MILTON TOWNSHIP

CASS COUNTY, MICHIGAN

ORDINANCE NO. 2021-05O

LITTER

Adopted: February 16, 2021

Effective: March 29, 2021

An Ordinance to protect the public health, safety and general welfare of persons and property within Milton Township through the regulation, control and prohibition of the depositing of rubbish, waste, litter, and debris upon public and private property within the Township; to provide penalties for the violation thereof and to repeal any ordinances or parts of ordinances in conflict therewith.

MILTON TOWNSHIP

CASS COUNTY, MICHIGAN

ORDAINS:

SECTION I

NAME AND PURPOSE

This Ordinance shall be known and cited as the Milton Township Litter Ordinance. The purpose of this Ordinance is to limit and restrict the storage or unreasonable accumulation of junk upon the premises within the township; to provide restrictions concerning the storage; to avoid injury and hazards to children and others attracted to such litter; and to minimize the devaluation of property and the psychological ill effects of the presence of the same upon adjoining residents and property owners.

SECTION II

DEFINITIONS

Litter as used in this Ordinance means all garbage, scrap and waste materials including rags, cartons, paper, cans, bottles, used lumber, boxes, wooden skids or pallets or parts therefrom (excluding those stored and used in connection with an industrial or

commercial operation on the site), inoperable and/or discarded/unused appliances and equipment, cut or broken tree branches, and broken or discarded plaster, unused concrete, or unused brick building materials.

SECTION III

REGULATIONS

A. It shall be unlawful for any person, without the consent of the public authority having supervision of public property or the owner or occupier of private property, to dump, deposit, place, throw or leave, or cause or permit the dumping, depositing, placing, throwing, or leaving of litter or any other materials on any public or private property in Milton Township other than property designated and set aside for such purposes. The phrase "public or private property" includes, but is not limited to, the right-of-way of any road or highway; any park, playground, building, refuge, or conservation or recreation area; and any residential, commercial, industrial, or farm properties or vacant or unimproved lands.

B. It shall be unlawful for any person to aid, assist, or abet another to violate any of the provisions of the within Ordinance.

C. The owner or occupant of any building or premises within the Township shall not permit or cause the outdoor storage of litter on such premises, subject to the following exceptions:

(1) Such litter is temporarily stored outdoors for not more than 14 days or for longer than any period which would cause the same to be odoriferous or a breeding place of insects or rodents, whichever is the lesser period.

(2) Such litter does not include garbage or other putrescible liquids or solids, is screened from the view of all adjacent properties and abutting public or private right-of-ways, and is being stored only between monthly or more frequent regular disposal by the owner or occupant of the premises in a lawful manner, or by monthly or more frequent regular collection by a public or private litter or garbage disposal service.

(3) Logs or branches for burning may be neatly stacked outdoors on an occupied premises, provided such storage (1) does not exceed 640 cubic feet in area; (2) is not located within any required building setback areas as specified in the Milton Township Zoning Ordinance; and (3) complies with all applicable "Fire Codes" and other ordinance requirements. The limitation of 640 cubic feet shall not apply to logs, branches, or other scrap wood stored and used in

connection with a lawful industrial, commercial or agricultural operation on the site or in circumstances where the burning of wood is the main source of heat for a residence. The clearing of brush in occupied premises that are heavily forested is not required, except to the extent that brush that has been removed as a result of clearing may not be stored in the setback area. Cleared or fallen brush that is located on platted parcels in residential use must be eliminated at least once per season so as to avoid the harboring of vermin therein.

(4) Such litter 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 Milton Township Zoning Ordinance.

(5) A special permit is first obtained therefore for a period of not to exceed 45 days from the Supervisor of Milton Township 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, where no adjoining property owner is adversely affected thereby and where the spirit and purpose of these regulations are still observed. A special permit granted hereunder may be renewed for not more than one additional 45-day period upon a showing of due diligence and continued satisfaction of the criteria set forth above for the issuance of the initial permit.

SECTION IV

SANCTIONS

Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	*Maximum Fine*
- 1st Offense within 3-year period*	$75.00	$500.00
- 2nd Offense within 3-year period*	150.00	500.00
- 3rd Offense within 3-year period*	325.00	500.00
- 4th or More Offense within 3-year period*	500.00	500.00

*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Milton Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than $10.00 nor more than $500.00 be

ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

SECTION V

VALIDITY

Should any section, clause, or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part or portion thereof so declared to be invalid.

SECTION VI

REPEAL AND SAVINGS CLAUSE

Milton Township Ordinance No. 2002-01 and all ordinances or parts of ordinances in conflict herewith are hereby repealed. Legal proceedings presently pending on an Ordinance which is hereby repealed may proceed to judgment or decision and shall not be affected by this Ordinance.

SECTION VII

EFFECTIVE DATE

This ordinance shall take effect thirty days after the date of publication of a summary thereof, after adoption.

Milton Township
Tony Floyd, Clerk
32097 Bertrand St
Niles, MI 49120
269-684-7262
www.miltontwp.org

NOTICE OF ORDINANCE ADOPTION

MILTON TOWNSHIP
CASS COUNTY, MICHIGAN

LITTER

TO: THE RESIDENTS AND PROPERTY OWNERS OF MILTON TOWNSHIP, CASS COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the following is a summary of an Ordinance, being Ordinance No. 2021-05O, which was adopted by the Township Board of Milton Township at its meeting held February 16, 2021, said Ordinance to take effect thirty (30) days following the publication of the following summary of said Ordinance.

SECTION I	NAME. This section provides that the name of the Ordinance is the Milton Township Litter Ordinance.
SECTION II	DEFINITIONS. This section defines the term "litter" as used in the Ordinance.
SECTION III	REGULATIONS. Prohibits the outdoor storage of litter on premises in the Township. Provides exceptions for temporary storage and a small amount of stacked wood. Provides for a hardship permit. Permits storage of litter in a junk yard, salvage yard or landfill zoned for such use.
SECTION IV	SANCTIONS. Deems violations of the Ordinance Municipal Civil Infractions as defined by Michigan Statute and sets forth a fine schedule with fines ranging from $75.00 for a first offense to $500.00. Provides that the Township may seek the costs of prosecution and appropriate enforcement orders.
SECTION V	VALIDITY. Provides for severability of any portion of the Ordinance declared void.
SECTION VI	REPEAL. Repeals all Ordinances and parts of Ordinances in conflict with the Ordinance.
SECTION VII	EFFECTIVE DATE. The effective date of the Ordinance is thirty days after publication after adoption.

Please take further notice that the full text of this Ordinance may be examined or obtained at the office of the Township Clerk, Milton Township Hall, 32097 Bertrand Street, Niles.

MILTON TOWNSHIP
Tony Floyd, Clerk
32097 Bertrand Street
Niles, MI 49120
(269) 684-7262

CERTIFICATE OF ADOPTION

Tony Floyd, Milton Township Clerk, hereby certifies that in pursuance of law and statute provided, the Board enacted and passed Ordinance No. 2021-05O at a regular meeting of the Township Board held on February 16, 2021, at the Township Hall, said Ordinance to become effective thirty (30) days following publication after adoption and that the members of the Township Board voted as follows:

The following members voted "aye":

Eric Renken
Tony Floyd
Susan Flowers
Phil Egert
Rich Mullin

The following members voted "nay":

None

I further certify that in accordance with Township Board direction that a summary of the adopted Ordinance was published in the Niles Daily Star on Saturday, February 27, 2021, and that said Ordinance was recorded in the Ordinance book on 30 MAR 21, 2021.

DATED: 30 MAR 21

Tony Floyd, Clerk

Attest:

Eric Renken, Supervisor