

SOLID WASTE MANAGEMENT
ORDINANCE NO. 11

AN ORDINANCE TO PROVIDE FOR THE REGULATION CONTROL AND PROHIBITION OF LITTERING OF OR ON PROPERTY OR WATERS OF AND IN Lima Township, AND TO PROVIDE PENALTIES FOR VIOLATION THEREOF.

THE Township of Lima ORDAINS:

SECTION 1. The following words or terms when used herein shall be deemed to have the meanings set forth below:

A. The term "litter" shall include, without limitation, wood, yard waste, brush, metal, sod, shavings, saw dust, refuse, rubbish, trash, liquids, chips, bricks, tires, dirt, filth, parts of machinery or motor vehicles, furniture, appliances or any other loose or cast-off material or articles of any kind, excluding road-way tracking due to normal and customary farming operations.

B. The term "person" shall include all natural persons, firms, co-partnerships, corporation, and all associations of natural person, 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.

C. The term "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 water course, or the shore or beach there-

of, including the ice above the water; a park, playground, building, refuge, or conservation or recreation area; and residential, commercial, industrial or farm properties or timberlands.

D. The term "vehicle: means every motored or un-motorized, licensed or unlicensed vehicle required to be registered under the provisions of MCLA 257.923, as amended, to operate on a public road.

E. The term "vessel" means a vessel required to be registered under the provisions of MCLA 281.119, as amended, to operate.

SECTION 2. It shall be unlawful for any person to knowingly, without the consent of the Township or the owner of private property in the 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 the Township.

SECTION 3. 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 4. Except as provided for in Section 6 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.

SECTION 5. The owner and/or 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 defined in Section 1.

SECTION 6. In a proceeding for a violation of this act involving litter from a leased motor vehicle or leased vessel, proof that the particular vehicle 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, 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 7. Any violation of this ordinance by any person shall be deemed a misdemeanor and shall be punishable by a fine not to exceed \$500.00 in addition to the actual cost of prosecution, or by the imprisonment not to exceed 30 days, first offense and 90 days for following offenses, or both. The Court, in lieu of the other sentence imposed, may direct a substitution of litter-gathering labor, or other related community service, including, but not limited to, the litter connected with the particular violation, under the supervision of the Court. Each day that a violation continues shall be deemed to be a separate violation. This ordinance shall not prevent ~~the~~ Lima Township from using other

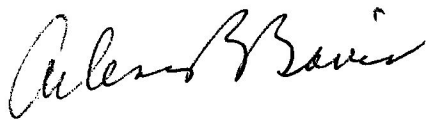
methods or means available to it under Michigan Law pertaining to litter problems or violations.

SECTION 8. Should any section, clause, or provision of this ordinance be declared by any Court to be invalid, the same shall not affect the validity of the remaining portions of such section of this ordinance or any part thereof that the part so declared to be invalid.

SECTION 9. This ordinance shall be published in the manner required by law and shall become effective ten (10) days after the date of publication.

I hereby certify the above Ordinance was adopted at a regular meeting of the Lima Township Board on the sixth day of February, 1995. Ayes: Messman, Trinkle, Bareis, VanRiper. Nays: None

Arlene R. Bareis, Lima Township Clerk

A handwritten signature in cursive script, appearing to read "Arlene R. Bareis".