

TOWNSHIP OF ROSS
COUNTY OF KALAMAZOO, STATE OF MICHIGAN

ROSS TOWNSHIP ORDINANCE NO. 121

AS AMENDED BY ORDINANCE NO. 140

Adopted: April 6, 1993/December 9, 1997

Effective: May 14, 1993/January 21, 1998

(LITTER ORDINANCE)

An Ordinance to protect the public health, safety and general welfare of persons and property within Ross 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 No. 16 of Ross Township and any other ordinances or parts of ordinances in conflict therewith.

ROSS TOWNSHIP
KALAMAZOO COUNTY, MICHIGAN

ORDAINS:

SECTION I

TITLE

This Ordinance shall be known and cited as the Ross 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 Ross 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 Ross 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 Ross 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 Ross Township, the Ross Township Police Chief, 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 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 Ross 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 penalties herein provided for.

SECTION VI

SANCTIONS FOR VIOLATION; ENFORCEMENT

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

	Minimum Fine	Maximum Fine
--- 1st offense within 3-year period*	\$ 75.00	\$500.00
--- 2nd offense within 3-year period*	150.00	500.00
--- 3rd offense within 3-year period*	325.00	500.00
--- 4th 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 court costs of not less than \$9.00 or more than \$500.00 as imposed by the court; and may also be ordered to pay all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil

infraction. Each day that a violation exists shall constitute a separate offense.

Any violation of this Ordinance shall also constitute a basis for injunctive relief against the violator, restraining and prohibiting continuation of the violation, in addition to any other relief or sanction herein set forth or allowed by law.

B. This ordinance shall be enforced by the Supervisor of Ross Township, by an officer of the Ross Township Police Department, by the Ordinance Enforcement Officer(s) of Ross 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. 16 (Litter Ordinance, adopted June 5, 1961, effective July 11, 1961), 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 Ross Township Zoning Ordinance or the Ross Township Building Code.

SECTION IX

EFFECTIVE DATE

This Ordinance shall take effect 30 days after publication as required by law.

Martha Chambers, Clerk
Township of Ross

POSTED
7/31/12
[Signature]