

35.0200

**ANTI-LITTERING ORDINANCE
TOWNSHIP OF GRAND HAVEN, MICHIGAN
ord. no. 187 eff. Nov. 1, 1993**

An Ordinance prohibiting the throwing or deposition of litter in public places in the Charter Township of Grand Haven: requiring owners to maintain private property and adjacent sidewalk and/or road right-of-way free of litter; controlling the depositing of litter on private property; providing a lien for Township clearance; and prescribing penalties for the violation of its provisions.

THE TOWNSHIP OF GRAND HAVEN, OTTAWA COUNTY, MICHIGAN
ORDAINS:

35.0201 Sec. 1 TITLE

This Ordinance shall be known and may be cited as the "Grand Haven Charter Township Anti-Litter Ordinance".

35.0202 Sec. 2 DEFINITIONS

For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

1. "Authorized Private Receptacle" is a litter storage and collection receptacle as required and authorized in the Charter Township of Grand Haven (wastehauler/collectors licensing Ordinance).
2. "Garbage" is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.
3. "Junk" is nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as waste concrete (unless said concrete will be recycled on site within twelve (12) months after being stored), building materials, iron, steel, aluminum, copper, brass, plumbing fixtures, tires, kitchen appliances, yard and garden equipment (including any parts or accessories of same), furniture, inoperable and/or unlicensed vehicles (including any parts or accessories of same) and any and all goods held for purpose of either resale, repair, renovation, or discard.
4. "Litter" is "Garbage", "Junk", "Refuse", and "Rubbish" as defined herein and all other waste material, which, if thrown or deposited as herein prohibited tends to create a danger to public health, safety, and welfare.

5. "Park" is a park, reservation, playground, beach, recreation center, or any other public area in the Township, owned or used by the Township and devoted to active or passive recreation.
6. "Person" is a person, firm, partnership, association, corporation, company, or organization of any kind.
7. "Private Property" is any real property, whether improved or unimproved, owned by a person.
8. "Public Place" is any and all streets, sidewalks, boulevards, alleys, or other public ways and any and all public parks, squares, spaces, grounds, and building.
9. "Refuse" is all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleaning, dead animals, and solid market and industrial wastes.
10. "Rubbish" is nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves (excluding yard waste deposited within a composting bin or pile), wood, glass, bedding, crockery, and similar materials.
11. "Township" is the Charter Township of Grand Haven, Ottawa County, Michigan.
12. "Vehicle" is every device in, upon, or by which any person or property may be transported or drawn upon a highway, including devices and exclusively upon stationary rails or tracks. Also included within this definition of vehicle, for purposes of private resale under Section 9 of this ordinance, are recreational vehicles such as, but not limited to, motor homes, campers, truck campers, motorcycles all terrain vehicles, quad runners, dune buggies, and snowmobiles; tractors or farm vehicles; and boats including personal watercraft.
(ord. no. 187 eff. Nov. 1, 1993; amend. by ord. no. 343 eff. Apr. 23, 2001)
13. "Property Owner" is the holder of record title or, if the property has been sold on a land contract, the land contract vendee as shown on the recorded evidence of said land contract. For the purposes of determining the licensing of used vehicle sales on private property, there shall be only one (1) "Property Owner" per parcel of land regardless of the actual number of persons listed in title.

14. "Parcel of Land" shall include, for purposes of issuance of licenses for the sale of any vehicle under this ordinance, all continuous real property under common ownership notwithstanding the fact that there may be multiple property descriptions, parcels, or separate tax numbers assigned thereto.

35.0203 Sec. 3 LITTER IN PUBLIC PLACES

No person shall throw or deposit litter in or upon any street, sidewalk, or other public place within the Township except in public receptacles or in authorized private receptacles for collection.

35.0204 Sec. 4 PLACEMENT OF LITTER IN RECEPTACLES SO AS TO PREVENT SCATTERING

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property.

35.0205 Sec. 5 SWEEPING LITTER INTO STREETS PROHIBITED

No person shall sweep into or deposit in any gutter, street, or other public place within the Township the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk and/or road-right-of-way adjacent to and abutting their private property free of litter.

35.0206 Sec. 6 LITTER IN PARKS

No person shall throw or deposit litter in any park within the Township except in a public receptacle and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

35.0207 Sec. 7 LITTER IN LAKES AND STREAMS

No person shall throw or deposit litter in any pond, lake, stream, bay, or any other body of water within the Township.

35.0208 Sec. 8 LITTER ON PRIVATE PROPERTY

No person shall throw or deposit litter on any private property within the Township, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a

manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk, or other public place or upon any private property. The owner shall be responsible for the removal of litter from his property.

35.0209 Sec. 9 OWNER TO MAINTAIN PRIVATE PROPERTY FREE OF LITTER

The owner or person in control of any private property shall at all times maintain the property free of litter. Provided, however:

1. That this Section shall not prohibit the store of litter in authorized private receptacles for collection; and the property owner may display for sale on the property owner's parcel of land for a period of up to thirty (30) days per vehicle, two (2) vehicles per year. The property owner shall obtain, prior to such display, a license from the Township for said purpose; which license shall be prominently evident on or about the vehicle. Licenses granted by the Township shall be issued without a fee.

35.0210 Sec. 10 CLEARING OF LITTER FROM PRIVATE PROPERTY BY TOWNSHIP

1. NOTICE TO REMOVE: The Building and/or Zoning Administrator is hereby authorized and empowered to notify the owner of any private property within the Township or the agent of such owner to properly dispose of litter located on such owner's property and/or adjacent and abutting sidewalk and/or road right-of-way. Such notice shall be by Registered Mail, addressed to said owner at his address as shown on the tax records of the Charter Township of Grand Haven.
2. ACTION UPON NONCOMPLIANCE: Upon the failure, neglect or refusal of any owner or agent so notified, to properly dispose of litter within five (5) days after receipt of written notice provided for in subsection (a) above, or within ten (10) days after the date of such notice in the event the same is returned to the Township because of its inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner, or agent, the building and/or Zoning Administrator is hereby authorized and empowered to pay for the disposing of such litter or to order its disposal by the Township.
3. CHARGE INCLUDED IN TAX BILL: When the Township has effected the removal of such litter or has paid for its removal, the actual cost thereof, plus accrued interest at the rate of six percent (6%) per annum from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to the owner of such property on the next regular tax bill forwarded to such owner by the Township, and said charge shall be due and payable by said owner at the time of payment of such bill.

4. **RECORDED STATEMENT CONSTITUTES LIEN:** Where the full amount due the Township is not paid by such owner within sixty (60) days after the disposal of such litter, as provided for in subsections (a) and (b) above, then, and in that case, the Building and/or Zoning Administrator, shall cause to be recorded in the Register of Deeds Office, a sworn statement showing the cost and expense incurred for the work, the date the work was done, and the location of the property, and shall remain in full force and effect for the amount due in principal and interest, plus costs of Court, if any, for collection, until final payment has been made. Said costs and expenses shall be collected in the manner fixed by law for the collection of taxes.

35.0211 Sec. 11 VIOLATIONS

Any person, firm, or corporation which violates the provisions of this Ordinance shall be responsible for a municipal civil infraction. The sanction for a violation of this Ordinance shall be a civil fine of not less than \$50.00, plus costs and other sanctions. Increased civil fines may be imposed for repeated violations of this Ordinance by a person, firm, or corporation. A "repeat violation" of this Ordinance is a second or subsequent violation of this Ordinance committed by a person, firm, or corporation within six (6) months of a prior violation of this Ordinance, and for which the person, firm, or corporation admits responsibility or is determined to be responsible. The sanction for a violation of this Ordinance which is a first repeat violation shall be a civil fine of not less than \$250.00, plus costs and other sanctions. The sanction for a violation of this Ordinance which is a second or subsequent repeat violation shall be a civil fine of not less than \$500.00, plus costs and other sanctions. The Township Supervisor, Township Superintendent (Township Manager), the Township Public Works Director, an authorized Township official, the Township Building Inspector, the Township Zoning Administrator, any law enforcement officer of the Ottawa County Sheriff's Department or of the Michigan State Police, and the Township Attorney are authorized to issue municipal civil infraction citations for violations of this Ordinance.

(amend. ord. no. 489 eff. Dec. 15, 2010)

35.0212 Sec. 12 ENFORCEMENT

This Ordinance may be enforced by use of the appearance ticket as authorized by the Laws of the State of Michigan. The Building Inspector and/or Zoning Administrator and an authorized Township official are authorized to issue appearance tickets for violations of this Ordinance.

(amend. ord. no. 489 eff. Dec. 15, 2010)

35.0213 Sec. 13 SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for

any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

35.0214 Sec. 14 EFFECTIVE DATE

This Ordinance shall take effect and be in force and effect November 1, 1993 in the manner provided by law.
(amend. by ord. no. 302 eff. November 20, 1998)

35.0215 Sec. 15 REPEAL

All ordinances and resolutions in conflict herewith in whole or in part are hereby repealed to the extent of such conflict.
(amend by ord. no. 302 eff. November 20, 1998).