

ORDINANCE NO. 17

LITTERING

AN ORDINANCE TO PROVIDE FOR THE REGULATION, CONTROL AND PROHIBITION OF LITTERING OF OR ON PROPERTY OR WATERS OF AND IN ROLLIN TOWNSHIP, LENAWEE COUNTY, MICHIGAN, AND TO PROVIDE PENALTIES FOR VIOLATION THEREOF.

THE TOWNSHIP OF ROLLIN, LENAWEE COUNTY, MICHIGAN, ORDAINS:

Section 1. Definitions

The following words or terms when used herein shall be deemed to have the meanings set forth below:

- A. The term "litter" shall include, without limitation, shavings, sawdust, refuse, rubbish, trash, chips, bricks, ice, dirt, manure, filth, parts of machinery or motor vehicles, parts of broken furniture, stoves or other appliances or any other loose or cast-off material or articles of any kind.
- B. The term "person" shall include all natural persons, firms, co-partnerships, corporations, and all associations of natural persons, incorporated or unincorporated, whether acting by themselves, or by a servant, agent or employee. All persons who violate any provision of this ordinance, whether as owner, occupant, lessee, agent, servant, or employee shall be equally liable as principals.
- C. The term "public or private property or water" includes but is not limited to, the right of way of a public access, street, road, highway or alley, a body of water or water course, or the shore or beach thereof, including the ice above the water; a park, playground, building, refuge, or conservation or recreation area; and residential or farm properties or timberlands.
- D. The term "vehicle" means every motor vehicle required to be registered under the provisions of Public Act 300 of 1949, the Michigan Vehicle Code, as amended, (MCL 257.1, *et seq.*) to operate on a public road.
- E. The term "vessel" means a vessel required to be registered under the provisions of MCL 324.80124 to operate.

Section 2. Littering Prohibited

It shall be unlawful for any person to knowingly, without the consent of this Township or the owner of private property in this Township, to dump, deposit, place, throw, or cause or permit the dumping, depositing, placing, throwing, or leaving, of litter on public or private property or water within Rollin Township other than property designated and set aside for such purposes.

Section 3. Cleaning Traveled Ways

It shall be unlawful for a person who removes a vehicle, wrecked or damaged in an accident, on a highway, road, or street, to fail to remove all glass and other injurious substances or litter dropped on the highway, road or street as a result of the accident.

Section 4. Littering from Motor Vehicle or Vessel

Except as provided in Section 6 involving litter from a leased vehicle or leased vessel, in a proceeding for a violation of this ordinance involving litter from a motor vehicle or vessel, proof that the particular vehicle or vessel described in the citation, complaint, or warrant was used in the violation, together with proof that the defendant named in the citation, complaint, or warrant was the operator or registered owner of the vehicle or vessel at the time of the violation.

Section 5. Responsibility

The operator of a vehicle or vessel is presumed to be responsible for litter which is thrown, dropped, dumped, deposited, placed, or left from the vehicle or vessel on public or private property defined in Section 1. In cases where the litter is found on or in public or private property or water and the deposition of said litter is not observed, and items including, but not limited to letters, magazines or invoices are found in said litter, it shall be prima facie evidence of the origin of the litter and the owner or occupant of the property to which such evidence is addressed shall be held responsible for the littering.

Section 6. Leased Vehicles and Vessels

In a proceeding for a violation of this act involving litter from a leased motor vehicle or leased vessel, proof that the particular vehicle described in the citation, complaint or warrant was used in the violation, together with proof that the defendant named in the citation, complaint, or warrant was the lessee of the vehicle or vessel at the time of the violation, constitutes in evidence a presumption that the lessee of the vehicle or vessel was the operator of the vehicle or vessel at the time of the violation.

Section 7. Penalty

- A. Upon discovering a violation of this ordinance, the Zoning Enforcement Officer shall notify the violator orally or in writing by means of first class letter. Such notice shall give up to 5 days for the violation to be abated or a civil infraction shall be issued. No further notification is required for subsequent violations in a three year period.
- B. Any person violating any provision of this Ordinance shall be deemed responsible for a civil infraction. Penalties may be imposed as set forth in Ordinance 34 as amended, the Rollin Township Municipal Civil Infractions Ordinance.
- C. In addition to pursuing a municipal civil infraction proceeding pursuant to subsection B hereof, the Township may also initiate an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to enforce or interpret In addition this Ordinance or any provision of the Ordinance
- D. All remedies available to the Township under this Ordinance and Michigan law shall be deemed to be cumulative and not exclusive.
- E. Any person, firm or entity that assists with or enables the violation of this Ordinance shall be responsible for aiding and abetting, and shall be considered to have violated the provision of this Ordinance involved for which such aiding and abetting occurred. Furthermore, any attempt to violate this Ordinance shall be deemed a violation of the provision of this

Ordinance involved as if the violation had been successful or completed.

Section 8. Severability

Should any section, clause, or provision of this ordinance be declared by any court to be invalid, the same shall not affect the validity of the remaining portions of such section of this ordinance or any part thereof than the part so declared to be invalid.

Section 9. Effective Date

This ordinance shall take effect 30 days after the publication of this ordinance. All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

We certify that the foregoing ordinance was duly enacted by the Township Board of Rollin Township, Lenawee County, Michigan on the _____ day of _____, 20____.

John Jenkins, Supervisor

Denice Combs, Clerk

CERTIFICATE OF ADOPTION AND PUBLICATION

I, Denice Combs, the duly elected Clerk of the Township of Rollin certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of the Township of Rollin on December 10, 2014 and published in the _____, a newspaper circulated in the Township of Rollin on _____, 2014.

Denice Combs
Township Clerk for the
Township of Rollin