

**MONROE COUNTY, MICHIGAN  
MONROE COUNTY SOLID WASTE DISPOSAL FACILITY  
FEE AND SOLID WASTE HAULER LICENSING AND WASTE GENERATOR FEE  
ORDINANCE**

An ordinance which enables the County to collect a fee for waste disposed of at landfills in Monroe County; to require the payment of fees at Solid Waste Disposal Facilities located outside of Monroe County which accept waste generated in Monroe County; to establish reporting for Solid Waste Disposal Facilities; to regulate solid waste hauler licensing and reporting; to establish a waste generator fee and collection of waste generator fees; to provide penalties for violations of this Ordinance; to establish a process to set the amount of fees; to set the method of payment of fees; and to require that the use of such fees will promote resource recovery activities which promote the general health, safety and welfare of the community.

**ARTICLE I – TITLE, PURPOSE, ADMINISTRATION, AUTHORITY AND JURISDICTION**

**Section 1.01 - Title**

This ordinance shall be known and may be cited as the Monroe County Solid Waste Disposal Facility Fee and Solid Waste Hauler Licensing and Waste Generator Fee Ordinance, also known as the “Monroe County Solid Waste Regulation Ordinance”.

**Section 1.02 - Purpose**

The Monroe County Board of Commissioners finds that Solid Waste Disposal Facilities in Monroe County constitute a land use which renders large areas of land unsuitable for many uses and which may be considered a nuisance due to potential surface and groundwater pollution, truck traffic, noise, odors, air pollution, litter, soil erosion, and other similar negative social and/or environmental impacts.

The Board also finds that waste reduction and resource recovery efforts can extend the life of landfills by keeping out recyclable materials, compostable materials, and household hazardous wastes, thereby reducing the need for more landfills and protecting the health, safety and welfare of the community through the prevention of environmental health hazards and nuisances.

In addition, the purpose of this Ordinance is to implement the Monroe County Solid Waste Management Plan, as amended, and as adopted pursuant to Part 115 of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of Michigan 1994, as amended, to protect and promote the public health, safety and welfare of the inhabitants of Monroe County by regulating the collection, transportation, delivery, and disposal of Solid Waste; to establish conditions for issuing Waste Hauler permits; to provide residents and businesses an incentive to recycle, thereby reducing the volume of Solid Waste; to preserve and improve the environment; to provide penalties for violations of the Ordinance; and to establish a county fee on Solid Waste collected in Monroe County, transported through a transfer facility in Monroe County, or disposed of in a Monroe County designated facility.

Accordingly, it is determined that the collection of fees as authorized herein for the maintenance of county-wide resource recovery and waste reduction activities and education is desirable and appropriate.

### **Section 1.03 – Authority**

This Ordinance is enacted pursuant to Section 11(j) of the Michigan Public Act 156 of 1851, being Michigan Compiled Law 46.11(j); Act 451 of 1994, Part 115, being Michigan Compiled Law 324.11501 et seq., and the Monroe County Solid Waste Management Plan, as amended.

### **Section 1.04 - Jurisdiction**

The jurisdiction of this Ordinance shall extend countywide, including all cities, villages and townships situated in Monroe County, and regulate all Solid Waste generated within the County, including that disposed of or transferred in a Solid Waste Disposal Facility inside or outside of the County, and all Solid Waste generated elsewhere but disposed of or transferred in a Solid Waste Disposal Facility in the County.

### **Section 1.05 - Administration**

The Monroe County Health Department shall be the agency responsible for administering and enforcing this Ordinance.

## **ARTICLE II - DEFINITIONS**

### **Section 2.01 - Definitions**

For purposes of this Ordinance, the words and phrases listed below shall have the following meanings.

1. "Part 115" means the Part 115 of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of Michigan 1994, as amended, being Michigan Compiled Law 324.11501 et seq.
2. "Administrator" means the Monroe County Health Department.
3. "Board" means the Monroe County Board of Commissioners.
4. "Composting" means the technique of organic waste reduction.
5. "Construction and Demolition Debris" means a type of Solid Waste consisting of non-hazardous waste building materials and rubble resulting from construction, remodeling, repair, and demolition of houses, commercial buildings, and other structures. Construction and Demolition Debris includes trees, stumps, and brush removed from property during construction, maintenance, or repair. Construction and Demolition Debris does not include any of the following, which is defined under this Ordinance as Solid Waste even if it results from construction, remodeling, repair, and demolition of structures which includes: (a) Garbage, (b) furniture, (c) Solid Waste resulting from a processing technique that render individual waste components unrecognizable, such as pulverizing or shredding. It also does not include any of the following which may require special disposal considerations: (a) asbestos waste, (b) drums and containers, (c) fuel tanks, (d) corrugated container board, and (e) appliances.
6. "County" means the County of Monroe, Michigan, acting by and through the Monroe County Board of Commissioners.

7. "Garbage" means rejected food wastes, including waste accumulation of animal, fruit, or vegetable matter used or intended for food or that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit, or vegetable.
8. "Landfill" means a disposal area that is a Sanitary Landfill.
9. "New Facility" means a disposal area that is proposed for construction after the effective date hereof; or an expansion, enlargement, or alteration of an existing disposal area after the effective date hereof beyond the horizontal or vertical boundaries indicated in the construction permit issued prior to the effective date of this ordinance.
10. "Person" means any individual, firm, public or private corporation, partnership, trust, public or private agency, or any other entity, or any group of such persons.
11. "Plan" means the Monroe County Solid Waste Management Plan, as amended.
12. "Premises" means a parcel of land, including any building or structures, within Monroe County used for residential, commercial, industrial, or institutional purposes either separately or in combination to which a separate street address, postal address or box, tax roll description, or other similar identification has been assigned to or is in use by a person having control of the area.
13. "Recycling" means the technique of removing selected materials from the Solid Waste stream for reprocessing to second use.
14. "Refuse" for all purposes of the Ordinance, shall have the same meaning as Solid Waste.
15. "Residential and Commercial Recyclable Material" means newspaper, glass bottles or jars, tin or steel cans, cardboard boxes, and high density polyethylene (HDPE) plastic containers, and other source separated or recoverable materials.
16. "Resource Recovery Activities" means any task performed that results in the preservation of resources, prevention of disease and the control of environmental health hazards through the recouping of material or energy from waste.
17. "Rubbish" means non-putrescible Solid Waste, excluding ashes, consisting of both combustible and non-combustible waste, including paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, or litter of any kind that may be a determinant to the public health and safety.
18. "Sanitary Landfill" means a type of disposal area consisting of 1 or more landfill units and the active work areas associated with these units. Sanitary Landfills shall be classified as 1 of the following types of landfills:
  - a) A Type II Landfill, which is a municipal Solid Waste landfill and includes a municipal solid waste incinerator ash landfill.
  - b) A Type III Landfill, which is any landfill that is not a municipal solid waste landfill or hazardous waste landfill and includes Construction and Demolition Waste Landfills, Industrial Waste Landfills, and Landfills which accept waste other than household waste, municipal Solid Waste incinerator ash, or hazardous waste from conditionally exempt small quantity generators.
19. "Site Generated Waste" means Solid Waste generated that is disposed of at a Solid Waste Disposal Facility located on or contiguous to the site of generation.

20. "Solid Waste" means all miscellaneous, non-hazardous waste materials and matter resulting from household or living conditions, business operations and enterprises, general routine property use and maintenance, and physical construction and installations related to general routine property use including, Garbage, Rubbish, waste materials from industrial and/or commercial business operations, non-hazardous industrial waste, municipal wastewater treatment sludge, and waste materials from the construction or repair of buildings and structures. It also includes animal waste and all rejected food wastes.
21. "Solid Waste Coordinator" means a person charged with furthering the goals and objectives of the Monroe County Solid Waste Management Plan.
22. "Solid Waste Disposal Facility" means a Solid Waste Transfer Facility or Transfer Station, Solid Waste Incinerator, Landfill, Sanitary Landfill, Solid Waste Processing Plant, or other facility utilized in the handling or disposal of Solid Waste.
23. "Solid Waste Incinerator" means a tract of land, building, unit or appurtenance of a building or unit, or a combination of land, buildings, and units that is used for the reduction of Solid Waste by combustion, incineration and/or gasification.
24. "Solid Waste Processing Plant" means a tract of land, building, unit or appurtenance of a building or unit, or a combination of land, buildings, and units, that is used or intended for use for the processing of Solid Waste or the separation of material for salvage or disposal, or both, but does not include a plant engaged primarily in the acquisition, processing, and shipment of slag or slag products.
25. "Special Refuse" means furniture, household appliances, yard waste, brush, large tree limbs, and other bulky refuse items, with the exception of Construction and Demolition Debris.
26. "Solid Waste Transfer Facility or Transfer Station" means a tract of land, building, unit or appurtenance of a building or unit or combination of land, buildings, and units that is used or intended for use in the re-handling or storage of Solid Waste incidental to the transportation of the Solid Waste, but is not located at the site of generation or the site of disposal of the Solid Waste. A Solid Waste Transfer Facility does not include a tract of land or the containers on the land, if the containers have a volume of 10 cubic yards or less, and does not include a tract of land and the containers on the land if the containers have a volume of 65 cubic yards or less, and are used only for the storage of Solid Waste generated on or near the site and incidental to the transportation of the Solid Waste.
  - (a) A Type A facility is a facility designed and operated to receive Solid Waste, primarily from mechanically unloaded vehicles.
  - (b) A Type B facility is a facility designed and operated to receive domestic and commercial Solid Waste from vehicles unloaded by hand.
27. "Waste Hauler" means any person, partnership, LLC, company or corporation, primarily engaged in the business of collecting, transporting, delivering, or disposing of Solid Waste at any Monroe County Solid Waste Plan designated Solid Waste Disposal Facility.

**ARTICLE III - GENERAL PROVISIONS FOR SOLID WASTE DISPOSAL FACILITIES AND WASTE HAULERS**

**Section 3.01 - Solid Waste Disposal Facilities to which the Ordinance Applies**

A. Any Solid Waste Disposal Facilities which meet any of the following shall be regulated by this Ordinance.

1. Any Solid Waste Disposal Facility as defined by this Ordinance which is located in Monroe County.
2. Any Solid Waste Disposal Facilities which are located outside of the County but receive Solid Waste generated in the County, that request and are included as a designated Solid Waste Disposal Facility in the Monroe County Solid Waste Management Plan, conditioned upon receipt of such designated Solid Waste Disposal Facility's written agreement consenting to jurisdiction and application of all of the terms, provisions, rights, obligations and requirements of this Ordinance the same as it applies to Solid Waste Disposal Facilities located within the County.

B. Fees, Method of Collection

1. A fee shall be assessed at all Solid Waste Disposal Facilities described in Section 3.01A of this Ordinance. Solid Waste Disposal Facilities located within Monroe County shall pay the current established fee on all Solid Waste disposed of or transferred in the facility without regard to point of origin. Solid Waste Disposal Facilities located outside of Monroe County that enter into a consent agreement with the County and are included as a designated Solid Waste Disposal Facility in the Monroe County Solid Waste Management Plan with the County must pay the current established fee on all Solid Waste that is accepted at the facility which was generated within Monroe County.

Any load of waste entering the Solid Waste Disposal Facility that consists of Solid Waste comingled with waste that is classified as exempt from the fee shall be considered as Solid Waste and be subject to the fee until documentation is provided to prove otherwise as specified below.

The fee shall be set and established by the Monroe County Board of Commissioners from time to time by resolution as recommended by the Monroe County Solid Waste Management Plan and the Administrator.

2. Solid Waste entering the Solid Waste Disposal Facility which is diverted by either recycling or composting shall be exempt from the fee. Acceptable documented evidence must be collected by a verifiable method and must be provided to and approved by the Administrator.
3. Fees collected by Solid Waste Disposal Facility operators shall be paid to the Monroe County Health Department on a monthly basis and deposited in a Resource Recovery Fund and used for purposes as described in this Ordinance. The payment shall be due within fifteen days after the end of each month and after a calendar year has ended. In addition to the payment, a report completed on the form prescribed containing the following information is required monthly:

- a. The amount of Solid Waste entering the Solid Waste Disposal Facility area classified by type.
  - b. The amount of Solid Waste diverted from disposal in the Solid Waste Disposal Facility by Recycling or Composting, if approved, with accompanying required documentation.
  - c. The amount of Solid Waste disposed of or transferred in the Solid Waste Disposal Facility classified as generated within Monroe County or outside of Monroe County.
  - d. The amount of waste transferred out of the facility, if any, for final disposal and final disposal location.
  - e. A Solid Waste Disposal Facility operator shall maintain records pertaining to the volume of Solid Waste accepted by the facility and of the collection of the county fee for a period of five (5) years. Such records shall be made available for review by the Administrator.
- C. Site Generated Wastes that are disposed of at a Solid Waste Disposal Facility located on or contiguous to the site of generation, shall be exempt from this fee for the Site Generated Waste. Solid Waste transported to these sites but generated elsewhere shall be subject to the fee established under Section 3.01B.
- D. Type B Transfer Facilities as defined in Section 2.01 of this Ordinance shall be exempt from this fee and from the reporting requirements as defined in Section 4.02b unless the Type B Transfer Facility is required by the State of Michigan to obtain and maintain a Construction Permit and Operating License. Type B Transfer Facilities that are licensed by the State of Michigan shall comply with all requirements and provisions of this Ordinance which apply to Solid Waste Disposal Facilities.

**Section 3.02 – Permit Requirement for Waste Haulers**

**Section 3.02(a) - Waste Hauler Permit**

Subject to the penalties in Article V, no Waste Hauler shall engage in the business of collecting, transporting, delivering or disposing of Solid Waste generated by another person in Monroe County, without regard to the origin or disposal site of the Solid Waste, without first obtaining a permit as required under this Section 3.02.

**Section 3.02(b) - Permit Application**

Any person falling within the scope of Section 3.02(a) shall make written application for a new or renewed permit to the Administrator on forms provided by or prescribed by the Administrator. The application shall require such information as will enable the Administrator to determine whether the applicant, if issued a permit, will serve the public in compliance with requirements of the Ordinance. All existing Waste Haulers operating at the time of adoption of this Ordinance, shall file such written application within thirty (30) days after the effective date of this Ordinance.

**Section 3.02(c) - Permit Fee**

Annual Waste Hauler application or renewal permit fees must be paid by the applicant upon submittal of a permit application to the Administrator.

Waste Hauler Permit Fee: At the time of the application for a Waste Hauler permit, an annual non-refundable permit fee of \$50.00 for any person providing Solid Waste hauling services within Monroe County shall be paid to the Administrator.

The annual application and renewal fee of \$50.00 shall continue in full force and effect until amended by the Board. The Board may decrease or increase the annual application and renewal fee from time to time by resolution.

**Section 3.02(d) - Approval or Denial of Permit**

Upon receipt of a complete application for a new or renewed permit and upon payment of the permit fee, the Administrator shall grant or deny the permit within forty-five (45) days of receipt by the Administrator.

The Administrator may deny the issuance of the permit for any of the following reasons:

- A. Failure of the applicant to comply with this Ordinance.
- B. Violations of this Ordinance or any other applicable federal, state, county, and local laws, statutes, rules and regulations, including but not limited to those pertaining to the timely payment of applicable fees, filing of required reports, and proper collection, transporting, delivering, or disposing of Solid Waste generated or disposed of within Monroe County.
- C. Prior criminal convictions (other than minor traffic offenses), when such bear on the ability of the applicant to serve the public as a Waste Hauler in a fair, honest, safe, and lawful manner; or any conviction in connection with Solid Waste collection, processing, and disposal activities in the last three (3) years by the applicant, its subsidiaries, or its parent company; or prior Waste Hauler permit revocation(s) of the applicant, its subsidiaries, or its parent company.
- D. Misrepresentations of any material fact in the application for the permit.

If the Waste Hauler permit is denied, the Administrator shall not refund the application permit fee. Any Waste Hauler whose permit or conditional permit is denied has the remedies provided by law in a court of competent jurisdiction in Monroe County.

**Section 3.02(e) - Permit Expiration and Renewal**

All permits issued under Section 3.02(d) shall expire at 12:00 midnight every September 30<sup>th</sup>. Permits shall be renewed annually with a term of October 1 through September 30, following the same procedures set forth in Section 3.02(b).

**Section 3.02(f) - Non-Transferability of Permits**

No permit shall be transferable, unless written approval is granted by the Administrator.

**Section 3.02(g) - Exemptions**

The following shall be exempt from the permit requirements of this Ordinance:

- A. Persons who, upon request, can verify that they are performing one-time services for neighbors, family or friends, or individuals hauling materials from their own home. The Administrator may

require appropriate proof that the Solid Waste was legally disposed of before an exemption is granted.

- B. Waste Haulers of sludge from publicly owned wastewater treatment plants operating within Monroe County.
- C. Special Waste Hauling activities without a permit that are allowed by the Monroe County Board of Commissioners during times of declared State of Emergency.
- D. Persons who can demonstrate that they are engaged in business to transport solely Construction and Demolition Debris.

#### **ARTICLE IV - CONDITIONS OF WASTE HAULER PERMIT**

##### **Section 4.01 - General Permit Conditions**

It shall be a condition of each Waste Hauler permit that the Waste Hauler shall comply with all the following:

- A. All provisions of this Ordinance, and any Rules adopted under the authority of this Ordinance.
- B. All applicable federal, state, county, and local laws, statutes, rules and regulations, including but not limited to those pertaining to the collecting, transporting, delivering, or disposing of Solid Waste generated or disposed of within Monroe County.
- C. All applicable provisions of the Plan, as required under Part 115, and any agreements regarding inter-county transport of Solid Waste authorized or restricted through the Plan.

##### **Section 4.02 - Specific Permit Conditions**

As a condition of a Waste Hauler permit issued pursuant to this Ordinance, the permit holder shall agree to:

- A. File with the Administrator along with the initial permit application and annually thereafter before the first day of October, each of the following:
  - 1. A written plan submitted to the Administrator identifying the types of collection services to be provided, including a description of Solid Waste hauling services, Recycling services, and Special Refuse collection services as defined by this Ordinance that will be provided to customers, including the geographic areas served by the permit holder for collecting and hauling of Solid Waste into and within the County.
  - 2. The process for meeting all collection and disposal requirements outlined in this Ordinance and Part 115 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.
  - 3. Proof of minimum insurances as follows:
    - a. Commercial General Liability (including contractual liability, Independent contractors' coverage, and broad form general liability extensions)



Personal/Bodily Injury: \$1,000,000 each person  
\$1,000,000 each accident

Property Damage: \$1,000,000 each accident  
\$1,000,000 each aggregate; and

b. Motor Vehicle Liability (including hired vehicles and vehicle non-ownership)

Bodily Injury: \$1,000,000 each person  
\$1,000,000 each occurrence

Property Damage: \$1,000,000 each accident  
\$1,000,000 each aggregate

The insurance policy shall include an endorsement stating that it is understood and agreed by the permit holder and its insurance company that thirty (30) days advance written notice of cancellation, non-renewal, reduction, and/or material change shall be sent to the Administrator.

- B. File monthly reports with the Administrator, into the tracking system provided by the County, within fifteen (15) days after the end of each month during the term of the permit, including:
1. The amount in cubic yards, loose or compact, of each type of waste, including: Solid Waste, Type II Waste, Construction and Demolition Debris, and special Refuse and Recyclables collected by the permit holder within the jurisdiction of this Ordinance classified by the type of Solid Waste collected (commercial, industrial or residential). As an alternative, the hauler may submit actual weight in tons. If the hauler chooses this format, he/she shall convert the tons to cubic yards following the conversion formula specified in Part 115.
  2. The point of generation of the materials by County, and the location the Solid Waste was landfilled or disposed.
- C. Retain billing and dumping receipts for the current year plus two previous years.
- D. Notify the Administrator in writing thirty (30) days prior to any substantive change in the information filed under Section 4.02A.
- E. Accurately identify the type of waste, as well as the state and county where the waste was originated, and the name and address of the owner or operator of the receiving Solid Waste Disposal Facility.
- F. Reasonably estimate the percentage of the load that came from each county, when delivering a load consisting of Solid Waste that originated in more than one county to a Solid Waste Disposal Facility.

## **ARTICLE V - ENFORCEMENT AND PENALTIES**

### **Section 5.01 - Enforcement**

The Administrator shall have the discretion and authority to enforce the provisions of the Ordinance through all available civil remedies, both legal and equitable, including but not limited to, injunctive relief as provided by Michigan law, monetary sanctions and fines, and/or criminal prosecution for violation(s) of this Ordinance.

### **Section 5.02 – Report Certification and Audit**

All of the information and activities required to be reported under this Ordinance shall be certified as to its completeness, truth and accuracy by the principal officer, manager, member, owner, operator, accountant, auditor or other authorized person of the reporting Solid Waste Disposal Facility and Waste Hauler, as often and in the manner as the Administrator shall from time to time prescribe. The Administrator and/or its designated agent(s) shall have the right to perform audits of all Solid Waste Disposal Facilities and Waste Haulers' records for the purposes of (1) verifying the accuracy of reporting, (2) verifying payments of the proper county fees, and (3) verifying compliance with all other rules, regulations and provisions of this Ordinance. The Administrator has the right to use any means available in its tracking and investigation. In the event an underpayment is identified as a result of an audit, the amount of the underpayment and all of the actual costs associated with the audit, including but not limited to transportation, shall be paid by the Disposal Facility and/or Waste Hauler to the Administrator. Said payment shall be made within thirty (30) days after the Administrator provides written notice of the amount due and owing to the Disposal Facility and/or Waste Hauler.

### **Section 5.03 – Penalties for Solid Waste Disposal Facilities for Improper Reporting and/or Under-Payment**

Any person or entity who has improperly reported the amount/type of waste, or who has under-paid or failed to pay the required fees for same, shall be subject to municipal civil infraction penalties or criminal penalties as set forth below. Each day a violation continues shall be deemed to be a separate offense.

- A. The first violation shall be a municipal civil infraction. In the event of a first violation, the person or entity shall be subject to a fine in the amount of \$1,500.00;
- B. The second violation shall be a municipal civil infraction. In the event of a second violation, the person or entity shall be subject to a fine in the amount of \$7,500.00;
- C. The third violation shall be a municipal civil infraction. In the event of a third violation, the person or entity shall be subject to a fine in the amount of \$15,000.00; and
- D. A fourth or subsequent violation shall be a misdemeanor punishable by a fine of not more than \$500.00 and/or imprisonment for a period not to exceed ninety (90) days.

### **Section 5.04 – Penalties for all Other Violations of this Ordinance**

The Administrator shall have the right to limit or suspend a Waste Hauler's permit for violations of any provision of this Ordinance. In addition, any person or entity who is found to be in violation of any provision of this Ordinance (other than the violations specified in paragraph 5.03 above) shall be subject

to the civil and criminal penalties set forth below. Each day a violation continues shall be deemed to be a separate offense.

- A. The first violation within a three (3) year period\* shall be a municipal civil infraction. In the event of a first violation within a three (3) year period\*, the person or entity shall be subject to a fine in the amount of \$100.00;
- B. The second violation within a three (3) year period\* shall be a municipal civil infraction. In the event of a second violation within a three (3) year period\*, the person or entity shall be subject to a fine in the amount of \$ 500.00;
- C. The third violation within a three (3) year period\* shall be a municipal civil infraction. In the event of a third violation within three (3) year period\*, the person or entity shall be subject to a fine in the amount of \$1,000.00;
- D. The fourth violation within a three (3) year period\* shall be a municipal civil infraction. In the event of a fourth violation within a three (3) year period\*, the person or entity shall be subject to a fine in the amount of \$1,500.00; and
- E. A fifth or subsequent violation within a three (3) year period\* shall be a misdemeanor punishable by a fine of not more than \$500.00 and/or imprisonment for a period not to exceed ninety (90) days.
- F. In the case of five (5) or more violations within a three (3) year period\* the Administrator may also in addition to the sanctions provided in subsection 5.04D, above, revoke a Waste Hauler's permit for a period up to five (5) or more years. Except as otherwise may be herein provided, notice of a decision to deny or revoke a waste hauler permit must be served on the violator by personal service or by certified mail return receipt to the last known address of the violator.

The "Three (3) year period" shall mean the immediately preceding three (3) years prior to and including the date of the current violation.

#### **Section 5.05 – Authorized County Officials**

The following persons are "authorized county officials/agents" for the purposes of issuing municipal civil infraction violation notices (directing alleged violators to appear at the Monroe County Health Department Municipal Violations Bureau) and/or municipal civil infraction citations (directing alleged violators to appear in district court) for violations under this Ordinance: Monroe County Ordinance Enforcement Officers, law enforcement officers, and the Administrator/Director of the Monroe County Health Department and his or her designee(s) and authorized representative(s).

#### **Section 5.06 – Procedure for Processing Municipal Civil Infractions**

Any municipal civil infraction notice issued pursuant to this Ordinance shall be processed by the Monroe County Health Department Municipal Ordinance Violations Bureau administered by the Administrator/Director of the Monroe County Health Department and his or her designee(s) and authorized representative(s).

**Section 5.07 – Nuisance Per Se**

A violation of any provision of this Ordinance is hereby declared to be a nuisance per se. The Administrator and/or its designated agent(s) may petition a court of competent jurisdiction for an order to enjoin and/or abate such a nuisance. The Administrator shall be entitled to recover any and all costs, attorney fees or other expenditures incurred as a result of its efforts to obtain a court order to abate the nuisance. The Administrator shall be entitled to a money judgment for the payment or repayment of said costs, attorney fees, or other expenditures.

**ARTICLE VI RULES**

**Section 6.01 - Adoption of Rules**

The County Board of Commissioners may adopt Rules to carry out the provisions of this Ordinance including those pertaining to the establishment, administration, and enforcement of Waste Hauler licensing requirements and service specifications. The Rules may be amended from time to time by the County Board of Commissioners.

**ARTICLE VII- USE OF FEES COLLECTED BY MONROE COUNTY**

**Section 7.01 - Placement of Fees**

All fees, fines and costs collected as a result of this Ordinance shall be placed into and administered by Administrator under the Resource Recovery Fund.

**Section 7.02 - Use of Resource Recovery Fund**

The Resource Recovery Fund may be used for the following activities:

- A. Resource recovery education.
- B. Promotion of recycling, composting and waste reduction efforts.
- C. Household hazardous waste collection programs.
- D. Financing recycling and/or composting centers.
- E. Salaries, fringe benefits, overhead and supplies necessary for operation for the Monroe County Solid Waste Coordinator and for the implementation of the Monroe County Solid Waste Management Plan.

**ARTICLE XIII - MISCELLANEOUS**

**Section 8.01 – Severability**

Sections of the Ordinance shall be deemed severable and if any section, paragraph, clause, phrase or part of this ordinance is for any reason held invalid by any court of competent jurisdiction, such decisions shall not affect the validity of the remaining provisions of this Ordinance or of the Monroe County Solid

Waste Management Plan; and the application of those provisions to any persons or circumstances shall not be affected thereby.

**Section 8.02 - Effective Date**

This Ordinance shall become effective immediately upon publication of notice of its adoption in a newspaper of general circulation in Monroe County after its adoption by the Monroe County Board of Commissioners.

**Section 8.03 - Repeal**

This Ordinance acts to repeal and replace the Monroe County Solid Waste Disposal Facility Fee Ordinance previously adopted on or about July 7, 1991, and said Ordinance will be rescinded upon the date that this Ordinance becomes in effect.

Adopted by the Monroe County Board of Commissioners at a regular meeting held at the Monroe County Board chambers, Monroe County Courthouse, Monroe, Michigan on the 24th day of July, 2012.

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7.25.2012

NOTICE OF ADOPTION  
OF  
MONROE COUNTY SOLID WASTE DISPOSAL FACILITY FEE AND  
SOLID WASTE HAULER LICENSING AND WASTE GENERATOR FEE ORDINANCE

Ordinance No. 002-12

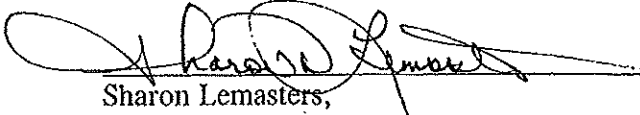
TAKE NOTICE that on July 24, 2012, the Monroe County Board of Commissioners adopted an Ordinance commonly known as the Monroe County Solid Waste Disposal Facility Fee and Solid Waste Hauler Licensing and Waste Generator Fee Ordinance (otherwise referred to as the "Monroe County Solid Waste Regulation Ordinance"). A copy of said Ordinance is available at the office of the Monroe County Clerk and the Monroe County Board of Commissioners for public review and inspection. Pursuant to MCL 46.11(j), the electors have a right of referendum relative to said Ordinance. This Ordinance shall become effective when published.

Dated: July 25, 2012

  
\_\_\_\_\_  
R. LaMar Frederick, Chairman  
Monroe County Board of Commissioners

I, Sharon Lemasters, as Clerk for the County of Monroe, hereby certify and attest that the Ordinance referenced above was duly adopted by the members of the Monroe County Board of Commissioners on July 24, 2012.

Dated: July 27, 2012

  
\_\_\_\_\_  
Sharon Lemasters,  
Monroe County Clerk

Published and Effective: August 4, 2012