

CHARTER TOWNSHIP OF COMSTOCK

KALAMAZOO COUNTY, MICHIGAN

ORDINANCE NO. 495

LITTER ORDINANCE

ADOPTED: SEPTEMBER 17, 2018

EFFECTIVE: OCTOBER 25, 2018

An ordinance to protect the public health, safety and general welfare of persons on property within Comstock Charter 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.

THE CHARTER TOWNSHIP OF COMSTOCK

KALAMAZOO COUNTY, MICHIGAN

ORDAINS:

SECTION 1

TITLE

This Ordinance shall be known and cited as the Comstock Township Litter Ordinance.

SECTION 2
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 discarded appliances and equipment; cut or broken tree branches, fences in disrepair; broken or discarded plaster, concrete, brick, building materials, scrap metal, pipe, discarded motor vehicle parts, and tires.

“*Litter*” shall also include personal use items when one or more of the following conditions exist:

1. Such personal use item is not regularly used for its intended purposes at least one time per season of intended use; or
2. Such personal use item is in a state of disrepair and is not usable in its present condition; or
3. Such personal use item has broken or missing parts.

“*Personal use items*” as used in this Ordinance shall include lawn maintenance equipment, children’s toys, sporting equipment and bicycles which can be used on the property itself.

SECTION 3 **REGULATIONS**

A. Prohibition and Storage Regulations for items defined as “*Litter*”.

1. It shall be unlawful for any person to dump, deposit, place, throw, leave, or cause or permit the dumping, depositing, placing, throwing, or leaving of litter or any other material on any public or private property or waters within the Township other than property designated and set aside for such purposes. The phrase "public or private property or waters" includes, but is not limited to, the right-of-way of any road or highway, any body of water or water course, or the shores or beaches thereof, and including the ice above such waters; any park, playground, building, refuge, or conservation or recreation area; and any residential, commercial, industrial, or farm properties or vacant or unimproved lands.
2. It shall be unlawful for any person to aid, assist, or abet another to violate any of the provisions of the within Ordinance.
3. 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:
 - a) Such litter does not include garbage or other putrescible liquids or solids, when screened from the view of all adjacent properties and abutting public or private rights-of-way, and when being stored only between regular, not less than weekly collection by a public or private garbage collection service;
 - b) Logs, branches, or other scrap wood may be neatly stacked outdoors on an occupied premises, provided such storage (1) does not exceed 2,500 cubic feet in area, (2) is not located within any required building setback areas as specified in the Comstock

Township Zoning Ordinance, and (3) complies with all applicable Township ordinance requirements. The limitation of 2,500 cubic feet shall not apply to logs, branches, or other scrap wood stored and used in connection with an industrial or commercial operation on the site.

- c) 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 Comstock Township Zoning Ordinance; and
- d) A special permit is first obtained therefor for a period of not to exceed 45 days from the Supervisor of Comstock Township or such other officer or official as the Township Board may designate to be granted only in special hardship cases beyond 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 this Ordinance are still observed. A special permit granted hereunder may be renewed for not more than one additional 45-day period upon showing of due diligence and continued satisfaction of the criteria set forth above for the issuance of the initial permit.

B. Prohibition and Storage of *personal use items*. Personal use items which are not defined as “litter” herein shall only be stored in the rear or side yard of residentially used structures when not in current active use. When in usable condition and used at least once per season, large scale sporting installations such as but not limited to trampolines and soccer goals shall not be required to be stored in the side or rear yard.

SECTION 4
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 Comstock Charter 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 5
SEVERABILITY

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

SECTION 6
REPEAL

All Ordinances and parts of Ordinances in conflict herewith, including Ordinance 269 (adopted 1988) are hereby repealed and shall have no further force or effect.

SECTION 7
EFFECTIVE DATE

This Ordinance shall take effect 30 days after publication of the Ordinance.

Michelle Mohney, Clerk
Comstock Charter Township