

**AUGUSTA CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

ORDINANCE NO. 17-04

Littering Ordinance

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE UNDER THE AUTHORITY OF PUBLIC ACT 359 OF 1947, AS AMENDED AND FOR THE REGULATION, CONTROL AND PROHIBITION OF LITTERING OF OR ON PROPERTY OR WATERS OF AND IN AUGUSTA CHARTER TOWNSHIP, AND TO PROVIDE PENALTIES FOR VIOLATION THEREOF.

THE CHARTER TOWNSHIP OF AUGUSTA ORDAINS:

SECTION 1: TITLE. This Ordinance shall be known and may be cited as the Augusta Charter Township Littering Ordinance.

SECTION 2: PURPOSE. The fundamental purpose of this Ordinance is to protect the environment and natural resources by prohibiting litter and dumping in the Township, and to protect and promote the general health, safety welfare of residents and property owners thereby.

SECTION 3: DEFINITIONS. The following words or terms when used herein shall be deemed to have the meanings set forth below:

A. The term "litter" shall include, without limitation, shavings, sawdust, refuse, rubbish, waste material, garbage, offal, paper, glass, cans, bottles, trash, debris, chips, bricks, ice, dirt, manure, filth, abandoned vehicles, parts of machinery or motor vehicles, tires, parts of broken furniture, stoves or other appliances or any other loose or cast-off material, articles or foreign substances of any kind.

B. The term "person" shall include all natural persons, firms, co-partnerships, corporations, and all associations of natural persons, incorporated or unincorporated, whether acting by themselves, or by a servant, agent or employee. Every person who violates any provision of this ordinance, whether as owner, occupant, lessee, agent, servant, or employee, shall be equally liable for the violation.

C. The term "public or private property or water" includes but is not limited to, the right of way of a street, road or highway; a body of water or water course, or the shore or beach thereof, including the ice above the water; a park, playground, building, refuge, or conservation or recreation area; and any residential, business, farm properties or timberlands.

D. The term "vehicle" means every motor vehicle required to be registered under the provisions of Public Act 300 of 1949, the Michigan Vehicle Code, as amended, (MCL

257.1, *et seq.*) to operate on a public road.

E. The term "abandoned vehicle" means a vehicle that is on private property without the owner's consent, or a vehicle that remains on public property for a period in excess of 48 hours.

F. The term "vessel" means a vessel required to be registered under the provisions of MCL 324.80124 to operate.

SECTION 4: LITTERING PROHIBITED. No person shall permit or cause, without the consent of the Township or the owner or occupant of private property, the dumping, depositing, placing, throwing or leaving of litter on public or private property or the waters within Augusta Charter Township except within a receptacle designated and set aside for such purpose or as otherwise permitted under the terms of this Ordinance.

It is a violation of this Ordinance for a person to remove a vehicle that is wrecked or damaged in an accident on a highway, road, or street and to not remove all glass and other injurious substances dropped on the highway, road, or street as a result of the accident.

SECTION 5: PRESUMPTIONS.

A. Except as provided in subsection (C) involving litter from a leased vehicle or leased vessel, in a proceeding for a violation of this Ordinance involving litter from a motor vehicle or 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 registered owner of the vehicle or vessel at the time of the violation, gives rise to a rebuttable presumption that the registered owner of the vehicle or vessel was the driver of the vehicle or vessel at the time of the violation.

B. There is a rebuttable presumption that the driver of a vehicle or vessel is responsible for litter that is thrown, dumped, deposited, placed, or left from the vehicle or vessel on public or private property or water.

C. In a proceeding for a violation of this Ordinance involving litter 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, gives rise to a rebuttable presumption that the lessee of the vehicle or vessel was the driver of the vehicle or vessel at the time of the violation.

D. In a proceeding for a violation of this part involving litter consisting of an abandoned vehicle, proof that the particular vehicle described in the citation, complaint, or warrant was abandoned, and that the defendant named in the citation, complaint, or

warrant was the titled owner or lessee of the vehicle at the time it was abandoned, gives rise to a rebuttable presumption that the defendant abandoned the vehicle.

SECTION 6. PENALTY. The owner and/or any person who violates the provisions of this Ordinance, or permits a violation hereof is responsible for a Municipal Civil Infraction. For any general violation of the terms of this Ordinance the following schedule of fines shall apply:

- Not less than four hundred (400.00) dollars or more than eight hundred (800.00) dollars if the amount of the litter is less than 1 cubic foot in volume.
- Not less than five hundred (500.00) dollars or more than fifteen hundred (1,500.00) dollars if the amount of the litter is more than 1 cubic foot in volume, but less than 3 cubic feet in volume.
- Not less than seven hundred fifty (750) dollars or more than twenty five hundred (2,500.00) dollars if the amount of the litter is more than 3 cubic feet in volume.
- For any second and subsequent offence, not less than one thousand (1,000) dollars or more than five thousand (5,000.00) dollars.

In addition to the penalties provided for herein, any person who violates any provision of this Ordinance shall pay to the Township enforcement costs and attorney fees, and is subject to other sanctions as provided for under Chapter 87 of the Revised Judicature Act, P.A. 236 of 1961, being MCL §600.8701 et. seq., as amended. Consistent with MCL §324.8905b, upon a finding that a person has violated this Ordinance the court shall also require the defendant to pay either or both of the following:

- (a) The full cost of removing all litter which is the subject of the violation and the cost of all damages to any land, water, wildlife, vegetation, or other natural resource or to any facility damaged by the violation of this part, said costs to be paid to the Augusta Township or such other agency as directed by the Township for the cleanup and to repair the damages;
- (b) The reasonable expense of impoundment of a vehicle that is parked and abandoned in violation of this Ordinance, said expenses to be paid to Augusta Township or such agency as directed by the Township for impounding the vehicle.

SECTION 7. SEVERABILITY. The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, paragraph, section or subsection is declared void or inoperable for any reason by any court, it shall not affect any other part or portion hereof other than the part declared void or inoperable.

SECTION 8. REPEAL. Any other Augusta Township ordinance or provisions of such ordinances that are inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

SECTION 9. SAVINGS CLAUSE. The repeal provided herein shall not abrogate or affect any offense committed or done, or any penalty or forfeiture incurred, or any pending fee,

assessments, litigation or prosecution occurring prior to the effective date hereof.

SECTION 10. PUBLICATION AND EFFECTIVE DATE. The Township Clerk shall cause this Ordinance to be published in the manner required by law. This Ordinance shall be effective as of the date of final publication of the Ordinance.

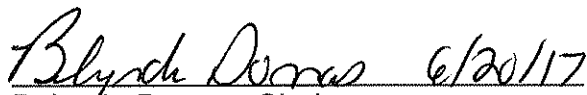
This Ordinance was duly adopted by the Augusta Charter Township Board at its regular meeting called and held on the 12 day of June, 2017, and was ordered given publication in the manner required by law.

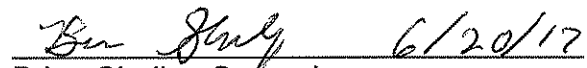
First Reading: May 22, 2017

Second Reading/Passage: June 12, 2017

Publication Date: June 15, 2017

Effective Date: June 15, 2017


Belynda Domas, Clerk
Charter Township of Augusta


Brian Shelby, Supervisor
Charter Township of Augusta

CERTIFICATE

I, Belynda Domas, Clerk of the Charter Township of Augusta, Washtenaw County, Michigan, hereby certify that the foregoing constitutes a true and complete copy of Augusta Charter Township Ordinance No. 17-04, which was duly adopted by the Township Board of Augusta Charter Township at a regular meeting of said Board, held on June 12, 2017, after said ordinance had previously been introduced at a Regular Meeting of the Board held May 22, 2017, and published in the form it was introduced in accordance with P.A. 359 of 1947, as amended.

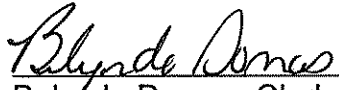
I further certify that Member Shelby moved for the adoption of said Ordinance, and that Member Ortiz supported said motion.

I further certify that the following Members voted for adoption of said Ordinance Burek, Domas, Howard, Knick, Ortiz, Shelby and that no Members voted against

adoption of said Ordinance and that the following Members were absent or abstained from voting on the adoption of said Ordinance as indicated Chie, absent.

I further certify that after its passage the Ordinance was published in the Ann Arbor News on June 15, 2017, in accordance with P.A. 359 of 1947, as amended.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and that such recording has been authenticated by the signatures of the Supervisor and the Township Clerk.



Belynda Domas, Clerk
Charter Township of Augusta

Dated: 6/20, 2017