

ENVIRONMENTAL PROTECTION

**72.000 LITTER ORDINANCE
 ORDINANCE NO. 109**

Adopted: October 10, 1989
Effective: November 23, 1989

An Ordinance to protect the public health, safety and general welfare of persons and property within Cooper Township, Kalamazoo County, Michigan, through the regulation, control and prohibition of the depositing of litter, rubbish, junk, waste, trash, refuse or debris upon public and private property within the Township, to provide penalties for the violation thereof, and to repeal any Ordinance or parts of Ordinances in conflict therewith.

A. Title

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

B. Definitions

For purposes of construing this Ordinance, certain terms and words used herein shall have the following meaning:

Building materials shall mean lumber, bricks, concrete, cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure.

Litter, junk, trash, rubbish, refuse or debris of any kind shall mean garbage, scrap and waste materials including metals, boxes, cartons, bottles, cans, rope, rubber, rags, plastic, paper, glass, wood, and wooden skids or pallets or parts therefrom (excluding those stored and used in connection with an industrial or commercial operation on the site), yard trimmings, cut tree branches, appliances, televisions or furniture not usable for the purpose for which they were manufactured, or any other scrap or waste materials of any kind, including parts or components of any of the above.

Litter, junk, trash, rubbish, refuse or debris of any kind shall not include firewood stored in an orderly manner, and shall also not include domestic refuse stored for fourteen (14) or fewer days if stored in such a manner as not to become offensive by reason of odors, insects, rodents, pollution, scattering, inadequate or improperly covered containers, the lack of such containers, or the improper depositing of such material into or around such containers, or in such a manner as to otherwise create a nuisance.

Person shall mean an individual, firm, corporation, or other entity of any kind.

Public or private property or waters includes, but is not limited to, the right-of-way of any road or highway, any body of water or watercourse, or the shores or beaches thereof, and including the ice above such waters; any park, playground, building, refuge or conservation or recreation area; and any residential, commercial, industrial, or farm properties or vacant or unimproved lands.

Compost pile shall mean a mixture of various decaying organic substances.

C. Regulations

1. No person shall dump, deposit, place, throw or leave, or cause or permit the dumping, depositing, placing, throwing or leaving of litter, junk, trash, rubbish, refuse or debris of any kind on any public or private property within Cooper Township, other than property legally designated and set aside for such purposes, without the consent of the public authority having supervision of public property or the owner of private property.
2. No owner or occupant of any building or premises within Cooper Township shall permit or allow or cause the outdoor storage of litter, junk, trash, rubbish, refuse or debris of any kind except in conformance with the following provisions:
 - a. Such material does not include garbage or other putrescent liquids or solids, is screened from the view of all adjacent properties and abutting public or private rights-of-way, and is being stored only for not more than 14 days or any other lesser period which would cause the same to be odoriferous or a breeding place for insects or rodents.
 - b. Such material 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 Cooper Township Zoning Ordinance.
 - c. Such materials, in the case of branches or other scrap wood, is neatly stacked in the rear yard of an occupied premises, is in compliance with all applicable township fire code and other ordinance requirements, and does not exceed 2,000 cubic feet in area.
 - d. Such material is being stored pursuant to a special permit obtained for a period of not to exceed 45 days from the Township Supervisor 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 and where no adjoining property owner is adversely affected thereby, and where the spirit and purpose of this Ordinance are still observed.

3. No person shall drive or move any vehicle upon any public street or roadway unless such vehicle is so constructed, loaded and covered as to prevent its contents from dropping, sifting, leaking, or otherwise escaping from the vehicle. The registered owner of any vehicle so knowingly permits the operator of or passenger in the vehicle to use the vehicle in a manner, which violates any of the provisions of this ordinance shall be deemed to be aiding, assisting, or abetting such violation.
4. No person shall maintain or allow to be maintained upon any property in Cooper Township owned, leased, rented or occupied or possessed by such person any of the following uses or activities which are hereby determined to be causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods and threaten the public health, safety and welfare:
 - a. The parking, storage or accumulation of unmotorized vehicles or conveyances not usable for the purposes for which they were manufactured, or parts or components thereof.
 - b. The outdoor storage or accumulation of appliances, televisions or furniture, or parts or components thereof.
 - c. The parking or storage of mobile homes not meeting the minimum standards for inhabitation by humans.
 - d. The parking, storage or accumulation of trailers or watercraft not usable for the purposes for which they were manufactured, including parts or components thereof.
 - e. The storage or accumulation of building materials outside of a completely enclosed building in any area for a period in excess of fourteen (14) days; provided that this restriction shall not apply to the following:
 - (1) Usable building materials used for a legally operated business.
 - (2) Usable building materials stored on the site of property for which a valid building permit has been issued by the appropriate Township building official and where said materials are intended for use in connection with such construction.
 - (3) Usable building materials neatly stored in the rear yard of an occupied premises, provided such outdoor storage is screened from the view of all adjacent properties and abutting public or private rights-of-way and complies with all applicable township fire code and other ordinance requirements.
 - f. The parking, storage or accumulation of motor vehicles, or part thereof, contrary to the provisions of the Cooper Township Motor Vehicle Storage and Repair Ordinance.

Notwithstanding any of the foregoing, this Ordinance shall not apply to a use or activity which is licensed or allowed by, and conducted pursuant to, the Solid Waste Management Act, being Part 15, Chapter 3 of Public Act 451 of 1994, as amended.

D. Enforcement; violations and penalties

Any person, firm or corporation or other entity who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Ordinance shall be responsible for a municipal civil infraction and shall pay a fine according to the following schedule:

First offense.....	\$ 75.00
Second offense within three years of first offense.....	\$ 150.00
Third offense within three-year period.....	\$ 325.00
Fourth offense within three-year period.....	\$ 500.00

If a determination of responsibility is made by the Court, the Court may impose costs as provided for by law in addition to the fines called for above.

The foregoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

Every day that violation is permitted to exist shall constitute a separate offense. The imposition of any fine shall not exempt the offender from compliance with the provisions of this Ordinance. (Amended: Ord. No. 132, Eff. 08/25/1994)

E. Effective date and repeal

This Ordinance took effect on November 23, 1989. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

[Amended by Ord. No. 132, Eff. 08/25/1994]