

FLOWERFIELD TOWNSHIP ORDINANCE NO. 21

LITTER ORDINANCE

Adopted: March 4, 1996

Effective: Thirty (30) Days Following
Publication after Adoption

An Ordinance to protect the public health, safety and general welfare of persons and property within Flowerfield 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 sanctions for the violation thereof and to repeal any ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF FLOWERFIELD,

ST. JOSEPH COUNTY, MICHIGAN

ORDAINS:

SECTION I

TITLE

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

SECTION II

DEFINITIONS

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

SECTION III

REGULATIONS

- a. It shall be unlawful for any person, without the

consent of the public authority having supervision of public property or the owner of private property, to dump, deposit, place, throw or leave, or cause permit dumping, depositing, placing, or the throwing, or leaving of litter or any other materials on any public or private property or waters within the Township of Flowerfield 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 or the shores or beaches thereof, and of water or watercourse, including building, the ice any park, playground, such waters; above residential, commercial, industrial, or farm properties or vacant refuge, or conservation or recreation area; and any or unimproved lands.

b. It shall be unlawful for any person to assist another to violate any of the provisions of this Ordinance.

c. 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:

- (1) The litter is temporarily stored outdoors for not more than 14 days or for longer than any period which would cause the same to be odoriferous or a breeding place for insects or rodents, whichever is the lesser period.
- (2) The 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 regular, not less than monthly, litter collection by a public or private litter or garbage collection service.
- (3) The 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 Flowerfield Township Zoning Ordinance.
- (4) A special permit is first obtained therefor for a period of not to exceed 45 days from the supervisor of Flowerfield Township 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 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 45-day period upon a showing of due diligence and continued satisfaction of the criteria set forth above for the issuance of the initial permit.

SECTION IV

SANCTIONS

Violation of any of the provisions of this Ordinance shall be deemed a municipal civil infraction as defined by Michigan Statute and shall be punishable by a civil fine of not more than \$500 along with costs which may include all expenses, direct and indirect, to which the Township of Flowerfield has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9 nor more than \$500 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 assure compliance with this Ordinance. Each day that a violation of this Ordinance continues to exist shall constitute-a separate violation of this Ordinance.

SECTION V

VALIDITY

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

SECTION VI

REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed, after adoption.

SECTION VII

EFFECTIVE DATE

This Ordinance shall take effect thirty days following publication, after adoption.

Karen R. Schroer, Clerk
FLOWERFIELD TOWNSHIP
13826 M-216
Marcellus, MI 49067-9353
(616) 279-9888

CLERK'S CERTIFICATE

I, KAREN R. SCHROER, the Township Clerk of the Flowerfield Township, St. Joseph County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Flowerfield Township Board held on the 4th day of March, 1996, at 7:30 o'clock p.m., at the Flowerfield Township Hall, located within the Township of Flowerfield, at which the following members were present, the Board enacted and passed Ordinance No. 21 (Litter Ordinance), hereinbefore recorded, to become effective thirty days following publication, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Arden Wright	Yes
Betty Grindel	Yes
Jacqueline Richmond	Yes
Allen Gandy	Yes
James Griffith	Yes

I do further certify that all in accordance with Township Board direction, a summary of Ordinance No. 21, as adopted, including where same could be examined and purchased, was published in the Three Rivers Commercial News on the 20th Day of March, 1996; that said Ordinance No. 21 was recorded in the official Ordinance Book on the 23 day of March, 1996; and that a certified copy of said Ordinance was filed with the St. Joseph County Clerk on the 25 day of March, 1996.

Dated: 3/25/96

Karen A. Schroer
KAREN A. SCHROER, Clerk