

# **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 curb-side no earlier than 5:00 a.m. on the day of 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 - MISDEMEANOR**

Any person violating the provisions of this Ordinance shall be deemed guilty of a misdemeanor, punishable by a fine not to exceed \$500.00 or imprisonment not to exceed 90 days in jail, or both, plus costs of prosecution.

The Court, in lieu of other sentence imposed may direct a substitution of litter-gathering labor, including but not limited to the particular violation. Each day that the violation continues shall be deemed to be a separate violation. This Ordinance shall not prevent Kinross Charter Township from using other methods or means available to it under Michigan law pertaining to litter problems or violations.

#### **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.