

TOWNSHIP OF SCHOOLCRAFT
COUNTY OF KALAMAZOO, STATE OF MICHIGAN
SCHOOLCRAFT TOWNSHIP ORDINANCE NO. 149

LITTER ORDINANCE

Adopted: October 12, 1993

Effective: November 20, 1993

(as amended by Ordinance No. 207)

An Ordinance to protect the public health, safety and general welfare of persons and property within Schoolcraft Township, by the regulation of the depositing and accumulation of litter upon public and private property within the Township; to provide civil sanctions and civil remedies for the violation of this ordinance; and to repeal Ordinance Nos. 18, 21 and 70 of Schoolcraft Township and any other ordinances or parts of ordinances in conflict therewith.

SCHOOLCRAFT TOWNSHIP
KALAMAZOO COUNTY, MICHIGAN
ORDAINS:

SECTION I

TITLE

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

SECTION II

PURPOSE

The purpose of this ordinance is to regulate the depositing or accumulation of litter upon public and private property within the Township; to avoid injury and hazards to children and others attracted to such materials; to avoid breeding places for insects and rodents or other vermin; to prevent degradation of the environment caused by such

materials; to avoid the devaluation of property and the psychological ill effects of the presence of such materials upon adjoining residents and property owners and the general public; and to prevent causes of blight or blighting factors which, if allowed to exist, tend to result in blighted and undesirable neighborhoods and threaten the public health, safety and welfare.

SECTION III

DEFINITIONS

As used in this ordinance the following words and terms shall have the meanings stated herein:

A. "Building Materials" means new or used lumber, bricks, concrete, cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other material used in constructing any structure.

B. "Litter" means all debris, garbage, scrap and waste materials including, but not limited to rags; cartons; paper; cans; bottles; boxes; wooden skids or pallets or parts therefrom (excluding those stored and used in connection with a lawful industrial or commercial operation on the site); inoperable and discarded appliances, equipment and machinery; broken or discarded plaster, concrete, or brick; building materials; metal; pipe; motor vehicle parts; and tires.

C. "Person" means any individual, firm, corporation, or other entity of any kind.

D. "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.

SECTION IV

REGULATIONS

A. No person shall dump, deposit, place, throw or leave, or cause or permit the dumping, depositing, placing, throwing or leaving of litter on any public or private property or waters within Schoolcraft Township, other than property lawfully designated and set aside for such purposes, without the consent of the public authority having supervision of public property or the owner of private property.

B. No person who is the owner or occupant of any buildings or premises within Schoolcraft Township shall permit or cause litter to be deposited or accumulated on such premises, subject to the following exceptions:

1. Such litter is temporarily stored outside of a fully enclosed building or structure for not more than 14 days or for such lesser period which would cause the same to be odoriferous or a breeding place for insects or rodents.
2. Such litter does not include garbage or other putrescible liquids or solids, is screened from the view of all adjacent properties and abutting public or private right-of-ways, and is being stored only between monthly or more frequent regular disposal by the owner or occupant of the premises in a lawful manner, or by monthly or more frequent regular collection by a public or private litter or garbage collection service.
3. Such litter is located in a duly licensed and properly zoned junk yard or salvage yard where such uses or operations are legally authorized under the Schoolcraft Township Zoning Ordinance, and are conducted in conformance therewith.
4. A special permit is first obtained therefor for a period of not to exceed 30 days from the Supervisor of Schoolcraft Township, or such other 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 or other property owner is adversely affected thereby, and where the spirit and purpose of these regulations are still observed. A special permit granted hereunder may be renewed for not more than one additional 30-day period upon a showing of due diligence and continued satisfaction of the criteria set forth above for the issuance of the initial permit.
5. Such litter includes only new or used building materials used for a lawfully operated business, or building materials stored on the site of property for which a valid building permit has been issued by the Schoolcraft Township Building Official and where said materials are intended for use in connection with such construction.

C. No person shall aid, assist, or abet another to violate any of the provisions of the within Ordinance.

SECTION V

PUBLIC NUISANCE

Any littering or other activities in violation of the provisions of this ordinance are hereby declared to be a public nuisance which may be enjoined or which may subject the violator to the fines and sanctions herein provided for.

SECTION VI

VIOLATIONS AND ENFORCEMENT

A. Any person or entity who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, or any order issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance.

Any person or entity responsible for a violation of this Ordinance, whether as an occupant, owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

B. Any violation of this Ordinance shall constitute a basis for such judgment, writ or order necessary to compel compliance with the Ordinance and/or to restrain and prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law.

C. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
--- 1st offense	\$ 150.00	---
--- 2nd offense	\$ 325.00	---
--- 3rd or subsequent offense	\$ 500.00	---

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the municipal civil infraction.

D. This ordinance shall be enforced by the Ordinance Enforcement Officer(s) of Schoolcraft Township, or by such other person or persons as the Township Board may designate from time to time.

SECTION VII

SEVERABILITY

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court or competent jurisdiction, it shall not effect any portion of this ordinance other than said part or portion thereof.

SECTION VIII

REPEAL

Ordinance No. 18 (Litter of Public and Private Property Ordinance) adopted August 9, 1966, Ordinance No. 21 (Littering of Public Property and Private Property Ordinance amendment) adopted July 8, 1969, Ordinance No. 70 (R-1 District Nuisance Ordinance) adopted October 9, 1979, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed, except that this ordinance shall not be construed to repeal expressly or by implication any provision of the Schoolcraft Township Zoning Ordinance or the Schoolcraft Township Building Code.

SECTION IX

EFFECTIVE DATE

This Ordinance shall take effect on November 20, 1993.

Schoolcraft Township Clerk