

**LEE TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

ORDINANCE NO. 2022

LITTER ORDINANCE

An Ordinance to protect the public health, safety and general welfare of persons and property within Lee Township through the regulations, control and prohibition of the depositing of rubbish, waste, litter, and debris upon public and private property within the Township; to provide penalties for the violation thereof and to repeal any ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF LEE, ALLEGAN COUNTY, MICHIGAN ORDAINS:

Section 1. Title.

This Ordinance shall be known and cited as the Lee Township Litter Ordinance.

Section 2. Definitions.

Litter as used in this Ordinance means all garbage, scrap and waste materials including but not limited to rags; cartons, paper, cans, bottles, used lumber, boxes, wooden skids or pallets or parts therefrom (excluding those stored and used in connection with an industrial or commercial operation on the site), inoperable and discarded appliances and equipment, tree branches, brush, and broken or discarded plaster, concrete, or brick building materials, or any other loose or discarded materials or articles of any kind.

Section 3. Acts Prohibited.

a. It shall be unlawful for any person, firm, association, partnership, corporation or governmental entity, without the consent of the public authority having supervision of public property or the owner of private property, to dump, deposit, place, throw or leave, or cause or permit the dumping, depositing, placing, throwing, or leaving of litter or any other materials on any public or private property or waters within Lee Township other than property designated and set aside for such purposes. The phrase "public or private property or waters" includes, but is not limited to, the right-of-way of any road or highway, any body of water or water course, or the shores or beaches thereof, and including the ice above such waters; any park, playground, building, refuge, or conservation or recreation area; and any residential, commercial, industrial, or farm properties or vacant or unimproved lands.

b. It shall be unlawful for any person firm, association, partnership, corporation or governmental entity to aid, assist, or abet another to violate any of the provisions of this Ordinance.

c. The owner or occupant of any building or premises within the Township shall not permit or cause the outdoor storage of litter on such premises, subject to the following exceptions:

(1) Such litter is temporarily stored outdoors for not more than 14 days or for longer than any period which would cause the same to be odoriferous or a breeding place for insects or rodents, whichever is the lesser period.

(2) Such litter does not include garbage or other putrescible liquids or solids which is screened from the view of all adjacent properties and abutting public or private rights-of-way and is being stored for a regular refuse collection service.

(3) Logs, branches, or other scrap wood may be neatly stacked outdoors on an occupied premises, provided such storage does not exceed 640 cubic feet in area and complies with all applicable fire codes and other ordinance requirements. The limitation of 640 cubic feet shall not apply to logs, branches, or other scrap wood stored and used in connection with a lawful industrial, commercial or agricultural operation on the site.

(4) A special permit is first obtained therefor for a period of not to exceed 45 days from the Supervisor of Lee Township or such other officer or official as the Township Board may designate, to be granted only in special hardship cases beyond the control of the applicant, where special or peculiar circumstances exist, where no adjoining property owner is adversely affected thereby and where the spirit and purpose of this Ordinance are still observed. A special permit granted hereunder may be renewed for not more than one additional 45-day period upon a showing of due diligence and continued satisfaction of the criteria set forth above for the issuance of the initial permit.

Section 4. Notice of Violation.

The owner and/or the occupant of any property upon which any litter is found shall be notified in writing to remove or eliminate such litter from such property within 10 days after service of the notice. Such notice may be served personally or by certified mail, return receipt requested. Additional time may be granted by the enforcement officer where good-faith efforts to remove or eliminate the litter are in progress. Failure to comply with such notice within the time allowed shall constitute a violation of this Ordinance.

Section 5. Sanctions and Enforcement.

Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction, as defined by Michigan law, which shall be punishable by a civil fine determined in accordance with the following schedule:

	<u>Minimum</u> <u>Fine</u>	<u>Maximum</u> <u>Fine</u>
1 st Offense	\$ 75.00	\$500.00
2 nd Offense within 3-year period*	150.00	500.00
3 rd Offense within 3-year period*	325.00	500.00
4 th or More Offense within 3-year period*	500.00	500.00

*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Lee Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

The building official and any deputy sheriff enforcing township ordinances pursuant to an interlocal agreement between the Township and the county sheriff are hereby authorized to issue and serve appearance tickets under this ordinance and as provided by MCL 764.9c(2).

Section 6. Severability.

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

Section 7. Effective Date.

This Ordinance shall take effect thirty (30) days after its publication as required by law.

Moved by member Moore, supported by member Cericola to adopt the foregoing ordinance.

Ayes: Black, Cericola, Lowery, Moore, & Christman

Nays: None

Absent/Abstentions: None

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of an Ordinance duly adopted by the Township Board of Lee Township, Allegan County, Michigan, at a meeting held on May, 13, 2002. I further certify that the Ordinance was published on May, 23, 2002 in the Allegan County News. I further certify that a copy of this Ordinance was filed with the Allegan County Clerk on May, 24, 2002.

Donna L. Christman
Township Clerk