

BATES TOWNSHIP

ANTI-LITTERING ORDINANCE

Ordinance # 26 (as amended in 2018)

AN ORDINANCE TO CONTROL AND PROHIBIT LITTERING UPON PUBLIC OR PRIVATE PROPERTY, WATERWAYS, ROADS, PARKS OR OTHER LANDS WITHIN THE TOWNSHIP OF BATES, IRON COUNTY MICHIGAN, AND ESTABLISHING PENALTIES FOR VIOLATIONS.

PROHIBITIONS AND REQUIREMENTS:

1. **LITTERING PROHIBITION:** Within the Township of Bates; it is hereby declared unlawful for any person or entity to deposit, dump, throw or otherwise leave or cause any litter, garbage, waste or pollutant in or upon any public or private property or waterway, in other than authorized public or private collection receptacles, or at an authorized disposal facility.

2. **CRASH OR ACCIDENT SITES:** It is unlawful for any person, operator or owner of a vehicle or device involved at any crash or incident site, on a public highway, street, waterway or other access way, to promptly remove all wreckage from the site, or fail to remove all glass, debris or other litter, or fail to fully clean up, recover or remediate any pollutant or injurious substance released at the site. Upon any notice from authorized township official or law enforcement, any responsible party shall immediately come into compliance with this section.

3. **RECEPTACLES:** No person shall place litter in public or private receptacles or an authorized disposal facility in a manner that causes litter to spill, be strewn or be carried away by the elements upon any public or private premises, lands or waterway. No person shall tamper with any receptacle designed or uses for the deposit of litter or cause its contents to spill or be strewn upon any public or private place or premises.

4. **PARKS OR OTHER PUBLIC RESOURCES:** No person shall deposit trash or litter in any public park, waterway, other public site or premises. Where receptacles are not provided or available, all litter or waste generated shall be removed by the user or users and properly and disposed of in a lawful manner. It is unlawful to deposit trash or litter in a receptacle provided for park use when such trash or litter has its source or origin from another site or non-park use.

5. **LITTER FREE PRIVATE PREMISES:** The owner or any person in control of any private premises shall at all times maintain such premises free of litter and shall maintain all private receptacles for collection in such manner that litter will be prevented from being carried or deposited by the elements upon the site, or any other public or private land or resource.

6. **LITTER FROM VEHICLES:** No person, whether operator or passenger, shall deposit litter upon any public or private place, including waterways, from a vehicle or watercraft. No person shall operate a vehicle in a manner that fails to prevent litter, any substance, vehicle load or contents from being blown, scattered, lost or otherwise deposited upon any highway, street, right of way, public place, waterway, or upon private premises.

7. **TRESPASS OF DUMPSTER OR RECEPTACLE:** No person or entity shall deposit litter, garbage or refuse in or near a dumpster or other container used for such purpose, without permission of the owner or tenant of such receptacle, unless otherwise provided by these rules.

8. **CONSTRUCTION AND JOBSITES SITES:** Any jobsite contractor or owner shall be responsible for preventing litter from being carried or deposited by the elements upon or about the premises, or upon any nearby public or private property. Litter or debris, including dirt, mud or other matter deposited upon any nearby public or private place, premises or roadway shall be removed immediately by the jobsite contractor or owner.

It is unlawful to for any person to drive or move any vehicle or truck onto a public roadway, when the wheels or vehicle carry or deposit mud, dirt, litter or any foreign matter of any kind, without properly removing the same and cleaning up the area immediately.

9. **NOTICES AND HANDBILLS:** No person shall post or affix any notice, handbill, poster or other device, calculated to attract the attention of the public, upon any public place, except as may be permitted, authorized or required by law. No person, except the owner or tenant, shall post any such notice on private property, without the permission of the owner or tenant.

10. **CLEARING OF LITTER FROM PRIVATE PROPERTY BY THE TOWNSHIP:** The Township is hereby authorized to act to remove litter from private premises upon determination of a nuisance or safety hazard by authorized township personnel. Procedure for removal of litter from private premises, including notice to the premises owner, if applicable, and charges of expenses thereof as a lien upon such property shall be in accordance with applicable township policy, ordinances and state statutes.

11. **ENFORCEMENT:** The township supervisor or any township official designated by the township board is hereby authorized to enforce the provisions of this ordinance. The township is authorized to take necessary action, including but not limited to, ordering immediate cleanup and remediation of any litter, garbage, dumping or other deposit of substance in violation of this ordinance.

11. **TOWNSHIP COST RECOVERY:** Any fines assessed, costs or expenses incurred by the township or agent of the township, resulting from clearing litter or debris, cleanup or other remedial action shall be chargeable to the person(s) or entity(s) owning, abandoning, causing or responsible for such litter, garbage, waste or pollutant. A responsible party owning such real estate in the township shall have such charges assessed as a lien against said property by the township treasurer, unless responsible party full payment arrangements are made with the township.

12. **PENALTIES:** Any person or entity who violates the provisions of this ordinance shall be subject to a monetary fine by the township, not to exceed state guidelines in effect at the time of infraction, generally found in MCL 325.8905a. Penalty for littering thrown by a person from a vehicle shall not exceed \$500. A penalty for improper dumping or littering upon or near any township property, public right of way, any waterway or other site, may be assessed by the township, ranging between \$500 and \$5,000, depending on the severity of such violation. The township may charge, assess and recover any remedial or cleanup costs incurred, in addition to any fines imposed upon any responsible party or responsible owner, by action of the township board.

13. **SAVINGS CLAUSE:** If any section, clause or phrase of this ordinance is held invalid, unconstitutional or void by any Court of Law, such shall be deemed a separate and independent provision of this ordinance, and such holding shall not affect the validity or enforceability of the remainder of this ordinance.

14. **EFFECTIVE DATE:** This ordinance shall take effect immediately.

ADOPTED: October 10, 2018, by the Bates Township Board.

Barbara Moncivias
Bates Township Clerk

Jon Oberlin
Bates Township Supervisor

R04 11/7/4