

**YORK CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN
PUBLICATION BY POSTING**

At a regular meeting of the Charter Township of York Board of Trustees held on April 11, 2017, an Ordinance was presented for first reading which was approved at said meeting. Consideration for adoption of this Ordinance will be part of the agenda at the next regularly scheduled meeting of the York Township Board.

Publication of the proposed Ordinance was made by posting and a copy of the proposed Ordinance may be reviewed and inspected, in the Office of the York Township Clerk, 11560 Stony Creek Road, Milan, MI 48160, and on the Township's website at www.twp-york.org pursuant to Section 8 of the Charter Township Act, being MCL 42.8,3(b).

Helen Neill, Clerk, York Charter Township
Posted: April 28, 2017
Published: April 30, 2017

**CHARTER TOWNSHIP OF YORK
WASHTENAW COUNTY, MICHIGAN
ORDINANCE NO. ____
LITTERING ORDINANCE
EFFECTIVE DATE: _____**

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE BY AUTHORITY GRANTED UNDER PA 246 OF 1945 BY PROVIDING FOR THE REGULATION, CONTROL AND PROHIBITION OF LITTERING OF OR ON PROPERTY OR WATERS OF AND IN YORK CHARTER TOWNSHIP, AND TO PROVIDE PENALTIES FOR VIOLATION THEREOF.

THE CHARTER TOWNSHIP OF YORK, WASHTENAW COUNTY, MICHIGAN, HEREBY ORDAINS:

SECTION 1 SHORT TITLE

This Ordinance shall be known and cited as the York Township Littering Ordinance.

SECTION 2 PURPOSE

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

SECTION 3 DEFINITIONS

The terms below shall have the following meanings when used in this Ordinance:

(a) PERSON shall include, without limitation, 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.

(b) 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. Litter shall also include unsolicited print matter and solicited print matter that is not properly delivered or deposited in a manner permitted under the term of this Ordinance.

(c) SOLICITED PRINT MATTER is any print matter that is delivered to any person or to any private property with the express invitation or permission in writing or otherwise from the person, or from the owner, occupant, or lessee of the private property where the solicited print matter is delivered.

(d) UNSOLICITED PRINT MATTER is any print matter that is delivered to any person or private property without the express invitation or permission in writing or otherwise from the person or the owner, occupant, or lessee of private property where the unsolicited print matter is delivered.

(e) PUBLIC OR PRIVATE PROPERTY OR WATER shall include, but is not limited to, the right of way of a public or private street, road or highway, including the portion of the street or right of way commonly referred to as the lawn extension and sidewalk; a body of water or water course, or the shore of a beach thereof, including the ice above the water; a park, playground, building, refuge, conservation or recreation area; and any residential or farm property or timberland in the Township.

- (f) FRONT DOOR means a door to any residential or business structure on private property that faces a public or private street, or if no door faces a public or private street, then the door to the structure that is nearest to a public or private street.

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 delivery of litter on public or private property or the waters within York Charter Township except within a receptacle designated and set aside for such purpose or as otherwise permitted under the terms of this Ordinance.

SECTION 5 DISTRIBUTION OF SOLICITED PRINT MATTER

Except as otherwise provided in this section, no person shall permit or cause solicited print matter to be thrown or deposited upon any sidewalk, street, portion of the street commonly referred to as the "lawn extension," public park or other public place. Solicited print matter may be delivered by one of the following methods:

- (a) By depositing the solicited print matter into a receptacle that is attached to a mailbox post or support but separate from the mailbox and that is located in that portion of the street commonly referred to as the "lawn extension."
- (b) By depositing solicited print matter into a receptacle that is lawfully located on a sidewalk into which the person is authorized to deposit print matter for the purpose of making copies available to the public;
- (c) By handing out or distributing the print matter to any person willing to accept it; and
- (d) By causing the solicited print matter to be thrown or deposited upon that portion of private property that is not a sidewalk, street, or "lawn extension" if delivery of the print matter is made pursuant to an express invitation or permission for such delivery from the owner or occupant of property where it is delivered or deposited.

SECTION 6 DISTRIBUTION OF UNSOLICITED PRINT MATTER

A. No Person shall cause unsolicited print matter to be deposited upon or delivered to any private property except by one of the following methods:

- Placing and securing it on the porch nearest the front door;
- Attaching it securely to the front door;
- Putting it through a mail slot on the front door, or (iv) putting it between the exterior front door and the interior front door; or
- Handing it personally to the owner, occupant or lessee of the private property.

B. No person shall cause unsolicited print matter to be thrown or deposited upon any sidewalk, street, the portion of the street commonly referred to as the "lawn extension," public park or other public place.

C. No person shall cause unsolicited print matter to be placed upon, attached to, or hung from a mailbox or any apparatus that supports the mailbox.

D. Unsolicited print matter may be delivered by handing it out to any person in the Township who is willing to accept it.

SECTION 7 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.

E. In a proceeding for a violation of this Ordinance involving litter of solicited or unsolicited print matter in a manner or location where it is prohibited, a rebuttable presumption arises that the person who published or distributed it or on whose behalf it is published or distributed caused it to be thrown or deposited in violation of this Ordinance.

SECTION 8 PENALTY

The owner and/or any person who violates the provisions of this Ordinance, or knowingly 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:

- One hundred (\$100.00) dollars for any first offense, plus costs;
- Two hundred (\$200.00) dollars for a first repeat offense, plus costs;
- Three hundred and fifty (\$350.00) dollars for a second repeat offense, plus costs; and
- Five hundred (\$500.00) dollars for any third or subsequent repeat offenses, plus costs.

In addition to the penalties provided for herein, any person who violates or fails to comply with any provision of this Ordinance shall pay to the Township all costs and charges incurred by the Township for enforcement, and the Township may sue in any court of competent jurisdiction for civil damages and may recover all such costs and expenses incurred from any person who caused or permitted the litter.

SECTION 9 REPEALER and SAVINGS CLAUSE

The enactment of this Ordinance hereby repeals and replaces any other ordinance or parts of ordinances in conflict with any provisions of this Ordinance. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation or prosecution of any right established, occurring prior to the effective date hereof.

SECTION 10 SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect any portion of the Ordinance other than said part or portion thereof.

SECTION 11 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 the day after final publication hereof.

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

ADOPTED: _____

PUBLISHED: _____

EFFECTIVE: _____

Helen Neill
York Charter Township Clerk

Charles Tellas
York Charter Township Supervisor