

TOWNSHIP OF ORANGEVILLE

BARRY COUNTY, MICHIGAN

ORDINANCE NO. 1119-1

LITTER ORDINANCE

ADOPTED: November 12, 2019

EFFECTIVE: 30 days after publication

An ordinance to protect the public health, safety and general welfare of persons and property within Orangeville Township through the regulation, control and prohibition of the depositing of rubbish, waste, litter, and debris upon public and private property within the Township; to provide penalties for the violation thereof and to repeal any ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF ORANGEVILLE

BARRY COUNTY, MICHIGAN

ORDAINS:

SECTION 1

TITLE

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

SECTION 2

DEFINITIONS

"Litter" as used in this Ordinance means all garbage, scrap and waste materials including rags, cartons, paper, cans, bottles, boxes, or parts therefrom (excluding those stored and used in connection with an industrial or commercial operation on the site), inoperable and discarded appliances and equipment; fences in disrepair; broken or discarded plaster, concrete, brick, building materials, scrap metal, pipe, discarded motor vehicle parts, and tires.

"Litter" shall also include personal use items when one or more of the following conditions exist:

1. Such personal use item is not regularly used for its intended purposes at least one time per season of intended use; or
2. Such personal use item is in a state of disrepair and is not usable in its present condition; or
3. Such personal use item has broken or missing parts.

"Personal use items" as used in this Ordinance shall include lawn maintenance equipment; children's toys, sporting equipment and bicycles which can be used on the property itself.

SECTION 3 **REGULATIONS**

A. Prohibition and Storage Regulations for items defined as *"Litter"*.

1. It shall be unlawful for any person to dump, deposit, place, throw, leave, or cause or permit the dumping, depositing, placing, throwing, or leaving of litter or any other material on any public or private property or waters within the Township other than property designated and set aside for such purposes. The phrase "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.
2. It shall be unlawful for any person to aid, assist, or abet another to violate any of the provisions of the within Ordinance.
3. The owner or occupant of any building or premises within the Township shall not permit or cause the outdoor storage of litter on such premises, subject to the following exceptions:
 - a) Such litter does not include garbage or other putrescible liquids or solids, when screened from the view of all adjacent properties and abutting public or private rights-of-way, and when being stored only between regular, not less than weekly collection by a public or private garbage collection service;

- b) Such litter is located in a duly licensed and properly zoned junk yard, salvage yard, or landfill where such uses or operations are legally authorized under the Orangeville Township Zoning Ordinance; and
- c) A special permit is first obtained therefor for a period of not to exceed 45 days from the Supervisor of Orangeville Township or such other officer or official as the Township Board may designate to be granted only in special hardship cases beyond control of the applicant, where special or peculiar circumstances exist, where no adjoining property owner is adversely affected thereby and where the spirit and purpose of this Ordinance are still observed. A special permit granted hereunder may be renewed for not more than one additional 45-day period upon showing of due diligence and continued satisfaction of the criteria set forth above for the issuance of the initial permit.

SECTION 4
SANCTIONS

Any person, firm, association, partnership, corporation or governmental entity 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 which shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
—1st Offense within 3-year period*	\$ 150.00	\$500.00
—2nd Offense within 3-year period*	250.00	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 costs which may include all expenses, direct and indirect, to which Orangeville Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction

for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

SECTION 5
SEVERABILITY

Should any section, clause, or provision of this Ordinance be declared to be invalid by a court of competent jurisdiction, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the parts so declared to be invalid.

SECTION 6
REPEAL & SAVINGS CLAUSE

All Ordinances and parts of Ordinances in conflict herewith, including the Orangeville Township Junk Yard Ordinance are hereby repealed. Existing prosecutions under any ordinance provision that is hereby repealed may be pursued to its natural conclusion.

SECTION 7
STIPULATIONS

Violations that are covered under Barry County Zoning Ordinances to be enforced by the county enforcement officer. Furthermore, violations received by the township be acted upon only after voted upon by board to proceed with complaint.

SECTION 8
EFFECTIVE DATE

This Ordinance shall take effect 30 days after publication of the Ordinance.

Roll Call Vote:

Ayes: Risner, Ritchie, Rook

Nays: Ribble, Perino

Absent: None

Supervisor declares ordinance adopted


Mel Risner, Clerk
Orangeville Township
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269-664-4522

ORANGEVILLE TOWNSHIP
CERTIFICATE OF ADOPTION

I, Mel Risner, Clerk of the Township of Orangeville, Barry County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Orangeville Township Board held on November 12, 2019, commencing at 7:00 o'clock p.m. at the Orangeville Township Hall, 7350 Lindsey Road, Plainwell, MI 49080, at which the following members were present, the Board enacted and passed Ordinance 1119-1 to become effective 30 days after publication. Hereinbefore recorded, and that the members of said Board present at said meeting voted on the adoption said Ordinance, as follows:

Tom Rook—yes, Mel Risner—yes, Michelle Ritchie—yes, Robert Perino—no, Linda Ribble—no

Said Ordinance declared adopted by Supervisor, Tom Rook



Mel Risner/Clerk
Orangeville Township