

KINROSS TOWNSHIP ORDINANCE NO. 1.110

REGULATION AND CONTROL OF GARBAGE, RUBBISH AND LITTER ORDINANCE

An ordinance to provide for the health, safety and general welfare of the persons and property within the Charter Township of Kinross, Chippewa County, Michigan, by regulation and control of garbage and rubbish and prohibition of littering on property or waters of and in Kinross Charter Township and to provide penalties for violation thereof and to repeal all ordinances or parts of ordinances in conflict herewith.

THE CHARTER TOWNSHIP OF KINROSS ORDAINS:

Section 1 - PURPOSE

The purpose of this Ordinance is to protect the health, safety and general welfare of the persons and property within the Charter Township of Kinross against health and safety hazards and to provide for the regulation, control and prohibition of littering of or on property or waters of and in the Charter Township of Kinross and to provide penalties for violation thereof.

Section 2 - DEFINITIONS

- 2.1 ASHES** means the residue from fires used for cooking and for heating buildings, and from any burning.
- 2.2 FREQUENCY OF COLLECTION** means the time elapsing between two (2) successive collections as established herein.
- 2.3 GARBAGE** means animal or vegetable waste which arise from the use, preparation or storage of food for human consumption not including wastes from industrial processes, or manufacturing and agricultural operations.
- 2.4 RUBBISH** means non-putrescible material from residential, commercial and institutional property, such as ashes, paper cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, bedding, furniture, metal, tin cans, dirt, clay, gravel, grass, crockery and miscellaneous mineral refuse, not including gravel, sand or cement.
- 2.5 LITTER** shall include without limitation, shavings, sawdust, refuse, rubbish, trash, chips, bricks, ice, dirt, manure, filth, parts of machinery or motor vehicles, parts of broken furniture, stoves or other appliances or any other loose or cast-off material or articles of any kind.

2.6 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. All persons who violate any provision of this Ordinance, whether as owner, occupant, lessee, agent, servant or employee shall be equally liable as principals.

2.7 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 watercourse, or the shore or beach thereof, including the ice above the water, a park, playground, building, refuge or conservation or recreation area, and residential or farm properties or timberlands.

Section 3 - DISPOSITION IN GENERAL

No person shall deposit, or cause to be deposited, scatter or abandon rubbish, litter or garbage on any public or private place in the Charter Township of Kinross.

Section 4 - PLACEMENT IN CONTAINERS FOR COLLECTION

Every tenant, lessee or occupant of any premises where garbage is created shall provide such premises with sufficient number of receptacles to contain garbage. Receptacles or container shall be constructed of materials impenetrable by animals, such as:

1. Galvanized metal with tight-fitting galvanized covers.
2. Molded plastic receptacles with tight-fitting lid.
3. Plastic garbage bags, tied or secured in some fashion so as not to be open in any way; such bags shall also be free of any holes, tears or punctures.

Any other sealed container of sufficient weight and durability so as to reasonably protect against the potential scattering of garbage.

Receptacles must be placed at curbside no earlier than 7:00 pm on the day before collection. Whether or not there is a collection on the scheduled day, the receptacles must be taken from the curb-side that same day.

Receptacles shall be kept clean and sanitary by the owner or occupant of the premises on which they are located.

Section 5 - BURNING

No garbage shall be burned in the open air within the Charter Township of Kinross. No ash, rubbish or litter shall be burned in the open air upon any street or land within the Township, except by proper permit from the Department of Natural Resources.

Section 6 - HAULING

No person shall use or cause to be used any truck, wagon, cart, trailer or vehicle for hauling garbage, rubbish, or ashes, unless the box of such vehicle shall be so constructed as to prevent the scattering dropping or spilling of the contents thereof on the streets, alleys or other public places.

No person shall load or cause to be loaded any truck, wagon, cart, trailer or other vehicle above the side or end board thereof, or in any manner so that the contents shall be scattered, dropped or spilled on the streets or any public or private places in the Charter Township of Kinross.

No person shall haul shavings, sawdust, dirt, ashes, mortar, lime or other substances likely to be blown about by the wind, unless the same shall be securely covered by canvas or other suitable material.

Section 7 - DUMPING

It shall be unlawful for any person to knowingly, without consent of Kinross Charter Township Board or the owner of private property in this Township, to dump, deposit, place, throw or cause or permit the dumping, depositing, placing, throwing or leaving of litter on public or private property or water within Kinross Charter Township other than property designated and set aside for such purposes.

Section 8 - VEHICLE ACCIDENTS

It shall be unlawful for a person who removes a vehicle, wrecked or damaged in an accident, on a highway, road or street, to fail to remove all glass and other injurious substances or litter dropped on the highway, road or street as a result of the accident.

Section 9 - RESPONSIBLE PARTY

The driver of a vehicle or vessel is presumed to be responsible for litter which is thrown, dropped, dumped, deposited, placed or left from the vehicle or vessel on public or private property.

Section 10 - PENALTIES

Notice of Violation.

Any Person found to be violating any provision of this Ordinance shall be served by the Township with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Civil Infraction.

Any violation of any provision of this Ordinance, or any violation beyond the time limit shall be a municipal civil infraction, for which the fine shall not be less than \$100 nor more than \$500 for the first offense and not less than \$200 more than \$2,500 for subsequent offenses, in the discretion

of the court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, "subsequent offense" means a violation, of this Ordinance committed by the same person within 12 months of a previous violation of the Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following issuance of a citation for the first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense. Any person violating any of the provisions of this Ordinance shall, in addition, become liable for any expense, loss, or damage occasioned by reason of such violation.

Nuisance.

Any nuisance or any violation of this Ordinance is deemed to be a nuisance per se. The Township, in the furtherance of the public health is hereby empowered to enforce the requirements of this Ordinance by injunction, or take other corrective action necessitated by such nuisance or violation, including, without limitation, entry onto the subject Premises to remedy the violation. The Person who violated the Ordinance or permitted such nuisance or violation to occur shall be responsible to the Township for the costs and expenses incurred by the Township in taking such action.

Township's Costs and Expenses.

Any Person violating any of the provisions of this Ordinance shall become liable to the Township and its representatives for any expense, including reasonable attorney's fees, loss, or damage incurred by the Township by reason of such violation.

Remedies Cumulative.

The remedies provided by this Ordinance shall be deemed to be cumulative and not mutually exclusive.

Section 11 - SEVERABILITY

The provisions of this Ordinance are intended to be in harmony with any state law and not in conflict therewith, if any provision is declared void or unenforceable by a court of competent jurisdiction, the rest and remaining provisions shall continue to be in full force and effect.

This Ordinance hereby repeals Ordinance No. 60 and Ordinance No. 61 as formerly enacted by the Charter Township of Kinross Board.