

**LITTER AND JUNK
TOWNSHIP OF HOWELL, MICHIGAN
Ord. No. 4 eff. June 3, 1977**

An Ordinance to control and prohibit the littering of public and private property and waters and to prescribe penalties for violation of said Ordinance.

THE PEOPLE OF THE TOWNSHIP OF HOWELL ORDAIN:

Section 4.1 LITTERING: PUBLIC AND PRIVATE PROPERTY.

It is unlawful for any person knowingly, without consent of the Township, to dump, deposit, place, throw or leave, or cause or permit the dumping, depositing, placing, throwing or leaving of, litter or junk in or upon any public or private premises or any waters, in the Township other than property designated and set aside for such purposes, or except in public receptacles and private receptacles for collection.

(Ord. No. 4 eff. June 3, 1977)

Section 4.2 DEFINITIONS.

Litter or junk: Is all rubbish, refuse, waste material, garbage, including but not limited to the following: waste composed of animal, fish, fowl, fruit or vegetable matter, dead animals, putrescible and non-putrescible solid waste (except body wastes), ashes, glass, cans, bottles, discarded or abandoned machinery, household appliances, industrial wastes, discarded, inoperative, dismantled, or partially dismantled motorized vehicles or parts thereof.

Person: Is any individual or legal entity.

Motorized vehicles: Means any motorized vehicle which is self-propelled or intended to be self-propelled.

Discarded motorized vehicle: Means any motorized vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of twelve (12) months.

Dismantled or partially dismantled motorized vehicle: Means motorized vehicles from which some part or parts which are ordinarily a component of such motorized vehicle has been removed or is missing.

Inoperative vehicles: Means motorized vehicles which by reason of dismantling, disrepair or other cause are incapable of being propelled under their own power.

Public premises: Are any and all streets, right-of-ways of any road or highway, sidewalk, boulevard, alley or other public way and any and all public park, square, open space, conservation or recreation area, playground or building.

Vessel: Means every description of watercraft other than a seaplane on the water, used or capable of being used as a means of transportation on water.

Waters: Is any body of water or watercourse on the shore or beach thereof, including the ice above the water.

(Ord. No. 4 eff. June 3, 1977)

Section 4.3 LITTER OR JUNK FROM VEHICLES.

It is unlawful for any person while a driver or passenger in a vehicle or vessel to throw or deposit litter or junk upon any street, roadway or waters or other public place or private premises within the Township.

(Ord. No. 4 eff. June 3, 1977)

Section 4.4 PLACEMENT OF LITTER OR JUNK IN RECEPTACLES SO AS TO PREVENT SCATTERING.

Persons shall place litter or junk in public or private receptacles designed for such purposes and shall do so in such a manner as to prevent it from being carried or deposited by the elements or by animals upon any street, sidewalk, or other public or private lands or place.

(Ord. No. 4 eff. June 3, 1977)

Section 4.5 LOADS CAUSING LITTER OR JUNK.

No person shall operate any motorized vehicle or any trailer within the Township unless such vehicle or trailer is so constructed or loaded as to prevent any load, contents, litter or junk from being blown or deposited upon any street, alley or public or private lands or place.

(Ord. No. 4 eff. June 3, 1977)

Section 4.6 OWNER TO MAINTAIN PREMISES FREE OF LITTER OR JUNK: NOTICE TO REMOVE.

- A. It is unlawful for the owner or person in control of any private property to fail to maintain his premises free of litter or junk after due notification by the Township Zoning Administrator or Supervisor that said premises is a danger to the public health, safety, or welfare of the Township.
- B. The Zoning Administrator or Supervisor is hereby authorized and empowered to personally, or by certified mail (return receipt requested), notify the owner or owner=s agent of any property within the Township, that said property is dangerous to public health, safety or welfare and in violation of this Ordinance, giving a brief summary of the violation.
- C. Upon failure, neglect or refusal of any owner or owner=s agent so notified, to properly dispose of litter or junk dangerous to the public health, safety, or welfare within thirty (30) days after receipt of notice as provided in subsection B above, the Township Zoning Administrator or Supervisor shall make a full and complete report thereof to the Township Board, which may then cause the Township Attorney to take necessary steps to procure a complaint and warrant against the offending individual or individuals or to take such other action as may be provided by law.

(Ord. No. 4 eff. June 3, 1977)

Section 4.7 PRESUMPTIONS REGARDING VEHICLES OR VESSELS.

- A. The driver of a vehicle or vessel is presumed to be responsible for litter or junk which is thrown, dropped, dumped, deposited, placed or left from the vehicle or vessel on public or private property or waters.
- B. In a proceeding for a violation of this act involving litter or junk from a leased motor vehicle or leased 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 lessee of the vehicle or vessel at the time of the violation, constitutes a presumption that the lessee of the vehicle or vessel was the driver of the vehicle or vessel at the time of the violation.

(Ord. No. 4 eff. June 3, 1977)

Section 4.8 VIOLATION: PUNISHMENT.

Repealed and replaced by Ordinance #132, Civil Infractions Ordinance.

(Ord. No. 133 eff. March 15, 2002)

Section 4.9 REPEALER.

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

(Ord. No. 4 eff. June 3, 1977)

Section 4.10 SEVERABILITY.

This Ordinance and various parts, sections and clauses thereof are hereby declared severable. If any part, section, paragraph or clause is adjudged invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

(Ord. No. 4 eff. June 3, 1977)

Section 4.11 EFFECTIVE DATE.

The provisions of this Ordinance are hereby ordered to take effect thirty (30) days after publication in the manner prescribed by law.

(Ord. No. 4 eff. June 3, 1977)

Section 4.12 ADOPTION.

This Ordinance is hereby declared to have been adopted by the Township Board of the Township of Howell at a meeting thereof duly called and held on the 25th day of April, 1977, and ordered to be given publication in the manner prescribed by law.

(Ord. No. 4 eff. June 3, 1977)

Published: May 4th, 1977