

Chapter 408 – Littering

Section 408.1 – Intent

An Ordinance to define and prohibit the littering of property and waters and to provide penalties for the violation thereof.

Section 408.2 – Definitions

Litter – All rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, debris, or other foreign substances of every kind and description.

Vehicle – Every motor vehicle registered under Ad No. 300 of the Public Acts of 1949, as amended, being Sections 257.1 to 2573923 of the Michigan Compiled Laws; and “vessel” means every motor vehicle registered under Act No. 303 c, f the Public Acts of 1967, as amended, being Sections 281.1001 to 281.1199 of the Michigan Compiled Laws.

Section 408.3 – Acts Prohibited

It is unlawful for a person knowingly, without the consent of the public authority having supervision of public property or the owner of private property, to dump, deposit, place, throw, leave, or cause or permit dumping, depositing, placing, throwing, or leaving of litter on public or private property or water other than property designated and set aside for such purposes. The phrase “public or private property or water” includes, but is not limited to, the right-of-way of a 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. It is 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 dropped on the highway, road, or street because of the accident.

Section 408.4 – Truck Loads Causing Litter

No person shall drive or move any truck or other vehicle within the Township unless such vehicle is so constructed or loaded as to prevent any load, contents, or litter from being blown or deposited upon any street, alley, or another public place. Nor shall any person drive or move any vehicle or truck within the Township, the wheels, or tires of which carry onto or deposit in any street, alley, or another public place, mud, dirt, sticky substances, litter, or foreign matter of any

kind. All trucks, trailers, or other types of containers hauling garbage, paper, wood, rubbish, metal, and/or any other type of material likely to blow or fall off onto the roadway or shoulders, shall be in a closed container or covered with tarpaulin or other devise sufficient to contain the items mentioned.

Section 408.5 – Penalties and Presumptions

- A. A person who violates this Ordinance is guilty of a misdemeanor and may be fined not more than four hundred dollars (\$400.00) and costs of prosecution or imprisoned in the county jail not to exceed ninety (90) days or both. The Court, in lieu of any other sentence imposed, may direct substitution of litter-gathering labor, including, but not limited to, the litter connected with the violation, under the supervision of the court.
- B. Except as provided in Section 408.5D 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, constitutes in evidence a presumption that the registered owner of the vehicle or vessel was the driver of the vehicle or vessel at the time of the violation.
- C. The driver of the 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, or waters defined in Section 408.3.
- D. 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, complain, or warrant was the lessee of the vehicle or vessel at the time of the violation, constitutes in evidence a presumption that the lessee of the vehicle or vessel was the driver of the vehicle or vessel at the time of the violation.

Section 408.6 – Violation and Penalty for Causing Litter to Fall or be Thrown in Path of Vehicle

It shall be unlawful for any person to knowingly cause any litter or any object to fall or to be thrown into the path of or to hit a vehicle traveling upon a highway. A violation of this section shall be punishable by a fine of not more than five hundred dollars (\$500.00), imprisonment for not more than one (1) year, or both.