
PART 67: ORDINANCE 6
LITTERING ORDINANCE

AN ORDINANCE TO DEFINE AND PROHIBIT THE LITTERING OF PROPERTY AND WATERS AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

THE TOWNSHIP OF LENOX ORDAINS:

SECTION 1: Definitions.

- A. The term "litter" as used herein means all rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, debris or other foreign substances of every kind and description.
- B. For the purpose of this ordinance, "vehicle" means every motor vehicle registered under Act No. 300 of the Public Acts of 1949, as amended, being sections 257.1 to 257.923 of the Michigan Compiled Laws; and "vessel" means every motor vehicle registered under Act No. 303 of the Public Acts of 1967, as amended, being sections 281.1001 to 281.1199 of the Michigan Compiled Laws.

SECTION 2: 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 the 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 as a result of the accident.

SECTION 3: 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 other 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 other 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 a tarpaulin or other device sufficient to contain the items mentioned.

SECTION 4: Penalties and Presumptions.

- A. A person who violates this ordinance is guilty of a misdemeanor and may be fined not more than \$400.00 and costs of prosecution, or imprisoned in the county jail not to exceed 90 days, or both. The court, in lieu of any other sentence imposed, may direct a substitution of litter-gathering labor, including, but not limited to, the litter connected with the particular violation, under the supervision of the court.
- B. Except as provided in subsection (4) 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 2.
- 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, 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 5: 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 \$500.00, or imprisonment for not more than 1 year, or both.

Adopted and approved by the Lenox Township Board at a regular meeting thereof, called and held on August 4, 1986.