposition.
4. "Refuse" means putrescible and non-putrescible solid waste, including but not limited to garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, market and industrial solid wastes, and sewage treatment waste which are in a dry form.
5. "Solid waste" means contaminated soil, garbage, refuse and other discarded solid materials, excluding non-noxious, decomposed and/or processed animal waste in solid form used as fertilizer. Included is solid waste materials resulting from industrial, commercial and agricultural operations and community activities. This term does not include earthen fill, boulders, rock and other materials normally handled in construction operations but does include trees, brush, stumps and roots not generated on site. This term specifically includes all types of man-made materials such as cement, concrete, black top, steel, iron, plastic, wood, wood products, brick, oil, paper, tar, offal, chemicals, chemical waste, automobiles, trucks, trailers, tractors, and all other wrecked and/or discarded equipment of any nature whatsoever.

This term does not include animal waste used as fertilizer (see Section 2, subsection 3).

Section 2. General provisions.

1. No person shall cause, permit, or allow land or property, whether or not under his or her ownership or management, to be used for dumping, storing, or depositing any garbage, refuse or solid waste.
2. No person shall cause, permit, or allow land or property, whether or not under his or her ownership or control, to be used such that the air, or water are contaminated or rodent problems are caused.
3. A person may import animal waste onto his land or property under his control to be used only as a fertilizer provided that the animal waste shall not include the use of chicken or turkey manure unless the following conditions are adhered to:
 - a. The use of Chicken or Turkey manure shall require a permit which is to be obtained from the Town Board, indicating the location on the property, the type of soil and the proximity to water. The permit shall

cost \$50.00 and shall be valid for the term and quantity as specified by the Town Board.

- b. No stockpiling of Chicken or Turkey manure will be allowed.
- c. The Chicken or Turkey manure is to be spread and plowed under within 48 hours after being transported to the site.
- d. Such permit is to include any other conditions deemed necessary by the Town Board of Grand Lake Township to promote and maintain the health, safety and environmental welfare of the community.
- e. A variance granted under section 4 of this ordinance shall not excuse the applicant/holder from complying with the provisions contained in this sub-section 3.

Section 3. Violation

1. A person violating the provisions of Section 2 of this Ordinance shall be guilty of a misdemeanor resulting in payment of a fine only, except that the Township Attorney, on his or her discretion, may seek injunctive relief depending on the exigency of the situation.
2. Each day a violation of this Ordinance continues may be treated as a separate offense.

Section 4. Variance

Upon written application by the property owner, the Board may grant a variance from the provisions of this ordinance in order to promote the effective and reasonable application and enforcement of this Ordinance.

A variance may be granted by the Board after a public hearing where the Board determines that enforcement of this Ordinance would cause the applicant undue hardship, or that the Ordinance cannot be complied with due to technological impossibility or economic unreasonableness. The conditions of such variance shall be determined by the Town Board after considering the evidence presented at the public hearing. The variance may be revoked by the Board at any time for violation of any condition. An application for a variance shall be accompanied by a plan, and time schedule for achieving compliance with the Ordinance.

Notice of such public hearing shall be published in the Town's legal newspaper once a week for three consecutive weeks, and all abutting landowners shall be notified by certified mail of the public hearing.

The applicant shall pay an application fee of \$150.00 to the Town Clerk upon his or her submission of a variance application to cover the cost of publication and the costs of normal professional services required by the Town Board in relation to the variance application and other related expenses associated therewith.

The variance shall not run with the land and shall be null and void 6 (six) months after its' issuance.

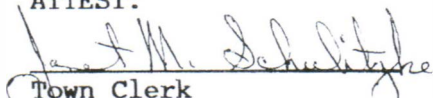
Section 5.

This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED BY THE BOARD OF GRAND LAKE TOWNSHIP THIS 11th DAY OF June, 1991.


Chairman, Grand Lake Township

ATTEST:


Town Clerk