

TOWNSHIP OF CHESHIRE
COUNTY OF ALLEGAN, STATE OF MICHIGAN
CHESHIRE TOWNSHIP ORDINANCE NO. 441

LITTER ORDINANCE

ADOPTED: AUGUST 6, 2018

EFFECTIVE: SEPTEMBER 15, 2018

An Ordinance to protect the public health, safety and general welfare of persons and property within Cheshire Township, by the regulation of the depositing and accumulation of litter upon public and private property within the Township; and to provide civil sanctions and civil remedies for the violation of this ordinance.

CHESHIRE TOWNSHIP
ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION 1

TITLE

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

SECTION 2

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 3

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; inoperable or discarded equipment and machinery; broken or discarded plaster, concrete, or brick; building materials; scrap metal; scrap pipe; 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 4

REGULATIONS

- A. No person shall dump, deposit, place, throw or leave, or cause or allow the dumping, depositing, placing, throwing or leaving of litter on any public or private property or waters within Cheshire 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 premises within Cheshire Township shall cause or allow litter to be deposited or accumulated on such premises, subject to the following exceptions:
 - 1. Such litter is stored within a fully enclosed building, and does not include garbage or other liquids or solids capable of rotting/decaying and having a foul odor.
 - 2. 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.

3. Such litter does not include garbage or other liquids or solids capable of rotting/decaying and having a foul odor, and is completely screened by otherwise lawful solid fencing from the view of all adjacent properties and abutting public or private rights-of-way, 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.
 4. 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 Cheshire Township Zoning Ordinance, and are conducted in conformance therewith.
 5. A special permit is first granted therefore by the Supervisor or such other official as the Township Board may designate, after Township Board review and approval of the special permit request. Such a special permit shall be granted only in hardship cases beyond the control of the applicant, where special or peculiar circumstances exist, where no other property owner/occupant or the general public will be adversely affected if the special permit is granted, and where the spirit and purpose of these regulations are still observed. A special permit shall be granted for a period of not to exceed 45 days, and 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.
 6. 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 Cheshire 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 5

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, and which may subject the violator to the fines and other sanctions provided for in Section 6.

SECTION 6

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 Cheshire Township, or by such other person or persons as the Township Board may designate from time to time.

SECTION 7

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 affect any portion of this ordinance other than said part or portion thereof.

SECTION 8

NON-REPEAL

This ordinance shall not be construed to repeal expressly or by implication any provision of the Cheshire Township Zoning Ordinance, or the Cheshire Township Building Code.

SECTION 9

EFFECTIVE DATE

This Ordinance shall take effect 30 days after publication of a Notice of Adoption as required by law.

Cheshire Township Clerk